

HOUSE OF REPRESENTATIVES*Wednesday, March 15, 2017*

The House met at 1.30 p.m.

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

Madam Speaker: Hon. Members, hon. Shamfa Cudjoe, MP, Member for Tobago West; hon. Ayanna Webster-Roy, MP, Member for Tobago East; Mr. Barry Padarath, MP, Member for Princes Town; and Miss Marlene Mc Donald, MP, Member for Port of Spain South, have requested leave of absence from today's Sitting of the House. The leave which the Members seek is granted.

PAPERS LAID

1. Annual Audited Financial Statements of the Trinidad and Tobago National Petroleum Marketing Company Limited for the year ended March 31, 2016. [*The Minister of Health (Hon. Terrence Deyalsingh)*]
To be referred to the Public Accounts (Enterprises) Committee.
2. Response of the Tobago House of Assembly to the Second Report of the Joint Select Committee on Local Authorities, Statutory Authorities and Service Commissions (Including the THA), into certain aspects of the Tobago House of Assembly. [*The Deputy Speaker (Mr. Esmond Forde)*]

JOINT SELECT COMMITTEE REPORTS**(Presentation)**

The Attorney General (Hon. Faris Al-Rawi): Thank you Madam Speaker. I have the honour to present the following reports:

Insurance Bill, 2016

Interim Report of the Joint Select Committee appointed to consider and report on the Insurance Bill, 2016.

Gambling, Gaming and Betting Control Bill, 2016

Interim Report of the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016.

**Local Authorities, Service Commissions
and Statutory Authorities**

Miss Ramona Ramdial (*Couva North*): Madam Speaker. I have the honour to present the following report:

Third Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA) on an Inquiry into the Administration and Operations of the South-West Regional Health Authority in relation to the adequacy of medical staff and equipment at the San Fernando General Hospital.

URGENT QUESTIONS

**National Infrastructure Development Company Limited
(Contract Workers Tenure)**

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. To the Minister of Works and Transport: In light of recent reports that over 100 contract workers at the National Infrastructure Development Company Limited will be sent home in the coming weeks as part of a restructuring drive by the company, could the Minister confirm the veracity and authenticity of these reports?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam Speaker. Madam Speaker, I cannot indicate at this time that the National Infrastructure Development Company (NIDCO) will be sending home over 100 contract employees in the coming weeks as part of its restructuring exercise.

In January 2017, NIDCO engaged Personnel Management Services Limited to conduct a manpower audit and to propose recommendations on the rightsizing of the company. Their work is ongoing and a final report is yet to be submitted. No decision has been taken and, therefore, the report that over 100 contract workers are to be sent home is inaccurate.

However, Madam Speaker, I just want to put on the record, based on the preliminary enquiry so far that we saw coming out of NIDCO, I will not be surprised if some contract workers whose contracts have been expired may not be renewed, based on the fact we had employees there drawing over \$200,000 a month, and to this date we cannot find what they were doing for that sum of money. Thank you. [*Desk thumping*]

Mr. Lee: Supplemental to the Minister. You just made a statement. The contracts workers have been expired. Are you saying that there are workers whose contracts have been expired are still employed with NIDCO?

Sen. The Hon. R. Sinanan: Yes, because this Government is just not going to go into a company like NIDCO and just carte blanche send home people. A manpower audit is being done and who are required to stay on will stay on. Their contracts will be renewed and those whose services are no longer needed by the company, termination will occur.

Mr. Indarsingh: Thank you, Madam Speaker. Could the Minister verify if 170 contract workers who occupy six floors on the Ministry of Works and Transport have been moved to a building in Don Miguel Road in San Juan; a building which can only house—[*Interruption*]

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

Mr. Charles: Thank you, Madam Speaker. Could the Minister tell us if that employee who allegedly got \$200,000 a month, if he got that during the two years' tenure, close to two years' tenure of your Government?

Sen. The Hon. R. Sinanan: Madam Speaker, that employee, my information was, between 2013 and 2015. Thank you.

Land Registry Department (Fraudulent Activity)

Dr. Lackram Bodoie (Fyzabad): Thank you, Madam Speaker. To the Attorney General: In light of a recent report citing a High Court ruling involving the fraudulent duplication of property deeds filed with the Land Registry Department of the Ministry of Legal Affairs, could the hon. Attorney General please indicate what urgent steps are being taken to protect citizens from being victim to such fraudulent activity?

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. I can say that the Government is moving with alacrity on a number of fronts. First of all, it is evidenced by the very Order Paper by which we stand here today, in particular the State Suits Limitation Bill, 2017; the Land Tribunal (Amdt.) Bill, 2017; the Registration of Titles to Land (Amdt.) Bill, 2017; the Land Adjudication (Amdt.) Bill, 2017, are all presently laid and have a direct correlation to the issue.

Further to that, we have a draft which is near perfect, on the Registration of Deeds Act, Chap. 19:06; the Conveyancing and Law of Property Act, Chap. 56:01; the Real Property Act, Chap. 56:02; and the Stamp Duty Act, Chap. 76:01. These pieces of law will require positive proof of the owners, the vendors, the purchasers, the attorneys-at-law, the clerks, by way of direct linkage to their birth certificates, practising certificates, Board of Inland Revenue numbers, et cetera. So we are very aggressively on this issue and we intend to be able to explain that as we pilot the relevant legislation in the Parliament.

Dr. Bodoë: Thank you, Attorney General. Can you, perhaps, indicate, in light of this and the obvious public concern, whether any sort of investigation might be feasible into whether any of these cases might be happening as we speak?

Hon. F. Al-Rawi: Sure. The judgment which was delivered is one in a series of judgments. The actual judgment is not new to Trinidad and Tobago. There have been many instances where deeds have been overturned for fraudulent reasons. In those circumstances, the Trinidad and Tobago Police Service, the Fraud Squad in particular, then picks up the event and criminal prosecution occurs on that end.

The civil remedy is what the judge would have reflected upon, which is the declaration of ownership in the circumstances of alleged fraud. So the TTPS would be the entity handling that. On the civil side, from the operational end, the obligation of the Attorney General, Ministry of Legal Affairs Division, is to do the package of laws to fill the gaps and loopholes, plug the loopholes that exist at present and we are very aggressive on that.

First Citizens Bank Limited (Details of Shares)

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much, Madam Speaker. To the Minister of Finance: Does the Minister consider it reasonable for First Citizens Bank Limited to make an offering of another round of shares to the public, which it has now done, before the report based on the investigation of the issues surrounding the last round of shares is made available to the public?

The Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert): Yes, Madam Speaker, because the perpetrators of the confusion, namely the People's Partnership Government, the former board of First Citizens Bank and the persons in the management who engaged in market manipulation are all gone.

Dr. Tewarie: Are the reports available? Should the public not know what transpired if they are having a new offering and have the options to buy shares?

Hon. C. Imbert: Oh, I am so sorry. My understanding is that the reports of the fraudulent activity that took place under the People's Partnership Government are with the DPP.

Dr. Tewarie: So, we can expect action on that?

Hon. C. Imbert: The Minister of Finance has no control over the Director of Public Prosecutions.

Tourism Development Company (Details of Closure)

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Madam Speaker. Could the Minister of Tourism please advise this House as to the date of closure for the Tourism Development Company (TDC) and how many workers will lose their jobs as a result of this decision?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Madam Speaker. A consultancy to review the institutional structure and operational framework of the Tourism Development Company Limited was completed in June 2016 and provided recommendations to the Government of Trinidad and Tobago regarding adjustments to the institutional structure and operational framework for the tourism sector.

As announced at the post-Cabinet briefing of March 09, 2017, Cabinet agreed, inter alia, to the dissolution of the Tourism Development Company, to:

- the establishment of two entities with distinct organizational structures in Trinidad and in Tobago;
- the organizations to be responsible for tourism destination marketing and product development and that the Minister of Finance is to submit a Note to Cabinet for the winding-up of the TDC within 90 days;
- the current staff complement of the TDC is 114, which include 101 monthly paid and 13 fortnightly paid;
- opportunities will be available for current employees with the relevant skills, experience and qualifications to transition to the new entities, similar to the process engaged during the transition from TIDCO to TDC;

- employment, upon the establishment of the Trinidad and Tobago Tourism Regulatory and Licensing Authority, which would have the responsibility for product quality and service standards in all segments of the tourism and hospitality industry.

This entity would also provide specific training relevant to the registration and licensing of properties, and affected employees can also register with the National Employment Services at the Ministry of Labour and Small Enterprise Development where opportunities for employment are available.

Mr. Indarsingh: Again to the Minister. Taking into consideration that the Communication Workers Union was granted recognized majority union status in April of 2016, and submitted proposals to commence negotiation in January of 2017, and the union received a telephone call which lasted “one minute and 48 hours”, was this process in violation of the Industrial Relations Act of Trinidad and Tobago?

Hon. T. Deyalsingh: Madam Speaker, the consultations are ongoing. And to the first part of the question, the two items are definitely not linked.

National Blood Transfusion Service (Non-Utilization of HIV Contaminated Blood)

Mr. Ganga Singh (*Chaguanas West*): Thank you, Madam Speaker. To the Minister of Health: In light of recent newspaper reports indicating that there is a high incidence of HIV in Trinidad and Tobago, what measures are in place at the National Blood Transfusion Service to ensure that HIV contaminated blood from donors is not utilized in the health care system?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Madam Speaker. All blood utilized in Trinidad and Tobago is tested for HIV prior to use and if found positive, it is discarded.

Mr. Singh: Thank you, Madam Speaker. Is the Minister aware that three persons, including an eight-year-old child, a boy, contracted HIV as a result of contaminated blood, as a result of negligence in the National Blood Transfusion Service?

Hon. T. Deyalsingh: I thank you, and that matter is currently being fully investigated.

**Port Authority of Trinidad and Tobago Board
(Resignation of Members)**

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. To the Minister of Works and Transport: Given conflicting reports from members of the Port Authority of Trinidad and Tobago Board, can the Minister state definitively whether the board members resigned in solidarity with their Chairman, as reported?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam Speaker. Madam Speaker, as the line Minister, I received the resignation letter from Ms. Christine Sahadeo, the Chairman of the Board of the Port Authority; subsequently, a letter of resignation signed by the commissioners. I am not aware of the motive or the reasons for their resignation. So, at this point I—[*Interruption*]

Mr. Charles: Is it correct Minister, that the chairman of the board resigned and subsequently the members of the board understood that they were going to be fired and they resigned to pre-empt that action?

Sen. The Hon. R. Sinanan: Madam Speaker, I am a Hindu and I believe in a lot of religions but I do not have a crystal ball to read people's minds.

Mr. Charles: Is he saying that you are not aware of what is going on in the boards under you?

Sen. The Hon. R. Sinanan: Madam Speaker, I am aware of everything that is happening on the boards under me but I do not know what is happening in the minds of the members of the boards under me.

ANSWERS TO QUESTIONS

The Minister of Health (Hon. Terrence Deyalsingh): Madam Speaker, today we are prepared to answer eight out of the 10 oral answers. We ask for a deferral for oral answer to question No. 61 and No. 62 for two weeks. And for the written answers, we ask for a deferral of two weeks. Thank you.

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper:

**Illegal Contraband
(Details of)**

- 61.** Could the hon. Minister of National Security state:
- a) the steps taken by the Government to prevent the inflow of illegal guns, drugs, ammunition and other such contraband; and
 - b) whether the steps provided in part (a) are expected to yield at least a 20% reduction in such illegal contraband? [*Mr. R. Charles*]

**Petrotrin's Cautionary Closure
(Details of)**

- 62.** Could the hon. Minister of Energy and Energy Industries indicate the total cost of the cautionary closure of critical installations at Petrotrin in anticipation of proposed strike action recently served by the Oilfields Workers' Trade Union? [*Dr. R. Moonilal*]

Questions, by leave, deferred.

**San Juan Boys' and Girls' Government Primary Schools
(Details of)**

- 60. Dr. Fuad Khan** (*Barataria/San Juan*) asked the hon. Minister of Education:
- With respect to the renovation works at the San Juan Boys' and Girls' Government Primary Schools could the Minister indicate:
- a) the reasons that renovations works were halted for more than one year; and
 - b) the resumption date for renovation works?

The Minister of Education (Hon. Anthony Garcia): Madam Speaker, the scope of works in question is not renovation but reconstruction and this involves the San Juan Boys' and Girls' Government Primary Schools.

A contract was awarded on March 14, 2014. The contractor suspended works with effect from January 16, 2016, because of non-payment of invoices totalling approximately \$5.2 million. The project is approximately 58 per cent completed.

The Ministry of Education is cognizant of the extended period during which the students and staff of the San Juan Boys' and Girls' Government Primary Schools have been displaced and the Ministry of Education is in the process of identifying funds for the payment of arrears due and for completion of the project. Thank you.

**Couva Children and Adult Hospital
(Details of)**

63. Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of Health:

Could the Minister provide this House with a status report on the proposed private/public partnership agreement on the operationalization of the Couva Children and Adult Hospital?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Madam Speaker. Expressions of interest for the management and operation of the Couva Hospital were invited by UDeCOTT in late 2016, and they are currently being evaluated.

Dr. Moonilal: Supplemental. Could the Member give us a timeline as to when you will finish with that process and you will be in a position to do something at that facility?

Hon. T. Deyalsingh: Madam Speaker, I am not at liberty to give a timeline at this point in time, but what I can say, we will open that. We will not do like the UNC and open it in the morning and close it in the evening.

Dr. Moonilal: So the Minister of Health is indicating that he is clueless as to when that facility will eventually be opened. Thank you.

Hon. T. Deyalsingh: Madam Speaker, the Minister of Health, backed by the hon. Prime Minister and the Cabinet, are totally in charge of the process and we will bring that hospital and open it, unlike the UNC when it was opened on August 14, 2015 at 10.00 a.m. and then shut down at 4.00 p.m. on the same day and not one Panadol was dispensed, not one plaster was stripped and not one patient was put during the period it was a construction site.

Madam Speaker: Member for Fyzabad.

Dr. Moonilal: Supplemental. Oh, no more?

Dr. Bodoie: Thank you, Madam Speaker. Could the Minister indicate as to whether the public will have to pay when that facility is open?

Hon. T. Deyalsingh: Madam Speaker, as I said, the expressions of interest are currently being evaluated and we are not able to answer that at this point in time. Thank you very much.

Dr. Moonilal: Could the hon. Minister of Health indicate whether he is aware that millions of dollars of equipment at that facility are now deteriorating and there is a chance that that equipment will be destroyed in the near term at that hospital as it remains closed?

Hon. T. Deyalsingh: Madam Speaker, I was also aware that the Member for Siparia also accused me of moving equipment during the nights. Nothing of the sort has happened. All the equipment is there. All the equipment is there and we will make sure that we get value for money at that facility.

**Ramai Trace Hindu School
(Details of)**

64. Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of Education:

Further to the response provided to an Urgent Question on December 02, 2016, could the Minister provide a status update on the resumption and the completion date for construction works on the Ramai Trace Hindu School?

The Minister of Education (Hon. Anthony Garcia): Madam Speaker, the contractor engaged by the EFCL for the construction of the Ramai Trace Hindu School terminated his contract with effect from October 17, 2016, due to unpaid invoices. At that date, the project was 83 per cent completed. The Ministry of Education is currently seeking to identify funds to recommence the project in fiscal 2017.

Dr. Moonilal: Could the Minister indicate whether he intends to keep his promise to visit the facility on that school on the coming weekend?

Hon. A. Garcia: Madam Speaker, I did not get the last few words.

Dr. Moonilal: Could you indicate whether you intend to keep your promise to the PTA and the stakeholders to visit the school on the weekend approaching?

Hon. A. Garcia: Madam Speaker, I made no such promise to the PTA. I have been in constant contact with officers of the PTA—*[Interruption by electronic device]*

Madam Speaker: Could the Member with the device please leave the Chamber?

Hon. A. Garcia: I have been in constant contact with officers of the PTA and I have indicated to them that I will visit the school as soon as it is possible and I hold to that promise.

Dr. Gopeesingh: Could the hon. Minister give an undertaking what time frame do you expect for the payment of these contractors to complete the job for the construction of the school? What time frame?

Hon. A. Garcia: Madam Speaker, unfortunately I cannot give a time frame, except to say that we are working to ensure that that project is completed in fiscal 2017.

School Improvement Projects (Details of)

66. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Education:

Could the Minister provide the reasons that School Improvement Projects were not initiated in the low performing education districts of Tobago, St. Patrick, Caroni, Naparima and Nariva/Mayaro?

The Minister of Education (Hon. Anthony Garcia): Madam Speaker, the decision-making process in the Ministry of Education is informed by data and student performance at national and regional examinations. Special interventions and projects at a primary level are developed, using the statistics garnered from the academic performance index (API).

In addition, the Ministry is working towards the implementation of a student monitoring system which will provide additional information that can guide education policy. Using the available data, the Ministry has developed the National Literacy Plan and the National Numeracy Plan which are being implemented across all education districts, with a view to bridging the literacy and the numeracy gaps among students. From these overarching plans, specific school improvement projects have evolved. These include:

1. The Morvant Laventille School improvement Project targeting 20 primary and five secondary schools in that area where specific challenges relating to low performance and high dropout rates exist.
2. The Form One Initiative for students who scored under 30 per cent at the SEA 2016 examination.

Oral Answers to Questions
[HON. A. GARCIA]

Wednesday, March 15, 2017

3. The clinical supervision project, which provides support through the Curriculum Planning and Development Division for 56 low performing secondary schools and 120 feeder primary schools.
4. The Primary Initiative for primary schools with low API scores.
5. A system of school-based management aimed at supporting leadership and school improvement planning at all primary and secondary schools.
6. A strategy to reduce violence and indiscipline among students.

Madam Speaker, I give you the assurance that the education policies of this Government are all-inclusive and speak to the needs of all our children in all the education districts, including Tobago, where the Ministry of Education works closely with the Education Division of the Tobago House of Assembly. Thank you.

Mrs. Gayadeen-Gopeesingh: Supplemental question, Madam Speaker. Hon. Minister, these programmes, are they being assessed to know whether the objectives are being achieved? The present programme that you have, are they being monitored and assessed to see that the objectives are being achieved?

Hon. A. Garcia: Madam Speaker, I outlined six initiatives that have been undertaken by the Ministry of Education and indeed these initiatives, these projects, would be assessed so that we can have a fair idea of how well they are progressing. So I give the assurance that they will be assessed.

Mr. Karim: Thank you, Madam Speaker, will the hon. Minister indicate, of one of the projects you speak, how does the clinical supervision support project, how will that improve the performance of the students?

Hon. A. Garcia: Madam Speaker, the clinical supervision project requires officers from the department of the Ministry of Education, the Curriculum Department, to enter into the schools, hold discussions, first of all with the principals and then with the heads of departments, where they will go into the classrooms and observe what is being taught and how the lessons are progressing. As a result of that, they will hold conferences with the teachers to identify any shortcomings and also to strengthen any points that need to be strengthened, and that is the system that would be employed in the area of clinical supervision. Thank you.

2.00 p.m.

Dr. Gopeesingh: Would the hon. Minister indicate whether the school-based management system which was implemented under the People's Partnership Government administration about a year before we demitted office, is that programme running efficiently and effectively now? The one that we implemented in 2014/2015.

Madam Speaker: I would not allow that. Member for Oropouche West.

Dr. Gopeesingh: You did not answer it.

**UWI Penal/Debe Campus
(Details of)**

67. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Education:

Further to the response provided to Question 74 on March 11, 2016, could the Minister provide with respect to the Penal/Debe Campus, University of the West Indies:

- a) the expected completion date; and
- b) the proposed date for the first student intake?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. The University of the West Indies has provided the following update with respect to its South Trinidad Campus at Debe.

The contract with the main contractor was terminated on November 11, 2016 due to poor performance. However, due to the increased cost incurred as a result of the delays and having to re-tender for another contractor, the University of the West Indies has divided the projects into two phases.

Phase one is expected to be completed by December 2017 and will comprise the following:

- a building for the Faculty of Law;
- a moot court;
- an academic building;
- a hall of residence;
- a students' union building;

Oral Answers to Questions
[HON. A. GARCIA]

Wednesday, March 15, 2017

- a facilities management building;
- central plant facilities;
- associated external works; and
- mechanical, electrical and plumbing infrastructure.

Phrase two will depend on the availability of funding and will comprise:

- a central library;
- cricket pavilion;
- cricket and football fields with parking facilities;
- associated roadways;
- external works; and
- mechanical, electrical and plumbing services.

Once funding is identified, phase two can be completed within a 12-month period.

The first intake of students is scheduled for January 2018. This intake is expected to amount to approximately 600 students. Thank you. [*Desk thumping*]

Kidnapped and Missing Persons (Details of)

68. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of National Security:

Could the Minister provide:

- a) the number of citizens reported as disappeared, kidnapped and missing for the period December 2015 to January 2017; and
- b) the nature of assistance given to affected families of disappeared, kidnapped and missing persons for the period December 2015 to January 2017?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):
Thank you, Madam Speaker. Madam Speaker, the Trinidad and Tobago Police Service classifies reports into two categories: missing and kidnapped. According to information received from the Trinidad and Tobago Police Service for the period December 2015 to January 2017, 930 citizens were reported missing. Of this total, 874 persons were accounted for as at 31st January, 2017. For the same

period, there were three reports of persons being kidnapped, none of whom have been accounted for to date.

The reports of persons who are not accounted for are still under investigation with the aim of finding these persons.

Part (b): Madam Speaker, the Anti-Kidnapping Unit provides assistance to the families of persons recorded as kidnapped and missing persons to the provision of the following:

- updates on the progress being made to the investigation;
- traumatic incident reduction procedure; and

grief counselling in the form of individual or group counselling, Madam Speaker.

Psychological Trauma Centres (Status of)

77. Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Minister of Health:

Could the Minister provide the status of the Psychological Trauma Centres which were approved for introduction in public health institutions of Trinidad and Tobago?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Madam Speaker. The Ministry of Health will be making a recommendation to the Ministry of Planning and Development for an allocation in the 2018 budget for the development of the Psychological Trauma Centres.

Dr. Khan: This is just a supplemental.

Hon. T. Deyalsingh: Sure.

Dr. Khan: Could the Minister indicate if there are any places right now for the psychological and mental health management of children and young adolescents?

Hon. T. Deyalsingh: What I can tell the hon. Member is that in early February, 2017, I convened a stakeholder meeting of everyone involved in mental health, inclusive of psychological health, and they are to report to me by the end of March, 2017, on a possible model moving forward inclusive of exactly what he was speaking about. So I would be able to answer you more fully sometime in April of 2017. I thank you.

**Women's and Outpatient Centre
Eric Williams Medical Sciences Centre
(Status update)**

78. Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Minister of Health:

Further to the response provided to Question 43 on February 26, 2016, could the Minister provide a status update on the opening of the Women's and Outpatient Centre at Eric Williams Medical Sciences Centre?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Madam Speaker. There is no such facility under the Eric Williams Medical Sciences Centre.

Dr. Khan: Supplemental.

Madam Speaker: I recognize the Member for Fyzabad. I would take you after.

Dr. Bodoë: Just further clarification, I believe that facility would have existed under the Mount Hope Women's Hospital. Can the Minister answer the question in light of that information?

Hon. T. Deyalsingh: That is exactly where I was going. The Women's Outpatient and Colposcopy Centre at the Women's Hospital was opened to the public on December 12, 2016. So what we did to give value for money to people, we opened it, treating people, and we have forgone the PR blitz like the Couva Hospital where it was opened at 10 o'clock one day and shut down four o'clock the same evening and nobody had access to it. [*Desk thumping*] Nobody. What we have done, we have opened it. It has been operating three months now. We will have a formal opening next week and the hon. Member for Barataria/San Juan is on the list of invitees.

Dr. Khan: I just want to ask the Minister a simple question. Could he just give us a synopsis of the list of services that are available at that institutions; it has been opened?

Hon. T. Deyalsingh: If you pose that as a separate question, I will be more than happy to answer.

Dr. Bodoë: Thank you, Madam Speaker. Minister, in the light of the opening of this facility, could you confirm whether the Medical Chief of Staff at the Mount Hope Women's Hospital has resigned and, if this in fact so, whether a new Medical Chief of Staff has been appointed?

Hon. T. Deyalsingh: The Medical Chief of Staff is currently on vacation. She has indicated she is not returning. You would have seen in the newspaper a very transparent process to recruit a new Medical Chief of Staff. [*Desk thumping*]

**JOINT SELECT COMMITTEES
(EXTENSION OF)**

Insurance Bill, 2016

The Minister of Health (Hon. Terrence Deyalsingh): Madam Speaker, having regard to the Joint Select Committee appointed to consider and report on the Insurance Bill, 2016, I beg to move that the Committee be allowed an extension of six weeks in order to complete its work and submit a final report by April 28, 2017.

Madam Speaker: Hon. Members, the question is:

Be it resolved that the Joint Select Committee appointed to consider and report on the Insurance Bill, 2016 be allowed an extension of six weeks in order to complete its work and submit a final report by April 28, 2017.

Question put and agreed to.

Gambling (Gaming and Betting) Control Bill, 2016

The Minister of Health (Hon. Terrence Deyalsingh): Madam Speaker, having regard to the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016, I beg to move that the Committee be allowed an extension of 10 weeks in order to complete its work and submit a final report by May 19, 2017.

Madam Speaker: Hon. Members, the question is:

Be it resolved that the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016 be allowed an extension of ten weeks in order to complete its work and submit a final report by May 19, 2017.

Question put and agreed to.

INDICTABLE OFFENCES (PRE-TRIAL PROCEDURE) BILL, 2017

[Second Day]

Order read for resuming adjourned debate on question [March 06, 2017]:

That the Bill be now read a second time.

Question again proposed.

The Minister of Public Utilities (Hon. Fitzgerald Hinds): Thank you very much, Madam Speaker, for recognizing me in my effort to make a contribution to this “an Act to abolish preliminary enquiries and to provide for the pre-trial procedure in respect of indictable offences and for ancillary matters”. Madam Speaker, as this title suggests, it simply is a proposal before us to abolish the preliminary enquiry process and procedure that has been longstanding in this and many other jurisdictions and, of course, Madam Speaker, to provide in its various clauses for some of the new procedures: issues of warrants, issues of bail and the procedures through the Office of the DPP that would be necessary to give effect to the mainstay of this Bill, which is to abolish the preliminary enquiry.

Madam Speaker, this Bill is presented for our consideration at a time when, unfortunately, we have registered over 100 murders in Trinidad and Tobago. It is being debated and offered for our consideration at a time when a woman police officer is now missing, causing consternation and trauma in the national community, in the police service, among women and among those of us as adults who are concerned for the young people of Trinidad and Tobago, of which she is one. This Bill is before us at a time when it is reasonable to argue that the organization, the police service, which is responsible for preventing and managing the crime scourge that afflicts us, it is arguable, may not be functioning on all cylinders and may not be performing or responding to the situation as it might be expected to.

Notwithstanding the tremendous amount of financial resources that has been put by previous Governments, including the existing Government, into the whole question of policing; notwithstanding the strenuous efforts of my colleague, the Minister of National Security who has been carrying his duties as Minister admirably and commendably; notwithstanding the energy and the efforts that I have seen coming from the Acting Police Commissioner and his executive and some elements of the police service, an organization which I have some familiarity; notwithstanding all of their efforts, the organization as a whole is not responding to what is in front of us.

We are debating this Bill at a time when there are clear and recognizable inefficiencies in the judicial system and we are debating this at a time when the Opposition in this Parliament complains regularly in the last few days or weeks about special majority provisions, having signalled to this Government that we can expect no support from them, through the lips of the Member for Oropouche East, [*Crosstalk*] in this Parliament on record. On record. [*Crosstalk*] Check

Hansard—clear that we can expect no support from them [*Crosstalk*] and they had to be forced, in the view of the public and by the banking and business community recently to save us from the ill-effects of what would have happened had they not supported FATCA. [*Desk thumping*] So we know that. We are an experienced political outfit, we understand that.

We have an Attorney General on behalf of this Government and we have an Attorney General on behalf of the people of Trinidad and Tobago, including our friends opposite, who has decided that TT should not only mean “Trinidad and Tobago”, but it should mean “try new things”. That is compelling enough for me, because whatever we have done for the last 40 years, whatever we have done, the situation today is not desirable. It is not satisfactory. If the Attorney General has decided to bring, as he calls it, a suite of Bills for our consideration, with an attempt, a noble attempt to improve the situation, I think alone that that is commendable, and he has won me emotionally already on that. [*Crosstalk*]

Madam Speaker, the Attorney General did not present this Bill on the basis of whim or “vaps”, you know. He consulted with the Bar Association, the Law Association. He would have had feedback from the comments of the Chief Justice and other stakeholders in the society. He would have listened to commentary made by our friends on other side, unthinkingly at times, when the truth might have occasionally flowed from them. So the Attorney General is responding to good sense and good logic.

Madam Speaker, when I read law in England, I had the benefit of my jurisprudence lectures coming from a man called Roger Cotterrell at the University of London, Queen Mary College as it then was. He wrote a number of books, one of which we had to look at in our studies in jurisprudence. In one of those books, *The Sociology of Law*, Roger Cotterrell identified two aspects of the thing. He called some laws living law or the people’s law that really directly affected the people and, on the other hand, by way of dichotomy, he saw the other category as lawyers’ law. There are some measures here that the public is not directly interested in or affected by. That is lawyers’ law—we talk, we intellectualize over it and all of that—but the Bill before us today is an example of living law, because it is rooted in some very ugly realities which this position of wanting to abolish the preliminary enquiry has brought us to.

One of those ugly realities is the tremendous and burdensome delay in the judicial process caused by preliminary enquiries, and around that a whole number of things that happened over the years that brought us to this position, some of which I will reflect on very shortly. All we are doing from this side of the House,

is working hard, exerting our best intellect and energy to make this country better and to make all the systems we have to live with more efficient and, most importantly, free from malpractice and corruption. That is it. Simple as that. That is what this Bill is, in essence, all about.

Madam Speaker, you will know as a citizen with even anecdotal reflection that there was a time in this country where killing witnesses was a normal thing because there was benefit to kill the witness, in some cases, before they give evidence at the preliminary enquiry. In the constituency of Laventille West that I represented back in 1994, a young woman was on her way from home to the Magistrates' Court to give evidence in a preliminary enquiry. She was at a phone booth by Caledonian and the Lady Young Road. She was gunned down. Subrina, I think was her name. I cannot now remember. May her soul rest in peace. She chose to support the State as a witness, she was killed, and that was anticipated to bring benefit to the killers and benefit to those who were engaged in the trial process or the preliminary enquiry process as accused.

In a response to that, just as this Bill is a response to certain problems in the context of living law, we rearranged the Evidence Act, we rearranged the Preliminary Enquiry Act, so as to allow a witness, once he gives sworn testimony, even his killing will not obviate the content of what he had to say in relation to the matter and a trial process could still ensue. That is what this country did. That is what this country did—a number of amendments over the years to the Evidence Act and other relevant pieces of legislation, in living law, in response to these problems.

I represented a certain accused when I was practising criminal law and to my consternation and alarm, when he saw the case was going against him, touched me on my shoulder—I am at the Bar table—and when I looked around into his red eyes one of the things he whispered in my ear is that I should provide him with the name and address of the prosecution lawyer, the lawyer from the Office of the DPP. Well, you could imagine how I reacted as an old police to that. [*Crosstalk*] Hear my reckless friend, the Member for Oropouche East.

Dr. Moonilal: I am not your friend.

Hon. F. Hinds: A man whose mouth—[*Crosstalk*] I will not waste a moment on you. [*Crosstalk*] But that happened and that was my personal experience. That young man went on to full-scale trial in the High Court and was able to come out of it without a conviction. The case was dismissed eventually. He left Trinidad and he went to another island in the Caribbean, and we would later learn—myself

and a certain senior counsel who is still in practise today—we would learn he went to that Caribbean country and killed again and found himself in custody there. These things happen. This is living law, an attempt to protect us from some of these issues. Now we are at the point where we are saying, remove the preliminary enquiry altogether because we understand some of these issues.

Lawyers were involved in the recklessness too and subverting the process. I say so without fear of contradiction and the administration of the court too, because the records of this country will show that there were occasions when files with original documents went missing from the court and, as such, trials could not continue. We had to amend the Evidence Act to deal with it and to permit the use of copies of those documents. [*Crosstalk*]

Mr. Al-Rawi: Some of them ended up in people's office.

Hon. F. Hinds: Of course, and as the Attorney General is reminding me, some court files ended up in lawyers' office, and those lawyers are talking the loudest now in this country and in the Parliament in some circumstances. [*Desk thumping*] I had reports as a practitioner, watching some of my colleagues, all who did not practise the highest standards of our tradition and ethics where in a case like that \$500,000 was the demand from the accused and his family; \$350,000 for the lawyer; \$150,000 for the state witness with a plane ticket to disappear. When they reach to court—the records of this country will show that—routinely they made applications under section 40 of the old Act where they had to prove—the prosecution had to prove to the court that the witness was too ill to travel to court and could not be here to give evidence to allow his statement to be used or that he was dead.

But when the fella went New York with the \$150,000, the prosecution could not prove that at all, and the lawyer sat with the accused and they walked out scot-free. This is living law. I commend the Attorney General for trying to protect this country from that going forward. [*Desk thumping*] “It eh no joke”. This is not a joke, this is real. But if my friends on the other side want to oppose it, because I heard the Member for Caroni Central saying they cannot support it, well you all go ahead, and then come to complain about crime in this country.

Dr. Tewarie: This will not help crime.

Hon. F. Hinds: Madam Speaker, we have the record of this country. Just to support my point that lawyers were involved, a lawyer was convicted for taking a bribe allegedly on behalf of a magistrate in this country. The issue was detected

Indictable Offences Bill, 2017
[HON. F. HINDS]

Wednesday, March 15, 2017

and he went to jail. I am sure everybody in this House, especially my friends on the other side will know of what and of whom I speak. I need say no more. [*Crosstalk*]

Today, because of the evolution and Bills brought to this House and fortunately passed, killing witnesses whether before preliminary enquiry, during preliminary enquiry, before indictment in the High Court or during indictment in the High Court, does not make any sense, and that is what the society has to know and those who want to commit crime, they must know that. “It doh make no sense.”

Because last Thursday I saw a judge sentence two men to death when the jury found them guilty for killing a pundit in this country. The jury found them guilty and the judge pronounced the sentence of death. What was remarkable about that case for me, and I bring to your attention, Madam Speaker, is that the witness in that case was killed before the trial, but because of the amendments to the law, as we have in front us today, it made no difference and they were convicted.

In that matter, I want to place on record here, notwithstanding my earlier criticism of the police service, those elements that are still asleep and not rising up and responding to the challenge in this country, I want to congratulate the police and the prosecution team in that particular matter for their perspicacity, professionalism to have secured a conviction in the circumstances.

Madam Speaker, we call them PIs, but the law is really PE, “preliminary enquiry”, not “inquiry”. This procedure, as it now exists, provided for indictable offences, it is called the Indictable Offences (Preliminary Enquiry) Act. It brings a great number—91 per cent of the cases pass through the Magistrates’ Court—of cases to the court and it creates delays as we are all very familiar with. It has generated what is now an endemic backlog. My friends on the other side claimed to have been aware of that when they came here with the Administration of Justice Act and the infamous clause and section 34. They know about the backlog, except on that occasion the thing that was designed to help us, was the very thing they corrupted or spoilt, and it ended up being a burden and a yoke and a shame and an embarrassment in the history of this country, clause 34, for which they now claim to easily apologize, glibly apologize and move on. Well, today in the Parliament the Attorney General is grappling with the same problem, the backlog in the system.

I remember I was in the Senate when the then Minister of Justice, Minister Volney came there. He made his presentation. I do not want to quote him really—

I have the *Hansard* recollection here—but let me synopsise some of what he said. He said the Ministry of Justice was created by this Government—meaning the United National Congress Government—between and 2010 and 2015. It was created by the Government with the mandate to transform the criminal justice system, and this Bill serves to expedite the judicial process in indictable and serious matters. I think it was right. It really transformed it, blasphemed it and caused the society to lose more respect for it. Serious transformation but heading south. He said the upshot—well I say, sorry, the upshot is that that whole idea was born in sin and shapen in section 34 iniquity. The backlog still remains today, this is why the Attorney General is here and it has gotten cumulatively worse since then, Madam Speaker.

I heard the Member for Siparia, when she contributed in this debate, described what the Attorney General on this side is attempting to do as very laudable but, you know, that Ministry of Justice, I was shocked to learn through the lips of the Attorney General in this debate, cost this country in the short time that it lived, under two Ministers: Minister Volney and Christlyn Moore—[*Interruption*]

Hon. Member: Four.

Hon. F. Hinds: Four Ministers? Four. Everybody had to dance in it, but it cost this country \$2.1 billion. They should be ashamed and we still have the problem which is getting worse today which is why the Attorney General brought this measure here today. No clause 34. [*Crosstalk*] I will come to clause 22 in a “lil” while and it will demonstrate your incapacity as counsel to properly analyze. [*Desk thumping*] I will come to that in a little while. [*Desk thumping and crosstalk*] Yeah, yeah, yeah. All that is fine. [*Crosstalk*] Yes. I do not want to waste time.

This was intended, this preliminary enquiry, to be a filtration system where a prima facie case had to be made out. They had, essentially, for the layman to understand, they had to identify that a crime was committed and that the accused had something to do with it. Today, we move to abolish the procedure. This is not new. Other countries have had these before. A case came up here out of Antigua and Barbuda. The Government of the United Kingdom saw the situation with preliminary enquiries and they found that they had to abolish it years ago, years ago.

2.30 p.m.

In fact, in so doing, the Minister of Home Affairs at the time indicated that this abolition of the preliminary enquiry in England would have resulted in 60,000

Indictable Offences Bill, 2017
[HON. F. HINDS]

Wednesday, March 15, 2017

fewer hearings each year, a substantial reduction in the number, and a more efficient way to take a trial in the High Court or in the Crown Court. Many cases will now be sent straight to the Crown Court, as soon as it is cleared that the matter is serious enough, rather than having them await committal hearing which can slow the justice process down significantly. Justice Minister Green at the time said:

Abolishing committal hearings—akin to our preliminary enquiry—is one of the other reforms we are taking forward to make justice respond more quickly and effectively for victims, witnesses and taxpayers who bear the burden of this all. The changes are the latest stage of a series of moves to make the justice system swifter.—I am quoting Mr. Green—They have also included introducing traffic courts to deal with low level motoring offences and increasing the use of digital technology between courts, prisons and police station, saving time and money for the whole justice system.

Madam Speaker, I only quoted all of that to let you know that this is not unique to Trinidad and Tobago. To me it is quite a logical consequence of any slight application of common sense, when you are faced with the troubles that we are faced with here in Trinidad and Tobago. They found that nearly \$115 million was spent on prosecution costs and legal aid back in 2015, for criminal cases which were never heard in court. Never heard because they all collapsed for some reason or the other.

The Member for Siparia in her contribution dealt with the question of the DPP. I made a little note, she is recalled to have said, “People in jail or remand for longer than sentence for particular offences”; well, okay, that happens, but that is not a problem with preliminary enquiries. There are many summary matters that led to that unfortunate situation, that has to do with bail issues, the ability of the family or the accused or defendant to access bail, and a number of other things. That point cannot interfere or obviate with the force of the argument as it relates to the abolition of preliminary enquiry. It does not.

The Member for Siparia spent her whole contribution—a large chunk of it at any rate—dealing with the question of a three-fifths majority. Like they have some kind of fixation with the comments of the Attorney General. Their big problem is that every single Bill that comes to this House does require a special majority, because I know their hearts, and I know it from their conduct, I know it from their words. Once it requires a special majority we will not get their support, or we will not easily get their support. So their grouse, and the Member for Siparia raised it ad nauseam, “Dem vex because it does not require a special

majority so that dey cyar obstruct it.” That is it. I am putting it in plain, ordinary terms for you. That is it, Madam Speaker. And they talking about rights and rights and wrongs and wrongs, and all manner of folly, but this is living law as I said. It is living law.

The Member for Siparia went on to deal with a few clauses, 22 and 38. Let me address them both in response to the Member. Clause 38 has to do with print and publication of the proceedings. Let me just, for the benefit of the listener and the public, take a look at clause 38 very quickly. Clause 38 says under the side note:

“Restriction on publication of, or report of charge”

It says very simply:

“No person shall print,”—and that includes the media—“publish, cause or procure to be printed or published, in relation to any charge for an indictable offence,”—meaning a serious offence, triable before the judge and jury as it now stands—“any particulars other than the following:”

So you could publish, but the only thing you could publish is “the name, address and occupation of the accused person and any witnesses.” And (b):

“...a concise statement of the charge,”—unless the Court or magistrate so direct.

It goes on to say in subclause (2):

“Nothing in this section shall apply to the printing or reproduction by any other method of any pleading, transcript of evidence or other documents for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report, in pursuance of the directions of the Court or Magistrate.”

And subclause (3) says simply:

“A person who acts in contravention of this section is liable on summary conviction—meaning in the Magistrates’ Court—in respect of each offence to a fine of one hundred and fifty thousand dollars and imprisonment for two years.”

You know what this does, Madam Speaker? This protects the victim, this protects juveniles, because the information that you are allowed to publish, without the authority of the court, is limited to the elements as I have just read them.

Indictable Offences Bill, 2017
[HON. F. HINDS]

Wednesday, March 15, 2017

What problem would the Member for Siparia really have with this? This innocuous piece of the legislation which is designed to protect certain persons from the recklessness that we see coming from elements of this country, you could tell me what is her problem? In a rape matter, do you want the victim's name all over the place? The answer obviously is no. But she stood up in this House as Senior Counsel and took firm objection to it. I reject her objection and therefore I will support clause 38 subclauses (1), (2) and (3) easily and without more. The Member for Siparia went on to clause 22 which has to do with the right of discharge on application by the accused. Again, not for their benefit, but for the benefit of the listeners, I am obliged to take a look at clause 22.

Subclause (1) says:

“A person who is charged with an indictable offence may be indicted for any offence for which he is charged or for any offence which, in the opinion of the Director of Public Prosecutions...”—a qualified lawyer operating under section 90 of our Constitution independent, learned, mandated to look at it.

He could start and end all prosecutions according to the Constitution. So the DPP—the Office of the DPP—and I might say in passing, the Member for Siparia told us, facetiously in my view, we only have one DPP and he will have to deal with all these matters. It is not the person, it is the office. The DPP has offices in north and he has in south, and he has a number of agents, lawyers qualified and learned acting on his behalf, much like the commissioner has 7,000 police officers. So to tell me in this Parliament only one DPP as a reason for not supporting this, is absolute bunkum and balderdash. *[Interruption]* “Calenda wash.” Thanks a lot to my political leader and Prime Minister for the learning. I love the Tobago twang, well I will add that.

Subclause (2) says:

“Where the Director of Public Prosecutions does not prefer an indictment against an accused person within twelve months—*[Interruption]*”

Madam Speaker, would I be permitted, notwithstanding the large and noisy and other descriptions of the mouth of the Member for Oropouche, to speak properly? Can I speak unperturbed?

Madam Speaker: Member, I am sure that you could rise above that.

Dr. Moonilal: He cannot.

Dr. Gopeesingh: You all cannot come to decency.

Hon. F. Hinds: Decency, you all do not know that.

Subclause (2) says:

“Where the Director of Public Prosecutions does not prefer an indictment against an accused person within twelve months after the expiration of the period specified in section 16 or within such further period as the Magistrate may, on application, permit, the accused person may apply to a Judge for a discharge of the proceedings and the Judge may discharge the accused if having considered the reason for the delay in preferring an indictment”—by the Director of Public Prosecutions—“he is satisfied that in all the circumstances of the case it will be just to do so.”

Madam Speaker, I want to suggest, this mandate to a judge here is quite routine, quite normal. Judges every single minute of every day has to decide based on the facts on the justice of a particular situation or matter, and that is a common law issue, normal. It is just being put now in statutory form. Nothing new, but it is part of the inherent jurisdiction of the court, deciding on the justice of the matter.

But this one says that if the DPP did not prefer an indictment within 12 months after the expiration of the period specified in section 16, then the person may apply, unless they apply for an extension. The DPP applies for an extension, and if given, then it stands. If not, then the court will now hear an application for a discharge from the person. That reminds me, of course, of section 34—reminds me of that. So it is a similar procedure in here in a sense. *[Interruption]*

Madam Speaker: Member for Laventille West, your 30 minutes have expired. You are entitled to 15 more minutes of speaking time.

Hon. F. Hinds: Thank you. Again, this is designed to bring some justice to the harshness of the law, and the DPP will get his act together and do the business as necessary, and if he feels he does not want to go forward he would not.

So the Member for Siparia told us that these measures in this Bill will not solve or fight crime, but this is only one piece of the jigsaw puzzle, one piece of the patchwork, tapestry. This is just one piece of it. The Attorney General has signalled by way of demonstrating a legislative agenda, for the first time in a long while, or at least maybe for the history of the country, that this is just one piece of this wonderful tapestry. The police is another part, they have a role to play, the office of the DPP. So this is necessary as a piece, not sufficient but necessary. More will be done. More is being done.

Indictable Offences Bill, 2017
[HON. F. HINDS]

Wednesday, March 15, 2017

Madam Speaker, I heard the Prime Minister having to respond to some queries raised by the other side, but in particular I heard as well the Leader of the Opposition. She is reported in the *Daily Express* of Tuesday, March 7, 2017—I do not have the *Hansard* so I will rely on how the reporter has run it in the *Express*. She is quoted, yet unchallenged in my public view, as saying, and I quote:

“It is palpably offensive where it is you have a prosecutor”—meaning the DPP—“who is almost going to be acting like a judge in his own cause... Himself to himself. So the DPP will determine whether there is a prima facie case to commit for trial. If he says yes and he prefers the indictment for trial, then he is the prosecutor before the court (in the matter). I know the criminal justice system has always been the prosecutor, the defence, and in the middle, the judicial officer who is independent and protected from interference as much as possible.”

This is a most convoluted and incorrect analysis of what this Bill offers. It is convoluted and does not reflect what is in here.

My time has run, but I want to let the Member for Siparia and her colleagues understand, and the public most of all understand, as it now stands the DPP, or the Office of the DPP, is the institution that prefers indictments anyway in section 93 of the Constitution. So right now as we speak, and it happened while the Leader of the Opposition was Prime Minister. She may have been somewhere else, but it happened during her watch. It happened before her watch. It would not be under her watch again, because never again. But nothing new with the DPP preferring indictment, and the DPP must.

When the police are investigating serious crimes now, including murder, they send the file routinely to the Office of the DPP for a legal opinion, and the DPP would send it back, sometimes for further evidence, before he decides whether they should charge, and then the matter goes forward; nothing new. We have a situation in Trinidad today—let me remind the Member for Siparia—where the police officers suspect a crime, arrest somebody, charge them and when they go to court it is a police prosecutor in the summary court, but it is a trial.

Mrs. Persad-Bissessar SC: In the summary court.

Hon. F. Hinds: You could go to jail for 10 years in a Magistrates’ Court and you could only get five years in the High Court, so do not tell me summary. You know, this big fear that the Leader of the Opposition is raising in the national community that it is himself to himself and the DPP is now acting in a judicial

capacity that too is “calenda wash” and a misrepresentation of the procedure that is outlined in here, which we all read in anticipation of this debate.

Madam Speaker, with a few moments left, I was about to address a couple matters raised by the Member for Princes Town, but he is not here and I will reserve that for another time. I would like to say as I close, that I am satisfied that the Attorney General has applied his professionalism, his intellect, for which he is paid a special allowance as Attorney General, the only Member of the Cabinet who gets a little more by virtue of his profession. [*Laughter*] I am satisfied that he has exerted the best efforts and I am looking at an Attorney General who is determined to make a contribution to the uplift and the improvement of the circumstances in Trinidad and Tobago. [*Desk thumping*] For that reason alone, I support this measure.

But more than that, when I examine closely the contents of this, the procedure, and when I match that against the evils that I have described that came from preliminary enquiries and the burdens of the delays they generate, I have every reason, representing the people of Laventille West, to stand here today in support of these measures and I urge my colleagues, notwithstanding the deaf ears on the other side, to do likewise.

I thank you.

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker. I rise to contribute in this debate on the Indictable Offences (Pre-trial Procedure) Bill, 2017.

Before proceeding, it would be remiss of me if I do not state categorically the position of Members of the Opposition, of the Leader of the Opposition, and that position is very, very clear. Notwithstanding several speakers on the other side, the position here is extremely clear.

This Opposition stands ready, prepared, able and willing to support the Government and any other agency in fighting crime. [*Desk thumping*] When we were there we reduced serious crime by 55 per cent, we had murders going down. That is a fact; that is a matter of statistics. We stand prepared to support the Government and law enforcement in fighting crime. The issue of the removal of preliminary enquiries is an issue that was brought to this Parliament by the People’s Partnership Government once, twice. We have a record on this matter of confronting it when it is good, confronting it when it is bad. When we were there crime went down and that is a fact. Murder was going down, serious crime went

Indictable Offences Bill, 2017
[DR. MOONILAL]

Wednesday, March 15, 2017

down, so we are committed to taking action to remove the backlog, to deal with the delays in the criminal justice system, and that is what we are about on this side.

What we are not about is joining the Government to break the law. [*Desk thumping*] We are not about joining the Government to undermine our constitutional structure and our constitutional value. We are not about helping this Government rewrite the Constitution through the back door. And if the Member for Laventille West loves his Attorney General, that is fine. He is permitted to do that, and that would later become his problem. At this moment we stand committed to working to bring good law to deal with crime in this country. [*Desk thumping*]

Madam Speaker, crime affects all of us. Last week I had this unfortunate experience of attending a funeral in my constituency of a murder victim, an innocent bystander. What do you tell a family of a 39-year-old father employed, 10-year-old daughter in school, who just happened to be in the wrong place at a time when gunmen stormed a snackette? He is dead, I go to the funeral. There are no words. You cannot comfort people, you have to depend on pundit and priest and imam and so on. We cannot speak at those things, we cannot find words. It is our constituents as well. It is your constituents.

I am informed as of now, colleagues can confirm, that the police have indicated that they have found the body of the missing police officer. It is not so? It is not confirmed. The Minister of National Security is saying it is not confirmed. In these matters we wait on the Minister of National Security. During this contribution his opinion might change.

Last we met here, I just want to respond quickly to some matters raised on the other side, and move on, I have quite a bit to deal with. The Minister of National Security responded to the Opposition Leader. I want to tell the Minister of National Security, given the crisis of crime in this country, I think a Minister of National Security should be prohibited and preventing from cracking jokes. To stand in this Parliament and say Selwyn Cudjoe and Michael Harris and Ralph Maraj are UNC, and that is why they make statements like that, you must be joking and you ought not to do it.

More important than that, a matter arose on the last occasion by the Minister of National Security, in which he came to the House and sought to convey an impression, which was carried in the newspaper, that because of the UNC, the Opposition today, we have rampant crime and criminality. Because we did not

Indictable Offences Bill, 2017

Wednesday, March 15, 2017

support you in breaking the law, men went free, criminal elements, and they took bail and they went into society and created havoc, because we did not join you to break the law.

Madam Speaker, the Member brought some statistics and according to his *Hansard* record, which I have, he said:

“As a result, the figure is alarming. Inmates bailed since 15th of August, 2016 to present, 1,424 inmates...were released on bail as a result of the lack of the Opposition’s support.”

This is phenomenal that a Minister of National Security, a man who is most central to a national security council, comes to the Parliament and say 1,400-plus persons get bail because of the Opposition’s lack of support. This is not no—“well let me doh say dat”—but this is the Parliament. When you come here as a Cabinet Minister, a Member of the Government, you ought to know better. You have the prison commissioner under you, prison service, you have the police, and you can get data, more than us. We struggle to get data. Data is at your fingertips, and to say that—but we knew he was not correct. We knew that; he could not be correct. And of all the people to correct him 24 hours ago, the Attorney General corrected him.

The Attorney General in another place, and I read from the *Hansard* account, said, and I quote him:

We are seeing the convicted together with the remand population at 3,634. The remand population looks at 2,159, of these 839 people have been granted bail, but still incarcerated; 331 cannot get bail.

Member for Caroni East, start quickly, 839 plus 331—and 1,000 persons are on murder and bail is not available. So, Madam Speaker, where do you get 1,400 people got bail from when the Attorney General tell us the total is 2,170 persons cannot get bail ask the Minister of National Security to read these reports and apologize to this House. [*Desk thumping*] More is expected of you—more is expected of you.

But the Attorney General of all people had to correct him, and on a rare occasion the Attorney General got it right, on this rare occasion. The other two Members speaking, the Member for D’Abadie/O’Meara and the Member for Point Fortin, they continued with this mantra and narrative that we do not want to support preliminary enquiry, and this would deal with the delay and so on. I do

Indictable Offences Bill, 2017
[DR. MOONILAL]

Wednesday, March 15, 2017

not want to spend too much on them, I think there are more important matters I want to speak about.

The Member for Laventille West spoke before me, in all fairness to him I thought his contribution was disjointed, to say the least. I will use the term “disjointed”. [*Laughter*] It is a good term for him.

Dr. Gopeesingh: What joint are you speaking about?

Dr. R. Moonilal: It was disjointed, and I will come back to something he said later. I found it disjointed so I did not take much notes. I want to go quickly to our matter now. The Opposition Leader in her contribution raised a critical matter, and that matter has to do with the structure of our Constitution, the very structure. The DPP, a critical office—how is the DPP appointed. The DPP is appointed at the end result of that by a political involvement, if not interference.

Is anybody aware on the other side that a Prime Minister has a veto power over a DPP? They do not know that. None of them know that. The Member for Laventille West is not sure of that. The DPP is appointed by virtue of a final act by the political leader of the party in government.

Dr. Gopeesingh: Manning objected to Gaspard.

Dr. R. Moonilal: The DPP comes into office, he has a job. He is the State prosecutor. In America they have big words for it, district attorney and so on, his job is to prosecute. I do not want to get into details of the preliminary enquiry and the process, but how it works in a nutshell is the police would charge, they would lay their information, they would get their file, their bundle, they take it to the DPP. He has a staff, he sifts through to decide what he is doing, and the DPP would advise the police incidentally. Let us get to that, he advises the police. You have to charge someone, the police go to the DPP and they seek his advice. So the same person who is advising the police on how to build their case, how to build a case, they are now arguing that that person should be determining whether that case is sufficient. He does a sufficiency hearing, having himself contributing to building the case. So it is himself to himself.

Madam Speaker, the DPP’s office was never set up for this. The Constitution does not provide for that. The Constitution provides at section 5 that an accused person—who is an accused person for the purposes—an accused person, Madam Speaker—the person being charged, accused by the police—from the time someone is accused, section 5 of the Constitution is triggered, and there is a duty under section 5 of the Constitution that person has a right to be brought properly

before an appropriate judicial authority. The DPP is not an appropriate judicial authority. [*Desk thumping*] So what have you done with this constitutional protection? You are touching and you are violating a constitutional protection.

An accused person, from the time he is accused, a right triggers, and that is to be brought promptly to a judicial authority. Not to be brought to the DPP that way—not to be brought.

3.00 p.m.

Madam Speaker, and I saw a headline in the *Express*, I cannot exhibit it, regrettably, it says “Faris on trial”, and today we continue the trial of the Attorney General on this matter, [*Desk thumping*] and I ask the Attorney General, could you name one territory island country in the Commonwealth that has done this? That has given the DPP this power of filtration, of filtering cases and proffering an indictment to the High Court, before the same person prosecutes the matter? I am just asking the Attorney General to tell us, is he aware of one territory in the Commonwealth that has done this in the manner you are doing it? The answer I want is yes or no. I do not need a speech or paragraph. It is monosyllabic, yes or no. He will answer I imagine at some other time.

There is no parallel here. And, you know, Madam Speaker, I heard the Member for Laventille West, and between the insults and so on he said something that caught my attention. He said that the DPP has all this power before and we are making mischief and so on, that the DPP has this power before and why do we make mischief in this way. You know, Madam Speaker, to trace the history of that we have three different pieces of legislation—well, four. I have in my hand and I will seek to go through quickly some of these matters. You have, of course, a 2005 amendment that gave certain powers, but when we were in office there was a 2011, which we all know as Administration of Justice Act.

You also have a 2014 Bill, and both are relevant to what we are doing today. And no less a person than the Member for Diego Martin North/East, then in the Opposition, spoke on this matter, and when the Member was in the Opposition he spoke on every matter conceivable. He was, of course, the speaker of speakers on everything including law, order, finance, everything.

But, Madam Speaker, he had some choice arguments on the 6th of the 6th 2014, the Member for Diego Martin North/East, and among those arguments he was making is this role of the DPP. He called it, and I want to quote from him, I am on the *Hansard* page 68 of the time, and, of course, he cried out why the 2011

Indictable Offences Bill, 2017
[DR. MOONILAL]

Wednesday, March 15, 2017

legislation was not followed. Do you know the 2011 legislation was approved unanimously by this House, and at every juncture the PNM voted for the 2011 Bill. [*Desk thumping*] They were in love with the thought of the masters handling preliminary enquiry and the new judicial complexes, and so on. They were not in love with section 34, but they were in love with that piece of legislation. Why did you not bring back that piece of legislation now and you yourself supervise section 34? Why did you not bring it back if you like it so much? You thought that was the best thing that could ever happen. The Member for Diego Martin North/East had this to say, I want to quote, “Mr. Speaker”—this matter before us, and of course, he insulted people and all of that—it does not make sense.

“So if the DPP is aggrieved at a decision of a magistrate with respect to discharging an accused person, the Director of Public Prosecutions may appeal to the High Court, okay? That is in the existing law...”

Madam Speaker, he says and he quotes from a section of the 2014 piece of legislation, I believe section 16, if I am not mistaken, that:

“...the Director of Public Prosecutions may, if he thinks fit, refer the case back to the Magistrate with directions to deal with the case accordingly, and with such other directions as he may think proper”—he declared—“Madness! The Judiciary is right. It is not a question of that...I mean, how could you put in a law that the DPP could give directions to a magistrate what he thinks proper. So he could tell the magistrate”—what to do—“Wha kinda ting is dat?”

Hon. Member: Who said that?

Dr. R. Moonilal: The Member for Diego Martin North/East:

“Mr. Speaker, the only person that the DPP can give instructions to is the police...He can give directions to the police and tell them to investigate”—he—“cannot direct a judicial officer.”

—2014, [*Desk thumping*] who is telling us that. He accused the Government then:

“You are clothing the DPP with these powers.”

The DPP can say I am overruling you and I can go back and reconsider.

Mr. Al-Rawi: You are misquoting.

Dr. R. Moonilal: No, I am quoting the *Hansard*. Madam Speaker, this Member for Diego Martin North/East was at pains to deal with the last Government to say that we were giving powers to the DPP and making the DPP a judicial officer of which he is not. He said:

“You cannot give the DPP those powers, and I can assure you that would be struck down by the court in a couple of seconds. Seconds!”

—I say. This is what he was speaking to. And, Madam Speaker, he was making a reference to a clause in the 20—

Mr. Charles: He is denying it.

Dr. R. Moonilal: He is denying it. Now, Madam Speaker, he was making a reference to a clause in the 2014 piece of legislation, and I have it here as his objection. It was indeed clause 16, committal in written evidence and documentary exhibits only where a magistrate holding the proceedings may commit an accused and so on, and the DPP intervenes. He objected to that.

He also had another fascinating objection on clause 33 in the Bill, then Bill, clause 33. He says at clause 33, this is the referring back to the magistrate, he objected. He objected strongly to that, but there was another major objection to the 2014 Bill, which I want to raise, and it came, of course, from the Member for Diego Martin North/East. You see, in the 2011 legislation, in a nutshell, when we were creating the position of masters and had to hire people and so on, there was place in the legislation, a standard that the masters had to reach. It was a *prima facie* case. So the masters would collect the files, the documents, the information, call it that, and they would sift through and based on a *prima facie* case they would take a decision whether to go forward. The Member for Diego Martin North/East said he liked that, he was a convert to the 2011 position.

In the 2014 position now, the then Government changed that to say that when the magistrates were reviewing they would do it in consideration of all the evidence. The Member for Diego Martin North/East came to this Parliament and gave us a song and a dance and a next song, and objected strenuously. Objected strenuously, Madam Speaker, and said—and I will get his thing now on this matter. He said:

Whereas before, you had a *prima facie* case, today you have a situation where you are saying on consideration of the evidence, what does that mean,

Indictable Offences Bill, 2017
[DR. MOONILAL]

Wednesday, March 15, 2017

consideration of all the evidence. If you have a hundred magistrates you are going to have a hundred different interpretations.

Consideration of the evidence, he said, was too low. It was not couched in proper legalistic terms—and I must repeat—and he praised the former Minister of Justice for putting in a definition of what a *prima facie* case was, as he directed that.

And we are on clause 33 of the 2014 piece of legislation.

So, he accused the then Government. He accused the then Government of bringing poor legislation by watering down a standard from a *prima facie* case to in consideration of all the evidence. Do you know in this current piece of legislation before us there is no reference to a standard? So, I am asking again, the Member for Diego Martin North/East, the standard bearer, what is the standard here when the DPP takes the information, takes the documents, the file, the bundle? What is his standard? It is not written in the law. It is not here, and it was there in the 2011, and something was even in the 2014 legislation.

So, it is very clear, which your then Member for Diego Martin North/East condemned the former administration on seeking to water down the standard to in consideration of all the evidence. Today there is no statement in this Bill as to what the standard is expected to be, and that, Madam Speaker—

Mr. Ramadhar: It is up to the DPP.

Dr. R. Moonilal:—is up to the DPP, will not be aware of what it is in the law, in the statute, what standard he must meet.

Madam Speaker, let me get to a few more serious matters about this DPP matter. This legislation apart from the serious constitutional issue here of the structure of our Constitution, which the Member for Siparia, Opposition Leader, spoke to, the people who drafted this Constitution never anticipated that your prosecutor would become a judicial officer as well. [*Desk thumping*] They never contemplated that. They wanted to have a magistrate or the Judiciary filter these matters and the prosecutor would create his case with the police. Do you all remember Naraynsingh, you all remember Gopeesingh, you remember Dhanraj Singh, you remember Jagdeo Singh, you remember—“I go to say Deyalsingh”—you remember those Singhs? Those were matters in which matters go to court, they were thrown out of the preliminary enquiry matter in the case of Vijay Naraynsingh. When they were thrown out, Karl Hudson-Phillips said it was an

abuse of process. He had never seen that level of abuse in 45 years. [*Desk thumping*]

Today, you come to give an office holder, and I am speaking about the office holder, not the current DPP, and his staff, and so on, you give the office holder this power to sit down and determine, to proffer an indictment without a judicial officer scrutinizing the information and the evidence before? You are undermining the constitutional structure, you are defeating the Constitution, and I will come to an argument there in a “lil” while. [*Desk thumping*]

Madam Speaker, the DPP office is not resourced for this. The Director of Public Prosecutions came to this Parliament and cried blood a few days ago. He said he does not have photocopier, he does not have ink, he does not have paper clip and so on. Do you know the Cabinet approves travel of the DPP? If he wants to go to London to attend a nice law conference, it is they on the other side who sit to approve his travel. They approve—the Permanent Secretary in the Ministry of the Attorney General runs the administrative structure and provides resources. So, the Attorney General as a politician supervises that, and you are putting information and evidence in the hands of someone. I want to spin an argument there. I have heard about the Attorney General and the architecture of the structure of the Constitution, and the matrix, and so on. I taught at university for nine years. I marked papers for nine years, and anytime a student did not know, they write plenty and they talk plenty.

Hon. Member: “Oooh.” [*Laughter*]

Dr. R. Moonilal: I am accustomed with that. That means they talk plenty because they did not know.

Madam Speaker, the Attorney General is trying to rewrite the Constitution by this manner. The DPP says “I doh have staff”. He gave numbers and I do not want to waste time quoting all those numbers, it is there in the joint select committee report, recently, March 2016. He spelt out the numbers, how much lawyers he has, how much he does not have. It was under the last Government in 2013 that the DPP got a new organizational structure approved, increased lawyers, increased non-legal staff. [*Desk thumping*] It was under our Government, do not forget that, that it has happened.

So, are you saying now that the DPP has to expand his office now to deal with hundreds and thousands of preliminary matters to filter this? Where is he getting the staff from? He is complaining he has one prosecutor to a hundred matters in Port of Spain and one prosecutor to 72 matters in San Fernando, and now you are

Indictable Offences Bill, 2017
[DR. MOONILAL]

Wednesday, March 15, 2017

telling him, “Okay, Mr. DPP, you looking like you eh doing nothing, you have plenty time on your hands, come and take care of 10,000 more matters”. Are you all crazy? [*Madam Speaker rises*] Well, are you all not thinking? I am sorry. I withdraw that.

Madam Speaker: Hon. Member, as I rise, could you please move off of that point.

Dr. R. Moonilal: Yes.

Madam Speaker: It has been presented quite adequately by many speakers before you.

Dr. R. Moonilal: Sure, Madam Speaker. Many speakers have dealt with this resource crisis that will now crash the workings of the DPP, so we will move on.

Madam Speaker, I have spoken about the standard, I have spoken about that crisis, I have spoken as well of another critical matter, because I do not want to get too much and go back into staff shortages—consultation, no I not think anybody overbeat that theme. So, Madam Speaker, I could go on that as a road march now. [*Laughter*]

I want to ask the Government whether or not they consulted with the Office of the DPP on this matter since the DPP is now a central pillar of this new-found approach. Did you consult with the Office of the DPP, and did the DPP office agree to this? [*Desk thumping*] That is what we want to know. Did they agree? Did you consult with them? But I put it to you that you did not. You did not. This is impractical. This cannot work, this is why no country in the world does something like this; apart from the constitutional issue, it is not practical. You have to go now to Cabinet, spend two to three years, which another Government will do, not yours, to restructure the Office of the DPP [*Desk thumping*]

So, imaging a policeman brings his file to the DPP and says, “Mr. DPP we want to charge Mr. X for murder, help us prepare the best case?” And he says, “Okay, let me help you prepare that and I will sit down with you after police, we will determine that.” We have a matter the emailgate matter, that matter is before an authority here, I believe still the DPP, the Integrity Commission “throw it out” to remind people. A former Opposition Leader came to the Parliament, accused a Prime Minister and Cabinet Ministers of conspiracy to murder and conspiracy to pervert the cause of justice.

Hon. Member: Fake news.

Dr. R. Moonilal: Yes, fake news. And therefore a matter like that goes to the DPP, still there maybe, you can just prefer a bill of indictment and send to the High Court, Prime Minister, Minister, everybody languishing in jail waiting because there is no preliminary enquiry there. You do not go to cross-examine your witness; you do not go to confront statements; there is no test of the evidence in that sense. This is unconstitutional. The email dangerous and reckless. They talk about reckless, this is reckless, this is dangerous. [*Desk thumping*] It goes against the grain of our Constitution, and today I call upon the DPP, I could do so respectfully, I call upon the DPP to make his voice heard as he did on the jury matter, on this matter. [*Desk thumping*] As he did, make your voice heard on this matter.

Madam Speaker, I want to move to another point which I believe is also quite critical in this debate. You see, Madam Speaker, the Attorney General, given all the crime that is taking place and so on, and we really are concerned about crime. Madam Speaker, I understand the person who sing their song, “Let’s Do This” was robbed and he changed the song to “Stop Doing This”. [*Laughter*] They sing a song to parade them, the fella was robbed and assaulted and so on, and they sit and bring this legislation to deal with crime? Unworkable, impractical. This cannot work even if you pass it by yourself, apart from the constitutional issue. It cannot work.

You see, Madam Speaker, I want to come to this constitutional matter. The Attorney General has announced with fanfare that the Opposition is not minded to support him. Where they get that from I do not know. The Member for Laventille West say, I am on *Hansard* as saying we are not supporting, but the Member for Diego Martin West will not quote that *Hansard*. And there is a reason why he cannot quote that *Hansard*. There is a reason, because I think in his disjointed presentation, or state, he will not find that. Madam Speaker, the Attorney General has said it is a tactical option, imagine a tactical option to bring legislation to Parliament that is Opposition-less legislation.

Madam Speaker, I want to run through this quickly because we do not have time to quote a hundred pages and so on. The Attorney General believes he is on sound ground with this piece of legislation, and others too, I might add, for which we will not talk too much here, because he has the benefit of judgments by the Privy Council, I think two in particular, Surratt and Oma Maharaj, that tell him that the test that he can use is proportionality, where you have a legitimate aim, the means are rational, and the effect is proportionate. I think that is the “three lock” they come with—legitimate aim, rational means, effect proportionate—and

Indictable Offences Bill, 2017
[DR. MOONILAL]

Wednesday, March 15, 2017

he holds on to that, there are two major cases, and he says, now, I won a lottery. I just won the lottery, I can cash in on that and bring any legislation and claim proportionality. Proportionality, legitimate aim.

So, once he does not bring an illegitimate aim, legitimate aim. But, Madam Speaker, there is a constitutional crisis in interpretation on this matter that the Attorney General fails to mention to the nation, and he is exploiting and cashing in, and taking advantage of a dispute at best in the Judiciary over the interpretation of those sections of the Constitution where they require a parliamentary override to violate established freedoms and rights. The Constitution—[*Desk thumping*]

Madam Speaker: Hon. Member, your original 30 minutes have expired; you are entitled to 15 more minutes. Do you intend to proceed?

Dr. R. Moonilal: Yes, Ma'am.

Madam Speaker: You may.

Dr. R. Moonilal: Thank you very much. Madam Speaker, and there is a landmark minority opinion of no less a person, or persons than the Chief Justice of Trinidad and Tobago. Chief Justice Mr. Archie and Justice of Appeal Jamadar, senior justice of appeal, could you believe a minority opinion of 94 pages—I do not know if you ever had a 94-page minority opinion before—where the Chief Justice and a senior justice of appeal spell out in 94 pages of which I read three times now, because it is good reading.

And I am not going to quote this at length it would take more than 15 minutes to explain this and quote it, but I want to tell you some highlights. They are speaking in a matter of *Barry Francis and Roger Hinds v the State, 2014*; they are saying that, yes, and they are disagreeing, of course, with our majority judgment, yes, we have the proportionate argument and so on established by Baroness Hale. But they are saying that given the context, the text, the history, the socio-political evolution of our society and our Constitution, our constitutional safeguards must be protected, and we must protect at all costs. Section 13 where we speak to this issue of anytime you come to Parliament to violate or to touch a freedom or a right there is a procedure spelt out by our constitutional framers that require a parliamentary override, and the parliamentary override is where you need your special majority.

And they are begging here and pleading that you cannot dismiss that. They went back to 1962, the conference in London, Marlborough House, they went

back to that conference where the framers of our Constitution wanted us to build a parliamentary democracy where because of our multi-ethnic, multi-religious environment, our class differences, our cultural differences, where governments can build consensus when they go to touch the freedoms and rights of citizens. That is it. And when they go through judgments by Justice Telesford Georges and others, and they spell it out, and they indicate that an Attorney General and a government must not seek to rewrite the Constitution by removing the parliamentary override. [*Desk thumping*] Because, and I tell the Attorney General today, the Attorney General is seeking, the Attorney General is seeking to move our parliamentary democracy from one based on constitutional supremacy to one based on parliamentary supremacy with the executive. [*Desk thumping*]

So, what you cannot do with the Opposition, because you cannot meet and treat with the Opposition, you want to do it by yourself, so you are trying to enlarge—according to this judgment, this report—illegally, the parliamentary scope. You are trying to give Parliament enlarged powers which the framers and drafters of the Constitution did not contemplate. [*Desk thumping*] And, Madam Speaker, they go in detail, I recommend this for every Member of Parliament. For everybody who could read, I recommend this matter, this minority judgment.

But you know, Madam Speaker, I also want to quote from it, and there is a special piece, of course, in which the authors of this minority opinion, they are quoting extensively from former Chief Justice Michael de la Bastide, who was president of the Caribbean Court of Justice, and in delivering a keynote address at a symposium in 2009—I would not spell out all of that—the former Chief Justice builds a compelling argument for the retention of the parliamentary override by using special majority constitutional provisions and not proportionality. He says:

“The concept is used”—proportionality and so on—“to assist in determining whether a law that derogates from a constitutionally protected right or freedom is permissible...

...in the case of Trinidad and Tobago the fundamental rights and freedoms are stated in absolute terms and there is no provision which saves from invalidity...”

—and so on, and there two there dealing with existing law and emergency—I do not want to do that. He says:

“The pervasiveness which the proportionality test has achieved in our constitutional law prompts...two questions”—and this is interesting questions—“Parliament whether or not they have been passed by an enhanced

Indictable Offences Bill, 2017
[DR. MOONILAL]

Wednesday, March 15, 2017

majority, what added protection is given to an Act which is passed by a three-fifths majority and declares its inconsistency with sections 4 and 5 of the Constitution?"

So, what will you eventually use the special majority for? For what? If every argument you bring is proportionality, legitimate aims, rational method, the effect is proportionate. What eventually will happen to the special majority? It will be abolished effectively by practice, and no need for the protection of the Constitution as the framers developed it. And he continued:

“If the validity of every Act which infringes a fundamental right or freedom is to be determined by the same simple test of whether: (a) it has a legitimate objective and (b) it uses means to secure”—an end that—are proportionate.”

If that is to be done there, how do we reconcile the existence of two requirements for an impinging law to be valid as provided for in the Constitution of several OECS states in relation to which the burden of proof is different on different parties.

I raise these questions not because of any dissatisfaction with proportionality, of course, but out of a concern whether an imported test is supplanting rather than supplementing the text which had been expressly ordained by our written Constitution. [*Desk thumping*] And he goes on again to a discussion. One of the questions to be considered is whether the proportionality test is appropriate. Whether it is appropriate.

Madam Speaker, and in the minority opinion they continue to conclude that the position of de la Bastide was taken up by, of course, other justices and so on—I want to not stay on it. But, they also say in this minority opinion, this is the Chief Justice—Justice Ramadar—Jamadar, may well have been Ramadhar having read this. Madam Speaker, through a decision, they said, Surratt:

Though a decision of the Privy Council is not an absolute binding authority on this court in relation to whether the fundamental rights and freedoms of sections 4 and 5 may be limited by general legislation.

So, Madam Speaker, I raise this matter to tell the hon. Attorney General, to tell him, the Attorney General faced now with a dispute, if not a major controversy in interpretation, what do you do? A responsible Attorney General can take an Attorney General reference. What he can do is ask to Privy Council to clarify the matter.

Mr. Al-Rawi: How you did not do it?

Dr. R. Moonilal: Madam Speaker, the Attorney General is aware of a method that he can use to clarify the law. He can clarify the law given the dispute that has now arisen in the jurisprudence, given this major dispute that has arisen, and the minority opinion is almost crying for the Attorney General to act on this to clarify the law, before we lose our constitutional safeguards by a simple majority.

Hon. Member: What is the date of the judgment?

Dr. R. Moonilal: The date of the judgment is the 14th of February 2014. That came on the tail end of the last administration. By the time this is properly studied and so on, and to take action, it fell to you to take action. This is not 2010, this is 2014 [*Desk thumping*] Madam Speaker, and a responsible Attorney General would go to the court and say, please clarify this matter in the interest, in the interest of our constitutional rights and freedoms. What does he do? He decides, listen, I finally get a leeway. “Gouti see track to run, he finally sees a track to run, and say, ah going there, ah could do it”, and jury abolition, marriage Bill, anything that comes by, proportionate he cries, because he is taking advantage of a constitutional difference of opinion in interpretation, and this is not something that you can dismiss. I want to tell the Attorney General, you cannot dismiss something like this lightly. You know, the authors were at pains in the end to say, “Look, we are sorry to write so much but we had to, given the seriousness of this position.”

Madam Speaker, the Attorney General and the Government are hell-bent on this matter, of using that interpretation to pass simple majority legislation. They are hell-bent on it. They will be stopped. I understand now stronger voices in the national community are speaking out of these matters, whether it is the marriage Bill, it is the Jury Act, or it is the preliminary enquiry Act. Stronger voices outside, at least, are speaking on this matter.

But, Madam Speaker, the Attorney General must explain to this House—as I wind up—which country in the world adopted this system that he is now seeking to replicate, to give those judicial powers to a DPP? He must tell us whether he consulted the DPP? He must tell us whether the structure of the DPP’s office, their staff, their resources, et cetera, are prepared? Madam Speaker, let me remind you that there are serious issues concerning physical space of the DPP office. Serious issues. The Attorney General, in answering our questions as well, must tell us why at two points in the Bill there is no reference to a standard to be used where

Indictable Offences Bill, 2017
[DR. MOONILAL]

Wednesday, March 15, 2017

they cry blood when we were there about, must tell us as well what is the effect of clause 22? And I want to come to that just in the couple minutes.

The Member for Laventille West, who I thought it was unfair for the Government to ask him to speak. I thought it was unfair to him, really, that he was asked to speak on this matter. At clause 22, he read—he just read it because it was in his hand, somebody gave him a copy before, as they always give us. Madam Speaker, at clause 22—clause 22 is worse than section 34. [*Desk thumping*] It is worse. Madam Speaker, let me draw your attention—

Hon. Member: And he admit it.

Dr. R. Moonilal: And he admitted it. He admitted it, where the DPP does not prefer an indictment against an accused person—now, an accused person is a person charged, eh—within 12 months after the expiration of the period of clause 16—and you know 16 is quite interesting. Clause 16 is three months in the one case and another three months, that is six months, eh. So, six months of getting to the DPP, six months of getting to the defendant or the accused person, and so on; where six months go by and that is not effected in that time, the expiration, an accused person within 12 months of the clause 16, six months, you can go to a judge and be dismissed. And there is no provision here, this includes blood crime, murder, kidnapping, rape, [*Desk thumping*] every single crime in the world, the blood crimes, any criminal offence is included.

3.28 p.m.

So that is what I want to tell National Security, they will have blood in their hands when murderers walk free, [*Desk thumping*] because of either the action or the inaction of the DPP. So, you know, you cry blood when section 34 come, because essentially you said the former Government wanted to free their friends. “Dai de argument.”

You are saying now that another Government, which will be the same UNC, but you want to give the UNC this power as well, which you cry that we sought to take advantage of in the worst way possible. You want to give another Government the power by inaction to free murderers? And look at another matter, where somebody is charged under clause 14:

“Where...any charge has been brought against any person for an indictable offence, the police shall submit to the Director of Public Prosecutions—

(a) the complaint;”

—and so on. But you know there is no timeline for the police in submitting the information to the DPP in clause 14; no timeline is established. You go to clause 16, where there is a six months and then a 12 months after the six months.

Madam Speaker, there are people here in jail for years, for years and they cannot be brought to trial in the Assizes. Those people will walk free the moment you pass and proclaim this; it is worse. You will have murderers and killers and rapists walking free in this land if you seek to implement this and proclaim this as it is. [*Desk thumping*]

So, Madam Speaker, I ask the Attorney General to explain that. At least with us there was a Schedule and we said no blood crimes and so on. Right, you argued that we were not interested in them, we were interested in other people. Fine, but you are interested in everyone. You want everyone to get away using this clause 22 trigger which essentially if you read this, 12 months and six months, it is 18 months. You are free after 18 months. Stay in jail for 18 months and by action or inaction you are free and, Madam Speaker, where is the Schedule, where is the Schedule, where did you limit it? You know, he speaks so much when he is sitting but cannot explain properly.

I read the Attorney General's speech, Madam Speaker, last week I read—how much more minutes again? Madam Speaker, I read his presentation last week, there was not much I could have said about it because I did not think the Attorney General went into depth and explained the legislation properly. This is why I could not really rebut him.

Madam Speaker, with those few words I thank you. [*Desk thumping*]

The Minister of Health (Hon. Terrence Deyalsingh): Madam Speaker, thank you for the opportunity to contribute to this debate on:

“An Act to abolish preliminary enquiries and to provide for the pre-trial procedure in respect of indictable offences and for ancillary matters.”

Madam Speaker, before getting into the meat of the debate I think it is incumbent upon someone, I think the Attorney General did it, to just spell out to the public what we are dealing with here as far as offences are concerned. This Bill is to deal with indictable offences which as people have said are the more serious offences and not to deal with summary offences which are less serious—like road traffic violations, drunk driving and property damage.

Before I get in, Madam Speaker, I need to congratulate two people here. First of all, I want to congratulate the Attorney General on publishing for the first time

Indictable Offences Bill, 2017
[HON. T. DEYALSINGH]

Wednesday, March 15, 2017

in recent history a legislative agenda which will guide [*Desk thumping*] how this Government is going to operate in the Parliament and for bringing this as a wider suite of anti-crime legislation; and in particular, this Bill is designed to close the gap between charged and conviction which can only be beneficial to all of us here.

I also want to congratulate the Minister of National Security under whose guidance and coordination one of the biggest drug seizures in the history of this country took place recently—[*Desk thumping*]—US \$125 million or close to a TT \$1 billion. This has come at a time when our OPVs are brilliantly sailing the waters of Brazil and I wonder how much more drug interdictions we could have had for the past six years if we had not dismantled our anti-crime and anti-drug efforts. So I want to congratulate the Minister of National Security. [*Crosstalk*]

Madam Speaker, I want to deal with some of the objections and concerns raised by Members opposite. Members opposite are dealing and have dealt with the word, the “architecture” of this Bill and supporting structures. Let me remind our colleagues opposite that when they had their term in bringing a similar Bill what they were supposed to have done. They were supposed to have amended the Supreme Court of Judicature Act to bring in the masters. Do you know how many Masters they brought in and how many amendments they did to that Bill to bring in the masters—[*Interruption*]

Mr. Al-Rawi: Before proclamation.

Hon. T. Deyalsingh:—before proclamation?

Dr. Rowley: Zilch.

Hon. T. Deyalsingh: Zero. When you go to the Innovation for Lasting Prosperity and you go to their anti-crime measures, Strengthen Legal Framework, nothing. Judicial centres in Carlsen Field, Siparia, Orange Grove, Sangre Grande, which was supposed to support their Bill, do you know how many judicial centres were built?

Mrs. Persad-Bissessar SC: None.

Hon. T. Deyalsingh: None.

Mr. Al-Rawi: And they breached the tender procedures too.

Hon. T. Deyalsingh: Breached everything under the Central Tenders Board Act. But worse than that, a former Minister of Justice said that the contracts to build those centres were cooked up in a rum shop.

Dr. Rowley: And he right.

Hon. T. Deyalsingh: In a rum shop. That is how their architecture was and nothing happened. Strengthen Surveillance and Control of Borders, nothing. Increase Homicide Detection Rate, target 15 per cent in 2011/2012, not done; 20 per cent in 2012/2013, not done; 25 per cent in 2013/2014, not done—
[*Interruption*]

Mr. Lee: Madam Speaker, 48(1).

Madam Speaker: Member, continue.

Hon. T. Deyalsingh: And finally, increasing thereafter until you achieve an 80 per cent detection rate in 2015. We are talking about crime. The hon. Member talked about blood crimes, murders, that is what you could not achieve. And the same architecture you are complaining about, you had no way of doing any of this, absolutely none.

Madam Speaker, littered throughout the contributions from everyone opposite—littered, absolutely littered—were words about the Constitution, how we want to rewrite the Constitution, how we want to change the Constitution via the back door and they will give us no help in breaking the law, and how we want to ride over the Constitution. But what is their history in trying to rewrite the Constitution and to rewrite the Constitution not with a three-fifths majority, but do you know with what, Madam Speaker? A simple majority, to change fundamentally the way a Government is elected to Trinidad and Tobago. And I make special reference to the run-off Bill. Every speaker spoke about the Constitution and changing the Constitution.

Madam Speaker, they are accusing us of looking at the Constitution and trying to find ways of riding roughshod over the Constitution. But who was it that went to section 53(1) of the Constitution, which speaks about altering the Constitution, because every Member opposite spoke about altering the Constitution. Who was it that went to section 53(1), which speaks to altering the Constitution, to cherry-pick and to change the Constitution by going to section 73(1) which you want to tamper with, the first-past-the-post system? And you want to do that by simple majority. And here today the argument is three-fifths, three-fifths, three-fifths. But which Government was it that wanted to change the Constitution by a simple majority? Which Government was it?

Mrs. Persad-Bissessar SC: Yours, trying to do it now.

Hon. T. Deyalsingh: In your term you had protests in the streets and I want to quote, Madam Speaker, Constitutional Bill passed by Trinidad and Tobago. August 29, 2014. She said, meaning the Member for Siparia:

“...‘first time a Government has moved from promises to a concerted effort’ towards constitutional reform, saying that the promise to change the constitution”—which they are accusing us of—“the promise to change the constitution had been outlined in the manifesto...”

—and I will add my words now—they will do it by a simple majority.

I know my friend from St. Augustine is a decent man.

Mrs. Persad-Bissessar SC: Yes, he will speak next. [*Laughter*]

Hon. T. Deyalsingh: He is a decent man. But this will forever remain a stain on his reputation by being coerced by the UNC to do this. So who it is wants to change the Constitution?

Hon. Member: You.

Hon. T. Deyalsingh: We are not seeking to rewrite the Constitution with a simple majority. Not us, not us. And then we go on to the case of Surratt, ad nauseam about Surratt. But Surratt is still good law, and to go back to the Privy Council for what? It is good law. [*Crosstalk*] Exactly. And whose decision was that? And any Senior Counsel worth their salt will know this, whether self-appointed or given by somebody else. They will know that. But we have people with Silk peddling that type of thing in the Parliament.

What is happening, Madam Speaker, is that the Opposition is looking for any opportunity not to support, not to support. And this reminds me of the Caribbean Court of Justice, because any appeal still has to go to the Privy Council. I am just showing a pattern of behaviour of the Opposition: when they are in Government they have one view and when they are in Opposition they have a different view. It was our friends opposite who fought for and got the Caribbean Court of Justice to be our final Court of Appeal. And once an election is held and once they become in Opposition they have nothing to do with the CCJ.

Madam Speaker: Member for St. Joseph, I understand where you are going, but could you kindly now come back. [*Crosstalk*]

Dr. Rowley: He has reached.

Hon. T. Deyalsingh: So let us come back. Let us go to the *Hansard* of my good friend and colleague, the Member for Caroni Central, the hon. Bhoendradatt Tewarie, speaking on clause 38 of the Bill, restriction on publication, on pre-trial publicity. The same way, Caribbean Court of Justice, anything they will oppose. It is this same Government, admittedly by the Member for Caroni Central, that had that identical clause, the identical clause. And hear the excuse, they are now claiming in the *Hansard* it is a different world, it is a different world. Tell us, what has changed so dramatically from 2014 that did not need a special majority about freedom of the press to early 2017, two and a half years later, what has changed so dramatically that you would not support that particular clause? And he went on to say, not trust, your colleague said, it is a different world and it was possibly an error. That is his *Hansard*. Glibly said so. So what is it? What is it? Explain?

Dr. Tewarie: What is your point?

Hon. T. Deyalsingh: The point is, you supported it then, like the Caribbean Court of Justice and then when in Opposition, like the Caribbean Court of Justice, you do not support your own legislations. That is the point. Do as I say but not as I do. In Opposition you wanted freedom of the press [*Crosstalk*] muzzled.

Madam Speaker: Members, Members, I just would like to remind you all of the Standing Order as pertained to Members who are not speaking. Could we please respect the decorum of the House?

Hon. T. Deyalsingh: And that is the point I am making. They have one position in Government and another diametrically opposed position in Opposition. Opposition for the sake of opposing. But, what is with the suite of Bills we are bringing to deal with crime?—because it was said opposite that this Bill will not treat with crime. No one Bill will treat entirely with crime and that is why I started off by complimenting the Attorney General by bringing a legislative agenda with a suite of measures to deal with crime. But we need your support.

We brought the Bail (Amdt.) Bill, no support. We wanted to redo the way we appoint a Commissioner of Police, no support. I was part of a team in Opposition, led by the hon. Marlene Mc Donald, constituted by the then Leader of the Opposition, the hon. Dr. Keith Rowley and we sat with the then Government and we said we are willing to come to the Parliament any day, Saturday, Sunday, Monday, public holiday, have a five-minute debate, we will not beat you on anything, let us just have a truncated guillotine debate to do away with this method of appointing a Commissioner of Police, we will support you. That was

Indictable Offences Bill, 2017
[HON. T. DEYALSINGH]

Wednesday, March 15, 2017

the maturity we showed in Opposition. Nothing. FATCA, which is an anti-crime measure also, we got hesitant support. [*Crosstalk*] Four amendments. SSA, no support, and Caribbean Court of Justice no support. So we want to hear from the Opposition, what are your plans?

Madam Speaker, during this debate, again, Members opposite lamented that we are impinging on the separation of powers. I heard that over and over and over and over, ad nauseum. And to make sure you cannot call 46(1), it is on page 92 of the *Hansard* of my colleague, the Member for Caroni Central and other Members have raised the issue about separation of powers and trampling on the separation of powers. And claimed that we are assaulting—these are the actual words, that we are assaulting the doctrine of separation of powers. So let us deal with separation of powers. Let us deal with what separation of powers is.

We know it is Montesquieu who first coined the term and it is an ideal, but let us admit, and any constitutional lawyer will tell you in the Westminster system you have the weakest separation of powers. The three branches are Judiciary, Executive, Legislature. But under the Westminster model of government, unfortunately or fortunately, whichever way you want to see it, the Legislature which is where we are sitting in today has always been dominated by the Executive, because the Executive is drawn from the Legislature.

So that separation between the Executive and the Legislature has always been a weak one or a tenuous one. But we have always had a proper separation with the Judiciary. If you want to compare and contrast us with the US system, that has a purer separation of powers between Legislature, Executive and Judiciary. But what is galling to me, what is galling to me is that—well, let me tell you what is not galling to me. Let me say what I admire about this Attorney General. Let me put it in a different way.

Hon. Members: Awww!

Hon. T. Deyalsingh: This Attorney General understands what separation of power means. [*Crosstalk*]

Madam Speaker: Order! Order!

Hon. T. Deyalsingh: And this—

Madam Speaker: Continue Member for St. Joseph.

Hon. T. Deyalsingh: And this Attorney General does not create undue tension between the Executive, Legislature and the Judiciary. This Attorney

General will not launch a broadside on the Chief Justice. This Attorney General will not speak down to the Chief Justice.

Mrs. Persad-Bissessar SC: Point of order, 48(1), please.

Madam Speaker: Member for St. Joseph I have allowed you a bit of leeway but, please, remember the subject matter of the Bill.

Hon. T. Deyalsingh: Madam Speaker, I am grateful for the advice, but I am replying to the hon. Member for Caroni Central who referred ad nauseum to separation of powers and I am just saying that this Attorney General would not use parliamentary privilege to abuse the Chief Justice. That is all I am saying.

In this society the Chief Justice should be free and unfettered to voice his opinion.

Mr. Singh: We too. The parliamentarians too.

Madam Speaker: Member for Chaguanas West, as a senior Member—

Mr. Singh: My apologies. He tried to infringe on my rights here.

Hon. T. Deyalsingh: So I want to thank God and thank heavens that we have an Attorney General piloting this Bill who understands that all this to abolish preliminary enquiries has nothing to do with where others want to take us.

Madam Speaker, this Bill has 43 clauses split into Part I, Part II, Part III and Part IV. And the Attorney General has sought to bring a Bill to the Parliament to deal with the backlog of cases that are clogging up the court system. Why would you not support that, to free up time, and if you have this, one of the biggest cries of the public outside there is that criminals do not come to justice swiftly. And this is what the Attorney General is attempting to do here today, to bring criminals to justice swiftly. Why would you oppose that? Why would you oppose that?

And then, if you do that the going forward through the court system could be smoother and could be easier. What is more commendable than that? Why would you not support that? Why would you not support a reasonable measure to deal with all of these things? But your objections are not rooted in reality. Your objections are rooted in objections, and opposition again for the sake of opposition. It is in the DNA of the UNC to oppose for the sake of opposition.

So, Madam Speaker, we want to ask our colleagues opposite, when are we in this House going to get serious? When are we going to get serious about passing legislation to deal with crime? Why and when are we going to stop retreating?

Indictable Offences Bill, 2017
[HON. T. DEYALSINGH]

Wednesday, March 15, 2017

When are we going to stop having the UNC retreat into where you are comfortable? Adopt a nationalistic approach. The time is now for you, my colleagues opposite, to adopt a nationalistic approach to crime fighting. Join with us, do not oppose for the sake of opposition, it gets us nowhere.

So, Madam Speaker, as I close, as I said, I want to commend the Attorney General on this. It is a serious piece of legislation and we hope to get the support of our colleagues opposite. Madam Speaker, I thank you. [*Desk thumping*]

Mr. Prakash Ramadhar (*St. Augustine*): Thank you very much, Madam Speaker. It is always delightful to hear my learned friend the Member for St. Joseph who is also my Member of Parliament and I will try my best to contain myself from responding in the manner that he deserves to be responded to. It is simply that he has misunderstood in the most flagrant manner the issue of the Constitution. And I think it is incumbent upon me very early to debunk the arguments upon which he had embarked.

He has condemned the last administration for making an effort to change our Constitution. But he has so blinded himself, as he is wont to do, to reference the issue of the run-off and to suggest that we attempted to change the Constitution by a simple majority vote. Well guess what, the Constitution itself, permitted that. Section 73(1) is not, has not been one of entrenched rights under sections 4 and 5 of the Constitution. Therefore it does not require nor does it fall [*Desk thumping*] under any of the prohibitions that section 13—

Mr. Deyalsingh: It is called the spirit of the law.

Mr. P. Ramadhar: We could talk about the spirit, but we speak, first of all, about the letter of the law and indeed the spirit of the law. What the Government of day was attempting to do in relation to the run-off was to democratize and to flesh out really the spirit of the Constitution, to be rid of an evil that we had seen where there were minority Government after minority Government in this country as you are today. But you use your minority governance with the simple majority and attempt today to change Constitution, to change protected rights under sections 4 and 5. And that is why we will continue to stand firm on the belief that you cannot interfere with the fundamental rights of our nation with your simple majority. [*Desk thumping*]

Unfortunately, the Attorney General had indicated, sometime prior in another debate, that he took a tactical decision to change a constitutional majority law which he brought, and in midstream, by tactics, changed it before the eyes of this very nation and called it one that required a simple majority. [*Desk thumping*] That is not reckless, that is dangerous.

Mr. Indarsingh: Devious.

Mr. P. Ramadhar: I would not go to say, devious, because I want to give him the benefit of the doubt. But when he queried on a statement that he made subsequent, that he is tired of the Opposition and therefore he would be bringing legislation in a form and fashion that would not require the constitutional protection, he said he was misquoted. Well if he was misquoted then, I do not know what we quote here, because this as they say, the proof is in the pudding, but here the proof is in the Bill. He has brought what is absolutely, pellucidly clear, legislation that interferes with our fundamental rights and says all they require is a minority government's majority.

Mr. Al-Rawi: Well, challenge it.

Mr. P. Ramadhar: And you see, that is the danger. Challenge it. Rest assured as long as we have an Opposition in this country, as long as we have lawyers like the Leader of the Opposition, Ramesh Lawrence Maharaj, Larry Lalla, Ramdeen, Ramlogan, myself, we will challenge it. [*Desk thumping*] Because it is spurious and "insultive" to the will of the population to say that you know, you know full well Attorney General that it is wrong what you are doing, but somebody else has to take it somewhere to be challenged. We will challenge it here and we will challenge it there and we will challenge it on the streets and we will challenge it on election day too. [*Desk thumping*]

I want to tell you one thing, I am a nationalist, I love my country and I will say that every time I speak. But I want to tell you as friends as we may be, when you cross the line and you interfere with the foundations of this country's Constitution you are an enemy of the people. [*Desk thumping*] Attorney General and my friend, the Member for St. Joseph, it is important for us sometimes to read as you say. And I will not read most of it, but in this section 13 I will read all of it. I would not read the entire Constitution, but I would suggest that in your better moments you should reflect upon it. Section 13(1) of our Constitution says:

"An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 and, if any such Act does so declare, it shall have effect accordingly unless the Act is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.

- (2) An Act to which this section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House.

Indictable Offences Bill, 2017
[MR. RAMADHAR]

Wednesday, March 15, 2017

- (3) For the purposes of subsection (2) the number of members of the Senate shall, notwithstanding the appointment of temporary members in accordance with section 44, be deemed to be the number of members specified in section 40(1).”

4.00 p.m.

It is clear from section 13 that any infringement, any change of a constitutional right or any legislation that interferes, abrogates, must be in accordance with section 13(1). This is not about section 34 that they keep talking about. This is an attack on the democracy on section 13(1) of our Constitution. [*Desk thumping*] What you are doing, Attorney General, legislation after legislation, Bill after Bill, speech after speech, is to say 13(1) has no application, and you reference in your defence an authority from the Privy Council of Surratt. But, you know, Surratt, as our learned Chief Justice, as our Justice of Appeal Jamadar recognized in the authority of—it is Criminal Appeals Nos. 5 and 6 of 2010, *Milady: Barry Francis and Roger Hinds*, and in particular at paragraph 99, this is what they that had to say.

“However, in relation to the issue at hand, Baroness Hale dealt with it in one paragraph...and with no detailed consideration of the context, text, policy or precedent arguments, that may have suggested her approach was incorrect. In particular, we note that though Baroness Hale does cite Hinds, this is only in relation to the separation of powers argument and not in relation to the issue at hand. We also note that no reference whatsoever was made to Thornhill”—which is settled law. “And we note that though there is one reference to section 13...it is only in relation to the separation of powers discussion. In our opinion therefore.”—and Attorney General, I want you to underline this—“the decision of Suratt on this point is arguably ‘per incuriam’.”

They go on:

“Second, in our opinion there are now in existence two different approaches taken by the Privy Council on this issue, that of Hinds/Thornhill and of Surratt/Omar Maraj; the latter taken apparently without reference to the earlier decisions on this point. In such a situation, this five member panel of the Court of Appeal is free to choose...between these two approaches.”

That is why the Member for Oropouche East said it would be reckless to proceed. And when you are taking the approach that you get a leeway, as they say “gouti cut track and you running on it”, you are running us into a dictatorship, Sir. [*Desk*

thumping] I do not believe, having regard to your history, that you really intend that, and you may possibly, honestly believe in your passion that you are doing the right thing because of the upsurge in crime and the ability, possibly, to help with it, that you will take what is expedient, but at the altar lays the blood of our Constitution. [*Desk thumping*]

Because the Constitution, if I am to be permitted, is there as a bedrock for how we conduct ourselves, the architecture of governance, how we respect the rights of each and every citizen, how we do things, how we make law, how we affect the rights, privileges and duties and obligations in the society. But it is there, not to be played with and interfered with as a matter of expediency, because then there is no foundation.

The great American Constitution was built, and even today over 200 years after, reference is made to the letter and spirit of their Constitution. And in difficult times there have been breaches of their Constitution, yes, but they always resort to the Constitution for guidance. What you are doing in this very young democracy by this track that you have found, is to say that any government—and this is the point, whether you have in your heart the best will and intention for the people of Trinidad and Tobago is irrelevant. It must be matched then with that which is sustainable into future governments. Because if this track is run many times over, like many of the tracks in the countryside, over a period of time it is paved off, it becomes a highway, and that is the only route we shall use. So that which is expedient becomes the norm.

And then, are we to hear one day, because of your tactical approach—you are already trying to interfere with the jury in a very smart way to say that you are giving a right to give a choice, but you are interfering with the right to jury trial, notwithstanding. Am I to hear you say one day, Attorney General, because of the track that you continue to trod, that we shall remove all jury trials? Are we to hear one day that you will remove the Privy Council by a simple majority vote because you have become so accustomed with this? [*Desk thumping*]

Mr. Indarsingh: That is the plan.

Dr. Gopeesingh: Dangerous.

Mr. P. Ramadhar: We are hearing now that you want to take away the right of the citizens—in some cases, yes—to be part of the judicial process, so that you will be judged by a single judge—

Hon. Member: Who is removed from society.

Mr. P. Ramadhar:—who, apart from all of those issues we have seen, where judicial officers have been in the control of the PNM in the past. A Chief Magistrate was in the clear control and they jailed a former Prime Minister. [*Desk thumping*] That may sound almost historical and almost unbelievable, but, look, I am going to stand here and repeat this thing.

Mr. Indarsingh: Repeat it. Repeat it.

Mr. P. Ramadhar: There was, sometime ago, a Prime Minister called Basdeo Panday, and in his term there was a nurturing from below, of mischief, of smoke being raised and suspicions being given into the wider community, of corruption. And they took this man, a former Prime Minister, and they charged him and put him before a court to be tried for non-disclosure—one of only two prosecutions in this country for non-disclosure. Finbar Gangar and Basdeo Panday—

Mr. Indarsingh: Finbar Gangar won his case.

Mr. P. Ramadhar: Yeah, I was in that too.

Mrs. Persad-Bissessar SC: Twelve years after that.

Mr. Indarsingh: Twelve years after.

Mr. P. Ramadhar: Eh? No evidence against the man. And you know, maybe some of the evidence should have come out in Finbar's case because the account they were talking about, the sum was so small it was not even worthy of a prosecution, but he was—

Madam Speaker: Member for St. Augustine, please come back to the Bill. Please.

Mr. P. Ramadhar: I am. I am making the point of the interference in the Judiciary by the PNM. [*Desk thumping*]

Mr. Indarsingh: That is the point. “Dey doh like tuh hear dat.”

Mr. P. Ramadhar: Interference in the prosecutorial process with a DPP, [*Desk thumping*] doing under the Constitution the work and the will of the PNM. [*Desk thumping*]

Mr. Indarsingh: “Dat is what all yuh doh like tuh hear.”

Mr. P. Ramadhar: It was proven that the Chief Magistrate—hear this. The Chief Magistrate of this nation—God rest his soul—was under the control of the treasurer of the PNM. [*Desk thumping*]

Hon. Members: Ooohhh!

Mr. P. Ramadhar: Not only that, but a sitting Attorney General of the day was in collusion—

Mr. Indarsingh: He might say wire up too.

Mr. P. Ramadhar:—and in part responsible for the prosecution of a former—

Dr. Gopeesingh: Chief Justice.

Mr. P. Ramadhar: Hold on. We “eh done yet”—of a former Prime Minister who went to jail, and because, as they say, the truth cannot be hidden for long—it may be hidden for some time—it came out, and as a result of that glimmer of truth, then it was unearthed, all the machinations behind the scenes. So we go to court: “Yes, My Lord; Yes, Your Worship”, but in the heart of men we do not know what resides. And that is the danger of this Attorney General’s approach to belief, [*Desk thumping*] that because you cloak yourself and you put on the costume of dignity and propriety, that we are at that. We are not. We are far from that, and that is why we must strengthen our institutions. [*Desk thumping*] So here we are, they want to take the jury out so the conscience of the nation is removed.

Madam Speaker: Member—

Mr. P. Ramadhar: Thank you very much. I appreciate it.

Madam Speaker: It is almost anticipation. Please come back to the Bill that is before us.

Mr. P. Ramadhar: Yes. And that is why, if one takes a view of only a—what shall we say—a snapshot, we will never see the movie that is being played before us. [*Desk thumping*] It is not a comedy. It is not a comedy that is being played out in the wider community. The script that has been written, that is being played before our very eyes is one of a tragedy for the future of this nation. [*Desk thumping*] Because when we remove ourselves from the limits of section 13(1), when we take ourselves away from 13(1), then with the barest of majorities—21 seats in this country—you could change any law—

Mr. Indarsingh: With a minority.

Mr. P. Ramadhar:—with a minority of votes. And that is why, you see this? You see this reference here, numbers 5 and 6? And I thank Mr. Larry Lalla who brought it to my attention. In it they spoke of the history of the development of

Indictable Offences Bill, 2017
[MR. RAMADHAR]

Wednesday, March 15, 2017

our Constitution. Why it is a diverse nation as this has been so successful for so long it is because there has been efforts, yes, to discriminate against some, but the Constitution has pulled us back and the courts, and thank God for the Privy Council, have allowed us to ensure that the community and the society is successful [*Desk thumping*] because our rights are protected. But when we have this pragmatism, this transactional approach to constitutional change—

Mr. Singh: Nice phrase.

Mr. P. Ramadhar: Yes, I got that from you, Member. Thank you for it—this transactional approach to constitutional change, then no one is safe, not even the makers and those who create the monster. They are creating a monster here that can be used against each and every one of you. All of us. And we are making it not just for today but for the future. Because, you see, there is a misconception in the ruling in *Surratt*, with all due respect to Baroness Hale, and what their Lordships, the Chief Justice and Jamadar have hinted at, if not more than hint, is that the test that she has used for proportionality and reasonableness comes after section 13(3) requirements have been obtained. Because if I may read it again to you, Madam Speaker:

“An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 and, if any such Act does so declare, it shall have effect accordingly unless”—this is the point—“the Act is shown not to be reasonably justifiable in a society that has proper respect for the rights and freedoms of the individual.”

What that means, even if you have the manner and form requirements of your three-fifths—Leader of the Opposition, you will teach us on these matters. If you have the three-fifths majority, the court can still rule that it is not reasonably justified in our society, and then, with all due respect, you apply the proportionality test not before or as a substitute of the three-fifths majority. [*Desk thumping*] It is as clear as daylight to me and to many others, but you found it convenient to run with a *per incuriam* decision to the destruction of our Constitution.

Look, there is much more that must be said and will be said, whether in this Chamber or out of it. You condemn, Member for St. Joseph, the efforts—the noblest of efforts—of the former government to change our Constitution. But had you not riled up the troops, had you not invigorated the noisemakers, had you not presented outside of this Parliament mob-like conduct to destroy a very powerful

effort to strengthen the Constitution in the democracy, today this country would have had fixed election dates. Today this country would have had no more than two consecutive terms for any Prime Minister.

Madam Speaker: Member, please come back to the matter before us. I have allowed you a significant amount of leeway. Please come back to the matter.

Mr. P. Ramadhar: I was just responding to what my friend had said when he demonized the efforts of the last administration for constitutional reform. This country would have had the right of recall and therefore you would have been recalled by now. [*Desk thumping*] So run down that road.

But let me tell you now—I do not have much time because this debate requires more than just perusal of the Act before us, and we have dealt in a large part with the constitutionality of the requirement to deal with it. And there is a level of hypocrisy because in prior debates, with the same issues, you had insisted that we are taking away rights—both the Member for Diego Martin North/East and also the learned Attorney General in prior arguments, that we are taking away rights and therefore there was a requirement for constitutional majority.

But what are we doing with this Bill here? What this Bill is attempting to do is to remove what had become settled practice, and not every right that we have must be written. There are rights that accrue to us by the passage of time and by settled practice, one of which—and it is important to know what we are giving up and what we had supported in our time in government to enhance the ability for the Judiciary to deal with matters so that those who are charged are quickly prosecuted and the guilty convicted and the innocent quickly go free.

You know what we were willing to give up as a balance? The right to cross-examine. And that is, with all due respect, the greatest arsenal for anyone before a court, the ability to meet your accuser, to cross-examine them, test their evidence, and if there is evidence sufficient at a preliminary enquiry in the old day, a prima facie case is made out after you cross-examine even, then you are committed to stand trial.

But we were willing to say, you know what, really, as the Member for Laventille West who I am not really wont to repeat, but he said: “Try something new in Trinidad”, or something like that. Well, we were willing to make efforts to improve the entire process and we brought legislation similar. But devastatingly, this one is different, because the 2014 effort allowed for a judicial officer, that is the magistrate, to still have oversight of the evidence that would be produced.

Indictable Offences Bill, 2017
[MR. RAMADHAR]

Wednesday, March 15, 2017

So that the magistrate can look at the witness statements and you were entitled to make submissions, at the end of which, if the magistrate felt that the case has still been made out, you are committed very quickly. But by removing the cross-examination which, to tell you the honest truth, the old style committals, where a witness has to go in the box, each and every one of them, to give oral evidence, which is taken in long-hand—at the end of their evidence-in-chief, if they are cross-examined, even, it has to be read back to them for them to say it is true and correct. They sign off on it. It is a terrible burden in terms of time.

But the new form that we had in 2014, be rid of that. But let me just say what we gave up, because we have heard reference to Naraynsingh—I was in that case. You know what happened in that? And this noble office of the DPP, one day a piece of information came on the desk of one of my juniors in the matter. It was not formal disclosure on the case, you know, but somebody had a conscience in that office and they had it with them and they never gave it to us as part of the disclosure. And from that, we were able to unravel that case, that piece of informal disclosure that turned out to be real.

So I have very little hope and respect for all who occupy office. But in that case, in particular, a world renowned surgeon, one of the finest surgeons this country has ever produced, the lives so countless he has saved, the charity works that he had been involved in, and his wife who is nothing short of an angel on this earth, were charged for murder, and the DPP had to use witnesses who were, in fact, guilty of murder, but years after came up with this contrived story—because it was contrived—and under cross-examination we were able, in the preliminary enquiry, to tie down that witness to the time frame which he claimed the arrangement was made for the murder of Dr. Naraynsingh’s wife. Really, when we checked—and only because we were able to get it in cross-examination—not from any statements, it turned out that he was out of this country, in Jamaica at the time when he was supposed to be planning murder.

So that is an incredibly important right. In Dhanraj Singh—and I have spoken about this in other debates—the witnesses’ evidence after cross-examination turned out to be laughable and they laughed it out of the court. My dear friend, Tim Gopeesingh, a man who delivered countless beautiful babies into this world from his hands, they put those hands in handcuffs and paraded him through the streets.

Dr. Gopeesingh: “Ah” wanted to sue them.

Mr. P. Ramadhar: At the end, or during the preliminary enquiry—thank God for lawyers—it came to the shock of everyone that the offences for which he had been charged were not known to the law.

Hon. Member: And they appealed.

Mr. P. Ramadhar: Yeah, they appealed that. It does not end there. If you think it is only this side “does get pressure”, Frankie Khan, and the revered named Eric Williams, were charged and prosecuted, and thank goodness, again, through cross-examination, their cases fell at the Magistrates’ Court.

So it is a lot that is being given up to try and expedite this thing called trial process. So if you are going to do it, let us do this thing right. You know, we have given up the right to cross-examination, but you know what this administration has done? They want to take away the right, even to access to the judicial officer who will be a filter on the prosecutorial process. [*Desk thumping*]

The Member for Oropouche East, very quickly, but I think we should just go back to it a little bit because the substance of this Act is unworkable; it is fraught with dangers and I warn the Attorney General now that you may have a situation, as you have warned us, or you have tempted us to challenge this in court. What if you really proceed with this thing and many persons who are charged with murder, rape, robbery, kidnapping fall under the remit of this new law, this panacea for excellence, and after their committal and after their trial it turns out that a court somewhere finds that the entire process was illegal and unconstitutional and strikes it down? It means that all those trials have gone. And under the old common law of double jeopardy, you cannot retry them. [*Desk thumping*]

So you are opening a doorway for the release of—you are talking about people who get bail? You are talking about the opening of the jails for persons who belong there, not because they were not convicted, you know, but because the process of conviction was wrong, illegal and unconstitutional and will be struck down. That is the real danger we are dealing with. So, Attorney General, I hope you are listening because, you know, whenever I speak, I do not speak that which I do not believe. I could be wrong, but I will always give you an honest opinion.

But let us revert in some of the actual, practical impossibilities of this thing that you say will speed up the trial process. Under clause 14, you say that:

“Wherever any charge has been brought against any person for an indictable offence, the police shall submit to the Director of Public Prosecutions—”

Indictable Offences Bill, 2017
[MR. RAMADHAR]

Wednesday, March 15, 2017

And they give you a list, a compendium of what is required for them to fast forward. Do you know one of the biggest delays in the court today, Member for San Fernando East? The biggest delay we have on any one charged with an indictable offence, particularly in murder, is month, after month, after month will pass by and you will be met, as you proceed to court, that, oh, they have not yet submitted the file.

So when is it that the police are required under law to submit their file? Lay the charge and hold back your file. Say, they are still investigating some other things, some loose ends to tie up. Because the DPP, before they charge for murder, as one example, has sight of it—that is the file—to make a determination whether to charge. So you always ask yourself: if it is that the DPP had sight of it, he must have held it, read it—

Madam Speaker: Hon. Member for St. Augustine, your original 30 minutes have expired. You are entitled to 15 more minutes. Are you—

Mr. P. Ramadhar: I am most grateful. Thank you. As I said, I do require far more time but I am most grateful to you, Milady.

There is now nothing here that gives a time frame for the police to submit their file. So when it is that you hear about section 15, where there is a time frame that the DPP must pass over statements and whatever to the accused person, and then the accused person has three months from which to provide whatever material he may, when does that time really begin to run? And these are matters that will be subject to test, subject to litigation in the courts as we proceed. Because if you are giving a time frame on the one end but no time frame on the other, then it is open-ended and therefore your time frames become nugatory, wasteful, foolish, deceitful.

And what then, as you pass up these statements—because there is an open-ended thing in this that the DPP has all of the authority because the Magistrates' Court is now—what shall I say—relegated to nothing more than a secretarial service, to collect statements and say, “Heh, accused. Take that.” The accused may then choose, if he wishes—and that is something we need to explore, whether he has to give a statement—has to, or chooses to, or to produce evidence on his behalf. The court has no interplay at all with the quality of evidence. So that you will have a situation where the most basic of statements may be given that does not fall to any standard of *prima facie*, believable. It could be totally ridiculous. I am just giving you the extreme. But there is no option of the accused to challenge that under this new law unless he takes judicial review, and the very

purpose my friend has brought this legislation is to be rid—and I am sure, and I am going to ask him this question: is it that you are afraid of persons having access to the courts and therefore judicially reviewing some of the actions of magistrates in committal proceedings?

Is it that you really do not want people to have access to the courts to test the quality of evidence that is produced before them? Because, as it is now, it is an elevator from zero to 100 from the Magistrates' Court to your trial court. At that point, you will then get to examine your evidence at your trial before jury and if you have your way, before a single judge. And therefore your cross-examination will not have the benefit of mature reflection beforehand so that you are able then to understand what are the issues, because things come at you in such a fury in a trial, especially for the first time, seeing or hearing a witness, that you may have to ask for adjournments in the High Court to explore certain things. Because under cross-examination, matters may arise that were not on your statements.

Would that not further delay the system? Attorney General, you know, when I came in as Member of Parliament for St. Augustine, one of the biggest problems we had was flooding, and many of our colleagues, especially in central and in deep south, had similar problems, and we realized, look, money is spent year after year trying to fix this thing called drainage. But, you know what they would do? They would start cleaning the drain from on top, on the mountains and come downwards. All they do is that they move the flood closer and closer to where the people live.

We took a decision—Member for Chaguanas West—why do we not start cleaning from the river mouth come back up, and create the flow? And that is what, as a practical approach, as a matter of natural progression. You are dumping all of the cases before the High Court before a judge and jury. Well, I will tell you with great pain, since I left ministerial office I went back to my work. Madam Speaker, in 18 months, where two babies could have been born, I have been able to do one trial in the Assizes, not because we did not want to do them, but because we said, listen, we will respect the court and make sure we are ready and available to do cases. Book nothing else. Come to court, there is a matter in progress. Cases that I left in 2010 and before then, that would have taken two weeks, is taking three and four months now.

There is a new process where everything is put in writing and trials within trials that have so expanded the process, it is doomed to failure. So unless we fix that end first, all you are doing is putting the clog down there. [*Desk thumping*] Then you are going to blame the judges. You are going to blame the jury, as you

Indictable Offences Bill, 2017
[MR. RAMADHAR]

Wednesday, March 15, 2017

have already started to blame jury. But the reality is not that the juries delay anything, you know. There is much more, and I do not want to corrupt what I am about to say with other things unless we deal with that in a frontal debate. But the jury is taking—the whipping boy is always the small man in this country. [*Desk thumping*]

So that we need to fix the capacity of the High Court for all these trials. We also need to fix, first of all, the investigative arm. I am delighted beyond compare to hear that the Attorney General, having harvested the People's Partnership efforts—and I am not saying this boastfully, this is something we were fighting for, for long—that he is bringing it now, the plea bargaining. That could dramatically help in terms of the workload in the courts. For those who are serving time on other matters, they will find it extremely convenient to plead to matters that are outstanding. And for those who wish to cooperate with the police to destabilize criminal activity, to give evidence and information in relation to other crimes, I am sure with the new plea bargaining, as we had envisaged, they can use that as a crime-fighting tool.

So that is one aspect of things. But in relation to the small man and the Magistrates' Court and everything else, I am hearing very little about the video conferencing courts that we had been promised to have been delivered in June of 2015, and then as the election date announced or whatever, you heard that it went to after that date. I am hearing very little about many of the other efforts we had made in relation to the capacity—

Madam Speaker: Members, it is 4.30 p.m. We will take the suspension now. Member for St. Augustine, you have eight minutes left when we resume. We resume at five o'clock.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Madam Speaker: Member for St. Augustine.

Mr. P. Ramadhar: Thank you very much, Madam Speaker. In the very few treasured minutes that I have, I think it would be remiss if I did not add my voice to the condemnation of clause 22, and I do not know if it was a sense of humour they were so numbered at subclause (2):

“Where the Director of Public Prosecutions does not prefer an indictment against an accused person within twelve months”—we—“may apply”—and be discharged.

Now this is a very, very dangerous clause taken in the context of the foundational Bill, because where you have, as I began in relation to the police duty to pass over the file, where does the time begin to run? There will be many different interpretations of that, and therefore, the one-year prescription here could lead to applications being made, and I am not sure, and maybe I would hear from the Attorney General, if there is a right of an appeal from that decision in clause 22.

Moving along as quickly as I can, Madam Speaker, we then look at clause 23, and this has been troubling to many and it troubles me a bit although it has shown itself in prior legislation in this country. In 2005, it was passed with a simple majority against the very, very strong resistance of the Opposition of the day. And when I looked at the *Hansard* record of the member who is now Justice Lucky, and member Subhas Panday, I think it will be well worth reading what they had to say on the matter in terms of the misinformed constitutional construct where Grant, the authority from Jamaica, was misinterpreted in the worst possible way; where the Jamaica Constitution is quite different from ours, settled stated rights in Trinidad and the interpretation and support taken from that by the then Attorney General was misguided to say the very least because this thing about a voluntary Bill of indictment really is going into the very heart of the separation of powers.

As we all know, we have the Legislature, the Executive and the Judiciary. The DPP finds himself as part of the Executive, but he is now being given the authority, taking it away from the historical right of the Judiciary, to interpret evidence and determine whether a person should face their trial or not. And this thing about voluntary Bill, I mean the wording alone if we should examine it, it says:

“The Director of Public Prosecutions may prefer an indictment whether or not a complaint has been filed in the following instances:

(a) where...an inquest...”

We could appreciate that because in an inquest you have a judicial officer sitting as coroner, hearing the evidence and may decide that a charge has been made out. So there is judicial involvement there, but this one:

“(b) where a person is charged with an offence involving serious...”

I do not know what a serious fraud is. Whose interpretation is that? Is that in every case, or the DPP could take any particular case he wishes out of the jurisdiction, out of any protection? We may have to see statements up front and

Indictable Offences Bill, 2017
[MR. RAMADHAR]

Wednesday, March 15, 2017

take it to a trial because there is no process here that you will even see the evidence until you get to your trial. Then you see the other aspect which one may very well agree with to some level until you appreciate what it really is.

“(c) in respect of offences of a violent or sexual nature and where there is a child witness, or an adult witness who has been assessed as one subject to threats, intimidation or elimination.”

Now, if it is that we have this new process, then a lot of those mischiefs will be taken care of because that contemplates in the old day where witnesses are intimidated or whatever, the length of time it takes from the laying of the charge, the actual trial is so long, but here we are contemplating 18 months on the outside.

So many of these issues, I do not see it as necessary again having regard to the context of the Bill itself, the speed, the rapidity with which you can get a person before the trial. But to give that DPP that singular power to take you from your home one day by a warrant because the indictment, I do not know how it would work. He files an indictment, who goes for the warrant? Are you brought to the Magistrates’ Court; are you granted bail or not? I really do not know and I think we need to have some light shed on this issue because for the many years—it will 30 years this year I am practicing at the bar—I know of no case before me, and since my time at practice, where a voluntary indictment has been filed because there is no machinery as I am aware that facilitates it.

So to put it there is nothing more than just, what shall I say, decoration to give the idea, an interpretation, that this really changes the way things are done. What it does, it opens the avenues for attack and possibly demolition of the entire Bill if it should be passed. They indicate it is a simple majority. They do not need our support. They do not need anybody’s support and they can pass it, but then what happens next. What is the consequence of this thing if it should be found? And I will say here with confidence, but not with happiness, that if this should become law it will be struck down [*Desk thumping*] and those who would have gone through the process may very well be set free because of the anxieties of the Attorney General and the PNM Government, as we stand here today, attempting to appear to do things when in fact it is nothing more than gallerying to the public. I say that with all due respect, “meh” friends, because the 2014 law is far superior that we passed. [*Desk thumping*] Far, far superior because in that there is the protection of the judicial oversight, and therefore, far less subject to being struck down. But because they want to say blame the last Government for everything under the sun and under the earth that is unholy, not to go with that, when it is far better and we should, I ask them to please revisit their approach to this thing.

I had already spoken about this removal of the constitutional protection and I will revert, with your leave, to read again paragraph 147 of the descending judgments of the Chief Justice and Justice Appeal Jamadhar where they said, and this is very important:

“We are satisfied that this was not the intention of those who enacted the 1962 or 1976 Constitutions, as we have painstakingly attempted to demonstrate, using context, text, policy and precedent. In our opinion, the intention of Parliament in enacting the Constitution as the supreme law and in creating a Constitutional democracy in Trinidad and Tobago, was not to permissively allow for the limitation of rights, but rather to curtail Parliament’s future capacity to restrict or limit the declared sections 4 and 5 rights and freedoms. This as we have demonstrated, was achieved by the use of clear and concrete provisions that permitted Parliamentary restriction of the rights in only certain specified ways. The intention was, inter alia, to protect the rights from interference by simple majorities (except in the case of public emergencies or existing law), and this arrangement was the outcome of debate, discourse and negotiated agreement, arrived at in the unique historical and socio-political”—

Madam Speaker: Member for St. Augustine, your speaking time has expired.

Mr. P. Ramadhar: Well, could I just be 10 seconds, please, to say this, that I will not allow history, Madam Speaker, to register my vote in support of this law. They can bring it as a majority legislation and I will support it, but I will not in its present form. [*Desk thumping*] Thank you very you much.

ARRANGEMENT OF BUSINESS

The Minister of Health (Hon. Terrence Deyalsingh): Madam Speaker, in accordance with Standing Order 50(3), I beg to move that debate on the Indictable Offences (Pre-Trial Procedure) Bill, 2017, be adjourned.

Mr. Lee: Madam Speaker, on a—[*Interruption*]

Madam Speaker: Member for Pointe-a-Pierre.

Mr. Lee: I rise on a point of order, 50(3), infringing on the minority rights of the Opposition. We are prepared for this debate, Madam Speaker. We have Members who are prepared to speak and we are a little bit taken aback by what is happening here.

Hon. T. Deyalsingh: Madam Speaker, we had discussed this. [*Crosstalk*] I discussed this with the Member for Pointe-a-Pierre before the start of the sitting and behind the Chair.

Madam Speaker: Hon. Members, in accordance with Standing Order 50(3), I rule that this is not an abuse of either the rules of the House, or is it an infringement of the rights of the minority. The debate is just being adjourned.

Mrs. Persad-Bissessar SC: Well then, put the question, Madam. Put the question.

Madam Speaker: I have just ruled and then, of course, the next thing would be to put the question.

Mrs. Persad-Bissessar SC: Thank you very much, Madam Speaker.

Madam Speaker: Okay. Thank you.

Hon. Members, the question is that the debate on a Bill, the Indictable Offences (Pre—[*Interruption*]

Hon. T. Deyalsingh: Madam Speaker, may I ask that the House be suspended for 10 minutes, please?

Mrs. Persad-Bissessar SC: Why? No! [*Crosstalk*] Put the vote to the House. Let us vote on it. You have a Motion before House you want a next one. [*Interruption*]

Madam Speaker: Member?

Mrs. Persad-Bissessar SC: Sorry, Madam. Running this House like a parlour.

Madam Speaker: Member?

Mrs. Persad-Bissessar SC: Sorry, Madam.

Madam Speaker: Member for St. Joseph, I was already in the process of putting the question.

Hon. Members, the question is that the debate on the Indictable Offences (Pre-Trial Procedure) Bill, 2017, be adjourned.

Question put.

Mrs. Persad-Bissessar SC: Division.

Members: Division.

The House divided: Ayes 16 Noes 16

AYES

Deyalsingh, Hon. T.

Rowley, Hon. Dr. K.
Imbert, Hon. C.
Hinds, Hon. F.
Mitchell, Hon. R.
Crichlow-Cockburn, Hon. C.
Garcia, Hon. A.
Forde, E.
Dillon, Hon. Maj. Gen. E.
Gadsby-Dolly, Hon. Dr. N.
Cuffie, Hon. M.
Smith, Hon. D.
Francis, Hon. Dr. L.
Jennings-Smith, Mrs. G.
Antoine, Hon. Brig. Gen. A.
Al-Rawi, Hon. F.
NOES
Lee, D.
Persad-Bissessar SC, Mrs. K.
Charles, R.
Rambachan, Dr. S.
Karim, F.
Tewarie, Dr. B.
Moonilal, Dr. R.
Newallo-Hosein, Mrs. C.
Gopeesingh, Dr. T.
Gayadeen-Gopeesingh, Mrs. V.
Indarsingh, R.

Ramadhar, P.

Khan, Dr. F.

Bodoe, Dr. L.

Paray, R.

Ramdial, Miss R.

Madam Speaker: So there is a tie, and therefore, as Speaker, I now do my casting vote. I have to vote in favour of the status quo. We have done this before, and therefore, I vote, yes. Yes.

The Minister of Finance. [*Interruption*]

Mrs. Persad-Bissessar SC: They suspend the debate. They adjourned the debate on the—[*Interruption*]

Madam Speaker: Yes, I have voted, yes. [*Desk thumping*]

**INTERNATIONAL FINANCIAL ORGANISATIONS
(CORPORACIÓN ANDINA DE FOMENTO) BILL, 2017**

Order for second reading read.

The Minister of Finance and the Acting Minister of Energy and Energy Industries (Hon. Colm Imbert): Madam Speaker, I beg to move:

That a Bill to provide for the membership of Trinidad and Tobago in the Corporación Andina de Fomento (also known as “the Andean Development Corporation”) and for the raising of loans from the Corporación Andina de Fomento (Andean Development Corporation) by the Government of Trinidad and Tobago for the purposes of financing development projects in Trinidad and Tobago and for matters incidental thereto, be now read a second time.

Madam Speaker, the International Financial Organisations (Corporación Andina de Fomento) Bill, 2017, that is before you this afternoon, provides for the membership of Trinidad and Tobago in the Corporación Andina de Fomento, also known as the Andean Development Corporation. For ease of reference, I will refer to the Corporación Andina de Fomento by its acronym, CAF throughout the remainder of my presentation.

The Bill before us also provides for, among other things, the raising of loans from the CAF by Trinidad and Tobago for the purposes of financing development projects in this country. Before I speak on CAF, I think it is useful to share some

information on the involvement of Trinidad and Tobago with international financial institutions which dates back to the 1960s. In this regard, this country has, since about 1963, been a member of the International Monetary Fund, the International Bank for Reconstruction and Development (IBRD), the International Finance Corporation (IFC) and the International Development Association (IDA).

The agreements that ratified Trinidad and Tobago as members of those financial organizations were brought into our laws by the International Financial Organisations Act, Chap. 70:01. The agreements are attached to that Act as Schedules one through four. The International Financial Organisations Act, in addition to empowering the Minister of Finance to enter into the agreements, also provides that all payments required to be made from time to time, pursuant to the membership resolutions of those agreements, are to be paid out of the Consolidated Fund. Certain provisions of the Articles of those agreements are also given the force of law through the operation of that Act.

In 1967, the International Financial Organisations (Inter-American Development Bank) Act, Chap. 70:02, also brought the agreement by which Trinidad and Tobago became a member of the Inter-American Development Bank and brought that membership into our domestic laws. Through that Act, certain sections of the agreement establishing the Inter-American Development Bank, also known as the IDB, namely sections two to nine inclusive of Article 11 of the agreement associated with that bank, have been given the force of law in Trinidad and Tobago. That Act, the Financial Organisations IDB Act also empowers the Minister of Finance to issue, or cause to be issued to the IDB, the necessary subscription to the bank's capital.

As with most organizations of this nature, Madam Speaker, the membership is contributory in nature. That IDB Act also provides for the incorporation into law of any amendments to the agreement. On a regional level, the membership of Trinidad and Tobago in the Caribbean Development Bank was recognized in 1969 by way of passage of the Caribbean Development Bank Act, Chap. 79:05. So if I can just digress slightly, we had membership of the IMF, and the International Bank for Reconstruction and Development, and the International Finance Corporation and so on, 1963; membership of the Inter-American Development Bank in 1967, and then membership of the Caribbean Development Bank in 1969 by way of passage of Caribbean Development Bank Act, Chap. 79:05.

The CDB Act authorizes the Minister to accept the bank agreement on behalf of Trinidad and Tobago and specifies that all sums required to be paid by the

Government for the purpose of meeting the obligations of Trinidad and Tobago under the agreement is to be a charge on the Consolidated Fund. Additionally, the CDB Act empowers the Minister to raise loans for the purpose of the bank agreement and indicates that certain provisions of the agreement have the force of law in Trinidad and Tobago, which is similar to the other two bits of legislation dealing with other multilateral institutions.

With respect to accessing loans from Multilateral Development Banks, the National Development (Inter-American Development Bank) Loans Act, which was enacted in 1967, makes provision for the Government of Trinidad and Tobago to borrow, or guaranteed the borrowing of, from the banks resources, or from funds administered by the bank, such sums as may be required for the purpose of financing, or promoting economic and social development in Trinidad and Tobago. By that Act, IDB Act, the Minister of Finance is empower to issue such instruments including bonds on such terms and conditions as may be necessary for the purpose of any loan, or guarantee agreement.

It is apparent, Madam Speaker, that these pieces of legislation are all similar in scope. They provide a legislative platform for the validation and operation of agreements between Trinidad and Tobago and various Multilateral Development Banks, or also known as MDBs. This in turn allows Trinidad and Tobago to access financial benefits including loans, grants and technical assistance for national development projects which usually are among the main benefits of membership in such multilateral development banks. The Bill before us would seek to provide a similar legislative platform for the raising of loans and financial assistance for the benefit of Trinidad and Tobago through contributory membership in CAF as currently obtains for the IMF, the IBRD, the IFC, the IDA, the IADB and the CDB.

Permit me now to say a few things about CAF, about the Andean Corporation. CAF is a multilateral development bank founded in 1966 with a view to stimulating sustainable development and regional integration by financing projects, providing technical cooperation and other specialized services in the Latin American region. CAF is ranked among other MDBs like the World Bank, the IDB and European Investment Bank, which all have a similar purpose that is stimulating sustainable development. The six initial members of the CAF, Ecuador, Bolivia, Colombia, Chile, Peru and Venezuela, signed the establishing agreement of the CAF in 1968, and in 1970 CAF formerly began operations.

CAF is currently made up of 14 private banks from the Andean region and currently has 19 member countries from Latin America, the Caribbean and Europe. The countries from Latin America, apart from the founding countries

already mentioned, include Brazil, Uruguay, Argentina, Costa Rica and Paraguay. Countries from the Caribbean are Jamaica, Barbados and the Dominican Republic. CAF also includes countries from Europe, like Spain and Portugal. Mexico and Panama are also members of the CAF, and Trinidad and Tobago is now the 19th member of the CAF.

The capital structure of the bank comprises three classes of shares, Series A, B and C. Holders of Series A and B shares enjoy full membership, and these include Governments, Central Banks, public, semi-public and private law institutions from member countries with socio or public objectives designated by Governments. Currently there are 11 holders of Series A and B shares. The holders are Argentina, Bolivia, Brazil, Colombia, Ecuador, Panama, Paraguay, Peru, Uruguay and Venezuela. Trinidad and Tobago is among the holders of Series B shares. There are also eight countries holding Series C shares including Chile, Costa Rica, Dominican Republic, Jamaica, Barbados, Mexico, Portugal and Spain.

By way of some history, Madam Speaker, Trinidad and Tobago has been involved with CAF since 1994, when in June 1994 it signed an agreement of subscription of common capital stock. This allowed Trinidad and Tobago to subscribe for 108 Series C shares of common stock in the CAF. The value of each share at the time was US \$9,250. The total value of the stock at that time being US \$1 million. On the 13th of April, 2012, Trinidad and Tobago and the CAF entered into another agreement. This would be some 18 years after the original 1994 agreement. Trinidad and Tobago and CAF entered another agreement for the subscription of common capital stock and also with the incorporation of the country as a special member country to the CAF.

On this occasion, the subscription was for an amount of 22,772 Series C shares. The total cost of the shares was US \$323,362,400, or two billion Trinidad and Tobago dollars at the time. The agreement allowed for the payment of this amount by way of three annual payments. I should let you know, Madam Speaker, that the eventual implementation for the subscription of these 22,772 shares saw the Government subscribing in 2014 for 15,182 Series C shares, and the remainder of the 7,590 shares was subscribed by the Central Bank of Trinidad and Tobago.

The Government therefore paid a total US \$215,584,400, and the Central Bank a total of US \$107,778 each year, costing US \$14,200, making a total in TT dollars of approximately \$2 billion paid by the Central Bank and the Government, respectively. On the 2nd of June, 2016, following the 1994 original agreement and

the 2012 agreement entered into by our predecessors, it was agreed by this Government that Trinidad and Tobago should attain full membership in the CAF. Consequently, in September 2016, the Government acquired a Series A share, also known as a “golden share”, for just US \$1.2 million. The acquisition of the golden share meant that Trinidad and Tobago’s Series C common shares and callable shares were exchanged for Series B common shares and Series B callable shares.

Trinidad and Tobago thus became a full member of CAF and the country was invited to appoint a director and an alternate director to its Board of Governors. Subsequently, Cabinet agreed that the Minister of Finance and the Governor of the Central Bank of Trinidad and Tobago should be appointed as director and alternate director, respectively. In fact as we speak, there is a meeting of the Board of CAF and the Governor of the Central Bank is representing Trinidad and Tobago since, as the other director, I am not able to attend that meeting.

CAF provides support for infrastructure works, technical assistance, financial advice to Governments for project execution, giving priority to roads, energy, telecommunications and river integration in Latin America and the Caribbean.

CAF also supports private sector development through financial advisory services, including design and execution of public bidding processes, public/private partnerships, risk mitigation, fundraising, liability refinancing, company evaluation, and mergers and acquisitions.

5.30 p.m.

Trinidad and Tobago, with the paid-in capital amounting to US \$4.6 million that I referred to, was able to become a shareholder as a Series C non-core member. As a Series C shareholder, Trinidad and Tobago, at the time, previously, before we acquired the golden share, only had access to US \$40 million. Now, Madam Speaker, you will appreciate, Trinidad and Tobago has contributed greatly to the resources of CAF. As I said, we have put the equivalent of TT \$2 billion into CAF but we have not had any opportunity to receive any benefits of that massive contribution. As a result, as I previously said, this Cabinet, this Government agreed to move to full membership in CAF and this Bill before us is the last step to attain full membership and it will allow us to secure for Trinidad and Tobago access to all the benefits available from CAF.

Some of the benefits now available to us that were not available to us before, include the ability to appoint a director, an alternate director, to CAF board of directors to allow us to participate in decision-making by the institution. All of the

Series C shares held by Trinidad and Tobago are now being upgraded to Series B shares. That is another benefit that has accrued as of the decision of this Government to obtain full membership and get the golden share. Most importantly, we have immediate access to US \$300 million in policy-based loans and we also have access to investment loans, funding for special investment projects for diversification, technical assistance, grants for project preparation, institutional strengthening.

And one of the features of CAF is much faster processing of loans when compared to other multilateral institutions due to the fact that CAF complies with the country's procurement procedures rather than enforcing its own regulations, and this is a major benefit of borrowing money from CAF, in that most of the other multilateral institutions have their own procurement rules, their own tender rules, and when you borrow money, from the IDB for example, you must follow IDB procedures which means that every contractor from every member state of the IDB must be allowed to participate in the tendering. So if you go with an IDB-funded project, you must allow everybody from every country who have membership in the IDB to tender. But with CAF, and this is part of the more regional nature, they allow each individual member country to use its own procurement procedures rather than enforcing their own regulations.

CAF also has relatively competitive interest rates. For loans between six to nine years, it is Libor plus 1.75 per cent and for loans between nine to 15 years, it is Libor plus 2 per cent. The last time I checked Libor, it was somewhere in the vicinity of about 2 per cent, more or less and you can also get a discount of 50 basis points on the prescribed interest rates given the country's investment grade rating.

By becoming a full member of CAF, Trinidad and Tobago will also reap substantial non-financial benefits in terms of high-level regional economic relations. CAF membership will result in strengthening of Trinidad and Tobago's relationship with Latin American countries, developing a tourism link between Trinidad and Tobago and Latin America using Trinidad and Tobago as a link between CAF and other Caribbean countries by channelling funding through local financing institutions to enable lending facilities.

The agreement that is attached as a Schedule to the Bill sets out the purpose and functions of the CAF, which is to promote sustainable development and regional integration by providing multiple financial services to clients in the public and private sectors of its member countries. In addition, CAF also carries out studies to identify investment opportunities for the implementation of

appropriate projects. CAF divulges the results of all its research in the countries of the area so as to assist in the direction of investment of resources. The organization also promotes the raising and use of resources, as well as promotes capital and technological contributions in the most favourable conditions. CAF also coordinates with other national and international institutions to develop the shareholder countries.

Turning now to the Bill, clause 1 is the short title. Clause 2 is the definition section. And as I have pointed out, because CAF is a multilateral development bank, borrowings must be authorized by an Act of Parliament just like the IDB, the CDB and so on. In this regard, clause 3 provides for the Government to borrow from the CAF for the purpose of financing and promoting economic and social development in Trinidad and Tobago. In virtually identical fashion to the IDB legislation.

In connection with clause 3, clause 8 provides that notwithstanding any law, a loan agreement issued under this Act shall be valid and enforceable and shall have full effect. In keeping with the power to borrow under clause 3, clause 4 provides that the Minister is authorized to execute or sign on behalf of the Government any loan agreement for the securing of any sum borrowed by virtue of this Act.

Given that Trinidad and Tobago subscribed and paid for Series C shares, the country deposited an instrument of adhesion dated June 26, 2015 to the constitutive agreement which is found at Schedule B. The instrument was presented to the Ministry of the People's Power for foreign relations of the Bolivarian Republic of Venezuela in June 2015 by our predecessors.

Clause 4(2) provides for the Minister to accept any amendment to the agreement that was already accepted in 2015 previously under the former administration. Clause 4(3) allows for the Minister by order subject to negative resolution of Parliament to amend the Schedule. The Minister, however, cannot move to accept any amendment unless an order is made and the period in which the order is required to be laid in accordance with section 75 of the Interpretation Act has expired.

Clause 5 requires among other things that a copy of a loan agreement, any amendment or other instrument—and this is important—between the Government and the CAF be laid in Parliament, 30 days after the conclusion of such agreement, amendment of instrument, similarly to the IDB.

Clause 6 allows for payments to the CAF, whether in relation to the agreement or loan agreement, to be charged on the Consolidated Fund.

Clause 7 provides that the principle, an interest to the sums borrowed by the Government shall be free from any taxes and charges imposed within Trinidad and Tobago. Clause 7(2) allows that the provisions of the Stamp Duty Act do not apply since this is Government borrowing.

I should also say that in 1994, when the original agreement was signed with the CAF, Trinidad and Tobago agreed to certain terms among them being the recognition of CAF as having legal capacity and all that goes with such capacity, such as the ability to acquire and dispose of real property and to sue and be sued in a court of competent jurisdiction.

Other terms which are standard in legislation of this nature include immunity of the assets belonging to the CAF from expropriations, search and seizure, exemption from taxes as well as authorizations and approvals in respect of foreign investment and exchange controls to which the organization maybe subject. Matters relating to CAF's local office, as with all of these institutions such as the IDB and so on, would enjoy immunity with respect to judicial and administrative processes and would be facilitated with the issue of visas and work permits.

All of the matters that I have outlined were given force of law by order published in the *Gazette* in October 1996, 20 years ago. More than 20 years ago. CAF was, therefore, accorded privileges under the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act, Chapter 17:01, 20 years ago.

I wish to draw your attention, Madam Speaker, to Chapter 8 of the agreement, in particular Articles 46 to 54 which deal with immunities and privileges. In light of the fact that certain privileges have already been granted to CAF, clause 9 of the Bill provides that the Articles of Chapter 8 of the agreement, which relate to immunities, et cetera, shall apply in accordance with the Privileges and Immunities (Andean Development Corporation) Order, Chapter 17:01. As I said, this would have dated back to 1996.

I have also pointed out that Trinidad and Tobago has been involved with the CAF since 1994 for 22 years and in June 2015, under the last Government, as I indicated, I wish to reiterate, an instrument of adhesion was submitted to the CAF's headquarters in Venezuela. The instrument recognizes that Trinidad and Tobago considered and approved the constitutive agreement and accepts and undertakes faithfully to perform and carry out all the stipulations in the said agreement. In order for the country to progress to submitting an instrument of adhesion and the instrument having been accepted by the other shareholders of

CAF, money was paid for shares in CAF. As I said, we paid—this country, under the last administration, paid \$2 billion to subscribe in CAF. In light of all that have occurred, one may say that it is prudent to provide that all acts done by any person, including things done by the last administration, would be deemed to have been lawful and valid, so we are now validating anything that was done by the previous administration with respect to CAF.

In conclusion, over the years, Trinidad and Tobago has benefited tremendously from arrangements with international financial institutions. Between the period 1990 to 2014, Trinidad and Tobago has accessed almost US \$1.5 billion for projects from the IDB in the areas of education, environment, agriculture, roads, tourism, highways, health, housing, trade, security, water, sustainable energy, climate change, et cetera. We have also accessed as a country, over the last 15 years or so, funding from the CDB—actually that is 25 years—totalling US \$108 million for projects in respect of education, water, roads, the Caribbean Court of Justice, energy and so on. An opportunity now presents us, Madam Speaker, to access not just another source of financing but to cement and develop our relationship with our Latin American neighbours.

Just as I close, our manufacturing sector, long ago, maxed out its activities in the Caribbean, if you speak to any of the large conglomerates, you speak to Massy, you speak to ANSA McAl, et cetera. The opportunity for growing their businesses and growing trade and exports and developing Trinidad and Tobago's businesses has long been maximized in the Caribbean. So you would have seen over the last several years that our manufacturers are now targeting Central America in particular: Costa Rica, Panama and so on. And this has to be the natural area of growth in terms of trade and in terms of diversification and in terms of creation of economic activities for the citizens of Trinidad and Tobago. We must look towards Latin America and therefore, the completion of the process, started since 1994 by a PNM Government of which I was a part, continued in 2012 and on to 2015 by the People's Partnership Government with the contribution of the US \$323 million and now finalized, again, by a PNM Government, I think it is an inescapably reality that we must build bridges with our Latin American neighbours and we must provide opportunities for Trinidad and Tobago's businesses and citizens to access markets in Central and South America and thereby develop our country.

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

Question proposed.

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much, Madam Speaker. The real pertinent question about this Bill before us today is: how much are we going to borrow and what are we going to use the borrowings for? Another pertinent question that might arise if those two questions were answered is: how are we going to pay for it?

So I want to say that while the Minister of Finance gave us a good outline of what the Bill is about and while he gave us a good understanding of the history of our getting to this point, and while he gave us a good sense of how this institution fits in the context of other similar institutions with which we have been engaged for many years, the Minister of Finance did not, in my view, address what would be the most important question in the minds of any citizen hearing that we were finalizing the basis on which we were going to engage CAF, the Andean bank and not knowing—although this Bill allows us and in fact, we were allowed before to borrow—how much we are going to borrow and what we are going to borrow for.

Now, this says that it is an Act to provide for membership but as the Minister himself indicated, we have been a member since 1994 and what has happened is that the nature of the membership has been evolving, and I want to indicate that by 2012, we had become, in fact, a full member of CAF and we could have borrowed money although the amount that we could have borrowed was limited. We had put a lot of money into it and we elected not to borrow during our time, but during that period, we could have borrowed and in fact, we were approached at the time to borrow for various things but from our point of view, it was not necessary to go into debt with CAF at that time.

Now, the forerunner to the Bill, which describes what the Bill is about, says that it is for raising loans from this corporation, the Corporación Andina de Fomento, Andean Development Bank, better known as CAF, and that the purposes are for financing development projects in Trinidad and Tobago. That means, Madam Speaker, that we cannot speak about this Bill or speak to this Bill without talking about loans; we cannot speak to this Bill without talking about raising debt and we cannot speak to this issue here without dealing with the issue of development itself because this is a development financing bank for sustainable development and the reason we are finalizing this is in order to access—and the Minister mentioned the figure. We can now access up to US \$300 million plus other options that are available for private sector interest, et cetera, for other projects, ancillary reasons, ancillary issues and therefore, it offers a substantial opportunity for borrowing.

The question here is, therefore, how much of that \$300 million are we going to borrow. Again, the pertinent question is what are we going to use the money that we are going to borrow for and the third issue, which is critical—and I will get to some of these things as I move on in my contribution—how are we going to create the conditions for paying back our debt.

Now, this also says in the Bill that any sum that we borrow will be appropriated in the budget so that, at that time, when the budget time comes, the money has to be allocated for something quite specific. So that means that you have to know in advance what you are going to do and you also have to borrow for very specific purposes. This is an infrastructure bank, by and large. It lends dominantly for infrastructure projects, although it lends for other things. And therefore, we have to be pretty clear about what we are going to do, how we are going to do it and why we are going to use this medium, this particular CAF medium for doing the borrowings as opposed to all of the other development bank options that we have in Trinidad and Tobago, as the Minister of Finance himself identified.

Now, one of the benefits of moving to this level which takes us in a position in which we are more fully engaged with the bank than in 2012 is that we are going to get directorships in the bank. That is very important because it does give you, first of all, an inside into what the bank is doing, how it is operating and how it is making its decisions about how it is operating because it must take into account what is happening globally within the hemisphere and regionally in order to do those things. So, as a source of information, a directorship on the bank is very, very important, as it has been for the IDB, for the CDB and other institutions that we engage, including the World Bank.

And it does say here, though, in clause 4 on page 3 of the Bill before us that:

“The Minister is hereby authorised to execute or sign for and on behalf of the Government any loan agreement or any amendment thereto for securing...”

And so on. So the power really is in the hands of the Minister of Finance in this particular Bill. And the other side of it, which is very positive, is that the Minister, any order that he makes, has to bring the order for negative resolution in Parliament, so the Parliament gets an opportunity to engage this issue.

So we have no problem with either the Minister being assigned responsibility so that he takes full charge of his responsibility and executes on behalf of the country. We have no problem with the Minister and the Governor of the Central Bank sitting on the board as they do, in fact, I think, on the IDB and some of the

other institutions, and it is all to our benefit because they can also, not just get the information but influence the direction of the bank, and this is largely a Latin American bank. We have the CDB which is a Caribbean bank, we have the IDB which is an Inter-American bank for the entire hemisphere and therefore, our sitting on the board can be very influential in directing some of the resources and some of the thinking towards the Caribbean and towards the issue of integration between Latin America and the Caribbean and therefore, it is an important and useful role to play.

Now, it says here that the money is to be paid out of the Consolidated Fund, that is to say:

“All sums required for the purposes of making payments to the Corporation pursuant to this Act, the Agreement or a loan agreement, shall be a charge on, and shall, on the warrant of the Minister, be paid out of the Consolidated Fund.”

And this is what I was saying about our ability to pay back because what this says, written into law here, is that when you take a loan from the bank, you have to assign money in the Consolidated Fund in order to pay back that loan and in order to assign that money in the Consolidated Fund, you have to have it from revenue somewhere, and you have to create the conditions, at the end of the day, where the taxpayer is the responsible authority—well the responsible entity although not having any authority at all in relation to this.

And this is something that we must always remember, as we are governments, as we operate on behalf of the state, that we are operating on behalf of the citizens. The state is just a mechanism by which the Government executes its business on behalf of the people and the Government—in fact, all the money that the Government has, all the money that the State has, really belongs to the people and the taxpayers of this country.

So the reason I am reminding about this is because I want to come to these three fundamental questions: how much are we going borrow, what are we going to use the money for and how are we going to pay it back. The rest of the Bill—the Bill is very short, only 10 clauses and the rest of the Bill consists of Schedules which basically talks about CAF itself and gives us an idea of about what it does and how it functions. So I want to get to these fundamental questions because they are very important questions for the entire country.

The first thing is how much money are we going to borrow and the reason I asked that is because, as the Minister himself indicated, we have been

accustomed, over the last 15, 20 years, to be borrowing from these institutions. We have borrowed from CDB; we have borrowed from IDB, we have borrowed from the World Bank. We have had an instance, in 1987, when the IMF in fact was here for a very small amount of money, but wreaking a lot of destruction after it had left, in terms of consequences, political and social and otherwise, in the country after 1987.

And if you are going to ask yourselves how much you are going to borrow, I think it is important to ask some other questions so I have with me here, the *Economic Bulletin* which was put out by the Central Bank recently. And what that Central Bank Bulletin tells us is that between the end of 2015 and the end of 2016, we increased the amount of debt, now carried by the Government of Trinidad and Tobago, by just over \$10 billion, just close to, in fact, \$11 billion. And what it tells us as well, at the end of 2016, is that the debt to—what it tells us as well is that the percentage of debt is about 56 per cent and it does not include borrowings that we did through bonds in February of 2017, which the Minister of Finance would acknowledge, if he were here, would take us probably to about 60, 61, 62 per cent.

And the Minister of Finance is on record, I think, on the first Bill that he brought to this country when he came to Parliament right after the budget of 2015 to raise the debt ceiling. He is on record as saying that when he looks at the future, the next two or three years—and he was talking then possibly in October or November of that year, 2015. He said that when he looks at the future, he sees the debt to GDP ratio going up to about 70 per cent. And I want to, therefore, alert the country that we are—although the official figures are about 56, that, in fact, when you add the bond of February, we are close to 62 per cent, just over 60 per cent. I do not want to exaggerate it and I want the country to have information that is accurate.

6.00 p.m.

And while that is not an alarming figure for debt for a country as a whole, given what the Minister said of 70 per cent, given the fact that we are now opening up the opportunity for borrowings again and the borrowings from CDB are not closed, they just took \$400 million, I think, from the CDB. The borrowings from the IDB are not closed. It is open opportunity in the IDB and we are carrying debt from them now. The opportunities in the World Bank are not closed and there are opportunities there, therefore. And if we are about 62 per cent now, and the Minister of Finance says 70, one of the questions I have in mind is: how quickly are we going to get to the 70? And are we going to use this bank to get to

the 70? And if we got to the 70 or if we accelerated the rate of borrowings, what are we going to be using the money for?

Why am I asking the question: what are we going to use the money for, Madam Speaker? Because in this very document here, the Central Bank *Economic Bulletin*, which is only a few days old, and which takes us to the end of 2016, it tells us in this particular document that a billion-dollar bond in the local market that we raised here in Trinidad and Tobago, we took that money and we put it to deal with the deficit; the deficit being \$2.5 billion. And we took that billion dollars and we put it towards the deficit. But more than that, this *Economic Bulletin* also tells us, and I learnt that only for the first time when I read the document. This document came out on the 9th of March. I do not think I saw it until the 11th, and I just scanned it because I was looking at some very, very specific things, and then when I read it again on the 12th, it was for the first time that I picked up that we had actually gone, not just into the Heritage and Stabilisation Fund and taken money out of that, but that we had also gone into the Central Bank overdraft and taken \$1 billion and applied that also to the deficit, \$2.5 billion. Now, I would not make a fuss here as they made about how we went to the overdraft and we borrowed \$9 billion and how we took the overdraft to the limit.

And, Madam Speaker, you were present. You would know that the Government and the other side and especially the Minister of Finance made such a big thing about that, and when we protested and we tried to explain to him: look, this had been happening since 2006 and that we had simply continued the trend and when we explained to him that all the money from the \$9 billion was in fact organized into cash flows that would eradicate and eliminate the debt four months later, he would not listen. He would not help the country to understand. He made it seem like we had committed a crime. And no rational argument would get through to the Minister of Finance and the Government on the other side.

And, here they are now. They are going in the overdraft. “Dey take ah billion dollars just so. Dey aint tell nobody eh, because I tell you I living here. I working here. I in the Parliament” every time Parliament meets, and I did not know that they took a billion dollars from the Central Bank overdraft and put it towards the reduction of the deficit.

So I found out for the first time. Thank God we have a Central Bank report that is fairly independent, up to now, although I am going to watch it and see that it remains that way. And it is fairly independent and, therefore, they gave the facts, I think, as they understood them to be true.

So I ask the question then. The reason I am asking what we are going to use the money for and how much we are going to borrow, is because this is an important question. The debt level is rising. The debt to GDP level is also rising. We have used at least \$2 billion, so far, to simply throw at the deficit.

And when you look at the productive investment of the Government, and I hope the Minister will tell us what those might be, I do not see any evidence of any of the loans raised so far by this Government, and it is now almost \$90 billion and it is \$10 billion, close to \$11 billion more than it was in December, 2015. All right? And if you add the \$1 billion to that, you will get another additional billion to the \$10 billion or \$11 billion, which they did in February, and what it really tells us is that we need to be concerned about these things. We need to be concerned about the debt and the growing nature of that debt, the debt to GDP ratio because all of this is happening at a time, Madam Speaker, when the GDP is falling in Trinidad and Tobago.

I do not know if citizens are aware, but the three quarters that are accounted for in this document for 2016, register declines of more than minus 5 per cent for the first quarter, more than minus 8 per cent for the second quarter, and more than minus 10 per cent for the third quarter, and it is unlikely that the fourth quarter will reverse this trend for 2016. So the decline for 2016 is really pretty high, pretty steep, in terms of the decline of this economy. What I am saying, Madam Speaker, and I want the citizens of this country to understand, is that if your debt is going up, but at the same time your debt is going up your economy is declining, your economic performance is declining, and as your economic performance is declining your GDP falls, then the GDP ratio also further increases. So it is important to understand that. If you are running up debt and your economy is growing, then the chances of managing the debt to GDP ratio at a reasonable rate is better. But if you are declining and you are also going into debt, you have a problem.

So, when all of that is said, I want to ask the question: what is this Government's policy or policy framework for the country, within which it is going to make a determination as to what its priorities are and, therefore, what it is going to borrow for? What are the priorities for development? This is a bank about sustainable development. Are we following the sustainable development model in Trinidad and Tobago? We subscribe to it in the United Nations. I know the Minister of Planning has said that on more than one occasion, and if we subscribe—I mean the United Nations framework for sustainable development—and if we do that what does that mean for priorities for development in Trinidad

and Tobago? Now, the other thing that would come from that, based on your priorities, what are you going to develop? Because it is only then that you can determine what you are going to borrow for.

Now, against that background I want to ask this question, and it is not an idle question: what was this Government's action plan for budget one? That is September 2015. How much of that budget one plan have we achieved as a country or have you achieved as a Government? What about the action plan for budget two? That was the budget of September 2016. What are you achieving? What will you achieve when you come back with budget three in September 2017, that is to say, the 2018 budget?

I mentioned the issue of the loans and overdrafts and the bond offerings that we use to address the deficit. Now, this is coming now, and the question that might be asked is: after you have borrowed so much already, you have mentioned the number, why is it that you are coming now to open up the door on these development loans? Now, we have no problem with CAF. We have no problem with adding another development bank to our portfolio of engaged parties, and we have no problem, in principle, with borrowing for a purpose. But it is that purpose that I am questioning. And how do you see development? What is your global, regional and national context for development?

I think it is fair to say, Madam Speaker, you have been here with us in this honourable House, that never so far, in the close to 19 months now of this Government, has any Minister of Government come to this honourable House and said to us: "This is how we see the world. This is how we see the development paradigm and the options available to us. These are the challenges that we have. This is how we are dealing with them, and this is the path on which we are taking this country and we want you to understand the steps in sequence that we are taking to make the country right." I have never heard that in this House of Representatives. I have never heard it from any Member of the Government, including the hon. Prime Minister. I have heard snippets of different things having to do with projects. I have heard snippets of different things having to do with particular issues/crises that have come from time to time. I have heard a lot of talk about the energy sector and what we did to it when we were there, but I have never heard a solution about how they are going to deal with the energy crisis that they have created in Trinidad and Tobago.

And, therefore it is important now, if we are going to talk development and if we are going to talk loan money, and if we are going to talk projects and priorities, and if we are going to talk about issues related to this particular Bill,

that the Government give us some idea of what they are doing, what they have achieved, and where we are headed.

Now, I have taken a look at the economy, in terms of the debt profile and the debt to GDP profile. I have taken a look at how they have used the money, some of the money. I did not go into all of the debts; some of the money. I just picked out \$2 billion of loans and I talked about the fact that they were used to address the deficit situation, and I made the point that there is no evidence that I could see of any loans being taken that were used for developmental purposes over the last 18 months; maybe there were, maybe there were, but I have no evidence. There is no evidence that I can see of loans being used for developmental purposes having to do with particular projects, and so on, that were identified. So, we have looked at some elements of the state of the economy, some elements of the level of debt and the extent of borrowings.

Now, I have a question for the Minister of Finance, and this is a serious question. Are you going to pursue, are you going to, as your borrow, increase the expenditure as we go forward? This is a very important issue, because if you increase the expenditure and you continue to borrow, and you have problems with your revenue, as indeed we are having, we are going to widen the deficit. So, I want to ask the Minister, and I know that he has a handle on some of these things. I know he is able to answer, and I would appreciate a straightforward answer. Because I know the Minister, if he wants to be frivolous he can be, but if he wants to be serious he can also be a serious person, and I am asking you a serious question. I want to ask him as a serious question to give me a serious answer so that we can kind of put these things in context. We now have a background document, which I think all of us accept. I mean, this is the Central Bank document, so the question is: what does this mean as we go forward and as we begin to think about the new loans that we want to have?

Now, I mentioned the fact that the economy is in decline and going deeper and deeper into recession. I mean, that is a fact. I am not politicizing anything. We know for a fact that the debt is growing and if they borrow more from this bank it is going to grow further. I raise the question of whether they are going to increase expenditure. Now, I want to be fair to the Government. Everything that they have said so far suggests that they do not want to increase expenditure. Okay? But what I am saying is that the pattern I am seeing here of the growing debt, the increase in borrowing, okay, the difficulty with income generation—
[*Interruption*]

Madam Speaker: Your original 30 minutes have expired. You are entitled to 15 more minutes if you intend to avail yourself of it.

Dr. B. Tewarie: I would be grateful, Madam.

Madam Speaker: You may proceed.

Dr. B. Tewarie: Thank you. With the pattern I am seeing with the debt to GDP, the revenue challenges, et cetera, I want to ask it as a serious question: Whether they want to increase the expenditure.

Now, the reason I ask these questions is, let us put these four or five things together. If you have an economy moving into greater and greater recession, you have debt growing, you have expenditure increasing and I am not saying that they are going to increase expenditure, I am asking the question. You have revenue falling or at the very best a revenue challenge and you have possibly the deficit widening. If you have all of that, how are you going to pay for the debt? How? Where are you going to take the country to generate the income that is necessary to pay the debt? Because remember in this document here, Madam Speaker, the Bill, it says that you have to put the money in the Consolidated Fund. If you take loans you have to put it in there and make sure that you have a repayment budget for every year that you have a loan.

So, we have IDB, we have CDB, we have World Bank, we have CAF and it could be if we cannot repay and we are not managing in a way that is reasonable, that in fact we are going to have an IMF as well. And that is the worry and the challenge for the Government. I do not say that they do not worry about it. The hon. Prime Minister does come here many times and say that one of his principal objectives is to keep the IMF away from Trinidad and Tobago. But I want to say that if you keep borrowing and borrowing and borrowing, and you are at 62 and you are going up to 70, as the Minister of Finance has said, on occasions before, and chances are you are continuing decline and you cannot carry so you need to borrow more and you are going higher than 70, then you are going to have a real problem and you could well find the IMF at your door.

I want to, perhaps, the Government would think I am being more political now but I want to ask the question seriously: what were you red and ready for? It is a serious question. What were you red and ready for, given where we see the country is at this time? Do the citizens of this country realize yet that you took this Government and you took the country by storm under what is essentially false pretences? Do citizens realize, I will clarify, if you pay attention you will listen,

you are free to reply. Do citizens realize that you built your 2015 campaign on a bed of lies?

Madam Speaker: Member, Member.

Dr. B. Tewarie: Yes.

Madam Speaker: I do not think that is parliamentary. I think you can say it another way.

Dr. B. Tewarie: Yes, I am sorry. I am sorry. On a bed of untruths. I apologize, Madam Speaker and I withdraw it, and on waves of gossip, and now you have the entire citizenry poised to lie on a bed of nails when you promised them, hon. Member for Laventille, Madam Speaker, through you, a garden of roses. Is that not what you promised them? “But yuh put dem on ah bed ah nails.” Okay?

I have to ask this question and you ask for this loan for all of these things that you want to go and borrow. What is happening to the PSIP? How much have you achieved, in terms of the PSIP from, let us say, October to now? What is that? October, November, December, that is three months; and then five months, six months? What have we achieved by half year in the PSIP? Okay? What is happening to investment in the energy sector? And that is on two counts. The hon. Minister of Finance knows I have asked him this question before. The hon. Prime Minister knows I have raised questions about the energy sector before, because it is so important. I mean, as rough as things are in the energy sector and as challenging as other sectors are, this energy sector is very, very important to us. We all know this. I mean, one of the pertinent questions is: what is going to happen to resolve this situation after Juniper? Juniper is the only sure thing that we have now to increase the amount of gas in the country. What is going to happen after that? What is going to—*[Interruption]*

Mr. Imbert: Angelin.

Dr. B. Tewarie: Is that going to come on stream?

Mr. Imbert: “Yuh ask meh. Ah tell yuh.”

Dr. B. Tewarie: Okay, well if you get up and give us the assurance, fine. I hope your negotiations are completed. Okay? What is going to happen to investment in the energy sector? And the other investment, what are you doing to attract any further investment in the sector from outside? What is happening to productive investment by the Government of Trinidad and Tobago, not just the

PSIP but any projects in which you are investing? I am not aware that there are projects going on in which investments by the Government are making a difference either to the construction sector or to the economy as a whole. I know we have the stadium project down in Tarouba. But, besides that, what is happening that is making a difference to construction that is making a difference to spill over effect, in terms of the private sector? And what about the investment by the private sector?

Do you know, Madam Speaker, through you, that the policies that you have provided the country with have killed private sector confidence in this country? Do you know that you have made private sector investment virtually park up and stall? Do you know why? Because in this climate you have added a 5 per cent on over a million dollars profit. You have increased the Green Fund levy. You have increased the, what you call it, the business levy. All right? VAT has always been a problem. You have that. It is passed on to the consumer. All of these things have made the climate and then the uncertainty of it, because they have the sense that they are not sure what you are doing. They do not know what you are going to do, and, therefore, they do not feel secure to invest any of their money in Trinidad and Tobago.

The important question, the fundamental question, which derives from the first three questions that I asked you, which is: how much you are going to borrow? What you are going to use the money for and how are you going to pay it back? It is how do you intend, if the private sector park up, the Government activity is virtually nil. PSIP is not really making the impact it can, so that the private sector could get into the fray, so to speak.

How do you intend to get the economy out of recession? We are at the end of the first quarter, close to the end of the first quarter. How are you going to get the economy out of the recession? How do you intend to make the economy grow? That is a pertinent question, if your third quarter is minus 10.8 per cent in decline. That is a pertinent question if, for your first three quarters eight and five, 13, and 10, 23. All right? It is almost, you know, I mean it is pretty high, you know. It is about 7 or 8 per cent, on average, for the three quarters.

When do you intend to manage this country well and to give satisfaction to our citizens that you are aware of their challenges and needs and that you are treating them with a sense of fairness? When is this Government, in a situation of about \$50 a barrel for oil and over \$3 for gas, when is this Government going to create the conditions to live within its means?

Now, another time I will talk about that but I do have the time. How many minutes do I have, Madam Speaker?

Madam Speaker: Just under six minutes.

Dr. B. Tewarie: Six minutes. I would not have time to talk about that today but a lot of the crises and paralysis of this Government in a situation in which the money is not flowing from large amounts of oil and gas and high prices for gas, something to which they are unaccustomed when being in Government, because they are accustomed to having a lot of money when they are in Government and spending without caution. But in that situation, in this particular situation, the challenge—I know you think it is an irony because you have your own tales that you carry in your head. Okay? You see? But there is nothing that is said here today that you cannot find in here or some other document in 2016 or 2017.

One of the problems on the other side, you know, is that the roots of the Government's thinking in the evolution of the party from which they come, which is the People's National Movement, is the concept of Fabian socialism. And this Fabian socialism makes it very, very difficult when you are in a situation of crisis and when the money is scarce and when it is difficult and you have to make hard choices to be able to determine what the priorities that you put in front of you are. I will get an opportunity to speak on that another time but if those Members on the opposite side know anything about their own history as a political party and the evolution, if they also know about Dr. Eric Williams and they know about CLR James and the battles, ideologically that took place there, and if they understand those issues then they will understand why it is so difficult to have policy, to have priorities to determine what they are going to borrow for and what they are going to do, and why, in this time, in this time of crisis, the only objective is to borrow as much as possible, to put the country in a situation where it racks up debt, to not even think about how you are going to get the country out of recession, to not even have an understanding of how you are going to move from decline to growth and to not have a clue, if you do not do these things about the crisis you are creating for generations when the country is unable to pay for it.

And then saying that you want to keep the IMF from the country's door but yet at the same time doing everything possible, racking up the debt, putting the country in decline, doing no development, causing no growth, and have a situation in which you cannot pay when it becomes evitable therefore that the IMF will come to your door if you do not manage properly.

And, therefore, I want to caution the Minister of Finance about these issues. It is very easy to come here and pass this Bill. And, as I said, we have no problem with CAF and we have no problem with the other institutions but we do have a problem with the rate of borrowing, the rate at which you are racking up debt and what that means for the debt to GDP ratio, in a time when the economy is declining and we do have a serious problem with the way you are managing the economy because we do not know if the deficit is going to grow and if it is going to grow even further if you increase the expenditure and cannot raise the revenue that you intend to raise.

In all of these situations, I think the Government has a formidable challenge and that part of the crisis that it is creating is by not dealing with that challenge properly and in fact focusing itself on the easy way out, which is borrow the money, spend the money, use it for whatever, deal with the deficit, pay the public servants debt, do whatever, do not put it into productive purposes and then at the end of the day not simulate the private sector. So, at the end of the day you do not really have an economy that can ever get buoyant and can ever move the country forward.

6.30 p.m.

Madam Speaker, I have said my piece. I have no problem with the Bill per se, which is to legitimize the relationship between the Trinidad and Tobago Government and the Andean Development Bank, but I do have a problem with how much you are going to borrow; how much further you are going to take the debt; how much more you are going to intensify the debt to GDP ratio; whether we are going to grow the economy to be able to pay for it. I do have a problem with the direction in which you are taking the country, which is a direction which nobody can discern and nobody knows for sure. This is the time of the greatest insecurity for Trinidad and Tobago. Thank you very much, Madam Speaker. [*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 very much, Madam Speaker, for the opportunity to contribute. I was not planning to be here. In fact, I have just come off a plane and was on my way to other places when I turned on to the contribution of my colleague, the Member for Caroni Central, I saw it absolutely necessary to come and correct some of the usual wrong and misleading facts that have been put forward to the public of Trinidad and Tobago.

Let us start, Madam Speaker, if I may, with what he ended with a short while, suggesting about the payments being made, the back pay payments being made to public servants. I also heard him ask about 10 minutes ago, about being red and ready. I would like the population of Trinidad and Tobago to remind themselves of how we have found, as citizens of Trinidad and Tobago, ourselves in a situation where we are compelled to pay, I think it was \$5 billion in back pay only to some of the public servants and some of the workers represented by unions in Trinidad and Tobago.

And, in particular, there was a union that brought the other side into Government in 2010 call the OWTU—helped them and elevated them to sit in Government—and then what they did, they completely shut out the OWTU, gave them offers of 000, saddling that for the future generations and then cutting deals and offering public servants 14 per cent at a time when they were in Government, and they were the only ones in Trinidad and Tobago who knew the true state of the economy at the time.

We asked questions about gas curtailment, Madam Speaker, over and over between 2010 and 2015, because we were getting information from persons in the downstream economy, and they did absolutely nothing. In fact, they have put this country—they on the other side who have the audacity to make these types of contributions—into claims over a billion dollars from downstream players, because when contracts expired in 2013, they did nothing to renew the contracts. Absolutely nothing to renew the downstream contracts from 2013.

I read an article by the former Minister of Energy and Energy Industries recently where he was boasting about fiscal incentives, and he is the one who brought on board Juniper and TROC. He had the audacity to talk about TROC. We came in and met with BPTT, a TROC project—a suggestion of TROC, a proposal for TROC—that had moved nowhere. It is this Government that has been working hard for 18 months to have that completed. I am assured that the first set of gas from TROC is going to come to stream in April, that is next month, [*Desk thumping*] due to the hard work by those on this side, including the Minister of Finance who has been meeting regularly with BPTT.

You want to talk about what was red and ready and if we were ready to come into Government. No citizen of Trinidad and Tobago, including us on this side, could have imagined, Madam Speaker, how bad it really was and that not only the Central Bank overdraft was up to maximum, but all of the other overdrafts that

were available to Government were up to maximum. We have said, time and time again in the Parliament, Madam Speaker, about the type of borrowings that took place by those on the other side on the eve of election.

In August, 2015, Madam Speaker, they signed a guarantee for a \$400 million loan to EMBD. They also decided amongst 10 contracts who the contractors would be to get this \$400 million. Let the public of Trinidad and Tobago know that they did with it. They did not give the 10 per cent mobilization fee, no because there was an election in less than a month. They gave up to 20 per cent mobilization fee, some of the works not done and we are pursuing that now, Madam Speaker. That is some of what they did. For TGU, for T&TEC, they put this country in short-term borrowings and debt of over \$2 billion, Madam Speaker—[*Interruption*]

Mr. Lee: Madam Speaker, 48(1).

Madam Speaker: Member, please continue.

Hon. S. Young: Thank you. This, Madam Speaker, and Member for Pointe-a-Pierre is the response to what we are hearing from the Member for Caroni Central. We are going to explain why the country is in the position that it is in now. He talks about revenue. Madam Speaker, he says how this country and this Government is doing nothing to raise the revenue, and we are only dealing with borrowings—borrowing more and more and running up the debt to GDP ratio, et cetera. Let us remind ourselves, Madam Speaker, as was stated a number of times from the budget speech of the hon. Member for Diego Martin North/East to now, that the revenue of Trinidad and Tobago from oil and gas dropped by 92 per cent from 2014 to 2016. The simplest proposition is if you had a hundred dollars before, you are now earning \$8 before. I hear them saying they we spent X amount in the budget. We actually reduced a budget that they prepared of \$62 billion down to \$53 billion. Was it \$53 billion?

Mr. Imbert: From \$63 million to \$52 million.

Hon. S. Young: From \$63 million to \$52 billion by cutting expenditure. So, those on the other side, including the Member for Caroni Central, who held a critical position in Government at the time are the ones who raised the expenditure of this country, raised the expenditure over time to a budget of \$62 billion with nothing to show for it [*Crosstalk*] and has the audacity now to come and tell the country and has the audacity to show. [*Crosstalk*] And we hear from the Member for Naparima who is known for spinning the wheel. [*Crosstalk*]

Madam Speaker: Members, Members, let us just show some decorum. Everybody will have an opportunity to join the debate if they so wish. Continue please Member.

Hon. S. Young: Thank you very much, Madam Speaker. So, Madam Speaker, when you start to tell the truth and when you start to state the facts of what we came in and found—so you did not tell the country about curtailment. It was maintenance. He continuously came, not only to Parliament, but in public and said that it was maintenance. He even blamed it on the oil spill—[*Interruption*]

Hon. Member: Who is he?

Hon. S. Young: The former Minister of Energy and Energy Industries—that had taken place in the Gulf of Mexico, and said as a result of that bp had pulled back and they were looking at and maintaining all of their platforms and all of their assets. Not true. We have come in. We are negotiating now hard with the upstream and the downstream to make sure that the oil and gas economy of Trinidad and Tobago has a long term. [*Desk thumping*] Madam Speaker, I believe in the next 24 to 48 hours, we will hear more about what this Government on this side has done for oil and gas in Trinidad and Tobago [*Desk thumping*] in ways that they did not even have the vision to go down that road.

So, Madam Speaker, I would like to take the opportunity, getting into the Bill now, to actually commend the Minister of Finance and this Government for finally taking the move to pass the necessary domestic legislation to access this fund, because this fund has been in existence as a subscriber. Trinidad and Tobago has been subscribing for many years and just putting money in, putting money in, and the only way you will be able to access it—and there are similar Bills for the IMF, for the IFC, for the World Bank—and to be able to access funds offered by bodies such as this—the CDB, IDB, et cetera. So there is no magic in the legislation. And as the hon. Member for Caroni Central will know and those with experience on his side will know, this domestic legislation is actually necessary for the country to be able to have access to the funds.

We have invested substantial capital US \$323 million invested to this fund over a period of time with significant investments by the hon. Member for Siparia's then Minister of Finance, I think it was Minister Dookeran had invested and taken us up to categories and Minister Howai as he then was, but they did not bring the legislation to be able to access the fund. So all this is doing here now, Madam Speaker, is giving Trinidad and Tobago the ability to spread the risk of who it is borrowing money from. So they put \$2 billion of our taxpayers' money

in and they did not even bring the legislation for us to be able to access a dollar out of the \$2 billion.

So, Madam Speaker, this legislation is overdue. This legislation is necessary. The management of the economy is in good hands. This Government is working very hard to correct the wrongs that were done by those on the side. [*Desk thumping*] This Government, Madam Speaker, is working very hard on ensuring that there are going to be projects coming to Trinidad and Tobago that bring revenue. We have kicked around for the conversation of diversification for too long. [*Crosstalk*]

I heard him talking about Juniper, “Mr. name one spin the wheel from Naparima”. Juniper was already in train before 2010. What is happening now with Angelin and other projects that we are speaking to, not only bp, but also other upstream players—and we have attracted other upstream players to the market to deal with some of the stranded gas and we are in conversation with them. It is negotiations. Madam Speaker, what is taking place now, and every single upstreamer and downstreamer that has met with this current Government from September, 2015 has told us these conversations were long outstanding and now is the time for Trinidad and Tobago.

I would like them and the next speaker to explain—we have found ourselves now in difficulty with MHTL and the MHTL group—when the contract in 2013 expired, what is it that they did about it? Why is it that they just continued on a month-to-month basis to provide them, and MHTL said: “Look, we continue to submit draft terms, proposals and for the gas”. That was a period of time when they said there was no curtailment. [*Crosstalk*] The solution is coming. The solution would not take two years. The solution will be done, Madam Speaker, for this problem before the end of the month. [*Desk thumping*] Trinidad and Tobago, when the solution is announced, Madam Speaker, would once again be able to pat themselves on the back and thank themselves for what they did on September 07, 2015 in removing those on the other side. [*Desk thumping*]

So back to what it was that this country found itself in and thank God there was the removal of the PP partnership as Government and the bringing in and we are still finding things. The Minister of Finance, it is only recently has been able to now I believe ascertain all of the indebtedness the put so many state enterprises in—hidden this way, hidden that way, interest running up here—no way of being able to pay for it, again as we heard the Minister of Finance talked about recently. How could you now, so many years later, have to deal with the issue of \$4.3 billion in deferred tax being hidden and now being dealt with when we are going

out to restructure the debt from 2011? [*Crosstalk*] Correct. But, again, Madam Speaker, they want to criticize the action by the Government on behalf of the citizens of Trinidad and Tobago to be able to access new money and new funds. [*Crosstalk*]

Madam Speaker, there is a lot of noise from the other side, I have realized now from the time in Parliament that whenever you are touching nerves that hurt that is when they begin to quarrel and they try to distract. [*Crosstalk*] So, Madam Speaker, again, let the citizens of Trinidad and Tobago be reminded of the state that they left the economy in and that is what is being corrected now, and the difficulties that this country has found itself in that we are addressing now. This is just one of the forms of addressing it. Madam Speaker, this Government will not, out of its own volition—there is no benefit to the Government of going out and borrowing unless absolutely necessary. So to raise the issue of why the Government is borrowing, and the Government is borrowing to fund the deficit, the Minister of Finance, when you go back to his budget speech spoke about it, because there are very few areas that you are able to very quickly bring in revenue for Trinidad and Tobago.

Madam Speaker, at this stage, I want to ask that the country pay attention, because there are two areas of immediate—one is immediate and the next one will come that can assist in the raising of revenue for the citizens of Trinidad and Tobago and alleviate and avoid the need for borrowing. One is currently before a Joint Select Committee, that is the gaming Bill, and we hope to bring that soon to the House and move on with it. As we have estimated, there are billions of dollars that could be collected in revenue.

But also, Madam Speaker, we intend to bring the Revenue Authority at some stage, and let the population of Trinidad and Tobago know, once again, there are 23 votes on this side that would support it. Everywhere you go and you talk to persons, they say an efficient revenue collecting authority is immediately going to boost the revenue in your country. So on behalf of the people of Trinidad and Tobago that is what we are indicating, we intend to bring. So those on the other side who criticize and say all you are doing is borrowing and carrying the country into further debt, we will see what they do when that arises.

Madam Speaker, with those few words, as I indicated, I was not intending to contribute, but having heard some of the misinformation being put out there and the spin being put out there on why the Government is going down this road, and there was no criticism of borrowing from the Andean Development Corporation, but a suggestion as to what are you using the money for, Madam Speaker, that is

what the budget is for every year. And every line item of the budget, this Government has not gone out of the budget and the structure of the budget and the structure of expenditure. So you know what the money is going to be used for. But when a Government is faced with deficit positions, they have to find the money from somewhere.

Madam Speaker, this Government will continue to manage the economy of Trinidad and Tobago in a responsible manner as it has done over the last 18 months. It is foolish and foolhardy to suggest that borrowing will not play a part in that. It must play a part in that, and that was the suggestion being made—you continue to borrow, borrow, tell us what you are borrowing from and et cetera, et cetera.

Madam Speaker, the public servants in Trinidad and Tobago continue go get their wages on a monthly basis and the Minister of Finance and the rest of Government should be applauded for that. [*Desk thumping*] The Minister of Finance working in tandem and hand-in-hand with the Minister of Planning and Development who is handling the PSIP should be congratulated for doing a fabulous job for Trinidad and Tobago in the last 18 months.

So, Madam Speaker, I alleviate any concern that the citizens of Trinidad and Tobago may have. We are a Government that would listen. If there projects that can bring in revenue that the Government can assist in, we have welcome the PPP projects. We will continue to engage in discussions with the private sector and we will move on from there.

Madam Speaker, the appropriate time, the solutions that have been negotiated, the initiatives that are on board and are being negotiated and now we are finding more and more of the international market coming to us, Trinidad and Tobago, and saying that there are things that they want to be able to do.

So, Madam Speaker, I ask the population of Trinidad and Tobago to keep their hope up, not listen to the cries of those who are meant to distract, and to assure them, Madam Speaker, that the Bill that we are currently debating is one that is a completely normal Bill for circumstances such as this. Those who had put in \$2 billion and then nothing to be able to access it, we know why, because they utilized every single overdraft; they drove up everywhere else with borrowings, et cetera. So, Madam Speaker, with those few words, I thank you for the opportunity to contribute to this. Thank you. [*Desk thumping*]

Madam Speaker: Members, I have observed a practice of Members who are not speaking blurting out statements from their seats and engaging in excessive

crosstalk. I would like to remind Members of the provisions of Standing Order 53 which I expect you all to observe. Member for Siparia.

Mrs. Kamla Persad-Bissessar SC (Siparia): Thank you very much, Madam Speaker. It is now minutes to seven, we have suspended debate on one Bill, we are beginning another one. I do not know if we intend for that to be suspended, because I see that we are suspended Bills halfway, coming back. So I do not know if we will continue or complete this debate tonight, but I thank you for the opportunity to join the debate.

I think the Member for Port of Spain North/St. Ann's West must be made to feel exceedingly welcome on his benches, because I think the sorely missed him, but they could not field speakers on certain Bills and they welcome him. He was so missed. I think they probably send national security vehicles with the blue lights to bring him up the highway to bring him into the Parliament. So welcome back, Member for Port of Spain North/St. Ann's West.

In some of the words that you spoke in your contribution, you have really opened up this debate into areas that we did not intend to go. [*Desk thumping*] So we may end up with more speakers tonight. I can see the Member for Couva South. He is raring to go. I see him chomping on the bit and others—Dr. Gopeesingh. I know Dr. Rambachan, because we have gone into a whole host of areas.

But, Madam Speaker, I really want to come back to the Bill itself at this point in time, before I would seek to deal with some of the statements made by my colleague, the Member for Port of Spain North/St. Ann's West. I listened very carefully to the Minister of Finance in terms of when he piloted the Bill. I may not have been here, but I was able to hear him. Thanks to the technology, I heard his contribution, which was a very sweet and sugary contribution—well, look, this is normal and we are going along with this, and that may well be the case. But something is very wrong, and I became a little frightened I may say or concerned, when I heard the hon. Member for Port of Spain North/St. Ann's West just tell us that they have a revenue raising measure and, of course, he talk—this country will know and keep hope. Do you know what he said to this? The gambling Bill. The revenue raising measure is the gambling Bill.

So we are intending to raise money from gambling as the revenue stream for this country, when the hon. Member for Caroni Central talked about priorities for sustainable development, projects for sustainable development. What are we going to spend the money on? Tell us what these are. The revenue raising

measure is what? From the gambling industry. That is a little frightening. So I trust that I am not misquoting him. I trust I am not taking him out of context but, perhaps, he will speak and explain further on that. So let us get to the Bill.

The Explanatory Note to the Bill says:

The Bill would “provide for the membership of Trinidad and Tobago in the...(Andean Development Corporation)”

My Spanish pronunciation is not as good as yours, Madam Speaker, so I would refer to it as the Andean Development Corporation. The Bill will:

“provide for the membership of Trinidad and Tobago in the...(Andean Development Corporation)”

So that is the first purpose as set out in the Explanatory Note.

Now, let us go to the Bill itself. Before I do that, I am told, and I think speakers on other side have shared with us that we have been a member of this organization since 1994. So we have been, we are a member. What happened over time, we were a class I think it was a B or C.

Mr. Imbert: Class C.

Mrs. K. Persad-Bissessar SC: We were class C, and then within the term the Government that I led we became class B or vice-versa. So the class of shares changed. So, we are already members and, therefore, I would ask the hon. Minister to show me and tell me and explain to us how this Bill provides for membership of the Andean Development Corporation. [*Crosstalk*] Yes, if you could kindly tell us.

The Bill is saying that the purpose, the Bill will provide for membership. I am saying I understand we have been a member since 1994. So where in the Bill? So I went to the Bill.

Clause 1, enactment—sorry preamble, the enactment to a clause. Clause 1, “Short title:

This Act may be cited as the International Financial Organisations’—the same Andean Corporation Bill, 2017.”

Clause 2:

“In this Act”—the interpretation section:

“‘Agreement’ means—

'Consolidated Fund' means—

'Corporation' means—

'loan agreement' means"—and

“'Minister' means the Minister”—with—“responsibility for finance”.

A very short Bill.

Clause 3:

“Borrowing from the Corporation”

So nowhere yet up to clause 3, do I see anything about membership, but the Bill is to provide for us to become members.

Clause 3, what is here?

“Borrowing from the Corporation”

Clause 4:

“Minister authorised to execute or sign”—what?

Not to sign to become a member or to validate any signing or agreement to become a member that we were from 1994, but it is to execute or sign loan agreement. That is clause 4.

Clause 5, marginal note:

“Loan Agreement laid before Parliament”—clause 5.

Clause 6:

“Payments”—for loans—“to be charged on Consolidated Fund”

Clause 7:

“Principal and interest free from taxes”—for the same loans.

Clause 8:

“Implementation of obligations under loan agreement”

We have reached clause 8, the Bill is nearly finished.

Clause 9:

“Immunities, exemptions and privileges...”

And I would come back to that clause 9, because again I have a question. This is done under the Diplomatic and Consular—Privileges and Immunities (Diplomatic Consular International Organizations) Act, Chap. 17:01. So that is clause 9.

The last clause in the Bill, clause 10.

“All acts or things...done by any person pursuant to the Agreement prior to the coming into operation of this Act shall be deemed to have been lawfully and validly done.”

—“pursuant to the agreement”—which is the agreement? The agreement is this very kind of tacky looking Schedule attached to the Bill. And this agreement, Madam, there is no signature. There is nothing about Trinidad and Tobago. It is, in fact, the agreement made between, the Republics of Ecuador, Bolivia, Colombia, Chile, Peru and Venezuela sharing a mutual wish of achieving economic integration of their countries as quickly as possible and so on, and they have entered into this agreement. It is in the nature of an international document that countries can perhaps thereafter come to seek to and then ratify as with other international documents. But nowhere is there anything in the Bill or in the Schedule which puts out or shows that we are already a member, which shows that we are now validating becoming a member. Nothing in here about membership and Trinidad and Tobago. So I ask the hon. Minister—*[Interruption]* I am sorry.

Madam Speaker: I understand you may have a certain style of talking, but just remember with respect to display.

Mrs. K. Persad-Bissessar SC: Okay, I am sorry.

Madam Speaker: Display.

Mrs. K. Persad-Bissessar SC: Okay, I will try not to display the Bill, but I would want to hold it up. So clause 9—*[Crosstalk]*—I cannot display it to you. Okay? I can display it to myself. I understand what Madam Speaker is saying.

Madam Speaker: In keeping with the Standing Orders.

Mrs. K. Persad-Bissessar SC: In keeping with the Standing Orders, Madam. I hear you. So we have the Bill. We have 10 clauses. We have a Schedule and nowhere do I see, with respect to what the Bill says it is for—the Bill will provide for membership of Trinidad and Tobago in the Andean Development Corporation.

7.00 p.m.

Now, I took—I am sorry—[*Interruption*] No, no, not the preamble. I have gone through all 10 clauses, Madam Speaker, and I have seen nothing in all 10 clauses. If the AG wants to point it out to us, I would be very happy that he could do so or the Minister of Finance, in terms of the membership of Trinidad and Tobago. So that is the first thing. The Bill itself recites in its long title:

An Act to provide for the membership of Trinidad and Tobago—long title of the Bill—for membership in the Andean Development Corporation, and the second part is for raising loans. When we go through the clauses the entire Bill is for what? Borrowing; the entire Bill is about borrowing. So I have no problem. We have borrowed, you have borrowed. Governments from time to time will borrow, but I believe it is a kind of subterfuge to take the Bill, use the Bill, present the Bill and say it is about membership, when in fact it is for borrowing. Be real and let us get that clear, because all 10 clauses, all the clauses there and one again which I will ask about, which is the one with immunities, which I will come back to. So here we are, one aspect of it is for borrowing. The only aspect is for borrowing. I do not see anything about membership, maybe I am reading wrong. I do not see anything about making us a member.

When we go to look at other organizations, when we go to look to other laws in our country which establish membership and the ability to borrow, we have several statues and they all come under public finance, and that is what we are dealing with here, public finance which is a revenue stream by the way of borrowings. So we have several revenue streams, one of which we are dealing with today, and one of which the hon. Minister, the Member for Port of Spain North/St. Ann's West, told us about, the Gambling Bill and so on. We look at the laws in our country under public finance—and I will want to go to some places I could read, because my eyes are not as good as others.

Under public finance we have several pieces of legislation of which we are members or have become members, and from which we could make borrowings. So we have the International Financial Organisations (Inter-American Development Bank) Act, Chap. 7:02; International Financial Organisations Act, 70:01; Caribbean Investment Corporation, 70:03; Caribbean Community Development Loans and Guarantee, 70:04; Caribbean Investment Fund, 70:05—all these are statutes, Madam Speaker—International Financial Organisations (Inter-American Investment Corporation), Chap. 7:06; Foreign Investment, Chap. 7:07—all of these are under public finance—Heritage Fund, as we have it as one

arena in which the Government has dipped their hands into. I do not know if they have gone in. I know of one withdrawal from that for revenue purposes— Independence Development Loans Act, Chap. 71:03; Development Loans Act, Chap. 71:04; External Loans Act, 71:05; National Development (International Bank for Reconstruction and Development) Loans, Chap. 71:06; National Development (Inter-American Development Bank), Loans, the IADB, Chap. 71:07; Treasury Notes Act, Chap. 71:39; Treasury Bills Act, 71:40; Government Savings Bonds, Chap. 71:41; Government Securities, 71:42; Treasury Bonds, 71:43; General Local Loan (Municipal Corporations), 71:60; Local Authorities Grants and Loans, 71:80; Guarantee of Loans (Statutory Authorities), 71:81; Guarantee of Loans (Companies), 71:82; Guarantee of Loans (University of the West Indies), 71:83 and some others that I will leave at the moment.

The reason why I recited these, I went on the Ministry of Legal Affairs website, a very good website for laws and perhaps we could credit the Attorney General and the former Minister of Legal Affairs for putting all of this onto the internet, that you can go up, with a touch of your finger and get them instantly— so the public finance, all of these. So there are several statutes which now provide for borrowings to be made.

We sat in this Parliament not too long ago, soon after this Government—the red and ready as they have also dubbed themselves, as Dr. Tewarie spoke of— came to this Parliament in December of 2015, soon after assuming office, and they came to increase the borrowing limit in three areas. It was done in one, all three were debated together. This was the Development Loans Act, Government is authorized for the purpose of financing general development in Trinidad and Tobago. We are paying borrowings by statutory authority, by an enterprise controlled by and on behalf of the State or by the University of the West Indies to borrow from time to time.

This Government came to increase what is known as the ceiling of how much you can borrow, to a sum not exceeding in the aggregate a further \$15,000 million T&T currency, so that is \$15 billion, one set of borrowings. I would ask the Minister of Finance if he would kindly tell us that since increasing that limit, how much have been borrowed under this Act and for what purposes did we use them—this is under the External Loans Act.

In addition we increased the limit for borrowings under the development loans, under the companies loans Act and a third one, three statutes. We came to this Parliament to increase the borrowing limits. Through you, Madam, if the hon. Minister could share with this Parliament, have we maxed out those ceilings or do

you still have a facility within these three statutory frameworks to borrow more? Can you tell us then with these others, have we maxed out the borrowings from the IADB, from the other international organizations and if not, please tell us that, so we will get an idea? The Member for Caroni Central did tell us today, for the first time when we saw the bulletin, the March 9th or 10th economic bulletin from the Central Bank that we were seeing some numbers there for the first time, that we were not aware. Now we come to the borrowings themselves. Dr. Tewarie has already asked some very pertinent questions. I have some further questions with respect to the Bill, the way the Bill is set out.

These Acts that I referred to, where we seek to become a member, each of these—which I had the opportunity to read and copy, of which time will not permit me to go through every one, but there is a formula where it is we seek to become members. So if we are validating things, how do we become a member, how do you word it? With the greatest of respect, this Bill does not recite in any way the kind of formula that we find in the other statutes for becoming members. Again, I will ask for guidance from the Member for Diego Martin North/East, so we have these.

Then we come now to a very peculiar clause which again I will be happy to get an explanation for in the Bill. This is the clause which provides for diplomatic immunities. I do not know if that was just to help disguise that you were really bringing this Bill really for the purpose of the borrowing aspect. In this Bill we have nine clauses:

“Immunities, exemptions and privileges

Chap. 17:01”

Clause 9 says:

“The Articles of Chapter VIII of the Agreement which relate to the immunities, exemptions and privileges of the Corporation shall apply in accordance with the Privileges and Immunities (Andean Development Corporation) Order.”

So the agreement is attached and in Chapter VIII we are saying that these will apply. But, Madam Speaker, I have been a Member of Parliament from about 1995 or something, and I recall and I went back and I searched that we have a particular Act of Parliament, statute, which is the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01, which I mentioned before, and this Act provides that the President may by Order—and the

President of course in this case means the Government. Under the Constitution you can interpret the word “President” in two ways, but this is basically the Cabinet of Trinidad and Tobago, the Government. And what it tells us in this Act is that the President may by Order—this is section now in the Act itself—Part V, which deals with privileges and immunities of other international organizations and agencies—and section 9 tells us:

“This section shall apply to any international or regional organisation or agency, other than those to which Part III and Part IV apply...”

So those are taken out. The ones in Part III and Part IV are things like the United Nations, which special provision is made for them in terms of diplomatic privileges and immunities. Part III deals with the United Nations privileges and immunities, and Part IV deals with privileges and immunities of the specialized agencies of the UN, so take those out. Section 9 is telling us, this part—Part V—now applies to other international organizations, international or regional organization or agency.

“(1) This section shall apply to any international or regional organisation or agency”—other than these UN ones—“declared by an Order of the President to be an organisation or agency to which specified privileges and immunities have been accorded.

(2) The President may, from time to time by Order, declare that any international or regional organisation or agency...named...in such Order shall, to such extent as may be specified in the Order, be accorded...privileges and immunities set out in Part I of the Fifth Schedule.”

So we have a formula, we have in law of our country what is to be done when you are dealing with international organizations that are not the UN organizations. The President by Order will give them the privileges and immunities. Yes, that is exactly what happens.

Since 1977, up to today, if you look at the very statute it gives you the subsidiary legislation, which are the Orders made under the statute. We would see in 1977 Privileges and Immunities (European Economic Commission) Order, Government Notice No. 107 of 1977, Order made and then gazetted as Government Notice; now we call them legal notices. No. 1 right down to—there were 17 of such orders made from 1977. This statute was in fact Act 23 of 1965, but major amendments were made in 1979. So from then on, I talked about 1977 with the government notice from then on, legal notices when we became a

Int'l Financial Organisations Bill
[MRS. PERSAD-BISSESSAR SC]

Wednesday, March 15, 2017

Republic in 1976. Seventeen of these, and one of them is guess what? Privileges and Immunities (Andean Development Corporation) Order, Legal Notice No. 166 of 1996—Privileges and Immunities (Andean Development Corporation) Order, Legal Notice No. 166 of 1996.

With this Bill now purporting to say that the privileges and immunities that are in Chapter VIII of the Schedule, that they shall now apply—clause 9—does that mean that supersedes this? Does it mean it is exactly the same? What does it mean? If there was a legal notice in 1996 and it was done under the diplomatic—the same statute—Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, which is the Act that tells us, you know, “The President by Order”, the order was, in fact, made.

So what is clause 9, Chapter VIII of the agreement which relate to these immunities apply in accordance with Privileges and Immunities (Andean Development Corporation) Order. Again, is this another something just to make it look like we are doing something so important here? When in fact the only thing you are really coming here is to do what? To want to get power to borrow. And you made sure that we suspended the debate otherwise to come here to make sure and deal with—fast, hurry, now. Crime out of control everywhere, you are telling us you have a suite of Bills on crime fighting, but you what, adjourn that, postpone that. Let us come and make sure the Minister has the power to borrow. Let us do it now, pronto and let us pass it when, today.

So here we are coming, all the nice words, and when you go back to debates in this House, when that Legal Notice of 1996 was debated in this Parliament—it had come to the Parliament for debate when the Order was made—then Minister of Foreign Affairs, I believe it was Mr. Ralph Maraj was the one who piloted it, but Members who are sitting here now were then in the Parliament, and some of them spoke, and they had not very nice things to say about this Andean Development Bank—not very nice. In fact, the Member for Oropouche East who was then the Member for Oropouche—it was just Oropouche—had this to say on June 4, 2012. We were talking about the moneys mentioned, that the government I led that we had put money into the Andean Development Corporation, what moneys were put and so on. Dr. Moonilal then said—well, I think you were the Member for Oropouche East even then in 2012—

“My colleagues would protest and make noises, and one colleague might faint away here, but notwithstanding that, an Opposition Leader is really a Prime Minister in waiting.”

So we were in government at the time.

“He stood in this Parliament, that is televised live on the Internet, and he cast aspersions on the Andean Development Bank, a major financial player in the western hemisphere. The Opposition Leader, aspiring to Prime Minister, cast aspersions on their procurement policy, on the way they conduct business. This may be a Member who will one day enter into negotiation or have to continue some business arrangements with the Andean Development Bank. So you see...”

The Member continues:

“...I come back to the issue of believability. How could you believe them?”

Dr. Moonilal: Karma.

Mrs. K. Persad-Bissessar SC: Exactly, you were prophetic in what you said. If some were to call you a seer man, but it is—*[Interruption]* Exactly—we are here now, the same Andean Development Bank, the same bank we are singing the praises of, and we are going to borrow from, that this is what happened. And there were others who spoke in that debate. One of them was the very erstwhile Member for Laventille West; he also spoke—erstwhile. You might find a different word to describe him, but at the moment, the erstwhile Member for—and he too, the hon. Member, did not have some very nice things to say about this bank. I mean, I have all the *Hansards* here, but I do not want to spend time quoting. I am sure you would want to hear about the Minister of Finance as well, because he is tied up in this Bill. So I would advise you to kindly have a look at this *Hansard*—it is many, many pages—of June 2012, and the comments made about the Andean Bank.

So, be that as it may, we now come to the Bill and we now come to the real purpose of the Bill, which is for borrowing. The Member for Caroni Central talked to us about borrowing, talked about the economic bulletin of March 10, 2017, which was very timely I must say. I was very surprised. I was looking for something else and it popped up on my computer. I was very surprised that in March a few days ago that this report came. Normally we get them in January and in or about July. I do not know why it came in March. I think it may have something to do with the fact that rating agencies are coming to rate us in a couple

of weeks I am told, I do not know, but they are going to have a heavy read. It is going to be a very heavy read, and I will not be surprised, based on this bulletin and the data contained in it—I am not predicting it, but I would not be surprised if we are downgraded again after these rating agencies go through what is contained here.

But this bulletin, what it shows us—I do this now in the context of the fact that we are seeking to borrow more. So we are in an economy where we are seeking to borrow more—and you will go and find similar words coming from the other side when they were in Opposition, that you want to borrow and the economy is tanking out, it is going to ground zero. Right now I feel the economy is not at ground zero anymore, it is below ground zero. We see here now from this report that last year, the complete year now, not just for the quarters that you spoke of Dr. Tewarie, for 2016, the first full year that Government has been in office, and we read that 2016 has recorded the sharpest economic decline in 33 years—the sharpest decline in 33 years.

And yes, the Member for Port of Spain North/St. Ann's West comes to tell us about how much the revenue fell, and oil revenue and we are not getting the same money and the revenues have fallen, and he talked eight and 11, and whatever those may be. Yes, the price of oil is fluctuating everywhere, but we know this, so why do we continue to put all the eggs—praying, look God is still a “Trini”, please send up the price of oil? What are we doing in terms of what Dr. Tewarie mentioned about development that will bring revenue? We cannot continue to pray, “God, please do not let a hurricane hit us because you are a Trini,” and “Dear God, please send up the price of oil.” It is not happening; we are living in a false hope.

So when the Minister stands here to tell us do not give up hope, do not give up hope, after 18 to 19 months, the lowest we have tanked down, the lowest decline ever, the sharpest ever in 33 years, do we not need to wake up? We need to wake up and do something different. Dr. Tewarie asked us what are your policy priorities, what are the projects. Minister, I saw you smiling during the protest where the pictures were carried on the TV for Moruga/Tableland. You know what they were quarrelling for? A box drain. And I smiled because they would tell us we were box drain government. You remember that? When the Member for Port of Spain North/St. Ann's West tells us, “You did nothing. You spent the money. You did nothing.” [*Interruption*] Did I finish what? I will answer you, Sir. I am sorry I cannot engage across the floor, but I would like to answer. I would like to answer.

The Minister said we did nothing, we spent money and did nothing. Well show me—the Member for Diego Martin West sit there whole day grumbling, “Doh talk, show me, show me.” Well, show me. You spent over \$52 billion, show me. What did you do? [*Desk thumping*] What did you build? Whom did you pay? It is so hypocritical that we stand here and we will not wake up. We end up here blame, blame, blame, blame. What about the job losses, man. Let us be real; let us be real. And so to say we did nothing, I could talk to you about the 100 schools built under—[*Interruption*]

Madam Speaker: Hon. Member for Siparia, your original 30 minutes have expired. You are entitled to 15 more minutes if you wish to avail yourself of it.

Mrs. K. Persad-Bissessar SC: Thank you very much, Madam. One hundred schools built under the watch of the former Minister of Education. I am responding to the Member for Port of Spain North/St. Ann’s West who said we did nothing, that opened the debate. Over 100 schools, a campus built down in Debe which they cannot even open yet, and a hospital—[*Desk thumping*] When we asked the Minister today, the Member for St. Joseph, the Minister of Health, I do not even know what that answer was. It was like a no answer. A hospital plant sitting there fully equipped. The Member for Naparima was grumbling here certain MRI machines we do not have in other hospitals, you have them parked up there, state-of-the-art, the best in the world, 18 months later, that is criminal. I agree with you. Parked up in there.

What else did we do? The nursing academy up in El Dorado, right in the Diego Martin area, that fantastic Carenage Health Centre, and then the MIC centres all over; nine police stations. [*Desk thumping*] Okay, we did not do everything—we did not do everything—but we did. We could show you where the money went. [*Desk thumping*]

So you stand up there and you blame and you blame, and you say, “Your problem is my problem, because of me,” okay, that is fine. You are there and I am here. The people said, “Okay, Kamla, goodbye. Bye, bye Kamla, thank you.” We are no longer in charge, but we do represent people who voted for us, and we will speak. When there are issues that are arising, we have to speak for them—we have to speak for them.

So this blame game thing is not cutting it anymore, you know, because people down there are suffering—the job losses—suffering. You are talking about MHTL and 2012 and 2013, and we did nothing and the contract was month to month. Well then what did you do for 18 months? Why did you send those people home?

Int'l Financial Organisations Bill
[MRS. PERSAD-BISSESSAR SC]

Wednesday, March 15, 2017

[*Interruption*] TDC, can I just say—thanks for reminding “meh”, job losses—you are talking about shutting down TDC, I wish somebody would be a legal person on that side to tell them you cannot just do that. The TDC is set up by an Act of Parliament. You must come to Parliament. You must change the law. But no, no, no they are already going and shut down and 18 months and 90 months, you see, you really have to wonder: Taking these executive decisions, and that is where earlier today we had issues about it, not to repeat, but we are a constitutional democracy. We are different from the United Kingdom where they could go by executive order. We are a constitutional democracy, not a parliamentary democracy. [*Desk thumping*] The Parliament cannot override the Constitution.

So coming back, we did nothing. Schools, police stations, hospitals, roads, bridges, drains. We did not do every one. We did houses, yes; MIC centres, YTEPP centres. We did not do every single thing.

Hon. Member: Aviation school.

Mrs. K. Persad-Bissessar SC: Aviation school, well you keep rattling, but here we are, we are going to borrow. I think the country is entitled to know how much we are borrowing, how much we plan to borrow. It is not good enough to say, “We not really going and borrow you know. We just going and leave it there in case”, because that is what we were told before when they came in 2015 and increased the ceiling. How much is your proposal to borrow, given that from the same report where it is that central Government’s total debt is \$89.6 billion as at the end of the fiscal year, last year, \$89 billion. Dr. Tewarie said it was increased by about \$10 billion or \$11 billion from borrowings, which is reflected here going backwards. So how much is this now?

I listened to the hon. Minister of Finance on a programme. He was sitting on this armchair. I think it is the same time when he talked about the zero, zero, zero and the people did not riot yet, so it is okay and so on. In that same one the hon. Minister said in that same statement, he talked about borrowings and the debt to GDP ratio, and he said it is already high and we will be getting into great difficulty if we take it higher. Well we have taken it higher. The Government has taken us—what is it Dr. Tewarie?—77 per cent debt to GDP.

Dr. Tewarie: 62 per cent.

Mrs. K. Persad-Bissessar SC: Madam Speaker, 62 per cent debt to GDP of \$89.62 billion. [*Crosstalk*] I took the opportunity to look at the number of working persons, and this very economic bulletin gives us how many persons employed. They give us a total of 378,300 persons are employed. This works out

to, if we are owing \$89.622 billion, to \$68,000 that each working person in this country owes. We try to understand it, because to what, \$89 billion—I do not even have an idea in your brain to imagine what it is like. You bring it down it is \$68,940 per person.

So Minister, yes, that is one of your revenue streams, to borrow, and we will be very happy to know, as Dr. Tewarie asked, what are your plans, what are your policies and projects for other revenue streams for sustainable development in Trinidad and Tobago. When we look again at the economic bulletin we note, not only that our debt, the amount we are owing as a country, total debt, that is external and internal debt of \$89.6 billion, that was then. I would ask again through you, the hon. Minister will tell us, is that correct? Has it changed? Have we paid any part of that since then? We are now into the third quarter of 2017—fiscal 2017; the second quarter of fiscal 2017. Has it changed? Is it more, is it less? As we seek to pass this Bill, what is it today in terms of the debt of central Government? How much are we owing? Back to Dr. Tewarie's question, what are our plans and how are we going to finance and pay for these particular debts?

Madam Speaker, I want to thank you very much at this time to make my contribution. If I could take just one moment. Earlier in the sitting Dr. Moonilal raised an issue with respect to WPC Nyasha Joseph. I would like to extend condolences to the family of WPC Nyasha Joseph, whose badly decomposed body was discovered today, confirming that she is dead. Minister, which I guess you know by now. So we extend our condolences to her family and of course to the families of those other victims of crime.

I thank you very much.

7.30 p.m.

Dr. Surujrattan Rambachan (*Tabaquite*): Thank you very much, Madam Speaker. Madam Speaker, let me take this opportunity to also join in extending our condolences, again, on the loss of a very good professional, from all the reports we have seen in the country. But to lose young professionals, people who have dedicated their lives for the defence of other citizens is a real tragedy in our midst.

Madam Speaker, listening to the absent Member for Port of Spain North/St. Ann's West, one could only describe his contribution as an apology for PNM Government incompetence. [*Desk thumping*] For PNM Government inaction, and for PNM Government lack of intellect and visions. That is all he did. Madam

Speaker, 19 months this Government has been engaged in a blame game. This Government has done that to excuse itself from its inability to perform. Even if you gave them the first 12 months as part of the learning curve, as introduction to Government, then the last seven months should have been months in which they would have demonstrated a capacity to deliver something of value to the country.

But instead of that, like the hon. Member for Siparia and the Leader of the Opposition has said, we have experienced in 2017 the sharpest decline in the economy in 33 years. The last time some of the things happened was in the era of Prime Minister Chambers, when there was a decline of 10.83 per cent, during that time. But, the reality is, that what is happening in Trinidad and Tobago under this Government is frightening, frightening to say the least in terms not only of the economy, but the social outcomes of the loss in jobs, of the inability of people to maintain quality lifestyles, the poor getting poorer in the country. It is devastating to say the least in the lives of many people.

So that, like the Opposition Leader said, and I want to repeat it with your permission, the blame game is not going to take this country anywhere, and the blame game is something that the country is now tired about; really, really tired about. And I believe last week or this week there was an editorial in the *Trinidad Guardian* that said the same thing, and warned the Government to stop the blame game, and to get down to the act of doing. You see, the only reason you blame other people is because you mask your own incompetence; that is why you blame people. [*Desk thumping*] You mask your incompetence by blaming other people, and this is what has been done. And the only time you try to shout down other people is because you do not have rational argument to convince people that you are capable. And that is what is also being done by the Government, and who suffers in the middle of that is the people. And in the middle of that you expect us to come here and support legislation that you bring under the guise of saying, well this is the tactic I am going to use in order to get my legislation, but at the same time you are undermining the Constitution of Trinidad and Tobago in this country.

Madam Speaker, I want to begin my contribution by referring to an article by Alan Blinder and Mark Zandi. Mark Zandi is the Chief Economist for Moody's Analytics, and Alan Blinder is a memorial Professor of Economics at Princeton University. And given the recession that is taking place in Trinidad, I have been

looking over the last couple of months to see how other countries have been able to deal with recession. How they have been able to bring their recession to an end. And this article dated July 27th 2010, *How the Great Recession Was Brought to an End*, I think it will provide good reading for the Minister of Finance in particular, because it says here, and I quote from it:

“The effort to end the recession and jump-start the recovery was built around a series of fiscal stimulus measures. Tax rebate checks were mailed to lower- and middle-income households in the spring of 2008; the American Recovery and Reinvestment Act (ARRA) was passed in early 2009; and several smaller stimulus measures became law in late 2009 and early 2010.”

And, because of that the US economy which went into a real bad state in 2007/2008 made enormous progress beginning in 2009.

And why I refer to this is that, like my colleague for Caroni Central has noted, we have not seen anything being presented by the Government that suggest that they have a recovery plan. [*Desk thumping*] And any country that has come out of a recession had a plan, had a recovery plan. Whether it was in the case of, like the United States of the American Recovery and Reinvestment Act, or the fiscal stimulus measures that were placed there, or the tax rebates, or whatever that was done, but they did something and they were able to bring their country out of recession, and the economy of the US is back on the increase these days, and that is important.

The second point I want to make, and I saying that this Government has not been doing that. They have not demonstrated anything like that. All they have done is engage in the blame game. What has happened is that a lot of things are just being closed down in this country as a result. As he talked about the blame game, and as he talked about what was done and what was not done, the hon. Member for Port of Spain North/St. Ann's West made reference to what the Government of Trinidad and Tobago, the People's Partnership did or did not do with respect to energy. But I would just like to remind the hon. Member for Port of Spain North/St. Ann's West, who in a huff and puff came here, and in a huff and puff left, that in 2010 when we took office, beginning in 2009, the number of rig days per year were below a hundred. But when we left office, the number of rig days in 2015 were above 225. [*Desk thumping*]

We must have done something right to get the rig back to work. We must have provided some kind of incentives to the producers, and investors, and companies

in the energy industry to do that. And apart from that, the number of feet drilled in 2009, end of 2009 was just under 200,000 feet. But when we left office in 2015, it was about 450,000 feet drilled, twice. So, we were doing something. And then another point made by the hon. Member for Port of Spain North/St. Ann's West, had to do with the decline in gas production. Well, I want to go back to the report by Rystad. Way back, where:

“...Rystad highlighted the fact that since 2005 there has been a significant decrease in the number of new gas development projects sanctioned for investment in Trinidad and Tobago.”

Now, that is important. If you are not sanctioning new gas development projects as far as back as 2005, given the period gestation time it takes to get these producing wells going, then what will happen in 2010? What will happen beyond that?

So, no new gas development projects were sanctioned as far back as 2005 for investment in Trinidad and Tobago, and Rystad reports, that:

“This...led directly to the significant decline in production experienced since 2010 and the shortfalls in gas delivery to the petrochemical industry in Point Lisas and at the Atlantic...facility.”

So to just come carte blanche and say that the PP Government was responsible for X, Y and Z, is a betrayal of what are the true facts in this particular situation.

Madam Speaker, the next article I want to refer to is an article written by Karen Campbell, and Karen Campbell is a director in an international monetary organization. She is in fact a Policy Analyst in Macroeconomics in the Center for Data Analysis at The Heritage Foundation. And she asks some very important questions which I also noted here, that I wanted to ask, and then I came across this article, and in the article she asked, is there a role for Government in the economy? If so, what is that role? But more particularly, is there a role for Government in an economy especially when there is a recession? And her answer, says Karen Campbell, is yes. But, the Government must focus on maintaining economic stability in terms of how it defines and articulates its role, and the question we have to ask is, in this recession is the current Government maintaining and focusing on maintaining economic stability?

And one of the elements of that economic stability is fiscal responsibility. Fiscal responsibility. I want to ask the question, Government spends \$52 billion, as the hon. Leader of the Opposition said. Government has been borrowing a lot

of money, and Government debt of the kind and the rate at which they are borrowing, \$11 billion in one year, can quickly become a burden on this economy and weaken the very foundations of this economy. And on the other hand, sound macroeconomic policies can enhance the credibility, not only of the Government, but of the country, and credibility is vital for economic stability. And we are not seeing any of that in terms of macroeconomic policies of this Government. We are not seeing that. We are not hearing that. And today I ask boldly, what has happened to this very high-powered group of persons appointed, the Economic Advisory Board, what has happened to them? What has happened to this big think tank and this big set of brains? The latest I hear from one fella called Dr. Terrence Farrell, is that sport can be the impetus for diversification. Well, what he has simply done is reiterated where we were going, the setting up of the sporting cycle stadium, [*Desk thumping*] the tennis centre, the aquatic centre, and what have you.

But, is this Government capable of marketing those facilities in a way that they are engaged in all-round use and bringing foreign exchange into the country? And I do not think they are capable of that at all. That is why they try to close down the TDC and set up a TDC for Tobago and a TDC for Trinidad, but I want to ask a question. I could be deadly wrong about this, but I am going to ask the question. Is the TDC being set up directly in Tobago so that they can make a decision on Sandals without reference to the Parliament or to the Government of Trinidad and Tobago? [*Desk thumping*] Is that a way to take away, what is the word, bifurcate?

Hon. Member: Yes.

Dr. S. Rambachan: Yes? Is that a way to do that so that you do not have to have reference to Trinidad and Tobago, and the TDC could say, well, this is our decision, this is our space, and we are going to take this decision in Tobago. I think that is an important question to ask. What is the real reason? Escape parliamentary scrutiny, is that what you are doing, escaping parliamentary scrutiny?

Madam Speaker, Government should contribute to the economic growth of the nation. But in contributing to the economic growth of the nation, Government must provide the best entrepreneurial opportunities for its citizens. And in a recession, when people need you to hold their hands the Government has to redefine its role in entrepreneurship. In other words, there was a time when the Government had "Industrialization by Invitation", and they would invite people,

and provide incentives to people, and so on. There was a time also when there were joint ventures in the country between the Government and other countries, there were even government to government agreements. Is it now, in the era when we need diversification, that the Government should perhaps be revisiting its policies and be setting up joint ventures with the private sector in order, and entrepreneurs, to deal with diversification? Should there not be a change in policy, a rethinking of how we get the new manufacturing sector, the diversification going? I think one of the mistakes that the Government is making is that they are looking at really large projects for diversification. I think if you begin to look at small and medium-sized projects you will find many areas where you can have diversification. Many, many areas you can have diversification, and especially export oriented projects and possibilities.

The Member for Caroni Central correctly spoke about the burden of debt, and one of the things I think that this Government is ignoring, especially the policymakers who purportedly advising the Government, is that they are not recognizing that accumulating debt also accumulates risk by increasing the claims on yet unrealized future income. This Government has not told us where the future income is going to come from in order to sustain the repayments of these debts. So, are you jeopardizing the future of the country? And are you taking us down the path of IMF policies? I said before and I say again, are you just sitting there like a silent spectator to the plight your country and waiting for the arrival of IMF policies and then you will endorse them? And you are going back and say, "People's Partnership you caused that". I want to say again, you said on the very first day of the Parliament, we are in charge and you deal with that. Well, we are saying to you, "You are in charge and you deal with that now". [*Desk thumping*] Deal with that. And that is a very serious thing.

Because, you see, Madam Speaker, my leader, the Leader of the Opposition is very correct, this Bill is about borrowing, and it is so urgent to the Government because they are in trouble. Their earnings in the last quarter of this fiscal year—first quarter has been less than the earnings in the last fiscal year, and it continues to decline. So, what they are really trying to do is just to borrow and put into a whole that is getting deeper. But when you do that, and as the debt becomes a larger percentage of your GDP, your ability to pay back bondholders and sustain this population will become increasingly difficult, and this is why you are going to find that you are sowing the seed for a level of social dissension in this country that is not going to be good for the social health of the entire country, and they better watch that. You better watch that. You cannot keep putting people under

pressure and in addition to that putting the future in jeopardy by what you are doing without providing a viable economic recovery. You cannot do that. [*Desk thumping*] Sowing the whirlwind.

Madam Speaker, you know I recall in 2012 when I was Foreign Affairs Minister I accompanied the then hon. Prime Minister to Colombia, to the Summit of the Americans, and there we signed an agreement with respect to CAF also, and I recall, you know, that that was another event that stood out in my mind, because I said to myself when I was preparing for this Bill, I said, you know, here is it that when we travelled we always did something that got benefit, economic benefit and other benefits to Trinidad. [*Desk thumping*] We are always marketing Trinidad and Tobago. We are always seeking opportunity for Trinidad. Perhaps that is why we had so much foreign investment when we were in office. [*Desk thumping*] But their foreign investment has dried up [*Desk thumping*] because our embassies, and our overseas missions, and our overseas visits were meant to do something for the beneficial interest of the citizens of Trinidad and Tobago. [*Desk thumping*]

Hon. Member: London to London.

Dr. S. Rambachan: And that is the point I am coming to. We were not paying \$16 million for a lobbyist. We were not doing that. Our embassies were trade embassies, our embassies were business centred.

The reality is that CAF, the Andean bank, will provide loans for Trinidad and Tobago, and there will be attractive interest rates, and that is okay, that is good. It is always good to borrow. But the question I want to ask, and I want to repeat, because I hope we get some answers from the other side. The hon. Member for Port of Spain North/St. Ann's West, he did not deal with it at all. He did not even touch the issue. What is this money going to be used for? What is this money going to be used for? What is it going to be used for?

Madam Speaker, you know, back on that point about trade and trade agreements. You know, we made several trade agreements. The hon. Member for Port of Spain North/St. Ann's West talks about—or the Member for Diego Martin North/East talks about Central America being the regional markets. We had declared that Latin America was our new trade frontier, and we were doing things to stimulate that. We developed arrangements with Chile, which they are following through now with a visit, I think, of the President of Chile, and what have you. We were doing things that advanced the interest of Trinidad and

Int'l Financial Organisations Bill
[DR. RAMBACHAN]

Wednesday, March 15, 2017

Tobago. We were really making Trinidad and Tobago the gateway to South America. [*Desk thumping*]

Hon. Member: With Panama.

Dr. S. Rambachan: Yes, the partial scope agreement with Guatemala, the partial scope agreement with Panama, we were negotiating with other countries in the region.

Mrs. Persad-Bissessar SC: What have they done?

Dr. S. Rambachan: None! They have done none. Madam Speaker, there are no trade agreements that have been done at all.

[*Hon. C. Robinson-Regis stands*]

Madam Speaker: Procedure in the House.

PROCEDURAL MOTION

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much. Madam Speaker, I would just like to move the Procedural Motion to ensure that we can continue this debate until the conclusion, and there is a vote taken. Thank you very much, Madam Speaker.

Question put and agreed to.

INTERNATIONAL FINANCIAL ORGANISATIONS (CORPORACION ANDINA DE FOMENTO) BILL, 2017

Dr. S. Rambachan: Thank you, Madam. Thank you. Madam Speaker, all of these trade agreements we did, and I want to put on record my gratitude while I was Foreign Affairs Minister, and thereafter under Mr. Dookeran, to Ambassador Mervyn Assam, for the very hard work he did and the leadership that he demonstrated in getting those partial scope agreements with all those countries.

Madam Speaker, so we are concerned about what this money is going to be used for. If you borrow money and your money is not earning money, or you are not earning money to pay that then you are putting yourself in a serious situation. And countries who borrow money to pay recurrent expenditure are putting themselves in a more serious position. Why? Because we do not see the price of oil going back to a hundred dollars, so where are we going to get the money to service all of these debts? So, we have to look at alternative strategies, and again I make the point, the Government has not presented a clear economic strategy for transformation, for diversification, and for sustainable economic future. They

have not done that. There are going to be no returns. We must do an analysis and you will see how much of our money just goes into recurrent expenditure rather than capital.

In fact, if I am correct, Dr. Tewarie, there has been a 44 per cent drop, I believe, in capital expenditure in the first quarter, according to this report.

Hon. Member: Central Bank Report.

Dr. S. Rambachan: The Central Bank Report, and if that is the case it is frightening. It means to say that the Government has not been able to get its capital programme going, and when you cannot get your capital programme going, you know what that means? That means you are affecting employment levels, you are affecting provision of goods and service, you are affecting every sector in the economy. No doubt the construction sector is down, like the construction sector is down because of the intransigence of this Government. You know, I will show you what is happening. In the Central Bank Report just published, March 2017, listen to what it says:

Private sector credit growth continue to slow in the latter part of 2016. On a year to year basis lending granted by the consolidated financial system increased by 3.3 per cent in December 2016 compared to a rise of 4 per cent in July 2016.

So it is going down. Private sector is borrowing less:

And while growth in credit granted by commercial banks lost momentum, credit by non-bank financial institutions also contracted over the period.

Here is what makes it even worse:

Consumer and real estate mortgage loans continue to record moderate growth rates at a slower pace while business lending remained subdued. Consumer credit rose by 6.6 per cent in December 2016 compared to 8.6 per cent in July 2016.

Consumers are borrowing less.

Lending for the purchase of motor vehicles decelerated for the fourth consecutive quarter to 7.5 per cent in December 2016 largely as a result of a slowdown in loans for new private cars.

And worse than that:

Current cement sales down 20 per cent for 2016 compared to 2015. New vehicle sales were down 14 per cent for 2016 over 2015. Containerized cargo down 25 per cent at the Port of Point Lisas in 2016 compared to 2015 and—of course—the economy contracted by 10.8 per cent in the third quarter of 2016.

And here is the point:

Revenue down 29 per cent in the first quarter of fiscal 2017.

And that is serious, and that is because you have a Government that is a spectator to the plight of the people. [*Desk thumping*] Spectator to the plight of the people. Real spectator. Whether it is spectator to the number of people who are being affected by criminals, or spectator to the economic plight, they are spectators. They are known for their inaction, and blaming, [*Desk thumping*] and blaming. You know, construction is supposed to be something to energize the economy, but that is not happening. Why is that not happening?

The Government should be doing something about mortgage lending rates in Trinidad and Tobago which is going up. So a lot of people, while you are providing 2 per cent to people under \$14,000, I believe, and from \$14,000 onwards to \$30,000 is 5 per cent, that is only for one segment of the population. How are the 16 per cent who earn less than \$8,000 a month in Trinidad and Tobago, what can they buy? Is it impossible to revise your policies in such a way that you can provide, on a normal piece of land, condominiums that people can build, and which they can own, or they can accommodate people who have \$8,000 a month, or less, and they can get a property and they can become part of the ownership structure and have something for the future? So that you can also stimulate investment in construction. You got to think, Government! [*Desk thumping*] You got to think! You got to put on your thinking caps and do something.

Real estate mortgages are also going down. What I have demonstrated is the construction sector is under serious decline, and it is under serious decline because of your inaction, and the kind of policies that you have in place. So, what are you going to do with that money that you are borrowing? Is it just to pay recurrent expenditure? And if you are doing that, where are you going to get the money to pay back those particular loans?

You know, Madam Speaker, the Prime Minister of Trinidad and Tobago in response to a question, right here in the Parliament, on how much was owed to

public servants, and how it was going to be repaid, indicated that they had borrowed money, and I asked him then, whether it was short-term borrowing or long-term borrowing. And, of course, it was bonds that we were raising on the market, long-term bonds. If you borrow, but you are earning nothing from what you borrow, then you are putting yourself in jeopardy. Jeopardy, Madam Speaker.

Madam Speaker, and not only borrowing, “eh”, but we drew down from the Heritage and Stabilisation Fund also, \$2.5 billion. All right? Now, what is really our challenge? And what is really our predicament? When you look at the figures, it is true that we still have about 10.5 months import cover, but at the same time, we are having a great difficulty in raising foreign exchange, and side by side with that there continues to be a penchant in this country for foreign goods and services, and that is a dilemma that is placing us in a difficult situation, and I have to ask certain questions, and I will provide the answer.

Why is it that people are not taking advantage, for example, of the tax incentives on hybrid vehicles in this country? Why they are not taking advantage? Why are people not converting as they should convert to CNG, using the incentives that are there? What is the rate of substitution for locally produced foods in the country? What is the rate of substitution? Why is it that citizens have not engaged in some level of personal restraint re consumption patterns involving foreign goods? Why? You know why? Because this Government is not showing them any leadership, or giving them any motivation, or inspiring them to make the sacrifices that are in the interest of Trinidad and Tobago. You need inspirational leadership to fuel the minds of this population to help you come out of this recession.

Dr. Rowley: What?

Dr. S. Rambachan: Yes, Prime Minister.

Dr. Rowley: What?

Dr. S. Rambachan: Yes, and you do not have your oomph to do it. That is the problem. [*Laughter*]

So, there is a loss of confidence in the people, by the people, in the Government. And when people lose confidence in the Government, the people are not going to make the sacrifices, and you are not giving them a reason to make the sacrifices to move this country in the direction in which you want to move it. You are not doing it. If you were doing it something would have shown in the last nine months, at least, in the country.

Madam Speaker: Member for Tabaquite, your original 30 minutes have expired, you are entitled to 15 more minutes if you intend to avail yourself of it?

Dr. S. Rambachan: Yes, thank you. Thank you, Madam Speaker.

Madam Speaker: You may proceed.

Dr. S. Rambachan: Thank you, Madam Speaker. [*Interruption*] So, what are we doing to increase foreign exchange earnings in the country? What are we doing to increase foreign exchange earnings? The black market seems to be thriving. I walked into a hardware in South Trinidad and I saw a sign by the cashier, buying US at \$7.25. Now, tell me, if you have laws in this country that says that you cannot have a black market like that, an open trading—go all over Port of Spain, Attorney General, and maybe you can call the police. You can call the police. [*Interruption*] I am, and that is why I am bringing it to the attention here, but I am not going to engage you.

Madam Speaker: Member, I have allowed you some leeway, so could you come back now to the Bill.

Dr. S. Rambachan: Thank you. Madam Speaker, my question, therefore, to this Government is, are you going to use this money in any way to assist in the diversification of the economy? Because that is where we have to be. I want to say again, we are looking for large projects to diversify this economy. In the small to medium term, that is not going to happen. But, if you look hard enough there are enough projects in this country of a smaller kind that can help us in the diversification that can provide jobs, and also have export potential.

8.00 p.m.

And perhaps we have to change the model for diversification by, as I said, sharing the risk between the entrepreneurs and the Government. And the Government should now get into the joint venture with the entrepreneurs. It is not just about NEDCO lending money. There are too many institutions in this country set up under the name of increasing business activity and helping the business community and helping entrepreneurs. But I do not think that they are doing what they are supposed to do. I do not think that people are doing their jobs. I do not think that they are succeeding at all and I think that they ought to be reviewed. For example, we have in this country examples of success, Caroni Green Limited, peppers. But we must not just stop at peppers, we must also look at the processing of the peppers so that instead of getting US \$6 for your pepper, you could get US \$20 for a kilogram of processed peppers.

What about fruit processing? You have so many hotel rooms in Tobago, all over the Caribbean, you still go on a breakfast table and you see a little glass bottle of jam made somewhere in the UK. Right? Why you cannot produce all of that, right here, in Trinidad, in the same glass bottles, made by CARIB Glassworks Limited and increase the production of bottles and, at the same time, get your small entrepreneurs to make the jams and full them in those bottles. [*Crosstalk*] Sorrel jam, nutmeg jam, all kinds of jams.

You know, you have the University of the West Indies and during the whole summer classrooms are empty. Have you ever considered marketing West Indian courses to universities overseas that people can come here, with their students, have a cross-cultural experience and at the same time—summer school—earn money for Trinidad.

Hon. Member: Classes are full.

Dr. S. Rambachan: Well, I am happy to hear that, if that is true. So, how are we going to use this money? Is it going to be used for economic diversification? Is it going to be used to boost employment levels? I already gave you figures of what is happening in the country in terms of cement sales and other kind of sales and what have you.

Madam Speaker, it is very important that we take stock of what is happening here this evening because we are borrowing but the question that was posed by the Member for Caroni Central, my colleague, is still a relevant question. How much are we borrowing? What are we borrowing it for? And thirdly, how are we going to repay it in the future? The country deserve answers to these three questions. The country deserve answers to these questions. Because it is not just the prerogative of the Government to just get up and say, we borrow what we want and how much we want. The explanations and reasons for that must be given to those who will also have to bear the sacrifices to make sure that these debts are repaid in the future. I thank you, Madam Speaker. [*Desk thumping*]

Dr. Tim Gopeesingh (Caroni East): Madam Speaker, thank you for allowing me the opportunity to join in this debate on the Bill as we have made it short, the CAF Bill which is the Andean Development Bank Bill. On the presentation from the Minister of Finance, I was happy that he was quite honest in stating the work of the Kamla Persad-Bissessar administration, between 2010 to 2015, to bring this into a reality to work with the Andean Development Bank.

He mentioned that during our time, our Prime Minister and her team moved the Series C shares to Series B shares and allowed the immediate access to US \$300

million and the ability for technical assistance and grants to be given to the Government. That was done around 2012 and I will come to that. He said the benefits of that were much faster processing of loans and CAF could work with the country's procurement procedures, rather than having the difficulties with the IDB where all member-states have to participate in the tendering process. And he went on to give the cost of the funding if we are to borrow from the Andean Development Corporation, which is Libor plus 1.5 and Libor plus 2 per cent and he said that he believe that Libor was about 2 per cent. So therefore the borrowing could be about 3.75 per cent or 4 per cent. And the relationship with Latin America was a major benefit.

So he brought this Bill here so that the Government of today now can, as the work of previous Government, Mrs. Persad-Bissessar's Government, can now reap the rewards of her work in signing up to CAF in 2012. And I have with me an article dated Sunday, April 15, 2012, from the *Trinidad Guardian*.

“T&T now eligible for Andean bank funding”

That is 2012, during the administration of Mrs. Persad-Bissessar and the People's Partnership Government.

“Prime Minister Kamla Persad-Bissessar and CAF's President Enrique Garcia sign an agreement for Trinidad and Tobago to become a Special Member Country of the development bank.”

That is 2012. And here it is today the Minister of Finance is bringing a Bill as had been spoken about by the hon. Leader of the Opposition, whether to try to fool the population that this is a Bill to enable membership to CAF. But here it is our Prime Minister in 2010 to 2015, in 2012 there is a photograph of her with Enrique Garcia.

“Prime Minister Kamla Persad-Bissessar began her official engagements at the Sixth Summit of the Americas Friday afternoon with the signing of an agreement for Trinidad and Tobago to become a Special Member Country of the Corporación Andina de Fomento (CAF).

This follows a decision by Cabinet on February 9 for the Minister of Finance to implement the agreement between government and the Andean Development Corporation for the subscription of common capital and expanded country membership in the institution.”

This is an article, April 15, 2012, where the hon. Prime Minister is signing an agreement to become a special member country of the development bank in 2012. And signing with President Enrique Garcia.

“The signing of the loan agreement clears the way for a portfolio of local government projects to become eligible for CAF financing. These include projects regarding infrastructure of roads, transportation, telecommunications, power generation and transmission, water and sanitation.”

And as the Member for Tabaquite indicated, he was present at the signing when he was Minister of Foreign Affairs and Communications and Ambassador Neil Parsan and Sen. Kevin Ramnarine, Minister of Energy and Energy Affairs were also present and our Prime Minister at the time said:

“...the Summit was an ideal opportunity for Trinidad and Tobago to sign such an agreement given this year’s theme, ‘Connecting the Americas; Partners for Prosperity.’”

That is the vision that the People’s Partnership Government had, not to have trade relations with other Caribbean countries but also Latin American countries as well. And so the Prime Minister ensured that in 2012 she signed the agreement with the Andean Development Corporation for ensuring that this begins to occur. And what the Prime Minister at that time said and I quote:

“The signing of this agreement sends a strong message of Trinidad and Tobago’s commitment at the highest political level, to deepening regional integration as well as south-south cooperation in advancing development across Latin America and the Caribbean.”

So the hon. Minister of Finance was being honest when he said that the People’s Partnership Government paid up the membership fees when the Prime Minister signed in 2012 to become a special member of CAF and over a period of time, nearly US \$330 million, nearly \$2 billion was paid by the Government and by the Central Bank to ensure that we had full membership in the Andean Development Corporation.

And so it was the People’s Partnership administration that really went ahead and created the membership so that the development corporation could have been easily available for borrowing or funding. So there is no need now to come with a Bill saying that you want to—this Bill is to have membership so we can borrow. That membership was created already in 2012, and we had the opportunity to borrow from since then. But the People’s Partnership administration being such a

responsible Government, in the five years that we were there we never borrowed one cent from the Caribbean Development Corporation. In 2014/2015 we got some technical assistance valued about US \$100,000 for about three different areas, education was one, it was a non-refundable technical assistance.

So such was the responsibility of the People's Partnership administration and I remember the Minister—first of all, this started with the Minister of Finance, Minister Dookeran, when he began to engage in discussions for south-south corporations and for expansion of trade with Latin America and the wider Latin American countries. As we speak today, Madam Speaker, in fact, there is a meeting taking place of the Latin American countries discussing with Mexico what trade relations they come about, because of the United States policies now which some people believe are protectionist to some extent and what is Latin America going to do in terms of trade with Asia, I believe; China is being represented there as well, at the moment while the discussions are going on.

So the Prime Minister at the time had the foresight to know that our trade should not only be concentrated within the Caribbean and North America alone, but in Latin America and the wider, entire Latin American countries over the period of time.

So the Minister of Finance when we need funding, Minister Howai, Minister Howai was so careful to keep the Government in check that we had reached a debt to GDP of around 41 per cent and he was so concerned that we will not move beyond that and so therefore sought no borrowing from the Andean Development Corporation despite the fact there were a lot of development projects underway.

So he wanted to maintain our debt to GDP ratio so that we would not be downgraded any further, because we had one downgrade and when we had that downgrade the Members of the Opposition at that time made one big statement about how Trinidad and Tobago is in a recession and we are carrying the country down to degradation and regression and so on, by Moody's downgrading us one notch. But the Minister of Finance at that time decided that he will hold steady and he will ensure that the debt to GDP ratio remains around 41 to 42 per cent. And that was the maximum we went and I will give some statistics pretty shortly to show what has happened since then, Madam Speaker.

Since then, Madam Speaker, there has been a dramatic rise in TT Government borrowing and I want to quote from an article on the *Stabroek News*. It is dated by a staff writer on August 1, 2016 and Trinidad *Express* quoted it.

“The pace of Government borrowing has surged exponentially, according to Central Bank reports and interviews with academics and bankers.

By the end of its first year in office, Government would have grown the country’s debt by \$10.7 billion, 21.4 times more than the previous administration over the comparable period (2010/2011 versus 2015/2016).”

So the Government, the Prime Minister Rowley-led Government grew the country’s debt by \$10.7 billion in one year, 21.4 times more than our administration when we came into office 2010/2011 versus 2015/2016. The article goes on to state:

“The Central Bank of Trinidad and Tobago’s...Monetary Policy Report November 2011 said: ‘Public debt outstanding stood at \$71 billion (at the end of fiscal 2010/2011)—\$71 billion—“compared to \$70.5 billion at the end of the previous fiscal year (2009/2010).”

So 2009/2010 the debt was \$70.5 billion and 2010/2011 was \$71 billion, 0.5 billion more. But in one year this Rowley-led administration came into office, moved the debt to \$10.7 billion more. So by the end of its first year in office the incumbent Government, the Prime Minister Rowley-led administration, would have added \$10.7 billion. [*Crosstalk*] Well, you are the Prime Minister; this is your administration. So it must be Prime Minister Keith Rowley’s-led administration. So if you do not want to take ownership of your own Government, well give it up. [*Desk thumping*]

Madam Speaker: Member, one, I will ask you to address your contribution to the Chair and I have allowed you some leeway so if you could now relate what you are saying to the matter at hand.

Dr. T. Gopeesingh: Thank you, Madam Speaker. Madam Speaker, I am responding to statements made by the Member for Port of Spain North/St. Ann’s West when he opened up the debate on the financial issues in Trinidad and Tobago. And it is important to put these into *Hansard* so that the people of Trinidad and Tobago can know what is happening. So:

“...\$10.7 billion to the country’s debt stock of \$107.5 billion (as at April 14, according to the CBTT Economic Bulletin).

With interest, taxpayers would have to repay a \$2 billion Republic Bank-arranged bond, a US\$1 billion (\$6.7 billion) Deutsche Bank/First Citizens Bank-arranged bond, and a US\$300 million (\$2 billion) loan from the Caracas-based Latin American Development Bank (CAF).

Ironically, T&T paid approximately US\$323.4 million to join CAF...”

We paid almost \$2 billion to join CAF and we did not borrow a cent. So when they say, where the moneys are going, that is what the People’s Partnership Government was doing, putting Trinidad and Tobago on a strong economic footing, paying \$2 billion to become a special member of CAF but did not borrow any money despite the fact that we had the opportunity to do so. And so:

“At the end of 2015, total public sector debt (excluding sterilised debt) stood at 41.7 per cent of GDP...”

Facts, not false facts:

“...with domestic debt at 34.3 per cent of GDP and external debt at 7.4 per cent of GDP, according to the CBTT’s May 2016 Monetary Policy Report...”

As”—the Trinidad and Tobago—“Government continues to borrow to finance spending beyond its means in its first fiscal year...”

So they utilized 53 billion in the fiscal year 2015/2016. And Member for Port of Spain North/St. Ann’s West had the temerity to ask, what we did when we were in Government? Well, let us ask them: in one year where they spent \$53 billion, what have you got to show for the expenditure of \$53 billion. [*Desk thumping*] They cannot tell this country. What development projects have they put on? What special projects have they put on? Now, have they been able to stimulate the economy? No investment, no infrastructure development, no funding for increased economic development, loss of jobs, everything occurring under their watch.

And permit me, Madam Speaker, to put into record an article written by the former Governor of the Central Bank, Mr. Jwala Rambarran, as recently as March 13th, two days ago, 2017. And I quote from the article:

“The Central Bank’s latest Economic Bulletin is just short of being disingenuous.

I’m not sure what was Governor Hilaire’s greater sin. Was it showing he will do all that he can to save face for his PNM handlers by manipulating the way the Central Bank regularly presents its analysis...”

Madam Speaker: Member for Caroni East, again, I would like to tie, very quickly, your contribution to the matter at hand. Okay. Some of the points you have made, and I have allowed it, have been dealt by many other speakers before. But, please.

Dr. T. Gopeesingh: Madam Speaker, this Bill is a means of giving the Government the ability to borrow money and therefore the Minister of Finance has come to ask for Parliament to approve this Bill so the Government can borrow money. But I am giving the context in terms of which the Government should not be borrowing any further money, Madam Speaker, because of the economic situation in Trinidad and Tobago. So when you say under clause 3 of the Bill, clause 3 says:

“Would provide for the Government to borrow from the Corporation for the purpose of financing or promoting economic and social development with Trinidad and Tobago.”

The social and economic development at the moment is at its worst. So the issue is, we have a:

“...deteriorating performance of the energy sector, real GDP”—has fallen—“by at least 12% in the fourth quarter of 2016.” And—“the Central Bank’s...data...means”—the—“GDP in Trinidad and Tobago contracted by at least 9% in 2016. This”—has been—“the sharpest economic decline in 33 years!” Madam Speaker.

So here it is, the Bill wants us to borrow money for promoting economic development, private sector/public sector partnership, but how can we dare to go there. How can we even contemplate wanting to borrow any money when the economy is at its worst at the moment. And this Government has an Economic Advisory Board.

The hon. Prime Minister gleefully stated in his first year of office that he has appointed an Economic Advisory Board. What has the Economic Advisory Board done for this country and what recommendations have been made so that Trinidad and Tobago could have benefited from any recommendations they would have made? [*Desk thumping*] Absolutely nothing. So where is the Economic Advisory Board? Are they sleeping? So the Economic Advisory Board is sleeping and here it is the Minister of Finance coming with a Bill to ask to borrow more money, for what issue? What special projects? What private sector/public sector projects?

This Government has been speaking about private sector/public sector partnership from day one. Eighteen months later they cannot tell you what public sector/private sector partnership is in stream at the moment. They speak about one, the Couva Hospital. They are talking about that from day one. They appointed a special body. A colleague of mine, Dr. Winston Welch, we know each other since 1969, 47 years now, as I know the hon. Prime Minister for almost

46 years. We were at university together, at Mona, but that team of medical personnel recommended a private sector/public sector partnership for Mount Hope and up till today we see no—when the question was asked today, there was no answer to it as to where it is going.

So here it is, the Andean Development Corporation is prepared to lend money for public sector/private sector partnerships but the Government does not have a clue about what they want to do, so therefore, when they borrow money what are they going to tell the Andean bank, what are they borrowing the money for. So that is the context in which I had juxtapose my statements earlier on, Madam Speaker.

So what comfort do the people of Trinidad and Tobago have when, in fact, the largest economic contraction of almost 10.5 per cent took place in 1983 when the Chambers PNM Government was in power and the global oil market had collapsed and here it is now we have the sharpest and worst decline in 33, Madam Speaker? Could a Government feel proud of that, the worst economic performance ever in the history, in 33 years, that this Government has carried us to where we are today? That is totally unsatisfactory. And so, the Member for Caroni Central mentioned that we have taken the debt to GDP to close to, about 63 per cent and it might be more—63. So 41 to 63. In five years, at the end of 2015 we left it at about 41/42 per cent. And now it is about 63 per cent and it is not just only because of the increased borrowing alone, but also because the GDP has fallen. And why has the GDP fallen? Because there is no economic activity, no infrastructure development—

Madam Speaker: Member, please go on to another point. I think that point has been clearly made by speakers before.

Dr. T. Gopeesingh: All right, fine. So, Madam Speaker, the issue of loans and borrowing money cannot be what this Government wants to do without telling the people, what projects they are going to borrow money for? How is the country going to develop economically? How is it going to save jobs? What measures are they going to reduce crime? How are they going to improve the health care system? How are they going to carry the tremendous work we did in education forward where we became a world leader in education and what we are seeing now is a sharp regression of all the gains that we made in education over the last five years. So the country wants to know what is happening at the moment. So they are not seeing any activity and therefore when the Minister comes and indicates that he wants this Bill passed to have funding to do a number

of things, the people have to ask and they are asking already, what are you doing with your money and what projects you want to implement?

Madam Speaker, there was money allocated under the Public Sector Investment Programme by this Government in 2015/2016. Approximately \$6 billion to \$7 billion with the IDF, with the Infrastructure Development Fund and for the Consolidated Fund. We asked the Minister of Finance, you had \$7 billion, what have you done? What percentage of that \$7 billion you spent on Public Sector Investment Programme for the development of any major capital expenditure; and no projects. You would have spent less than 20 per cent and that is, you did that deliberately, you did not want to spend the money so you could come at the end of the fiscal year and say that you saved all the rest of the money. So you had \$7 billion to use, which was part of your budget, you spent less than \$2 billion so you could say that you saved \$5 billion. But it is not saved, you were just incompetent and did not have the capacity and the capability to do any projects as a Government and it is continuing into the second fiscal year now.

The Member for Caroni Central asked, what projects have you done under this year's PSIP and we would like to have some answers. You cannot tell the country what projects you have undertaken and besides not having undertaken any projects, you have not paid people from the past. And we heard this afternoon from the Member of Port of Spain North/St. Ann's West, he indicated, Madam Speaker, what have we done? We did nothing with our funding and the hon. Leader of the Opposition gave a number of examples and is so much that we have done that is so numerous for us to speak about. So that when we look at the economic performance and the performance of the People's Partnership administration, we had two books overflowing with issues [*Desk thumping*] and projects that we had completed during our time.

8.30 p.m.

I had the privilege of reading through this and I was amazed, even myself, of the number of projects that we did during that time. [*Interruption*] Well, I know that 102 new schools were completed and 78 schools were under construction when we left. I told the two Ministers of Education to go through the country and look for them. I gave the Minister of Education a listing of all the schools that we had completed already, and if he wants me to give it again, I will give it again.

But you know what? The 78 schools that were under construction, they have stopped the construction of these schools, and two of these schools are in the hon. Leader of the Opposition's constituency: Parvati and Shiva, and it is coming to be

similar to what has happened to the Biche High School. They kept it closed for 10 years and the Minister of Planning and Development has been saying to the population that we did not have planning permission to do the schools. You think NH International, Mr. Emile Elias, who is building one of the schools, would undertake any project without any type of approval?

Madam Speaker: Member, please get back to the matter that is before us. The points that you have made about what projects, et cetera, have been adequately dealt with. Please move on.

Dr. T. Gopeesingh: So the debt borrowing that they are seeking, I think they should seek the debt borrowing to pay off some of these contractors [*Desk thumping*] that they owe. The Member for Port of Spain North/ St. Ann's West said they came and they met [*Interruption*]*—*I am responding to him*—*\$5 billion in wages and salaries arrears. When we came in, we met the Clico debacle of \$25 billion which we had inherited and we met \$5 billion owed to contractors over a period of time. So when he says that “we met \$5 billion in wages to be settled”, Madam Speaker, you know what these arrears were for, and what these wages were for?

Mr. Hinds: Outstanding payments.

Dr. T. Gopeesingh: 2011 to 2014 had not been settled, and in some cases, 2008 to 2011 had not been settled. So we had to undertake over 140 projects—140 negotiations—which were completed so that the people could have got their salary increases and their arrears. All the teachers were paid. Close to about \$2 billion [*Desk thumping*] the teachers were paid over the period of time. They had two negotiations to settle.

So when the Member for Port of Spain North/St. Ann's West speaks about—

Mrs. Robinson-Regis: Madam Speaker, Standing Order 48(1) please.

Dr. T. Gopeesingh: I am responding.

Madam Speaker: Member, I have advised you on several occasions, please use the few minutes you have left to deal with the matter before us.

Dr. T. Gopeesingh: Madam Speaker, I am responding to the—

Madam Speaker: I just want to remind Members—I know it is late. We have had a long sitting. But I would ask Members to please uphold the decorum of the Chamber. Continue.

Dr. T. Gopeesingh: Thank you, Madam Speaker, for the protection. I am very experienced in this business here so it does not ruffle me—[*Desk thumping and laughter*]

Madam Speaker: Hon. Member for Caroni East, your 30 minutes have expired. [*Interruption*] Members, part of the decorum is tolerance. You have 15 more minutes left of your speaking time, if you intend to avail it. But for all speakers coming hereafter, I intend to strictly enforce Standing Order 55. Continue, please.

Dr. T. Gopeesingh: Yes, Madam Speaker, I will just need a few more minutes to make a few more points on some of these issues. One, we would like to see from the Government:

“The Development Bank of Latin America...announced it will give US \$300 million (TT \$2 billion) to the Ministry of Finance to aid the ‘Support Programme for the Medium-Term Fiscal Consolidation Strategy’.”

I do not know whether the Minister would want to explain that. It is, in fact:

“...a huge investment to support a special programme designed to bolster tax revenue and cushion the reductions of subsidies. It also complements the government’s efforts to increase the efficiency of public spending and prompts economic diversification across our twin island which is crucial for the future.”

This is an article written on August 25, 2016 in the *Newsday*: “Public services must be fit for the future”.

So we want the hon. Minister of Finance, and any speaker coming, to indicate to the country, this US \$300 million (TT \$2 billion) which CAF is going to lend to you for a support programme for the medium-term fiscal consolidation strategy, what programmes are you going to use to bolster tax revenues? How are you going to cushion the reduction of subsidies? How are you going to increase the efficiency of public spending? And what economic diversification strategies you are going to use in the future?

I want to say, at this moment we see no evidence of that. So \$300 million has been negotiated. We do not know whether they have received it as yet, which is equivalent to TT \$2 billion. So the Minister must come and tell this country what he is going to do with that \$300 million in terms of the support programme for the medium-term fiscal consolidation strategy—US \$300 million.

One more point here, Madam Speaker, the procurement issue. The hon. Minister of Finance said it is going to be easier for procurement with the CAF. We agree with that because they do not have as rigid conditionalities as the IDB has in terms of the loan agreements. But we want to ask the hon. Minister of Finance, and the Government: where have we reached with the proclamation of the procurement piece of legislation? You have to tell us that, because we believe that there is some vacillation in it, whether you want it or you do not want it. So you must answer to the question.

We worked hard to bring about the procurement legislation. You were part of the team for about two years, with the hon. Prime Minister, who was part of that team. And we worked to bring this to fruition—

Mrs. Robinson-Regis: Madam Speaker, Standing Order 48(1), please.

Madam Speaker: Member, I will give you a little more leeway with respect to your point of procurement, but please keep it tight.

Dr. T. Gopeesingh: Thank you, Madam Speaker. I am just responding to the hon. Minister in his presentation when he said that the CAF, the Confederation—

Madam Speaker: We understand that. If you could carry on, please.

Dr. T. Gopeesingh:—The Andean Development Corporation was easy in terms of procurement. So I ask the question and we await the answer subsequently. We asked a question, whether the Government has received over \$400 million from the Caribbean Development Bank already, or is it in the pipeline? And is that part of the agreement between the CDB and the Andean Development Corporation? We want an answer to that. And we want an answer as to what measures the Government is taking to increase trade, and South-South cooperation and the relationships with the Latin American countries which will be facilitated by the agreement with the Andean Development Corporation.

So, therefore, in closing, Madam Speaker, we are not very hopeful about when this Government decides to—we believe that they have been lent or in the process of being lent, US \$300 million—TT \$2 billion—from the Andean Development Corporation. They must tell this country what they are going to do, what projects they are going to engage in, what private sector/public sector partnerships they are going to engage in, what economic diversification policies, how they are going to reduce the subsidies—

Madam Speaker: Member, I am ruling now that this is tedious repetition. You have made all of those points already.

Dr. T. Gopeesingh: Right, Madam Speaker, thank you. These are the questions we are asking the Government to answer and therefore we await, with bated breath, to hear the Minister of Finance give an account of his stewardship over the last 18 months because we know that during the last 18 months he has taken this country to economic ruin and degradation.

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

Madam Speaker: Member for Moruga/Tableland. [*Desk thumping*]

The Minister of State in the Ministry of Education (Hon. Lovell Francis): Thank you, Madam Speaker. Madam Speaker, good evening. Good evening to all Members of the House. We acknowledge that it is late in the evening and far be it for me to lengthen a debate that could have been much shorter, and belabour points that could have been made more succinctly. But I just wanted to add my voice to this debate, on one hand, to congratulate the Minister of Finance [*Desk thumping*] for bringing this Bill to Parliament and to add my voice to correcting a lot of the misinformation—to use a polite term, Madam Speaker—that we have heard this evening.

Far be it from me to pick on my good friend, the hon. Member for Caroni East, but he inspires me to respond. Because I get the sense on one hand that he spent—and he has said to us that he is very experienced, and he has been in the Parliament for a very long time but, apparently, that is not an equivalency. He spent five years in the last term, before this term, in government, but he seems not to understand at all how government works. For example, he seems to have misapprehended that the majority of the money that constitutes any budget goes towards recurrent expenditure, and that the developmental plan is a smaller part of the budget. Somehow that information seems to have missed him entirely. So I really have a problem rationalizing some of the points he was trying to make and ended up confusing himself in his discussion.

Madam Speaker, I have gotten the sense, listening to the Members of the Opposition speak this evening, that there has been no spending on development in this nation for the last 18 months, and I have gotten the further sense that they are somehow, surreptitiously, suggesting that we should not be attempting to borrow any money because we would not be spending it on developing anything.

In fact, the Member for Caroni Central went so far as to assert that there has been no enunciation at all from this side as to any developmental agenda, so it will be somehow a misnomer to borrow money for something that does not exist. I find that fanciful. I found it extremely fanciful that he could stand here and say

Int'l Financial Organisations Bill
[HON. L. FRANCIS]

Wednesday, March 15, 2017

that no Member on this side has stood up at any time and enunciated the plans that we have; that we have not identified the problems we face and that somehow this whole thing has been directionless. Clearly, time spent in Parliament should not just be spent talking. It should also be spent listening. Because I am sure many Members on this side have stood up and said, very poignantly, what we plan to do; what hampers us and what has impacted on our developmental agenda. Clearly, the hon. Member was not listening, Madam Speaker.

I want to focus particularly on education and then my constituency to kind of bring some order to what has been a rambling debate, because—[*Interruption*]

Dr. Moonilal: There was a protest.

Hon. L. Francis: Well, yes, okay. In fact, thank you, hon. Member for Oropouche East. Maybe I will just reverse the order. Yes, the nation is quite aware, as everyone in this House is quite aware, that there was a really small protest in my constituency last week, and it should come as no surprise to anyone. The point has been made extensively this evening that we are in the worst recession that has been faced in this nation for a generation—33 years. Many of the young people in Trinidad and Tobago have never lived through difficult times. In fact, if you are in your 20s and you are a very young person, you probably do not have a memory of any time in your life when the nation faced times like this. If you are a little older like I am, I can remember, as a child, the last time this nation faced difficulties of this nature. I would have been a primary school child in 1986 the last time we went through an experience like this. So I have that memory. For many young people, in difficult times, when you have been accustomed to plenty, this is a startling and a severe change in what your outlook is.

So the hon. Member for Siparia mentioned that I was there smiling in the protest, because I understood. I understand their frustration. I understand the difficulties that one faces when one comes from the most underdeveloped and disenfranchised constituency in the country. I understand the frustration that young people who might not have work at hand, feel and face. I understand that. So there was no point in me being angry or aggressive for people in a democracy who have a right to express displeasure. I understand that. What they have to understand is that we face a very difficult existence and that they have a Government and an MP—

Mr. Charles: Madam Speaker, Standing Order 48(1), relevance of this to the Bill we are discussing.

Madam Speaker: Member, please proceed.

Hon. L. Francis: Everyone makes a mistake. So I understood their frustration; I understood the circumstances behind it, but they also must understand that the nation is facing a very different paradigm and we all have to go through a period of adjustment. So I have no problem at all with what occurred and they must understand that the Government is doing the best that it can with limited resources, and we are working towards making things better, not just for them, but for everyone.

So the argument has been put forward that: what is this money going to be spent on? Why are we attempting to borrow money? There is no developmental plan. Where are we going with this? If we are, as a Government, as a nation, going to access funding that can be made available to us, primarily to push forward a developmental agenda, I could think of a number of things that I can view, personally, as being very critical that can be used—will serve a purpose with that money.

The Member for Caroni East has stood up and given us a fanciful number, once again, of the number of schools that he was supposed to have constructed in his time as Minister of Education. The number we have heard bandied about has been 100. It has increased to 102, so I am not sure if these schools are now multiplying or making offspring. I will add again, that we are unable to locate these schools and the majority of the schools that were under construction under his tenure are still unfinished, many of which were started without any identifiable funding available to complete them. We are now in the process of trying to complete some of those schools and it is tremendously galling, Madam Speaker, to stand in this House, or sit in this House, and listen to Members stand and ask about, “Well what is going to happen with X school; what is going to happen with Y school”, understanding the situation that we are in.

At this moment, our Ministry is mobilizing to try to complete a number of the schools that have been left unfinished by the former regime. To do that, it will come at great difficulty. In fact, to be perfectly frank to the House and to the nation, we have prioritized a number of schools for a number of reasons, some because they are very close to being finished, and we see that we would be able to afford the completion of the projects, some because the catchment area, the number of students versus the number of places in school provides such difficulty that we have absolutely no choice but to try to finish these schools. So we have created of rubric to go about doing that.

Given the nature of the budget that is operating in our Ministry, just to complete what might end up being a handful of schools, we have to basically do our most magic in accounting in terms of trying to vire money from projects that we really cannot push forward in any concerted way and using that money just to finish a handful of schools. It has come to that.

So you might ask: what might we want to use this money for? It is not my place to say as to what the money should or will be used for, but as one of the Ministers in the Ministry of Education, I would be very grateful if in any way a government would be able to acquire some money that could be used to push forward the construction of schools. Because with our best efforts and with all the funding available to us now, we will only, as a best-case scenario, perhaps be able to complete maybe 10 schools, whereas additional funding might provide us the ability and opportunity to finish maybe 15 or 20 schools. And that has a tangible impact, not just on the Ministry, not just on our sense of achievement, but also, more importantly, on the places available for our students.

But it is not just infrastructure, because it is a misnomer to consider that development is only about putting together buildings and putting down roads and massive infrastructure that might look sexy but might not, in the fundamental sense, impact upon the development of our people. And one of the things we have been doing at the Ministry, on one hand, given our situation in terms of our funding, but on the other hand, given the way that we have analysed the Ministry, is trying to make a number of quality changes that, in my opinion and the opinion of my co-Minister, Minister Garcia, have been long overdue.

So if you are asking about development, it is not just about putting down infrastructure, it is also about looking at the quality of education that we have had in this country for a very long time. And when we have looked at that critically, we found a number of gaps that have existed and we have been trying to do things. You might call them “soft things”, Madam Speaker, in terms of making quality changes to our education system. So, for example, you will hear Minister Garcia or myself talking about all of the projects that we have started to try to make a fundamental difference in terms of the way that we school our children, in terms of the kinds of—the qualities of the children that we produce.

So if we talk about the fact that at the SEA this year, out of 18,000 students, something like 2,500 students could not score over 30 per cent at Mathematics and English. If you talk about the fact that a number of students are entering the secondary school level lacking basic skills in numeracy, lacking basic skills in literacy; if you understand the fact that when we look at our data at the Ministry,

the same children who were underperforming at the Standard 1 level are the same children who face great difficulty succeeding at the SEA. If you understand when you look at our schools, many of them, for many reasons—some of them maybe because of political expediency, some of them maybe because of a system that require change, lack the leadership, lack the systems, lack the organization to really produce the kind of quality students we require, to become the kind of nation we want to be. Then you ask yourself why we need an SIP—School Improvement Project—why we need a Form 1 project, why we need to look at school-based management, why we need to look at clinical supervision, why we need to do the small incremental things that cost money, that are part of our developmental agenda that might not be magnificent buildings or great roads, but might go much further at transforming the kinds of students we produce, at giving those who have not, in the past, been given the same opportunity that others have; at giving children who might normally fall through the cracks, who might go through an entire primary school education and not be able to read; that might go through five years of secondary schooling and leave without a subject, much less a certificate.

And you ask yourself about development. These things are developmental. If you measure your progress as a government solely by the buildings that you have built, or the drains you have constructed, or the roads you have put down, then your perception of what development means is skewed. [*Desk thumping*] It is tremendously narrow. But if you understand, hon. Member for Caroni Central, that development has more to do with people, has more to do, in our particular case, with—[*Interruption*]

Dr. Tewarie: You telling me that?

Hon. L. Francis: Yes, I am telling you that, Sir—with the young people that we produce, with the schools where 150 students enter in Form 1 and then in Form 5, 52 students graduate, and no one asked: where have the others gone? But when you put a system in place that ensures that all of those children—and I am sure the Member for Chaguanas East understands this very well—have a chance, because many of them might be interested in TVET areas, or might be interested in sport or the creative arts areas—and you provide them the kind of education that allows them to actualize, regardless of their skill set or their abilities, then you have been pushing forward an agenda that is truly developmental.

So, Madam Speaker, at the Ministry of Education we have been spending maybe not a massive amount of money because we do not have it, but we have been spending what we have as wisely as we can, making the kind of quality

changes that we can make to ensure that even though as a nation we have less available to us, that we spend it in a way that is truly developmental, and we have been doing that for the last 18 months and it has already started to bear dividends.

This is going to be a longer gestation period. If we really want to transform an education system, it is going to take time. It is not going to happen overnight. The kinds of changes we are trying to make will take some years to bear full fruit, but if they are allowed to develop as they should, we will end up, at the end of it, with a system that provides for our children in a way that the system that we have now has not always done. And if that is worth the Government maybe accepting a bit more debt to get the kind of money to push forward this kind of agenda and not just build schools everywhere as monuments to ego, but do the things that make for a better student, better schools, a better nation, then this Government will have done its part in ensuring that our economy is sustainable, that our people are well educated and that our nation will develop.

So, Madam Speaker, it is too late to be lengthy, like some of the Members on the other side have been, but it would have been remiss of me not to stand and say, one, that this Government has a developmental agenda; two, that it is people-centred; three, education remains a foundational and fundamental part of it; four, that for the last 18 months we have been making tremendous changes that are making our education system more egalitarian and that; five, this agenda will continue until 2020 and beyond.

Thank you. [*Desk thumping*]

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

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker, and permit me to make a very, what I would call, brief intervention as it relates to the state of the debate at this point in time. And I want to assure the Member for Moruga/Tableland that his contribution did not inspire me to get up to speak here tonight because it is important for me to respond to some things that have been brought into the domain of this debate here tonight. Because, one, the Member for Port of Spain North/St. Ann's West, he came, he played a brief innings and attempted to stigmatize the Opposition, the then government between 2010 to 2015, with a number of wild accusations and statements without really giving credible support to what he said, and also to my Friend, the Member for Moruga/Tableland.

It is not that the Opposition is telling the Government that "you should not borrow". You campaigned on a manifesto prior to September of 2015 on the

basis, or the theme of: “Let’s Do This Together”, and in this manifesto you had the solution for crime, health, infrastructure, the economy, the development of the tourism sector, and I could go on and on, and after 19 months in office, this has become a manifesto of deception.

Mrs. Robinson-Regis: Madam Speaker, Standing Order 48(1), please.

Madam Speaker: Member, I will give you a little leeway, but please, bring it in.

Mr. R. Indarsingh: Madam Speaker, I am simply responding to what has been brought into the debate here tonight, and it is the responsibility of those who are involved in the process of debating to be given, too, the opportunity to respond to what has been stated by the Government of Trinidad and Tobago. [Interruption] And I will not be side-tracked by the Prime Minister in his outburst and so on here tonight. It is my responsibility to tell you that you have failed the nation [Desk thumping] as the Prime Minister of Trinidad and Tobago.

And as I indicated, that it is not our responsibility to tell the Government whether you all borrow or do not borrow, but it is our responsibility to hold the Government of Trinidad and Tobago accountable [Desk thumping] in every transaction that it pursues on behalf of the people of this country. From the point of view of economic, social or political development and so on, it is our responsibility.

9.00 p.m.

It is good to hear from those on the other side now, that within the recent times and within the last couple of months and so on, they have now been admitting that Trinidad and Tobago is in a recession. If I could recollect correctly, when the former Governor of the Central Bank, Governor Jwala Rambarran, towards the end of December 2015, announced to Trinidad and Tobago that we were undergoing a recession, the Prime Minister and Ministers of Government denied that Trinidad and Tobago was in a recession. We must be able to accept the reality, and it is commendable to hear from the Member for Moruga/Tableland that Trinidad and Tobago is in a recession and the worst recession in the last 33 years.

Madam Speaker, also in the acknowledgment of the economic position of Trinidad and Tobago, the Member for Moruga/Tableland accused the former Minister of Education, the very distinguished Dr. Tim Gopeesingh, the Member of Parliament for Caroni East and the Partnership Government, of building

schools and not being able to find the schools and so on. Well, I want to tell the Member for Moruga/Tableland and his senior Minister, the Member for Arima, that there is an early childhood education centre in the constituency of Couva South that has been completed. All it needs is an electrical connection and the outfitting of the school from a furniture point of view to continue the education of the children of not only Couva South, but throughout Trinidad and Tobago. You all must do the honourable thing, outfit the school, ensure that it has an electrical supply and open the school for the benefit of the children of the constituency of Couva South. [*Desk thumping*]

It is located—and if you need some assistance in finding where Sonny Ladoo Trace is in the constituency of Couva South, I stand readily available because it is now being overgrown by bushes, and also the Ministry has withdrawn the security—[*Interruption*]

Madam Speaker: Member, could you kindly move on and, please, be relevant?

Mr. R. Indarsingh: I am guided, Madam Speaker, but I just have to put—[*Interruption*]

Madam Speaker: Member, I have ruled. Please move on.

Mr. R. Indarsingh: I am guided, Madam Speaker, but it is important to say that the school—[*Interruption*]

Madam Speaker: Member!

Dr. Gopeesingh: “What happen, all yuh tired?” Sit down there and suffer.

Madam Speaker: Member for Caroni East, I am on my legs. Member for Couva South, you are entitled to go on. I have already ruled, please go on to your next point.

Mr. R. Indarsingh: Yes, Madam Speaker. This Government has been, what we would call, a people-centred Government and a people-focused Government since they have been in power for the last 19 months. You have said that, but in reality your actions have not demonstrated that it is one of people-centred or people-focused in terms of development.

In this regard, Madam Speaker, I want to say that the Minister of Finance went into a very long presentation, an in-depth one as it relates to the history of Trinidad and Tobago’s involvement in CAF, and also indicated that this particular piece of legislation was being pursued because in the immediate, Trinidad and

Tobago is seeking to avail itself to US \$300 million for the purposes of, what we would call, diversification and the institutional strengthening, and to examine the whole question of a relationship with Trinidad and Tobago and Latin American tourism and so on, and also studies to identify investment opportunities and investment resources and so on.

But more importantly, Madam Speaker, as I said, and it has been accepted by all here this evening, that the public debt of Trinidad and Tobago continues to increase, and with this sum of money that would be accessed through the CAF it will continue to increase. In the increase of the public debt it also has implications for workers' and enterprises' ability to pay and so on, and, more importantly, the whole collective bargaining process. This evening in his delivery, the Member for Point Fortin, not Point Fortin, but Port of Spain North/St. Ann's West, indicated that the PP Government had been involved in what he termed "cutting deals" with members of the trade union movement and ensuring that there were agreements from a point of view of a 14 per cent wage increase and so on.

But I want to say to the Government that after a manifesto, two budget presentations, a mid-year review, also a memorandum of understanding with the labour movement, an Economic Advisory Board and a National Tripartite Advisory Council, the economic fortunes of this country have not improved in any form or fashion, and all indicators are that there will be no improvement in the next 12 months and Trinidad and Tobago is in dire straits. And in this regard, we must be able to focus on the state of the economy, and from the point of view of unemployment and also employment opportunities at the end of the day.

I want to briefly quote from an article written by Aleem Khan of the *Trinidad Express* newspaper, March 13, 2017, under the headline, "Unemployment, economy worse than Govt claims"

Unemployment, gross domestic product (GDP) and other numbers seem understated in the Central Bank of Trinidad and Tobago's Economic Bulletin March 2017..."

And this was stated by firstly the Chief Labour Relations Officer of the Steel Workers Union of Trinidad and Tobago.

"The unemployment number is incorrect because many have lost jobs but new jobs"—have not—"been created,"—and—"Not only that, some employers are manipulating the system. The only legal requirement (they) have to report to the...Ministry that they are terminating"—five—"workers is for retrenchment and severance benefits when"—it is—"five or more

Int'l Financial Organisations Bill
[MR. INDARSINGH]

Wednesday, March 15, 2017

workers, so there are some consultants out there advising employers how to manipulate the system and not have to report it. That is a fact!...”

And he went on to say that:

“The unemployment figure of 4.4 per cent is”—grossly—“understated...”

And also, Madam Speaker, financial consultant Ved Seereeram indicated that:

“I would question the low unemployment rate of around 4 per cent. Do remember that a report on poverty was published showing...300,000 persons earning less than”—1 per cent.

And in addition to that:

“He added: ‘There was no comment on the success or failure of Government’s diversification’”—strategy.

And also he said:

“The management of the foreign exchange is another major issue of great concern. I do not recall any emphasis on the projections for the stock of foreign exchange.”—and so on.

So, Madam Speaker, it is important to understand where we are because again quoting from this Economic Bulletin, simply to say, given the tight market conditions, the TT/US weighted average selling rate had depreciated by 5.4 per cent to TT \$6.78 for US \$1 by 2016, and this in itself has tremendous implications for the ordinary citizens of the country from an economic and a social point of view, and the ability to purchase goods and services and so on. But coming back to the very important issue, because any borrowing on the part of the Government of the day has implications as I said for the collective bargaining process, and as the public debt rises in this country and future revenues are committed towards debt repayment, I hope that the Government will not subvert or undermine the collective bargaining process and ensure that all back pays or outstanding back pays are indeed honoured by the Government of Trinidad and Tobago.

The Member for Port of Spain North/St. Ann’s West indicated that the Government has been honouring its commitment to outstanding back pay for workers in this country, and if I am to be guided by an article published on Saturday, the 11th of March 2017, “OWTU eyes backpay fight”.

Mrs. Robinson-Regis: Madam Speaker, Standing Order 48(1), please.

Madam Speaker: Member, I thought you were reverting to the Bill. Could you kindly come back to it or tie what you are saying to the Bill.

Mr. R. Indarsingh: Yes. Madam Speaker. Well firstly, I was responding to what was raised by the Member for Port of Spain North/St. Ann's West and, in addition to that, the purpose of this particular piece of legislation is to raise money for the economic and social well-being of Trinidad and Tobago. I was simply trying and will simply ask the Minister of Finance, indeed, if the back pays that were negotiated through the collective bargaining process that was upheld by the People's Partnership Government—we did not undermine the collective bargaining process at no point in time—will that be honoured? And not only to the public servants because, as I said, I am quoting directly from an article written on Saturday, the 11th of March, 2017, under the bold headline of “OWTU eyes backpay fight”.

Mrs. Robinson-Regis: Madam Speaker, Standing Order 48(1), please.

Madam Speaker: Member, could you move on, please.

Mr. R. Indarsingh: And in addition to T&TEC, whether other areas from the point of view of—

Mrs. Robinson-Regis: Madam Speaker—

Mr. R. Indarsingh:—borrowing the money.

Madam Speaker: When I ask move on, I mean to the next point. When I made that interjection, is to the next point.

Mr. R. Indarsingh: So, Madam Speaker, as I said, that in this regard the state of play from the point of view of also what was raised by the Minister of Finance as it relates to when he piloted the legislation, he indicated that the relationship with Trinidad and Tobago and also from the point of view of deepening a tourist relationship with Latin America. And from this angle, I would want to simply ask the Minister of Finance, taking into consideration that there has been the dissolution of the Tourism Development Company Limited in the most unceremonious of manners, based on the fact that 150-plus workers had to find out about their status via a Cabinet press briefing and a telephone call to the Secretary General of the Communication Workers' Union which lasted one minute and 48 seconds, will the new entities that would be created in the tourism sector, one with oversight for Tobago, and one with oversight for Trinidad and the regulatory authority—*[Interruption]*

Mrs. Robinson-Regis: Madam Speaker, Standing Order 48(1), please.

Madam Speaker: Member, I thought I understood where you are going and—*[Interruption]*

Dr. Rowley: He lost.

Madam Speaker: Member for Diego Martin West, please—if you could get back on track with respect to where you initially started. This is not primarily about labour unless you are tying it in to the Bill. Okay?

Mr. R. Indarsingh: Yes, Madam Speaker, I am indeed guided and I am tying it in in the context of what the Minister of Finance stated when he indicated in his contribution about the deepening of a tourist relationship between Trinidad and Tobago and Latin America, and the issue of what we would call a south-south relationship. *[Desk thumping]* That is all I am raising, Madam Speaker. Probably the Leader of Government Business does not want to hear about how they have destroyed the lives of 150-plus workers at the Tourism Development Company.

Mrs. Robinson-Regis: Madam Speaker—*[Interruption]*

Madam Speaker: Member, if you could just get back on track with the SS relationship that you are talking about, the south-south relationship.

Mr. R. Indarsingh: So I simply want to find out from the Minister of Finance whether the creation of these two entities and the regulatory authority, and so on, would focus on developing that relationship between Trinidad and Tobago and Latin America and the south-south relationship; whether it would bring additional revenue; how many visitors may come to the shores of Trinidad and Tobago; and whether it will bring what we would call a positive foreign exchange relationship for the well-being of the economic development of not only Trinidad, but also Tobago, Madam Speaker?

So, from that end, Madam Speaker, I want to say also that we collectively have a responsibility to critically examine where we are at from an economic point of view, and it means that whilst the Government may want to pursue its economic agenda in terms of borrowing, at the end of the day the Opposition will continue to be a watchdog. We will continue to raise issues on behalf of the people of Trinidad and Tobago, and at the end of the day we want to know how it would be repaid, the money that will be borrowed from CAF, and what it will be used for in terms of sustainable growth and diversification of the economy of this country.

If the Government is—because the last time that there was a historic dip into the Heritage and Stabilisation Fund of approximately \$2.5 billion, we were told by the Minister of Finance that it was used for, or used in the service of Trinidad and Tobago. We want more information, and we are demanding transparency and accountability in the operations of the Government of Prime Minister Dr. Keith Rowley. I thank you. [*Desk thumping*]

The Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert): Thank you very much, Madam Speaker. Madam Speaker—[*Interruption*]

Hon. Member: I beg to move that—

Hon. C. Imbert: “Nah. Since all yuh make meh stay late, I ha tuh talk now.” The contributions of the hon. Members opposite—[*Interruption*]

Dr. Rowley: Particularly the last one.

Hon. C. Imbert: All—illustrate to me a lot of what is wrong with Trinidad and Tobago, where people can just make wild statements, inaccurate statements, false statements, baseless, reckless, irrational, imaginary statements, anything. Just talk, no connection whatever to reality. And, Madam Speaker, you see it in the commentaries, in the media, just wild statements, no basis, no information, no facts. I had to sit down here and listen to the Leader of the Opposition ask the fantastic questions, why are we here, what are we doing this legislation for, why does the Bill have diplomatic immunity in it and talked for 45 minutes, and every single thing she said was incorrect. Every single thing.

I had to listen to the Member of Parliament for Caroni East in typical fashion, as is his wont, get up and put statements on the record that have no relationship with the truth. I had to listen to this, that the People’s Partnership is the one who brought us into the Andean Bank, that gave us full membership in the bank and not since 2012. We could have borrowed money from the Andean Bank, but because of the prudence and the fiscal responsibility of the former Minister of Finance and the People’s Partnership [*Desk thumping*] they chose not to borrow any money. I had to listen to that? Foolishness, Madam Speaker. Foolishness. Let me correct the record.

In 2012, in the *Newsday* of April the 14th is a story headlined, “PM signs Andean Bank deal” and it goes as follows:

“PRIME Minister Kamla Persad-Bissessar last evening signed a multi-million dollar loan agreement with the Andean Bank in Colombia which...”

Int'l Financial Organisations Bill
[HON. C. IMBERT]

Wednesday, March 15, 2017

Listen to this and this had to be spin doctors in the PP; and the media not having the discipline to go and check the facts. Listen to this:

“PRIME Minister Kamla Persad-Bissessar last evening signed a multi-million dollar loan agreement with the Andean Bank...which would provide Trinidad and Tobago...with funds for major infrastructure work, including the \$7 billion Point Fortin highway.”

Hon. Member: What?

Hon. C. Imbert: This is an absolute fantasy, Madam Speaker. It is a fantasy, a fantasy. That is in 2012. So in 2012—[*Interruption*]

Hon. Member: In the *Newsday*.

Hon. C. Imbert: Well it was in the *Express*, it was in the *Guardian*. It was based on a press release issued by the PP which the media did not bother to check. A complete fabrication, a fantasy. That is 2012. 2012.

Madam Speaker, I have—[*Interruption*]—Oh, be quiet. I have in my possession a document which I referred to in my introduction to this Bill called an Instrument of Adhesion and it is associated with the agreement establishing the Andean Development Corporation, and as I go through this I will deal with all of the imaginary, fabricated statements made by the Member of Caroni East.

[MR. DEPUTY SPEAKER *in the Chair*]

Whereas the agreement establishing the Andean Development Corporation was executed on 7 February, 1968.

And listen to this.

And whereas the Republic of Trinidad and Tobago became a shareholder of the Andean Development Corporation, CAF, pursuant to the agreement of subscription of common capital stock between the Republic of Trinidad and Tobago and the Andean Development Corporation in June 1994.

1994!

Mrs. Robinson-Regis: Ken Valley.

Hon. C. Imbert: But I had to listen here—yes, as deceased hon. Ken Valley signed that agreement. In 1994, we became shareholders of the Andean Bank. [*Interruption*] Mr. Deputy Speaker, I cannot take this shouting across the floor. I ask for your protection.

Mr. Deputy Speaker: Members, please. Continue. Continue.

Hon. C. Imbert: Mr. Deputy Speaker—*[Interruption]* Stop it!—they cannot handle the truth. *[Desk thumping]* The Member for Caroni East got up and for 20 minutes praised the former Prime Minister for bringing us into the membership of Andean Corporation. For 20 minutes, and I have an instrument here, an Instrument of Adhesion—*[Interruption]*

Mr. Deputy Speaker: Naparima. Member for Naparima, please. Please, it is late in the evening. Please, proceed.

Hon. C. Imbert: They cannot handle the truth, Mr. Deputy Speaker. In this document, the Instrument of Adhesion, it confirms that the Republic of Trinidad and Tobago became a shareholder in the Andean Bank on the 24th of June, 1994—*[Interruption]*

Dr. Gopeesingh: As a shareholder.

Hon. C. Imbert:—as a result of the actions of the then PNM administration. It goes on to say—*[Interruption]*

Dr. Gopeesingh: Not a special member. All right, go ahead.

Hon. C. Imbert:—that on the 13th of April, 2012, the Government of the Republic of Trinidad and Tobago executed an agreement for the subscription of common capital stock.

It goes on to say that:

Whereas clause 1(c) of the 2012 agreement—they signed—requires the Republic of Trinidad and Tobago to deposit its Instrument of Adhesion to the constitutive agreement with the Ministry of the Popular Power for foreign relations of the Bolivarian Republic of Venezuela—

I wonder if the Member for Caroni East is getting a clue now. You could not borrow one cent from CAF until you followed a number of steps, and one of them—*[Interruption]*

Dr. Gopeesingh: We did not seek to.

Hon. C. Imbert: Mr. Deputy Speaker, you hear that? I had to sit down here and listen to the Member for Caroni East say that in 2012 when the former Prime Minister signed the multi-million dollar loan agreement with CAF there was a pipeline of funds available, but because they were so prudent to build the highway, the \$7 billion highway, they were so prudent that they did not avail

themselves of that pipeline of funds that became immediately available to Trinidad and Tobago in 2012. I had to listen to that. And I have here an Instrument of Adhesion that indicates that the agreement requires that this instrument must be deposited.

It is an adhesion to the agreement. It is the constitutive agreement forming and establishing the Andean Bank. You have to agree to adhere to the agreement. So:

Whereas clause 1(c) of the 2012 agreement requires the Republic to deposit its Instrument of Adhesion with the Ministry of Popular Power, now therefore, the Government of the Republic of Trinidad and Tobago having considered and approved the constitutive agreement—this is the agreement establishing CAF—hereby accepts the agreement and undertakes to perform and carry out all the stipulations contained therein.

[MADAM SPEAKER *in the Chair*]

Mr. Al-Rawi: What is the date?

Hon. C. Imbert: Done at Port of Spain, this day, the 26th day of June, 2015.

2015! So I had to sit down here and listen to the Member for Caroni—
[*Interruption*]

Dr. Rowley: And signed by who?

Hon. C. Imbert: Signed by Winston Dookeran, Minister of Foreign Affairs in June 2015. In June 2015, Madam Speaker.

So that, Madam Speaker, in 2012, the then Prime Minister signed something with CAF in Colombia but could not borrow one cent until Trinidad and Tobago did a number of steps, and one of the things they had to do—and they knew because it is part of the agreement that they signed in 2012. So in April 2012, they committed to deposit an Instrument of Adhesion to the CAF agreement and they did not do anything for three years.

For three years they sat down and twiddled their thumbs and did nothing. And you know, Madam Speaker, there are two things that we need to do in order to borrow. In order for the Government of the Republic of Trinidad and Tobago to borrow, it must be lawful. So we have a number of laws, we have the Development Loans Act, we have the Guarantee of Loans Act, we have the Act entitling Trinidad and Tobago to borrow from the Inter-American Development Bank, from the International Finance Corporation, from the World Bank and so on. There is a whole series of them, each one must be allowed by law.

There is no law that allows Trinidad and Tobago to borrow from the Andean Bank. This is child's play, you know. This is trite. When you enter into the membership of a multilateral financial institution, there are a number of things you have to do. A series of steps and they knew that, you know. They signed the arrangement with the Andean Bank in 2010, knowing fully well they could not borrow one red Trinidad and Tobago cent, which is soon to be out of circulation. Not one cent until they deposit the Instrument of Adhesion, and still after that you still cannot borrow one cent until you incorporate the agreement into our domestic law, which is exactly what we are doing today.

This is trite, Madam Speaker. It is trite and I am disappointed. This is why I said, when I listened to what hon. Members say opposite, I understand what is wrong with—the things that are wrong in this country where people will say whatever they want.

9.30 p.m.

The reason why the PP Government did not borrow from CAF is because they did not do the necessary work and that is typical of them. Typical of them. They could not borrow. So instead of borrowing from CAF at Libor plus 2 per cent and the last time I checked, Libor it is 1.86 per cent so that is borrowing at 3.86 per cent. Instead of doing that, “they go and they borrowing from commercial banks at 6 per cent and 7 per cent; they agreeing to all sorts of onerous terms”. That is what they were doing. “They raiding money from the NGC” instead of doing what any sensible Government would do. If it would take a day to deposit the Instrument of Adhesion, then why did it take three years and two months for them to occupy that day to go and deposit the instrument in Venezuela? Because “they lazy”, Madam Speaker. That was a lazy Government. They never completed anything. [*Desk thumping*]

When we came into Government, we met three hospitals, each hospital costing in excess of one and a half billion dollars. When you add up the hospital financing, you get \$5 billion. No loan agreement! No framework agreement! No memorandum of understanding! Nothing! In fact, we just had to deal with the Point Fortin Hospital, where since 2013, the Government of Austria told the Government of the Member for Siparia that you cannot borrow any money from the Government of Austria until you amend the memorandum of understanding for cooperation in the health sector to include the turnkey construction of the Point Fortin Hospital. Since 2013 “they tell them that” and 2013 passed, 2014 passed, September 20—they did nothing! Absolutely nothing! Nothing!

In fact, they were sent a draft loan agreement in January 2015 which referred to the MoU and when the public servants looked at it, they asked the Minister, the then Minister of Finance: where is the memorandum of understanding that is referred to in this loan document? We cannot authorize you, as Minister of Finance, to sign this loan document and avail yourself of low interest money from Austria until you go and create an MoU with the Government of Austria to finance the Point Fortin Hospital. That is how they used to operate.

Mr. Al-Rawi: “What they AG tell dem and they pound him? What they AG tell them? No advice?”

Hon. C. Imbert: Yes. It is incredible. Three hospitals at \$5 billion, no financing in place.

Mr. Al-Rawi: OPVs.

Hon. C. Imbert: Boats from Holland, \$1.3 billion. We had to take money from general revenues when we came in 2015, between 2015 and 2016. There was no loan arrangement in place. Nothing. They did not finalize the negotiations with the Government of the Netherlands. They messed up big time. So we had to take 1.3—because the vessels reach “yuh know”. So they took boats on credit, \$1.3 billion of vessels on credit for electioneering purposes. “They come here without any guns, no ammunition, they just park them up there by the Hyatt. Military vessel without ah single gun on it.” One point three billion dollars in vessels, not a cent available in financing because they did nothing. They did not deal with the indemnities, with the insurance, with the—nothing!

We had to take \$1.3 billion because the Austrians, having delivered—the Dutch having delivered the vessels said “Well, we want we money and the fact that the Government has changed is not relevant”. The Government of Trinidad and Tobago, the Government of the Member for Siparia ordered these vessels and we delivered them and they signed a contract, you owe us \$1.3 billion, and the interest was running on that. The interest hit \$100 million because there was no loan arrangement in place because they were lazy! And you know what we were able to do? We were able to negotiate with the Dutch Government to waive that whole \$100 million in interest and take general revenues and pay for the vessels. [*Desk thumping*] “Dais wah we had to do” and that is not all.

The former Prime Minister went to China and when the hon. Member was in China, “she see ah fishing boat passing, she say ah want one ah that”. Next thing, “ah vessel sailing on its way from China to Trinidad and Tobago”, a multipurpose fishing vessel, agricultural vessel, coming here—again, no guns—and we have to

pay \$250 million for that vessel. No loan arrangement, no financing in place. None of that; none of that, and it is the same thing with this. I cannot believe that the People's Partnership Government, having gone to Colombia and signed an agreement to access funding from the Andean bank, then sit down on a certain part of their anatomy for three years, do absolutely nothing, and then just do stage one, "they forget about stage two".

Dr. Gopeesingh: Madam Speaker, 48(6), insinuating improper—[*Crosstalk*] 48(6).

Hon. C. Imbert: Oh please. "Wha yuh talking about?"

Dr. Gopeesingh: Sitting on their anatomy—[*Crosstalk*]

Hon. C. Imbert: Madam Speaker, I think every single Member opposite is sitting on a certain part of their anatomy. That is a fact. Except Caroni East who is obviously sitting on his feet or something like that.

Anyway, the fact is, they sat down, they knew they had to deposit the Instrument of Adhesion, they took three years to do that, and they knew they had to bring a Bill, like this Bill, to the Parliament before we could get one cent from the Andean bank. But in 2012, "they going about boasting" up and down, issuing press release: we have just signed an agreement with CAF and that is "gonna pay" for the seven billion-dollar Point Fortin Highway. Total fabrication; stories, stories. Absolute foolishness. And Madam Speaker, I had to sit down and listen to the Member for Caroni East tell me about "Oh man, we sign the agreement in 2012 and a pipeline of funds became available but we were so prudent, we decide not to borrow it." [*Steups*] [*Crosstalk*]

Now, let us go back to the utterances of the hon. Member for Siparia. Imagine somebody who has been in this Parliament for at least 20 years could come and complain about the clause in the Bill that speaks about privileges and immunities, when on our statute books—[*Interruption*]

Mr. Al-Rawi: "She eh go know dat."

Hon. C. Imbert: I do not know who writes her speeches but they make a lot of mistakes. On our books, since 1979, they have had a law, the International Financial Organisations (Inter-American Development Bank) Act, Chap. 70:02 and here we have section 5 of the IDB Act, same thing—international bank that you want to borrow money from—hear what it says:

"The provisions of sections 2 to 9 inclusive of Article 11 of the Agreement... Just like this agreement.

Int'l Financial Organisations Bill
[HON. C. IMBERT]

Wednesday, March 15, 2017

“...which relate to the status, immunities and privileges to be accorded to the Bank and set out in the Schedule shall have the force of law in Trinidad and Tobago.”

That has been on our statute books. I just picked one, there are endless laws like that. Endless; same word for word.

Mrs. Robinson-Regis: 46 of 1979.

Hon. C. Imbert: Yes, 1979 when we entered into an arrangement and we brought into our domestic law, our ability to borrow from the Inter-American Development Bank, you have an identical provision indicating that the immunities and privileges afforded to officers of the IDB shall be as set out in the Schedule of the agreement. And what is in our law? The same exact words. Same exact words in clause 9. [*Interruption*] “Want to know which law prevails, whether the 1996 Order prevails and why we doing this, we have a diplomatic and”—I mean, come on, the thing is in English.

“The Articles of Chapter VIII of the Agreement which relate to the immunities, exemptions and privileges of the Corporation shall apply in accordance with the Privileges and Immunities (Andean Development Corporation) Order.”

So that in 1996, an Order was published giving certain privileges and immunities to the officers of the Andean bank and we come now to say that the immunities that they shall enjoy, now that we are incorporating the agreement into our domestic law, we are saying the immunities that they shall enjoy shall be in accordance with that 1996 Order. I mean, it is unbelievable that someone of that experience cannot understand that. So you have a section that says—all it says is that the privileges and immunities shall be in accordance with the Order.

And, Madam Speaker, it is incredible that—I would say people opposite, they have travelled all over the world, they are all educated, they have all held high office, and they will come here and pretend that they do not understand. “They pretending they doh understand because they very well understand.” Because every time you enter into the membership of an organization and there is an agreement and you are incorporating that agreement into our domestic law, you must incorporate the privileges in that agreement into the law that you are enacting. This is standard, this is what we have been doing in this Parliament for 50 years. Fifty years, fifty years.

You know, Madam Speaker, I have made the point that the former administration signed an instrument of adhesion and we have to validate that now. Do you want to know why we have to pass a law to provide for membership of the corporation? Because they went ahead and signed an instrument of adhesion without any enabling legislation, so we—and I made that point when I introduced this Bill. We have to come now and validate what they did and validate Trinidad and Tobago's membership in the Andean bank.

Mr. Al-Rawi: So the membership is found in clause 10 “buh she doh understand that”.

Hon. C. Imbert: And that is in clause 10 of this Bill. That is in clause 10.

Mr. Hinds: She is on cloud 9. [*Laughter*]

Hon. C. Imbert: It is absurd. It is absurd that hon. Members could get up today and say the things that they have said that have no relationship to fact, no relationship to common sense. I have every one of them asking me: “What yuh gonna use the money for, what yuh go use the money for”, including the Member for Tabaquite asking “What yuh go use the money for”. But the hon. Member for Tabaquite was, himself, a proponent, a propaganda, when in 2016, August, he was carrying on all over the newspapers about the borrowing of this current administration and he puts in a letter to the *Express*, he says:

“The following is the release from CAF

...Development Bank of Latin America...”—has—“granted a loan for up to US\$300 million to...Support”—the—“Program for the Medium-Term Fiscal Consolidation Strategy, which will complement Trinidad and Tobago government's efforts to increase efficiency in public spending and prompt the diversification of the economy.”

So in August 2016, the Member for Tabaquite very well knew what this loan—this policy loan—and they also very well know what a policy loan is you know, because the Member for Caroni Central has negotiated a number of policy loans with the Inter-American Development Bank. He knows that. The Member for Caroni Central knows what a policy loan is you know, and in 2016, August, the Member for Tabaquite knew what a policy loan was you know, and let me repeat what it is for.

“...to increase efficiency in public spending and prompt the diversification of the economy.”

It is to support Government policy, Government measures, Government projects, Government programmes. That is what the loan is for. And it is amazing, Madam Speaker, that in August 2016, the Opposition knew what this loan was for but in March 2017, “they doh know”, and as I said, this is what is wrong with this country. You have Caroni East saying, “in 2012 we got an immediate access to a pipeline of funds”. Fantasy. You have the Member for Tabaquite saying “wais this loan for” when he knew, in August 2016, it was for fiscal consolidation, it was for policy.

And you know the other thing that I just cannot understand with these honourable gentlemen opposite? “You know wah I cyah understand with them?” [Interruption] Madam Speaker, I will ask, through you, if the Member for Naparima does not know what a policy loan is, he should consult with the Member for Caroni Central because the Member for Caroni Central negotiated a number of policy loans during the tenure of the PP Administration. Go and ask him and he will tell you what a policy loan is. But you know what beats me in all the rhetoric that I hear? “They quarrelling about borrowing, borrowing, borrowing.” For every year that the PP was in office, they ran a deficit. Oil was \$110 a barrel. [Interruption] Gas, they were getting \$20 per MMBtu for gas in Japan and they were running a fiscal deficit. [Interruption] Madam Speaker, this drone coming from Naparima is really irritating, it is really irritating. I beg your protection.

Madam Speaker: Member for Naparima, your opportunity to have contributed has gone.

Hon. C. Imbert: Thank you, Madam Speaker. For every single year from 2010 to 2015, they borrowed because they ran a deficit and you know it is so trite. How does a deficit occur? A deficit occurs when your expenditure is more than revenue. It is so trite. And how do you finance a deficit? You borrow. So for every single year that the PP was in Government, they ran a deficit and financed it by borrowing. And what are we doing? This year, we are trying to finance a capital development programme of approximately \$7 billion and we are projecting a deficit of approximately \$6 billion, and the only way you can finance a deficit is by borrowing. And I am constantly amazed when I see commentators in the media and I hear hon. Members opposite ask: why is the Government borrowing. Obviously, it is to finance the fiscal deficit. And why do we have a deficit? Because our expenditure is more than our revenue. [Crosstalk] It is incredible.

So that we made it clear to the public in the national budget that we will be projecting a deficit of approximately \$6 billion for fiscal 2017 which we have to finance by borrowing. So we go to CAF and we borrow US \$300 million which is just a little less than \$2 billion, that still leaves \$4 billion. And that is why we are out in the domestic market, raising bonds through auctions and so on, why we will be using all sorts of financing strategies to raise the money to balance the budget by way of financing the deficit so we can do our capital development programme. What on earth do you think the money is for?

There is a 2017 PSIP document that was laid in this House prepared by the hon. Member for D'Abadie/O'Meara, the Ministry of Planning.

Mrs. Robinson-Regis: Arouca/Maloney.

Hon. C. Imbert: Sorry, Arouca/Maloney. I apologize.

“Shaping a Brighter Future

Public Sector Investment Programme Trinidad 2017”

I get the feeling none of them read the document, “didn't read ah single thing”. I mean, Madam Speaker, the document is over 100 pages long. It outlines the Public Sector Investment Programme for 2017 and then when you go into the Budget Estimates, you see that the cost of the PSIP is \$7 billion and therefore to finance the PSIP, which is both construction projects, institutional strengthening, policy reform and so on, you have to borrow to finance the Public Sector Investment Programme. But how could I be asked a question after we sat down in this Parliament for a month going through the national budget, delivered it on the 30th of September and—[*Interruption*]

Madam Speaker: Minister of Finance, your original 30 minutes have expired, you are entitled to 15 more minutes. You may proceed.

Hon. C. Imbert: Thank you very much. So for one month, we were in this Parliament talking about the budget, talking about revenue. Explaining the fact that revenue from petroleum has dropped from \$19 billion to less than \$2 billion. It has dropped by 90 per cent. Explaining all of that to them. Explaining that the country has acquired an appetite for expenditure because of their profligacy when they grew the national expenditure from \$46 billion to \$63 billion in their five years. When they created a huge balloon of public sector expenditure and then revenue from petroleum between 2014 and 2016 drops from \$19 billion to \$1.7 billion.

These are all facts and therefore, that is why we sought to suppress expenditure in 2016 from \$63 billion to \$52 billion and still had to run a deficit of approximately \$7 billion in the last fiscal, and that is why we have to run a deficit in this next fiscal as we try to contain public sector expenditure within reasonable limits. Because all the talk “they talking over there: we must not borrow even though they know that there is a financing gap that we must finance by borrowing of \$6 billion. “They know that yuh know but they want to know why yuh borrowing.” Now let us get past why we are borrowing. “You know what they telling us? Doh borrow.” So what happens to that \$6 billion? [*Crosstalk*]

Mr. Al-Rawi: Hear him, cut expenditure.

Hon. C. Imbert: Cut expenditure. What? Send home public servants? [*Crosstalk*] Cut school feeding? Yeah, send home 10,000 public servants? Cut school feeding? Close down all the state enterprises? That is what they want? Madam Speaker, we were not born yesterday, we will take no policy advice from them. It is foolish! The advice is foolish! [*Desk thumping*] We must not borrow money? So we must send home 10,000 public servants? “They think we stupid, dais what they want us to do?” No, Madam Speaker, we are not taking any basket from them. We will do what governments do when they find themselves in this situation.

And you know what bothers me too, Madam Speaker? They talk without facts you know. There is something called the Maastricht Treaty which the members of the European Union signed in 1992 and in the Maastricht Treaty, in 1992, the member States who created the European Union agreed that they would aim for sound fiscal policies with debt limited to 60 per cent of GDP. So the European Union, in 1992, signed the Maastricht Treaty to create the EU and committed that the member States of the European Union would seek to have their debt to GDP ratio not exceed 60 per cent. But let me read out what the debt to GDP ratio is in the developed world, because “they just talk”. The debt to GDP ratio of Japan, 229 per cent; the debt to GDP ratio of Italy, 132; the debt to GDP ratio of the United States, 104 per cent; the debt to GDP ratio of Spain, 99 per cent; the debt to GDP ratio of France, 96 per cent. The average for the Euro area, 91 per cent. The debt to GDP of the UK, 90 per cent; the debt to GDP ratio of Canada, 92 per cent.

So all these developed countries signed the Maastricht Treaty in 1992 and agreed to try to maintain their debt to GDP ratio at 60 per cent but the average is now well over 100 per cent. Well over 100 per cent. [*Interruption*] Seventy-two per cent. It just shows you do not know what you are talking about. Seventy-two per cent is Germany’s debt to GDP ratio. And the point is, our current debt to GDP

ratio is 59 per cent. The average in the EU is 91 per cent. They have no understanding of economics. They do not bother to read, they do not bother to inform themselves. They have no clue as to how the world works, they just throw out numbers. [*Interruption*] Yeah, they just throw out numbers.

And then, I have to listen to the Member for Couva South. Couva South reading some article in the *Express*.

Mr. Al-Rawi: The next one reading from Guyana.

Hon. C. Imbert: Imagine that. The Member for Caroni East reading some newspaper article in Guyana and using that and we must follow some newspaper article in Guyana, and the Member for Couva South reading some *Express* article where they have number of people including a gentleman called Ved Seereeram. I must listen to Ved Seereeram? You know who Ved Seereeram is, Madam Speaker? He is one of the disgraced members of the FCB board fired by the People's Partnership for that IPO fiasco.

You see, this is what is wrong with this country. You say things, you have no facts, you have no truth. The FCB board was fired by the last People's Partnership Government for the scandal and the alleged corruption in the FCB IPO and this gentleman was a member of that disgraced board that was removed by the People's Partnership Government. They fired him and that was in 2014 but I have to come around and listen in 2017 that this gentleman is now a financial expert. Expert in what? In advising the Government how to bungle an IPO and how to make a mess of something? Just today, I had a question coming from Caroni Central as to what is going on with the IPO and I had to tell the Member for Caroni Central that that matter is now with the Director of Public Prosecutions, but these are the people I am supposed to listen to.

Madam Speaker, I am shocked. We came to this Parliament to complete a process started by the PNM Government in 1994, continued by the UNC Government in 2012 and 2015 where they indicated clearly, if you go into Winston Dookeran's *Hansard*, when he was Minister of Finance and then Minister of Foreign Affairs, and you ask him why are you getting into this arrangement with the Andean bank, and he indicated that it is an alternative source of funds, the interest rates are reasonable, the approval time is much shorter, it is a regional bank. And he, the PP Government, thought it was a good idea to invest TT \$2 billion to get membership rights in the Andean bank.

Now, which kind of confused person, as I heard the Member for Caroni East say, will spend \$2 billion to get full membership rights in a development bank and

sit down and not borrow from the bank and leave it there and say to take \$2 billion of—and telling this Parliament that taking \$2 billion of scarce taxpayers' money. Two billion dollars of taxpayers' money that could be used to feed children, that could be used to give old age pension, that could be used to finish all the schools they left “uncomplete”. Two billion dollars of taxpayers' money, they took and deposited with CAF and yet, I have to hear the Member for Caroni East say “they left it there, that showed good prudence”. So “way yuh put the \$2 billion in there for?” What for? And they borrowed outside at 6 and 7 per cent when they could have borrowed from CAF at 3 and 4 per cent. Who, in their right mind, puts \$2 billion to get membership in a development bank and then chooses not to borrow from the bank? Who does that?

Madam Speaker, I just cannot believe. We came to this Parliament to do what has been done with the IDB, the IFC, the World Bank, the IBRD, the Caribbean Development Bank. We came to do what everybody on that side with any intelligence knows that we have to do, which is to incorporate the agreement allowing us to be members of that bank into our domestic laws and giving Trinidad and Tobago the power to borrow lawfully from the Andean bank. This is what we came to do. What parliamentarians before us have done with the CDB, with the IDB, with the IFC, with the World Bank. For the last 50 years, in this Parliament, this is what parliamentarians have done when you have a new access, a new source of funding from a multilateral bank. We came to this Parliament today to complete the work of successive governments from 1994 right up to 2015 and I have to hear “all ah this?” “Way allyuh doing this for? Why we doing this? Oh, this is just to borrow.”

So when the PP Government signed this Instrument of Adhesion in 2015, what they signed it for? Not to borrow? Why do you subscribe to an international bank? Not to borrow? What on earth does any right-thinking Government do when they get membership in the World Bank, in the Caribbean Development Bank, in the Asian Development Bank, in the Andean bank? What on earth does any right-thinking Government do, having pumped \$2 billion to get borrowing rights—“because dah wah yuh putin it in”. You have to put \$2 billion in to be allowed to borrow from the bank.

10.00 p.m.

What on earth does any intelligent person think we are about here today? All we are doing is completing a simple process. I am just shocked. I am appalled. I am amazed at the things that the hon. Members say opposite. They have no regard

for the truth. They have no regard for facts. They thrive on fiction. They just make statements wild, reckless, irrational, irresponsible statements. They do not care what they say. They do not care what people think about them. They do not care about their credibility. They just say the most reckless things.

I hope, Madam Speaker, I hope, I hope that on some subsequent occasion, when we come to complete the work of previous governments to finalize something that has been in the making in the works for a number of years, that is in the interest of the country, that everybody knows is in the interest of the country, I hope on some subsequent occasion we would not be subjected to such foolishness. I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 7 ordered to stand part of the Bill.

Clause 8.

Question proposed: That clause 8 stand part of the Bill.

Dr. Tewarie: Madam Chair, I raise this matter with the Minister of Finance. I wonder if I might be allowed a little preamble. The Minister mentioned in his initial presentation that one of the things about this bank is that basically it subscribes to local procurement laws. He may recall, if I remind him that in the procurement law we also made it necessary for all institutions, including the IDB and others, to subscribe to our procurement law.

Now this clause does not deal with procurement, but it does raise the issue of what are the laws under whose jurisdiction the agreement relates. I feel that we should make an amendment in clause 8, which I would like to suggest, in which we take out the first part of the clause which says:

“Notwithstanding any law enforced in Trinidad and Tobago” and replace it with “within the framework of the laws of Trinidad and Tobago” and the rest can stand “any loan agreement”, et cetera. I would like to suggest that amendment and the reason is very simple. I do not think we should have agreements with an international bank which says in spite of the laws of Trinidad and Tobago what

we sign will apply. I think what we sign should be lawful and we are passing the law to deal with it here, and, therefore I am suggesting this. The Minister may respond. I do not, you know. It is not trying to be difficult. I am just trying to do something I think is better for us.

Mr. Al-Rawi: Madam Speaker, thank you. I thank the hon. Member for his thought on the clause. We have had a chance to look at this in the context of other laws and also had the advice of the Chief Parliamentary Counsel.

Dr. Tewarie: Yes.

Mr. Al-Rawi: The construct is one which is a standard to the law that we use for this type of arrangement. But two, it allows us to tie in the provisions of section 3, clause 3, of the Bill which really is the power to borrow with the fact that the law will continue to speak. And, therefore, we did not want to have any other law come on to the books of Trinidad and Tobago, which could erode the power of borrowing. Because once you establish this power to borrow, very often, subsequent laws can erode that inadvertently. So it usual to put in this formula, so that we can allow for the law to continue to speak relative to the power to borrow, particularly because if it is not constructed that way, you are going to affect the AG's opinion on validity of loans as they are booked from time to time.

Dr. Tewarie: Okay, AG, I do not want to prolong this matter. But I mean clause 3:

Subject to this Act the Government may, so and so and borrow from the corporation's own resources or from the funds administered so and so.

I agree. I mean, I said in my contribution that I did not have any issue with the power of the Minister to act on behalf of Trinidad and Tobago and that we needed that. Okay? What I am concerned about is this: the Minister, acting on behalf of Trinidad and Tobago, negotiating a loan for us, whoever that Minister, whichever Government, must do so within the framework of the laws of Trinidad and Tobago and I feel that that is something that we should do rather than create a situation in which we say notwithstanding any law in Trinidad and Tobago that any loan agreement and any instrument. Why do you want to make a loan agreement or establish an instrument that is beyond the law of Trinidad and Tobago?

Mr. Al-Rawi: Let me explain it this way. Once a loan, this law, clause 8, which will become section 8.

“Notwithstanding”—any law enforced in Trinidad and Tobago—“any loan agreement and any instrument issued under the”—power to borrow, which is section 3—*[Interruption]*

Dr. Tewarie: Yes, which is 3.

Mr. Al-Rawi:—“shall be valid and enforceable...”

Dr. Tewarie: Yes.

Mr. Al-Rawi: Now what that essentially recognizes is when you get to the point of the opinion that Trinidad and Tobago has the capacity to borrow, even if you sidestep this clause, moneys had and received will apply and you can be caught under a different provision of the laws of Trinidad and Tobago.

But this clause is constructed this way specifically to deal with the opinion that the Government of the Trinidad and Tobago must give via its legal officer, which is the AG, that there is nothing which fetters the power to borrow otherwise the banks would not lend. So it is the same for the IDB. It is the same for the IDF. It is the same for—all of these loans have to meet muster where there is no fetter to the power to borrow, otherwise you just would not get to the stage of borrowing. So it is designed to deal with the guarantee and collateralization and the certification of power to borrow.

Dr. Tewarie: Okay. I mean, I would not argue because I cannot argue the—*[Interruption]*

Mr. Al-Rawi: It has actually come up in courts before, as a result of which the formulation was done this way. In fact, I have inherited a couple of loans constructed by the last Government where the clarity was not there and what we had to do was to work around it in a different manner. So this is borne out of actual hands-on experience in ensuring that you can get the proceeds of the loan.

Mrs. Robinson-Regis: Can I also add that this clause will have nothing to do with the procurement issue.

Dr. Tewarie: No, no, I know that.

Mrs. Robinson-Regis: No, but you prefaced your introduction by talking about the procurement.

Dr. Tewarie: I was using an example. There was once a time when any institution coming here, we would have to abide by their procurement laws; under the current procurement law that is not so. They have to conform.

Mrs. Robinson-Regis: Okay, but this clause has nothing at all to do with that.

Dr. Tewarie: I understand that, Minister. I think the AG grasped what I am asking.

Mr. Al-Rawi: Member, I understand your point. Your point was which law was going to govern the law of the issue and whether you are subjugating sovereignty.

Dr. Tewarie: Which law was going to govern?

Mr. Al-Rawi: I understand.

Dr. Tewarie: All right. The framework within and therefore the powers of the Minister in Trinidad and Tobago.

Mr. Al-Rawi: Choice of law.

Dr. Tewarie: That is right.

Mr. Al-Rawi: I understand the choice of law point. This is designed solely to facilitate the borrowing power because if there is deemed to be a fetter on the power to borrow, we would run into the complications of not having the instruments accepted by the lenders.

Dr. Tewarie: Okay. AG, I take your word for it and I am not going to interfere with the passage of the legislation, but I want to say I am very—I have always been, in the last Cabinet, and I am now in this Parliament, uncomfortable with situations in which in any international negotiations our laws are not given the respect as a sovereign country that they deserve and I do not care how much money we have to borrow.

Mr. Al-Rawi: Appreciated.

Dr. Tewarie: Okay?

Mr. Al-Rawi: Thank you very much.

Question put and agreed to.

Clause 8 ordered to stand part of the Bill.

Clauses 9 and 10 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

House resumed.

Bill reported, without amendment, read the third time and passed.

Adjournment

Wednesday, March 15, 2017

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, I beg to move that the House do now adjourn to Friday the 17th day of March, at 1.30 p.m. at which time we will continue debate on the preliminary enquiry Bill.

Madam Speaker: Hon. Members, there is one matter that qualifies to be raised on the Motion for the Adjournment of the House, filed by the Member for Caroni East. I now call upon the Member for Caroni East.

Landfill Sites (Contamination of Environment)

Dr. Tim Gopeesingh (Caroni East): Thank you, Madam Speaker. Recently the country was thrown into some panic, after Solid Waste Management Company Limited (SWMCOL), in a meeting with the Public Accounts (Enterprises) Committee in Parliament, indicated that heavy lead from the Guanapo dump was a danger to human life.

The CEO indicated that the leachate, which was the seeping of the landfill at Guanapo, that material was seeping into one of the rivers leading to Guanapo River which, in fact, leads to the major Caroni/Arena water treatment system and that caused a degree of panic in the country, and rightly so, because people felt that the statement made by the CEO of Solid Waste on a number of occasions during the meeting, there was the question of whether lead was being found in the water that WASA was giving to the national population. So that is one issue.

Then the other issue is that the Beetham Landfill has been earmarked to be closed, but there is still continued deposition of waste material on that landfill. I believe the former Minister of Public Utilities indicated that, with the closure of that landfill or dump, material would have been moving to Forres Park. Also, there was another issue of the material being moved to Guanapo and certain aspects of that moving to Forres Park dump as well.

The Member for Tabaquite had indicated on numerous occasions, that even the road going to Tabaquite, over 100 truckloads of material had been deposited on the road, which prevented easy access for even materials going to that dumpsite.

So, we have there dumpsites: Beetham, which is supposed to be closed; the Guanapo, which had been found to be leaking through the leachate into the

Landfill Sites
[DR. GOPEESINGH]

Wednesday, March 15, 2017

Guanapo River and the Forres Park dumpsite, which is highly combustible. The Beetham dumpsite has been highly combustible as well over a period of time.

The People's Partnership Government had sought to work assiduously to bring about a conclusive aspect to this issue of regular fires on the dumpsite at particularly the Beetham and Forres Park. The Beetham dumpsite causes panic in Port of Spain when it is on fire and the air pollution that comes out of the burning debris, from our understanding, releases, Madam Speaker, contaminants like lead, mercury, chromium, arsenic and copper into the atmosphere and these are, as we know, highly toxic. So when the breeze blows in a westerly direction the entire of Port of Spain and even citizens west of Port of Spain go into panic. During the day when school children are in schools, and workers are in offices, sometimes they have to leave because of the dense smoke that emanates from the Beetham landfill, and the same thing happens in Forres Park.

In addition, the Forres Park dumpsite, when it is on fire, the children of the school—[*Interruption*]

Mr. Indarsingh: Springvale Hindu School.

Dr. T. Gopeesingh: Springvale Hindu, have to be out of classes, and really it is a nightmare for the citizens and the inhabitants around that area. In fact, it affects people in Couva south, in Tabaquite, in Pointe-a-Pierre and a wide cross-section of the area down there. And we all know that the release, when these things burn, they release some real toxic fumes and that is one of the reasons why the aluminium smelter was not put into Trinidad and Tobago.

So, besides that there has been found to be a high incidence of cancer in and around the area in Forres Park, and, of course, a high incidence of pulmonary disease in the young children and even the inhabitants in Forres Park.

Now, WASA gave an undertaking that the water that they are distributing to the national population is free of lead. But, Madam Speaker, I do not think the national population has been convinced, because WASA has not been able to produce—well as far as I understand, and many people—the evidence, the scientific evidence for the analysis of the water to show that it is free of lead contamination and they say that the water is tested. The country does not know what type of testing is done with the water. How often it is tested.

Before I went to do medicine for three years, I worked to save some money, and so on, and I worked in the Pointe-a-Pierre laboratory with Mr. Manning's father at the Pointe-a-Pierre refinery laboratory and we did spectrophotometric

analyses of the paraffin plant to look for benzene and toluene and xylene, and so on; a very easy method. But we do not know what methodology is being used for the analysis of the water from WASA. How often it is done? And we are not sure whether the filtration process that is undertaken by them really eliminates the lead contamination.

So, Madam Speaker, these are burning issues. They are very sobering issues that we have to deal with, in terms of how we are going to manage. We are not in Government. We needed to do a lot more. Various Ministers, the Minister of the Environment and the Minister of Local Government, and so on, did a lot of work on it, and they were coming around to begin the process of engaging an international company for the disposal of the dumped material.

And so, I want to ask this administration and the Minister of Public Utilities who have finally consented to respond to this matter. I understand he is very conscientious about it and I understand there was a meeting last night. We thank him for having that meeting, as I heard from the Member for Tabaquite.

So, in summary, the country would like to have an understanding, particularly of WASA's water, how the analysis is done. What type of analysis, not by saying that the water is free from contamination of lead. We need to see. Tell the population after the filtration this water is taken, it is done in a scientific basis, this is the laboratory, these are the ingredients of the testing and if it is free of lead because we know that lead is very neurotoxic and it is terrible for children particularly.

It damages the whole neurologic system, and, of course, we know what arsenic, chromium, copper and all these things from the air pollution, what they do to the human being.

So, we as a Parliament and we as both Government and Opposition, we have a responsibility to the country. Whatever the Government seeks to do in helping to alleviate that worrisome issue over a period of time, which we sought to correct. But our time came to an end and we remained incomplete in our action.

We ask the hon. Minister of Public Utilities to give us some undertaking of how he is going to manage it, bearing in mind that two of the landfills are already earmarked for closure and the Forres Park landfill is causing well, of course, chaos down in the Tabaquite area.

So, Madam Speaker, I await some sobering reflections on this and some of the proposed programmes and policies for possible implementation by the

Landfill Sites
[DR. GOPEESINGH]

Wednesday, March 15, 2017

Government to assist in alleviating the fears and anxiety of the national population and those particularly affected at the Guanapo site and the Forres Park site as well. Thank you very much, Madam Speaker.

Madam Speaker: I now call upon the Minister of Public Utilities.

10.30 p.m.

The Minister of Public Utilities (Hon. Fitzgerald Hinds): Thank you, Madam Speaker. I begin by making the bold assertion that from the information available to me, there are no significant or major health risks to the population of Trinidad and Tobago associated with the country's waste disposal sites. I am also not in a position to support the contention by my learned friend opposite that there is any evidence of high incidence of cancer or pulmonary diseases in or around Forres Park.

Madam Speaker, the final report on the impact of the contaminants produced by the Guanapo Landfill and the surrounding environment, which was conducted by a group including UWI scientists, RB Fund, WASA and SWMCOL issued at February 2016, noted inter alia that the level of contaminants attributable to leachate downstream are within acceptable limit. This in essence means that the leachate is not polluting the watercourses of the surrounding environment. Any risk from the leachate is, therefore, potential but has not been materialized and, in any event, SWMCOL, the company responsible for managing solid waste disposal, intends to treat with and, in fact, is treating with the leachate issues as they now arise.

Ambient air levels at the Guanapo site are also found by that report to be within acceptable limits. In fact, Madam Speaker, I had to point out recently that the landfill is downstream of the WASA Water Treatment Plant at Gunapo and, therefore, there is no flow in of leachate into the Gunapo Water Treatment Plant.

Madam Speaker, the Guanapo Landfill, however, is not the only problem identified in the report. The report also lists quarrying and certain other activities. WASA has recently publicly refuted, at great length, claims that the drinking water at the Caroni Water Treatment Facility was compromised. In a further press conference—the first one, I was a part of that—the other one, the chair and management of WASA held a press conference on March 03, 2017 where WASA confirmed that the drinking water from the Caroni Treatment Facility is safe for drinking and this was determined so, not by WASA, not by the UWI team of which I just spoke, but by CARIRI, independent and professional as it is. So be assured of that. [*Crosstalk*] That is not a problem. It is public information. I am informed, I

am advised that insofar as WASA treatment is concerned monitoring sorry—for standard this is done every hour on the hour at the Water Treatment Plant at Caroni, every hour.

I am not in a position to tell you now about the techniques for analysis. I rely on what I am told as I have just shared with you and that I can find out and present to you at a later stage. SWMCOL is constantly employing innovative mechanisms to improve its operations in all the three landfill sites as described by my friend.

SWCOL has in place—and I had reason to say this in answer to a question here recently, so let me review it again—an existing fire management plan, which dictates its response to fires at the landfill sites under its purview. In addition to the fire management plan, SWMCOL has changed the location of the tipping area where waste is received and located within a more accessible area closer to the centre of the site. This allows them to cover the waste on a more regular basis—to cover it over—and have a smaller more controlled tipping area. This strategy significantly reduces the risk of fires.

Secondly, SWMCOL has also increased its stockpile of cover material on the site to be used in the event of a fire. Once that is effected, all the problems as you have identified would control these fires. A third fire prevention mitigation strategy adopted by SWMCOL is the creation of an emergency access on the Cedar Hill Road that will allow trucks and firefighting appliances to more quickly serve the landfill area should there be a fire. This will reduce the response time in the event of the fire.

During May 2010—[*Crosstalk*—I must say so, I am a politician and the facts must be told—and September 2015, the then Cabinet failed to implement any meaningful policies in the area of solid waste management. For an example, Madam Speaker, Cabinet in 2012, again in 2013 and twice in 2014, agreed to major measures to advance our stock on Waste Water and Sanitation, the National Integration Solid Waste Management and Strategic Plan—nothing other than those agreements ensued. Not a thing between those years.

The record further reveals that the last Cabinet, the then Cabinet, completely disregarded the recommendations of the Ninth Report of the appropriate Joint Select Committee, which dealt with this question of fires, which dealt with this question of pollutants in the watercourses. Madam Speaker, let me emphasize that while the Cabinet of that time agreed to these measures, none were implemented.

Landfill Sites
[HON. F. HINDS]

Wednesday, March 15, 2017

Okay? I do not want to belabour that. The question is we must look forward, and what we are doing is now critical.

The Cabinet of the day did not face the economic constraints that we are now facing—some of it was alluded to in a previous debate here today—and yet it failed to adequately finance SWMCOL's requests for money under their Development Programme to address these issues. More specifically, in 2014, SWMCOL requested \$248 million to facilitate some of this work. They got nothing. And I can list the others, but no point doing that. We need to look forward, so I would not stress on those matters. In another mode, in another time, I will elucidate, but not today.

The Ministry of Planning and Development and the Ministry of Public Utilities are currently finalizing the work left unfinished by my friends on the other side. The completion of the National Solid Waste Management Strategic Plan, this was facilitated through the Technical Cooperation IDB Funded Project in which the Government has now engaged the services of a consultant to assist with its formulation. The Government through SWMCOL has engaged a consultant to develop conceptual designs for an engineered sanitary landfill site at Forres Park which once approved and the funding is allocated for same will facilitate the rehabilitation of Beetham and Guanapo as well.

The Government is also seeking to develop protocols for the operations of the landfill sites that ensures the protection of the environment and safeguard public health. I can tell you, this week had it not been for the heavy rains, I would have gone to inaugurate a pilot project devised by UWI after they issued that report along with SWMCOL, to put in place an environmentally friendly measure for dealing with the leachate, small as it is, coming from the Guanapo site. That is a pilot project. It has now been put in place. It is ready for its launch. It is expected to last for about a year. In the meantime, I will be approaching—the note is being drafting now—the Cabinet to see if whether I can get approval for funding to do a modern leachate treatment plant for Tobago and Tobago, because leachate is a natural and necessary by-product, or downstream if you call it that, of waste collection for some of the reasons you have explained. Madam Speaker, that pilot project of which I just spoke cost this country \$1 million, allocation was done for it and it will be done.

Madam Speaker, these are just some of the approaches that we propose to take to ensure the proper management of our solid waste disposal, the landfill sites on which this disposal takes place and the management of same. I hope that these, for

Landfill Sites

Wednesday, March 15, 2017

the time being, adequately address the issues raised by my friend—brings him, brings my colleagues opposite—but, most importantly, the citizens of Trinidad and Tobago the comfort to know, as I said loftily at the beginning, there is no discernable or detected significant or major health risk to the population as posited by my friend in the Motion that he filed here today. I thank you. [*Desk thumping*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 10.40 p.m.