

*Leave of Absence*

*Friday, November 26, 2010*

**HOUSE OF REPRESENTATIVES**

*Friday, November 26, 2010*

The House met at 1.30 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from the following Members requesting leave of absence: Mrs. Paula Gopee-Scoon, Member for Point Fortin; Ms. Joanne Thomas, Member for St. Ann's East—both of whom are currently out of the country and have asked to be excused from today's sitting of the House; Mrs. Patricia McIntosh, Member for Port of Spain North/St. Ann's West and Ms. Donna Cox, Member for Laventille East/Morvant, who are unwell and have asked to be excused from today's sitting of the House. The leave which these Members seek is hereby granted.

**COMMITTEE OF PRIVILEGES**

**(MEMBER FOR SAN FERNANDO EAST)**

**Mr. Speaker:** Hon. Members, I would want to rule on a particular matter that came to this honourable House last Wednesday, a Motion of privilege moved by the Member for Chaguanas West, on Wednesday, November 24, 2010.

Hon. Members, by letter dated November 24 addressed to me and read in this honourable House on that day, the hon. Member for Chaguanas West raised, as a matter of privilege, statements made by the hon. Member for San Fernando East on Friday, November 19, 2010, during the debate on the Interception of Communications Bill, 2010.

The Member for Chaguanas West submitted that the Member for San Fernando East committed a contempt of this House on three grounds:

- Firstly, he deliberately and wilfully misled this House;
- Secondly, he imputed improper motives against the hon. Member for Siparia in clear violation of the Standing Orders of this honourable House and persisted in that behaviour despite being repeatedly called to order, thereby bringing this honourable House into disrepute and public odium;
- Thirdly, he grossly and recklessly abused the privilege of freedom of speech in this House.

*Committee of Privileges*  
[MR. SPEAKER]

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The Member for Chaguanas West sought my leave to have this matter referred to the Committee of Privileges for consideration and report.

Hon. Members, from the very outset, I wish to remind this honourable House that in ruling on the Motion raised the Speaker does not express any concluded view on these matters. The Speaker only determines whether an application, based on a claim of contempt or breach of privilege is, at a first glance, of sufficient importance to require the attention of the Committee of Privileges. The three grounds raised by the Member for Chaguanas West all relate to the exercise of the right of a Member to free speech in the House.

Hon. Members, as you are all well aware, in order to effectively perform your duties, all Members enjoy the privilege of freedom of speech in this House. Though of a personal nature, this privilege is not so much intended to protect you for our own individual advantage, but to support the rights of the people by enabling their representatives to execute the functions of their office without the fear of either civil or criminal prosecution. As Speaker, it is my duty to vigorously defend and protect this essential privilege of freedom of speech in this honourable House and I intend to do just that.

What exactly does this privilege of freedom of speech entail? The privilege of freedom of speech is not a licence to absolute freedom in how a Member executes his parliamentary duty; rather it is an assertion that the jurisdiction to exercise restraint on its Members belongs exclusively to the House during the period of a Member's service and belongs, in a political context, to the electors at the end of that service. Thus, while speech and action in this House may be said to be unquestioned and free from external interference or influence, the privilege of free speech in the House is circumscribed by the House itself and regulated by rules and Standing Orders.

I have read the submission of the Member for Chaguanas West. I have also read the official report of the contribution of the Member for San Fernando East to the Interception of Communications Bill, 2010, on Friday, November 19, 2010.

I rule that a prima facie case has been made out and refer the matter to the Committee of Privileges for consideration and report.

**INTERNATIONAL DAY FOR THE ELIMINATION OF  
VIOLENCE AGAINST WOMEN**

**Mr. Speaker:** Hon. Members, at this time I bring to your attention the observance of the International Day for the Elimination of Violence against Women, which was commemorated yesterday, Thursday, November 25, 2010.

This day highlights the global challenge of violence against women, which is a serious cause of the death and disability of millions of women and young girls on an annual basis. The action of several Parliaments worldwide has helped to make the dilemma of violence against women more visible nationally and has made it a priority on their agendas.

As a consequence, the Parliament of the Republic of Trinidad and Tobago has joined forces with other Parliaments and organizations in drawing attention to this issue. Most of you, hon. Members, have voiced your stance in the parliamentary production speaking out against this atrocity. This feature has been aired on the Parliament Channel and will continue to be a part of the programme content of your channel.

Today, the House of Representatives is invited to record its solidarity with this important campaign in opposition to violence against women, not only in Trinidad and Tobago but on a global basis.

**The Prime Minister (Hon. Kamla Persad-Bissessar):** Mr. Speaker, I commend the Parliament for its initiative in creating the programme with the voices of parliamentarians in the fight against violence against women.

We marked this very important day yesterday. We are doing it today in this Parliament but the issue continues. I think that it is important for us as a government to put on *Hansard* our commitment to ensuring that, as a nation and as a government, we are fully cognizant of the valuable contribution on the importance of women to every family, community and sphere in our country. Indeed, there is a Chinese proverb which says that women hold up half the sky. Of course, the other half is held up by men.

In our nation we are grateful that our democracy guarantees women the right to equality but, admittedly, there is reason for our hearts to be heavy because of the negative forces that continue to attempt to belittle and stifle the right to equality, true equality, of women.

I directly refer to the continued violence against women in domestic abuse cases, murders targeting women, sexual abuse against women in various forms. It is a fact that despite the existence of appropriate laws and the implementation in countries such as ours which uphold the democratic rights of all citizens, crime, domestic violence and abuse against women continue. One reason advocated is that the crimes continue because of the silence of the victims; their inability to speak out and to let their voices be heard. That silence, I acknowledge, is as a direct result of fear which condemns women and other victims of abuse to live in psychological, physical, mental and emotional trauma.

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[HON. K. PERSAD-BISSESSAR]

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On the occasion of the UN International Day for the elimination of Violence Against Women, I therefore see it as our duty as a government and my responsibility as Prime Minister, a woman, mother, sister, grandmother, aunt and citizen of this nation, to reinforce the People's Partnership's commitment to uphold the rule of law and the domestic tenets of equality and fair play for all.

In so doing, Mr. Speaker, I urge all our citizens, especially the women of this country, to truly know their rights as guaranteed by our Constitution. Women, like men, are guaranteed human rights, which refer to the basic rights and freedoms to which all humans are entitled and they often include the right to life and liberty, freedom of thought and expression and equality before the law.

The UN Declaration of Human Rights, Article 1, to which we are a signatory, states:

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

Of course, Mr. Speaker, I will add sisterhood.

My fellow citizens, through you, Sir, and the Parliament, the People's Partnership was elected in part because of our promise to ensure that all our citizens are treated equally in this country. So far we have taken several effective measures to address the issue of violence against women.

We have initiated legislation that will actively allow victims of abuse of any kind to have safe, effective ways of reporting these crimes to the police. Through the Ministry of the People and Social Development, we are taking steps to ensure that shelters and other support groups for women, victims of abuse, are bolstered. I give the assurance that the plight of any abused citizen, especially abused women and children, should never fall on deaf ears as long as our Government is in office.

The sad fact is, as with most crimes of abuse, we cannot help victims unless they break the code of silence. We have seen several cases where the abuse is ongoing but the victims are afraid to come out; will not come out and therefore it will continue in that regard.

**1.45 p.m.**

And so, we as a Government are implementing measures to ensure that victims of abuse get State support to prosecute the criminals who abuse them, and to ensure that they have the social support system to better their lives, but we

cannot implement any of these measures if victims continue to suffer in silence. And so, I urge all citizens now to come forward if you are a victim of abuse or if you know someone who is a victim of abuse. Contact the police; contact the local social services office to ensure that help is made available for these victims immediately. This is the responsibility, Mr. Speaker, of all of us as citizens; and it is with this in mind today, I urge all citizens to reflect on their duty to treat others with equality, equity and justice.

It was Martin Luther King who said, Mr. Speaker, “Whatever career you may choose for yourself, doctor, lawyer, teacher, become a dedicated fighter for civil rights. Make it a central part of your life. It will make you a better doctor, better lawyer, better teacher. It will enrich your spirit as nothing else possibly can. It will give you that rare sense of nobility that can only spring from love and selflessly helping your fellow man. Make a career of humanity. Commit yourself to the noble struggle for human rights. You will make a greater person in yourself, a greater nation of your country and a finer world to live in.

And so, Mr. Speaker, I urge for us to make this pledge; to look around and tell ourselves that we all have to work to end violence against our fellow citizens. We have to proclaim that every human being is equal in dignity and freedom, that we are all equal in the eyes of the law and of God and of each other, and we want to be respected; not to be victims of abuse in any form. Mr. Speaker, may I say, may God grant us the wisdom and humanity to recognize this duty and the strength to implement it as a people. Women hold up half the sky and deserve the same equality as the menfolk in our nation.

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

**Dr. Keith Rowley** (*Diego Martin West*): Mr. Speaker, today I stand as a husband, a father and a representative of the people, including the women of my constituency and the country, to join with the Government out of respect for the many women and children in our country who have fallen victim as a result of violent attacks.

Every year, on November 25, we commemorate as International Day for the Elimination of all Forms of Violence against Women. This day was commissioned in 1960 when three sisters, Patricia, Minerva and Antonia Mirabal were assassinated in the Dominican Republic, allegedly under the instructions of President Trujillo. It was about the same time, Mr. Speaker, that we in Trinidad and Tobago had the horrendous experiences of the infamous Mano Benjamin and Dulcina and her sister, where horrendous violent acts were meted out to two young ladies. So we know, Mr. Speaker, about domestic violence.

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Mr. Speaker, violence against women and girls is a problem which is plaguing not only the Trinidad and Tobago society, but the world at large at alarming proportions. According to UNIFEM, at least one in three women in the world has suffered from violence, usually by someone known to her. Violence against women can no longer be viewed only as a woman's concern, but a concern for life, a concern for security, a concern for peace, and, above all, the nation's concern involving both men and women, and boys and girls.

Mr. Speaker, as our women are the lynchpin that keeps families, communities and nations together, it is incumbent that we reaffirm our commitment to investing more resources in countering violence against women; that we embrace a protectionist culture for our women and our children; that we create avenues where our women and girls can develop their full potential; and that deliberate attempts are made to transform the legal, political and economic landscapes of our society in an effort to eradicate this scourge of violence against women.

In this regard, Mr. Speaker, I urge my parliamentary colleagues and the NGOs, let us all engage in meaningful dialogue, and let us work together with a view to legislating appropriate laws to address this issue. As Leader of the Opposition and all Members of the Opposition, we condemn any acts of violence against our children and our womenfolk, and will support legislation or any programme that is brought before this country, before this Parliament, to assist our women and our children in enjoying a violence-free life. Mr. Speaker, we support every effort made by the country to give our women, our girls and our boys the best violence-free life this country can afford. Thank you, Mr. Speaker. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, as the Parliament embarks on this programme of public awareness and the building of national consciousness on the issue of violence against women, the Parliament is committed to partnering with the NGOs in our country; and we have with us today a leader of the NGO movement in Trinidad and Tobago, who has been struggling for decades in defence of women's rights and the prevention and elimination of violence against women, and I refer to Hazel Brown, who is in the public gallery at this time.

As we seek to underscore the importance of dealing with this problem, I invite all Hon. Members to now stand and observe a minute of silence for all those women and children who have died as a result of violence, and for those who are still suffering. May we all stand for a minute?

*The House stood.*

**Mr. Speaker:** Thank you, Members.

**PAPERS LAID**

1. The Motor Vehicles and Road Traffic (Mobile Devices) Regulations, 2010. [*The Minister of Works and Transport (Hon. Jack Warner)*]
2. The Motor Vehicles and Road Traffic (Enforcement and Administration) Order, 2010. [*Hon. J. Warner*]

**PRODUCTION SHARING CONTRACTS  
(AWARD OF)**

**The Minister of Energy and Energy Affairs (Hon. Carolyn Seepersad-Bachan):** Thank you, Mr. Speaker. I have been authorized by the Government and Cabinet of Trinidad and Tobago to make this statement to the honourable House on the award of production sharing contracts to successful bidders in the 2010 shallow and average water bid round. Mr. Speaker, by Legal Notice No. 114 dated April 08, 2010, the competitive bidding order inviting tenders for seven blocks in the north, east and west coast marine areas of Trinidad and Tobago was issued. The initial closing date for these bids for the blocks was August 11, 2010. As a result of a number of critical issues, Mr. Speaker, this deadline was subsequently extended for reasons which I will discuss shortly.

As you will recall, I discussed in this honourable House on Wednesday the issues we faced when we took office in May of this year. The issues were many; the challenges were many; and hon. Members will recall the details I gave on Wednesday in the debate on the Finance (No. 2) Bill, 2010. Suffice it to say, Mr. Speaker, that what we found was an energy sector that was coming to a standstill and, in fact, showed signs of a backward trend, a regression and contraction. Mr. Speaker, the Ryder Scott, in its most recent annual audit report, put our proven natural gas reserves as just under 10 years. Our proven gas reserves today stand at 14.42 TCF. Yes, Mr. Speaker, this is information that is in the public domain, but I think the enormity of what this means must be stressed.

I will take you back a little to paint a good picture of how critical a situation we found. In 1995, the then government assumed office to find a proven reserve position of 8 TCF. By 2001, proven reserves stood at 22 TCF, or what was then the equivalent of 25 years of reserves. In six years, Mr. Speaker, proven natural gas reserves almost tripled under the Government of 1995 to 2001. This was because, just as we have done now, only with a more sophisticated approach due to advancements, the government at that time launched an aggressive exploration programme to prove up more gas.

But then, the Government changed, and between 2001 and 2010, proven reserves have fallen by approximately 33 per cent and we are now down to just 10

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years of proven gas. Mr. Speaker, the same can be said for the oil sector in terms of production. This resulted quite simply from the complete lack of an aggressive exploration programme. Part of the reason was a sluggish response from the previous administration to falling reserves, and part of the reason was also because the past government simply did not make the upstream sector competitive.

Mr. Speaker, in addition to this, the then administration in 2006 introduced what was called a “taxable production sharing contract” in which companies were required to pay the Government a share of profit of petroleum, and the contractors were required to pay, directly to the government, petroleum profits, taxes and unemployment levy. This form of PSC also provided for consolidation whereby a contractor having more than one taxable PSC, either in the shallow marine areas or deep water, was allowed to consolidate its profits or losses resulting from its operations, albeit on a limited basis.

Companies found the taxable PSCs unappealing, and also found that it increased the exposure to risk. Mr. Speaker, upstream activity is perhaps the most essential element in preserving and enhancing the lifespan and security of our nation’s energy assets. As long as there is oil and gas out there, it means little unless we can attract takers to the industry to go out, explore, extract and begin the process of monetization. Yes, our nation benefitted in some ways, and we should acknowledge that, but to sacrifice tomorrow for gains today is not a responsible Government. It is not a responsible Government at all.

Equally important, Mr. Speaker, there must be fiscal arrangements that display an understanding of the business environment that we are operating in, as well as an appreciation for the need for incentives. Mr. Speaker, our analysis early in our term indicated that given the high cost structure for exploration and development in the average to deep water depths, the previous tax breaks made it near impossible for companies to achieve the rate of return commensurate with the exploration risk for blocks in this environment. In other words, the companies with the resources to explore our acreage were simply not calculating a good enough return on investment to come into our space.

Further, statistics provided for consultants, Wood Mackenzie, show that under the fiscal regime that applied under the past administration, Trinidad and Tobago had a Government take of 83 per cent, compared to other jurisdictions such as Angola, Indonesia and Britain, which have a Government take of approximately 71 per cent. Hence, the terms and conditions of that fiscal regime were really deterrents to further investment in exploration.



In the recent past, interest shown by companies in the last bid round was negated by the poor project economics due to the unattractive fiscal regime. On coming into office, Mr. Speaker, as indicated earlier, we met the bid round for the shallow water acreage in progress for the seven blocks, in accordance with Legal Notice 114, but, with the fiscal regime—the last fiscal regime in effect—recognizing the failure of the last bid round, we immediately took steps to review this fiscal regime. Changes were made to the fiscal regime and these were intended to address the issue and enhance our competitiveness by providing fiscal incentives which will stimulate exploration.

**2.00 p.m.**

Mr. Speaker, we appreciated the importance to the local petroleum industry of maintaining a flexible and competitive climate for our foreign investors. This is why we have changed the definition of “deepwater” for tax purposes only to “water depths in excess of 400 metres”, acknowledging that as soon as that depth threshold is crossed, the degree of difficulty and the cost of operation increases.

We also recognize that cost have been pushed further up, following the deepwater horizon Gulf of Mexico catastrophe. Infrastructural and operational requirements have become much more stringent, the cost of insurance has risen and other attendant costs have taken an upward swing. With these and other strategic considerations in mind—[*Cellphone rings*]

**Mr. Speaker:** Just have a seat. Members, anybody in this Chamber with a telephone that is on, could you switch it off? Thank you, continue.

**Hon. C. Seepersad-Bachan:** With these, and other strategic considerations in mind, the petroleum profits tax has been reduced to 35 per cent for deep water which, along with a 40 per cent uplift, provides a good incentive for exploration and development.

We also appreciated that there is that difference between deep and ultra deep and, therefore, we defined the average water depth production sharing contracts as applying to acreage that is greater than 400 metres, but less than 1,000 metres depth, and the deep water production sharing contracts to an acreage greater than 1,000 metres.

Mr. Speaker, we examined the production sharing contracts, which also had to be restructured to make it more attractive to investors, by reducing some of the inherent risks. In the circumstances, it was agreed to revert to the successful 1995/1996 Production Contract Model, adjusted as follows:

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1. open and biddable profit share matrices;
2. a flexible work programme;
3. ring fencing of expenditure;
4. 20 per cent carried participation, which is applied to shallow acreage only;
5. higher cost recovery provision;
6. fixed financial obligations; and
7. fair market value computation in line with the provisions of the Petroleum Taxes Act

The first PSC was signed in this country in 1974, and provided no cost recovery and a share of profit petroleum that was production related. Consolidation was not provided for in this style of PSC.

Subsequent to this, the 1995 model introduced cost recovery, minimum work obligations, holding fees, clear provisions for natural gas, as well as financial obligations, such as signature bonus, research and development, training, technical equipment and scholarships. The Government's share of petroleum profit was now based on price and production environment.

Mr. Speaker, in this new stay of PSC, these payments are to be paid on behalf of the contractor, directly out of the Government's share of profit petroleum. In keeping with this PSC, consolidation was removed. As a result of these changes, legislative amendments are being made to the Petroleum Taxes Act in accordance with the Finance (No. 2) Bill.

In light of the revision of the fiscal regime, Cabinet approved the extension of the bid round closing date, which was originally scheduled to August 11, 2010. This new date of closure of the shallow bid round was September 08, 2010. As you would recall, the extension was done here in this honourable House on July 30, 2010. This was in order to allow the potential bidders to revise their bids in accordance with the new regime.

In my statement on that date, I announced that the blocks up for bid were:

- |        |                          |
|--------|--------------------------|
| NCMA 2 | North Coast Marine Area. |
| NCME 3 | North Coast Marine Area  |
| NCME 4 | North Coast Marine Area  |
| NCME 5 | North Coast Marine Area  |

North Marine West Coast Marine Area  
4(b) East Coast Marine Area  
5 (d) East Coast Marine Area

As I have indicated, and Members will recall, this extension was being given to allow the potential investors the opportunity to incorporate the new fiscal arrangements in their decision making and proposals. The new fiscal measures, together with several others, are geared towards increasing our competitiveness, boosting confidence and attracting higher levels of investment in our upstream sector.

On September 08, 2010, the closure of the shallow water bid round saw bids as follows:

- North Marine Block, Gulf Central Limited;
- Block 4(b), Nico Resources;
- Block 5(d), BG Trinidad and Tobago Limited;
- NCME 2, Nico Resources and RWE DEA;
- NCME 3, Nico Resources;
- NCME 4, Centrica.

These bids were evaluated by a Cabinet-appointed technical evaluation committee and an overview committee. The technical evaluation committee comprised representatives of the Ministry of Energy and Energy Affairs, the Ministry of Finance and the Ministry of the Attorney General. This committee was charged with the responsibility of evaluating the technical, financial and economic aspects of these bids. The overview committee, was chaired by the Permanent Secretary of the Ministry of Energy and Energy Affairs and was responsible for reviewing the recommendations of the technical committee and to present its view to the Minister of Energy and Energy Affairs, prior to submission to Cabinet.

For the bid evaluation, we had two biddable items: work programmes; and sharing of production. The minimum work programme consisted of a geophysical programme, a geological programme and drilling programme, which varied for each block. Each block was evaluated against a benchmark, based on the Ministry's technical evaluation and the points system outlined in the Competitive Bidding Order, 2010. The geophysical programme may include seismic acquisition and reprocessing, electromagnetics, gravity and magnetics. It was

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evaluated on the basis of the coverage and nature of the programme. The benchmarks were varied, based on the existing suite of geophysical data. Wells were awarded points, on the basis of a table provided in the Competitive Bidding Order. Points were awarded based on six areas. Prior to opening the bids, a benchmark based on the Ministry's technical evaluation, was determined. Therefore, each successful bidder was required to exceed the minimum work programme.

The Technical Evaluation Committee of the Ministry of Energy and Energy Affairs determined the expected monetary value that could accrue to Government from its share of production from each block, using a probabilistic model with the following parameters:

- (i) field sizes (dry hole, pessimistic, most likely, and optimistic);
- (ii) probability of commercial discovery;
- (iii) oil and gas prices; and
- (iv) probability of oil or gas.

The Expected Monetary Value (EMV) was then benchmarked with the EMV of Government's take that would accrue from a tax royalty system in a scenario of zero percent royalty and 12.5 per cent royalty. These were considered acceptable if the EMVs met or exceeded the Government take accruing under the tax royalty system with a zero percent royalty.

In their report, the technical evaluation and overview committees informed that the bids in respect of NCMA 2, NCMA 3, NCMA 4 and 4 (b) had met the benchmarks and recommended that these bids should be accepted for the award of production sharing contracts. The committees also informed that bids for North Marine and Block 5(d) had not met the benchmarks and recommended that these bids should not be awarded production sharing contracts. The report and the recommendations of the technical evaluation and overview committees were presented to and accepted by Cabinet.

As hon. Members will note, the evaluation process was deliberately fashioned so as to strengthen the integrity of the process. Having said that, the following are the selected bidders:

- i. The award of production sharing contract to Voyager Energy (Trinidad) Limited and RWE Dea AG in respect of NCMA 2.
- ii. The award of a production sharing contract to Voyager Energy (Trinidad) Limited for NCMA 3.

- iii. The award of a production sharing contract to Centrica Energy for NCMA 4.
- iv. No award has been made in respect of the bid by Gulf Central for North Marine.
- v. The award of a production sharing contract to Voyager Energy (Trinidad) Limited for Block 4(b).
- vi. No award has been made in respect of the bid by BG International for Block 5(d).
- vii. Successful bidders are required to enter negotiations with the Ministry of Energy and Energy Affairs to formalize the terms and conditions of the relevant production sharing contracts in accordance with the respective bid offer.

Through the measures we have taken to transform the fiscal regime, we can extend the life of energy in Trinidad and Tobago and will drive forward ironclad initiatives to truly diversify energy and the total economy of our nation. Most of all, we will revive the upstream sector once again.

Indeed, through these measures, we will also create the environment that will absorb key skills in our economy and take forward our plans to become a net exporter of energy skills and services.

Mr. Speaker, I thank you.

**ECCLESIASTICAL COUNCIL OF SPIRITUAL BAPTIST  
CHURCHES OF TRINIDAD AND TOBAGO (INC'N) BILL**

*Question put and agreed to*, That a Bill to provide for the incorporation of Ecclesiastical Council of Spiritual Baptist Churches of Trinidad and Tobago (Inc'n) Bill and for matters incidental thereto, be now read the first time.

*Bill accordingly read the first time.*

**INTERCEPTION OF COMMUNICATIONS BILL**

[Second Day]

*Order read for resuming adjourned debate on question* [November 19, 2010]:

That the Bill be now read a second time.

*Question again proposed.*

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Thank you Mr. Speaker. As I rise to make my contribution to the Interception of Communications Bill, 2010, it is imperative for us to remind ourselves of what transpired in the previous two or three months, just before this Bill came into Parliament. It was the discovery of a massive spy agency, which had continued, over a period of years, spying on ordinary law-abiding citizens of Trinidad and Tobago, members of the media, even the Chief Justice, and the President of this country, and not forgetting spying on every one of us who was opposed to the government at that time between the period 2001 to 2010 and including its own Members, the Leader of the Opposition and those Members of Parliament who were not brought back in the 2002 general election, by the Member for San Fernando East and not brought back in the 2007 general election are and gave difficulties for his own Members in the 2010 election.

When we witnessed during those years of massive illegal spying and total dictatorship by an administration and by the head of that administration was unbelievable. The public outcry was so far and wide. I would like to put in record, some of the statements made by people and citizens who felt aggrieved and hurt and their private lives were taken away from them by an administration who had no care and no concern for the people.

**2.15 p.m.**

The question of the constitutionally enshrined rights of a private citizen was breached against the interest of what is called natural justice. [*Crosstalk*] I want to quote some statements that people thought were an extraordinary abuse of political power, aided and abetted by a group of sycophants with no respect for the rule of law. People said that there was massive abuse of power by the then Prime Minister, Patrick Manning. [*Crosstalk*]

**Mr. Speaker:** Could we have some order? If there are differences, I would ask the Members to go behind the Chair and discuss their differences. While the Member is speaking, could we allow him to speak in silence? Continue, hon. Minister of Education.

**Hon. Dr. T. Gopeesingh:** Mr. Speaker, it seems as though the Leader of the Opposition does not want to hear the truth this afternoon, but it must be said. The truth must be said and spoken about.

Mr. Speaker, I want to quote what the hon. Chief Justice had to say about this issue of spying. I quote from the *Express* newspaper dated November 19, 2010: "CJ Slams Ex-PM" and it states:

“The Judiciary, headed by Chief Justice Ivor Archie, yesterday slapped down the position taken by former prime minister Patrick Manning that no law-abiding citizen had anything to fear (from wiretapping by the (Strategic Intelligence Agency) (SIA), saying that this ‘bold assertion’ (by Manning) was ‘insulting’ and ‘displayed a shocking disregard for the rule of law’.”

This came from the Chief Justice. It continues:

“In a statement which also vigorously denounced the ‘systematic and widespread electronic surveillance of private citizens by an agency known as the SIA’, Archie called on the Government to ‘take steps to ensure the destruction of all illegally obtained material under the supervision of an independent third party’.”

He said:

“Given the broad sweep of the SIA’s surveillance, one is driven to the conclusion that the only rational explanation for some of the ‘wiretapping’ is that it was conducted with the hope of acquiring ‘negative’ personal information that might be used as leverage, ...”

Mr. Speaker, that is one of the most important aspects of what the illegal spying was doing. He was leveraging the information collected under that illegal scandal against his own members and against those who opposed him in whatever way between 2001—2010. It continues:

“It added: ‘In the case of the Judiciary, the inevitable consequence would be an undermining of its independence and the proper administration of justice.’”

Imagine you were spying on the Chief Justice who is supposed to maintain law and order in this country. As the then Prime Minister, you had no respect for that. It continues:

“‘What cannot be tolerated is any arbitrary intrusion into anyone’s private affairs with no legal or legislative foundation,’ it said.

‘The Judiciary is appalled by the apparent nonchalance with which it has been asserted that law abiding citizens had nothing to fear and that a mandate had been given to the SIA to monitor only those who came to its attention as a result of genuine criminal investigations,’ the statement said.”

That is what the then Prime Minister said. He was only monitoring on the issue of national security and was not monitoring on law-abiding citizens.

Mr. Speaker, I just want to read this concluding paragraph. It continues:

“in the circumstances there can be no basis for the bold assertion, which is insulting and displays a shocking disregard for the rule of law...”

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[HON. DR. T. GOPEESINGH]

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That is what the Chief Justice said about your illegal spying, Member for San Fernando East. It continues:

“Instead the SIA was permitted unauthorized, unwarranted and untrammelled access to the private affairs and communications of a wide cross-section of the population, amounting to a most egregious violation of privacy,’ the Judiciary stated.”

This is from the *Express* newspaper dated November 19, 2010 and these are comments made by the Chief Justice on your illegal spying, Member for San Fernando East.

Even your own Member, the Member for Diego Martin West said he was surprised at some of the other names, because one cannot accept that the President is subject to the listening post of some junior officer or a senior officer in a back building somewhere. I did not think that this was happening in my country. The Leader of the Opposition, the Member for Diego Martin West said that about you, Member for San Fernando East. I quote:

“Rowley said the Opposition stands ready to support the required legislation to deal with this issue of interception and wiretapping...had this legislation which was drafted since 2007, been put in place, then this ‘shame’ and ‘embarrassment’ would have been avoided today.”

That is what the Leader of the Opposition said about the former Prime Minister, the Member for San Fernando East.

The Member went on to contradict himself. He said that the Prime Minister did nothing wrong in telling this country that we have an illegal spying agency. So, on one hand, he is denouncing it and on the other, he is saying that you have done nothing wrong by violating the rights of citizens, including the President.

**Dr. Rowley:** “Why you don't sit down!”

**Hon. Dr. T. Gopeesingh:** You had your time to speak so let me have my time to speak. [*Crosstalk*]

**Mr. Speaker:** Please, please, please! Please Members, please! The Member is on his legs, hon. Member for Diego Martin West, you cannot be throwing those kinds of remarks across the floor. Please! You may continue.

**Hon. Dr. T. Gopeesingh:** Mr. Speaker, I do not know what they are getting annoyed about. The Member for Diego Martin West said that they would support the Bill, but it is important for me to give some information on it.

**Hon. Members:** Ohoo!



**Hon. Dr. T. Gopeesingh:** Mr. Speaker, we applaud the support that the Opposition gave in the agreement. [*Crosstalk*]

**Mr. Speaker:** Order! Hon. Member for Diego Martin West, would you like me to suspend for about 10 minutes—

**Hon. Members:** Yes.

**Mr. Speaker:**—so that you all can discuss the matter?

**Dr. Moonilal:** It is not necessary.

**Mr. Speaker:** All right, but I cannot take the—I do not think the crosstalk is going to help us here. I would prefer that the Leader of the Opposition meet behind the Speaker's Chair and discuss the matter with the Prime Minister. No crosstalk please! You may continue.

**Hon. Dr. T. Gopeesingh:** Mr. Speaker, I have been directed by the Leader of Government Business and the Prime Minister, that in the context of what the Member for Diego Martin West is claiming, we have discussed this matter. We had a joint select committee of Parliament, and there are a number of issues in this Bill that have been agreed to. Therefore, in the interest of total democracy and in true democratic style from our People's Partnership Government led by Prime Minister, Mrs. Kamla Persad-Bissessar, it is important more me to honour the wishes of my Government, based on the agreement that the Member for Diego Martin West has been getting up and shouting about, and to wind up the debate. I am sure the Leader of Government Business would want us to close on some of the issues in the Bill, which have been brought about between the Leader of the Opposition and the Government.

We want to thank the Law Association for coming together with the Opposition and the Government for bringing their points of view to assist us in the drafting of the legislation and ensuring that this legislation is befitting for the national population. There are a number of issues which had to be rectified, and I would just show that they have been dealt with.

Clause 7 of the Bill talks about the position with respect to interception devices. We have discussed the devices that have been defined; what is outlawed and what can be used for interception.

The warrant for the interception goes before the Judiciary, and only the judge can give that warrant. It is, therefore, separating the Executive from the Judiciary, and all the work the Executive has to do with respect to that. The duration of the warrant has been agreed to and it is three months.

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The application for a warrant in urgent circumstances: We have agreed that if an application is made orally by an authorized officer, in urgent circumstances, the person who is applying for the warrant will have to present a written affidavit within 96 hours for that application. So, therefore, it must be followed by a written application within 96 hours, if there is an oral application which was done in the essence of an emergency.

The modification of warrants has to go before the Judiciary. There are penalties for disclosure of any information to anyone and the penalties are very serious. It is about \$500,000.

As far as the crimes included are concerned—if you need to have a warrant for a particular crime—it was decided that a criminal charge that would bring on a sentence for over five years would be considered for crimes where wiretapping would be legal.

Mr. Speaker, we are very pleased and happy that the teams on both sides, within a period of a few days, were able to come up with a Bill, I believe, that got the support of the Opposition. I did not see the reason for the Member for Diego Martin West behaving in that manner. I was giving important information on what people were saying in this country. He must realize that what the then Prime Minister did at that time was wrong.

In the editorial of the *Newsday* today, I want the Member to read what it says about a true stateswoman, the hon. Prime Minister. I want Members opposite to read it; I do not have the time, because my colleagues would want me to wrap up. But this is a true stateswoman that the media has been speaking about; a woman of pure character, dignity and class that they sought on that side, particularly, the Member for San Fernando East, to destroy. I know it is a matter before the Committee of Privileges now and I would not go into it.

**Mr. Speaker:** Do not go there, please. Continue, but do not go there.

**Hon. Dr. T. Gopeesingh:** I have decided not to go there, and we will maintain the dignity of this Parliament, because the matter is going before the Committee of Privileges.

Mr. Speaker, in the context of what was happening we needed to speak about it. It is a pity that we have made a decision—it is not that it is a pity that we have made the decision, but it is a pity we could not go more into the details of what went on in this country for the benefit of all the citizens of Trinidad and Tobago. There will be opportunities to speak about it some time again. What was done was reprehensible and went contrary to natural justice. It invaded the privacy of people.

As a medical doctor for 37 years, I can only say that certain people need treatment, and I think that treatment should be given to certain people where it is warranted. [*Crosstalk*]

**Mr. Speaker:** Order!

**Hon. Dr. T. Gopeesingh:** There are words in the medical dictionary like paranoid and so on which describe certain behavioural patterns. There are also words to describe certain other actions by people.

**2.30 p.m.**

Mr. Speaker, people describe it as spying, people describe it as “macoing”, other people describe it in other forms, but they knew what they had done. When people seek to come back to make a second statement outside of Parliament, that is reprehensible. I refer the national community to read what a true stateswoman is, Friday, November 26. It is a pity I cannot read the contents of this, in the interest of time.

I close by indicating that our Government shows a different style of leadership led by Prime Minister, hon. Kamla Persad-Bissessar. It shows that we are a Government that is willing to listen. It shows that we are a Government that will listen to all sides. [*Crosstalk*] We are a participatory Government and we listen to stakeholders from the community; therefore, in the interest of proper legislation, on such an important matter of spying, on such an important matter of— [*Crosstalk*]

**Mr. Speaker:** Order, please!

**Dr. T. Gopeesingh:** Mr. Speaker, what has happened to him. Has a bee gone under his bonnet? Imagine a Member of Parliament for almost 20 years stood and asked for your protection. I do not need your protection at this time; I can defend myself, but I think his behaviour is irrational at this time.

I close by saying that we are very pleased on this side in determining that this Bill, which has been supported by the other side, will be brought to committee stage and, hopefully, we will have it passed.

Thank you.

**Miss Marlene Mc Donald** (*Port of Spain South*): Mr. Speaker, before I begin, I want to note the hospitalization of Sir Ellis Clark as reported. We on this side wish to grasp the opportunity to wish him a speedy recovery and certainly will remember him in our prayers.

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Mr. Speaker, I listened to the Member for Caroni East with his ramblings. This week we really showed that both sides of this House could work in a collaborative fashion. I thought this was a productive week.

On that note, I wish to reiterate and re-emphasize the statement made by my political leader when he assumed office. He said that the Opposition would support any measure in the interest of the people of Trinidad and Tobago and oppose any measure not in the interest of Trinidad and Tobago. It is against this backdrop that we worked collaboratively this week in the interest of the people of Trinidad and Tobago, with the Government. The Government is now realizing that crime and criminality have absolutely no political complexion. The common good of our citizens can only be served by the Parliament working together and in the interest of the citizens of Trinidad and Tobago.

I am happy to join this debate. This Bill was brought to the House one week ago and as it was presented it was clear that some clauses were not acceptable to the Opposition and, indeed, to the wider public, including the Law Association. The general purport of the Bill is, and I quote:

“To provide the legal framework within which public or private communications, which are being transmitted by means of a public or private telecommunications network, can be lawfully intercepted.”

In short, it makes interception of communication unlawful once it is not done within the parameters enshrined in the Bill.

Mr. Speaker, we on this side have placed this Bill under immense scrutiny, because we have acknowledged its sensitivity as this is a matter of much concern to the public. After close examination of the Bill, coupled with the clauses involved, it was a mutual consensus that numerous imperfections cause it to be improper legislation and, therefore, could not be embraced as good law. As a consequence, an informal committee of the House, comprising both Government and Opposition, met at least on three occasions to make amendments to the said Bill.

The meetings were, by and large, quite fruitful and cordial and many of the proposed amendments reflect the suggestions and proposals of the Opposition and are in response to the issues raised by the Leader of the Opposition and the Member for Diego Martin North/East.

The revised Bill is not perfect since there are some issues that still remain to be resolved with respect to the strictures on the gathering of intelligence as opposed to the gathering of evidence. It was quite an achievement to complete the redrafting of this complex legislation within the very tight framework of just one week.

I hope that the Member for Caroni East would listen to the critical amendments we made during the course of the three days, rather than campaigning.

**Dr. Gopeesingh:** I was there.

**Miss M. Mc Donald:** You certainly did not highlight those major amendments.

**Dr. T. Gopeesingh:** “Doh give me dat.”

**Miss M. Mc Donald:** One of the major improvements in the legislation is the recognition by the Government of the significant difference between the gathering of intelligence, whether criminal or security intelligence, and the gathering of evidence for use in a court of law and the need to separate and distinguish these two separate activities in establishing procedures for the interception of communication.

Originally the Bill made no distinction between the interception of communication in the course of routine or standard investigations and the interception of communication for the purpose of obtaining a conviction. That is in clause 6, which I will get to in a short while. In other words, the same standard of compliance was being applied to different facets of the work of our law enforcement agencies, whether the work was preliminary, whether it was exploratory or investigative in nature or whether it had reached the stage where the agencies were of the view that a prosecution could be successfully pursued. If this had remained unchanged, our law enforcement agencies would have been severely handicapped in the fight against crime, including the army. This was one of the main points made by the Member for Diego Martin North/East.

The deficiency in the legislation has been alleviated by creating an exemption to the general prohibition on the interception of communications through an amendment to clause 6 of the Bill. We are looking specifically at the new clause 6(2)(b). Remember the Bill we brought last week would have given a blanket provision. This amendment, through clause 6(2)(b), allows the interception of communication for the purpose of gathering intelligence, without the rigors of an application for a warrant. That is the difference. The gathering of evidence for intelligence purposes would not go before a court of law, whilst the gathering of evidence would go before a court of law. So there was a big difference and this is what we did in this Bill.

You can now gather intelligence legally under section (2)(b), and we have stated all the situations where:

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- (i) “it is in the interest of national security;
- (ii) for the prevention or detection of an offence for which the penalty on conviction is imprisonment for ten years or more...”—and these are serious offences like treason, kidnapping, drug trafficking, rape, murder and terrorism.”

Another instance where it would be legal would be for the purpose of safeguarding the economic well-being of the State.

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

Since interception of this nature will be done without judicial intervention, in order to balance the rights of our citizens with the common good—and the common good is that need to balance any intrusion on people’s privacy with the need to protect our citizens from criminal elements—the amendment has been drafted to ensure that any information gathered under the new clause 6 will not be admissible in a court of law, but may be used to obtain a warrant from a judge under clauses 8 and 11 of the legislation, in order to pursue a criminal charge and prosecution.

We in the Opposition believe that this is a fundamental improvement to the Bill, that would allow our law enforcement agencies to retain the modern day tools and techniques to be effective, especially for the army. I have to put in a plug for the army.

Another significant change to the legislation is the removal of the veto power of the Minister with respect to interception and the designation of authorized officers, and I will give you an explanation. This was one of the main points made by the Leader of the Opposition. Previously, the Minister had overriding power to stop, or worse, to prevent any interception of communications that in his opinion was inappropriate or unwarranted. We felt strongly this was involving the Minister in the work of the police and it added an unnecessary political flavour to the legislation. If left unchanged, it would have allowed the Minister to prevent the surveillance of someone with political connections or someone in high office, even if the police had evidence that such a person was engaged in criminal activities.

Mr. Speaker, let me read the original section 5(1) which we saw as the offending clause; this is the interpretation section:

- “In this Act—
- ‘Authorized officer’ means an officer or person authorized by the Minister;”

So this person is under the hands of the Minister. And who is the Minister?

“‘Minister’ means the Minister to whom the responsibility for national security is assigned.”

This deficiency has been resolved by the amendment to clause 5 of the Bill. We have now amended this clause, among other amendments, through the designation of three authorized officers for the purpose of sanctioning an approach to a judge. Let me read the new section. We have removed that offending clause and we are saying that an:

“‘authorized officer’ means the Chief of Defence Staff, the Commissioner of Police or the Director of the Strategic Services Agency;”

Those are the three persons. We used the Director of the Strategic Services Agency. In the committee we discussed why the Director of the Strategic Services Agency and some people asked about the SIA. The reason is because the SSA is covered by legislation; therefore, it would not have been wise to put the SIA inside that section.

My understanding is that in February or March when Mr. Nigel Clement was appointed director of the SSA, one of his mandates was to merge the SSA and the SIA to form a new agency called the NSIA, which is the National Strategic Intelligence Agency. I am just giving you a little background, Sir.

It was also agreed that having removed the veto power of the Minister, under section 5(1), it was necessary that the Minister as defined, the Minister with responsibility for national security, be kept fully informed of any approach to a judge for the interception of communication by any gathering of intelligence under the new section 6(2)(b).

**2.45 p.m.**

We are saying we need to keep the Minister—whoever is that Minister—informed of what is going on. This has been achieved by the insertion of a new clause and that is clause 22 which requires the Minister to be informed in writing by way of a prescribed form within 48 hours of the commencement of an interception or an application to a judge for a warrant. So the Minister is not left out of the loop, but we wish to serve notice that this clause may require some tweaking at the committee stage to allow the law enforcement agencies a little more flexibility when gathering intelligence as opposed to obtaining evidence.

One other important amendment has been made to provide for the supervised destruction of the interception records that are not related to national security matters or where no further proceedings are contemplated through a new clause,

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because last week when we came here there was no provision in the Bill for destruction of records. When we met on one of our occasions, I think it was on Monday, the Law Association was represented and the Law Association was of the view that we needed to include in the amendment a section with respect to the destruction of records. Mr. Speaker, this was done. There is a new clause 20 which speaks to the destruction of records—and just to state exactly what clause 20 is saying, the new clause provides for the destruction—and it says at 20(2) and I will just go through briefly—wherever information intercepted appears to be no longer necessary in that no proceedings or no further proceedings will be taken in which the information shall be destroyed immediately.

Clause 20(6) states that:

“The Commissioner of Police shall consult with the Chief of Defence Staff, the Director of the Strategic Services Agency and, where...appropriate, the Director of Public Prosecutions, prior to the destruction.”

It also provides that where a person—because there is a penalty, there is an offence if someone is authorized to destroy those records and they do not do it, there is also a check and balance in here; we also put created an offence where—

“A person required to destroy any record of information...who fails to do so commits an offence and is liable to a fine of five hundred thousand dollars...”—in addition to—“...imprisonment for seven years.”

Mr. Speaker, the issue of proportionality has also been addressed by an amendment to clause 8 that makes it clear that the interception of communications to be authorized by a warrant must be proportionate to what is sought to be achieved by such interception. This amendment provides the balance between the protection of constitutional rights and the protection of our citizens from criminals, and is intended to prohibit arbitrary or unwarranted interceptions while allowing the authorities to do their work.

Having made all these adjustments and thus strengthened and improved the legislation and having, by and large, achieved the necessary balance between human rights and the protection of our citizens, the penalties in the Bill, we have included a lot of harsh penalties—people may think that it is not justified but we believe, the committee believe that they were justified in the context of the new legislative framework. For example, the penalties in the Bill for unauthorized interception will be \$500,000 plus seven years in prison. The penalty for the non-destruction of records that are no longer required will be seven years and \$500,000 fine. The penalty for the possession of unauthorized interception devices is also \$500,000 plus seven years in prison.



All in all, the collaboration between Government and Opposition on this legislation has been productive and fruitful, and we believe that through our joint efforts this important piece of legislation is now much better than before. This augurs well for the future and we hope that this is not a one-off situation, but a precedent has just been set for future cooperation in matters of national interest. Mr. Speaker, the correct balance has been struck and while no law may be perfect, we believe that good law has surfaced.

Mr. Speaker, I thank you.

**The Prime Minister (Hon. Kamla Persad-Bissessar):** Thank you very much, Mr. Speaker. I do not intend to be very long in this matter. I would just take this opportunity at the start and I will come back to it at the end to express our Government's gratitude for the stance taken by the Leader of the Opposition and to congratulate him for the collaborative effort which has resulted in amendments to the Bill. [*Desk thumping*]

Perhaps I may say, it is refreshing and, perhaps, has not happened very often in this Parliament, when the Government and the Opposition could put their collective wisdom in front in the interest of the people of Trinidad and Tobago. [*Desk thumping*] I recall, and many of you who watch the Parliament Channel and read, would recall, we were never afforded that opportunity in the past for that collaborative effort, and therefore, again, I say to the Member for Diego Martin West, you have shown your skills at leadership and I congratulate you. [*Desk thumping*]

On the other hand, Mr. Speaker, last Friday's proceedings reminded me of a story which I think many of us growing up would have read and enjoyed, it is the story of Rip Van Winkle who fell asleep and stayed silent for many, many moons; many, many years and then woke up and believed that the world had not passed him by, but the reality was that there had been a change in the foundations of the society. So, when that happens, not knowing that you no longer hold a position that allowed you to breach the law, violate rights; it did not allow you and yet you did so.

I want to speak of the words of Sophocles who said, "Nobody has a more sacred obligation to obey the law than those who make the law". [*Desk thumping*] "Nobody has a more sacred obligation to obey the law than those who make the law." This Constitution, our 1976 republican Constitution, literally was made by the Member for San Fernando East, because he sat in the Parliament in 1976 and

gave his vote to this Constitution. It is the very Constitution that was violated, so nobody has a greater obligation to uphold the law—and that goes for every one of us sitting here—than those who make the law.

Mr. Speaker, on top of that, in this Constitution there are Schedules. The First Schedule speaks of forms of Oath of Allegiance and of office, and in this, there is a form of oath for a Minister or a Parliamentary Secretary and it reads as follows:

“I—and the name is given—“do swear by”—whether it is the Qur'an, the Bhagavad Gita or the Holy Bible—“that I will bear true faith and allegiance to Trinidad and Tobago and will uphold the Constitution and the law, that I will conscientiously, impartially and to the best of my ability discharge my duties as...and do right to all manner of people without fear or favour, affection or ill-will.”

This was the oath taken by every Minister of Government, taken in the year 2001 by the Member for San Fernando East, taken again in the year 2007 by the Member for San Fernando East, and that was not the only oath that was taken, there was a second oath, which is, for a Member of the House of Representatives and it reads:

“I—name—“having been elected/appointed a member of Parliament do swear by”—whatever holy book you have—“that I will bear true faith and allegiance to Trinidad and Tobago, will uphold the Constitution and the law”—will uphold the Constitution and the law—“and will conscientiously and impartially discharge the responsibilities to the people of Trinidad and Tobago upon which I am about to enter.”

This oath was taken in 2001, 2007 and recently in 2010, this oath was taken by the Member for San Fernando East and by all of us in this House.

Mr. Speaker, those oaths, what is in common—they are identical, basically. What is most important at this point in time is the pledge, the oath taken to uphold the Constitution and the law, an oath taken by the Member for San Fernando East but it was totally violated, totally violated with this issue of interception. So, the oath of office as a Minister, Prime Minister, and the oath of office as a Member of Parliament was violated in my respectful view by the Member for San Fernando East.

Mr. Speaker, it is said “With great power comes great responsibility”. “With great power comes great responsibility”, and after all is said and done, after all the distractions and illusions, at the end of the day, the essence of this Bill—can I get

a copy please—the Interception of Communications Bill, is about proper governance and responsible leadership. [*Shows Bill*] That is what this Bill is about. [*Desk thumping*]

This Bill—we have not taken parentage of the Bill, because we indicated that this Bill was drafted during the period when the Member for San Fernando East led the Cabinet. This Bill remained on the shelves, and what we have witnessed within the last week, as I said, is the Members of the Government and the Opposition, coming together to improve what is contained in the Bill. This Bill, I am saying, the Member for San Fernando East, refused to enact and implement this law even though he knew he had established these secret spying bodies and they would be used to execute the mandate of the law, outside of the law, and the question is why? Why? With great power comes great responsibility and why was that responsibility not exercised?

So I think members of the public, your good self, Sir, Members of this honourable House, I think they have the answer to that why. Why was it? Some are saying it was because the former Prime Minister was intent of spying on law-abiding citizens for political purpose, and that, sadly, was at the expense of the safety of our citizens in this land. Because what? When all of this was happening we were going through one of the worst crime scourges in the country. We were going through one of the worst scourges in the country with crime rising to all these heights. So what is it? Why?

Mr. Speaker, that is a question the people of Trinidad and Tobago dealt with and answered resoundingly on May 24th, when they removed the Member from office. [*Desk thumping*]

### **3.00 p.m.**

So what this Bill is for, is to right the atrocious abuse of the rule of law undertaken by the person who once held office; to right that atrocious abuse of the rule of law and of power, to restore the sacred democratic principles and constitutional rights that were so horrifyingly abused and to ensure, once more, the Government of Trinidad and Tobago can tell the world that we are a law-abiding administration and that we uphold the Constitution and the law. [*Desk thumping*]

If I may, just for the record, not to be controversial and cantankerous—a concern was voiced by some of the hon. Members opposite as to whether Kamla knew or did not know of the SIA and the illegal spying. In answer to that and for the record I just need to repeat what I said in my first statement about the interception of communications. In this honourable House I said, and I quote:

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“As Chairman of the National Security Council, I was made aware of the existence of the SIA. At no time, however, did my brief on this agency inform me that the agency was involved in illegal wiretapping and interception of communications of private citizens. Had I been briefed about this secret aspect of the agency's functions, I would have taken immediate steps to address an act which I am advised to be unconstitutional and illegal.

I was, therefore, shocked when I received a report, less than two weeks ago...”

This was my statement in the House on November 12, 2010.

“I was, therefore, shocked when I received a report, less than two weeks ago, which suggested that this agency, the Security Intelligence Agency (SIA) may also be involved in political wiretapping.”

I repeat that and I go further and I say, the concern that then Member for Parliament, Ganga Singh, had about the unit, was also raised and, therefore, the fact that I was in the Parliament when Ganga Singh, then Opposition Member of Parliament, made his statement about various agencies and tapping, my statement to the Bill before us is based not on the rumours and the allegations, but is based on evidence that we are able to uncover. How was I to know in Opposition, the validity of those matters that an Opposition Member was raising? We had no way to check that; we had no way to find evidence or to ascertain the truth, the veracity or otherwise, of the statements made by that Member at that time.

As I say, we have moved on from that, whether we knew or ought to have known, and I repeat my statement: I, like many other citizens—many others—heard the rumours, heard that tapping was taking place. Sometimes people would tell you—in fact, we had a joke amongst us with the phones when we were talking: “Okay, I know you are tapping me, so hear this.” And we would deliberately say things into the phones. Sometimes you heard odd noises and sounds, and so on.

**Mr. Imbert:** I used to say that all the time.

**Hon. K. Persad-Bissessar:** You said it all the time. So you knew as well. You are imputing knowledge to me then that you also knew, hon. Member. So you knew that, but where was the evidence? That is why in October when the information came to us we passed it on to the Commissioner of Police who then went on to investigate the matter and we were able to uncover evidence, which is what we deal with, not rumour and allegation, but evidence. [*Desk thumping*] We presented that evidence here.

When we turn now to the explanation—there is an article carried in one of the newspapers in defence; I think it was the very next day in the *Express*; the very next day after I made that statement on November 12, 2010. It is captioned: “On Manning's Secret Service.” And I quote:

“The justification for this illegal act was given by the hon. Member for San Fernando East.”

And it is the mind-boggling explanation that could be given by someone who had such great power and such great responsibility. It is mind-boggling! And if this is what was happening—and I will read that quotation in a minute—if this is how this country was being governed, well, thank God, May 24th came. [*Desk thumping*] So here is what the hon. Member said, as quoted in the *Express*:

“Candidly, in his Friday news conference, Mr. Manning showed a high level tolerance for the now revealed practice of wanton electronic intercepts outside the framework of any law. Describing his approach to government he said, ‘we start a programme and if the programme works well you give it a legal complexion.’”

You start a programme—we start a programme—and if the programme works well, you give it a legal complexion. Mr. Speaker, what this is saying, you do not abide by the law, you do not uphold the Constitution in law that you took the oath to uphold, you just do anything you want. Then if it is working well, you legalize it. But you never did; never brought it here, even though from 2007 it was drafted and sitting there! Never did! It is the same with the SAUTT. Every year you are coming to legalize it and the hon. Member never did, knowing it was illegal; the whole country talking about. He said: “This is my approach to governance. We start a programme and if the programme works well, you give it a legal complexion.”

You are then sanctioning—operating outside of the law with this philosophy and policy of governance. That must never happen again. It must never happen again in this country! [*Desk thumping*]

So whilst people are saying to the People's Partnership Government: “we voted for you and we voted for change; six months later you are going too slow”, it is better to be a little slow and do it right than to do it wrong and do it outside of the law. [*Desk thumping*] It is better we take some time, and that is what we have been doing in putting the governance machinery into place.

It is not easy, and I am sure the hon. Member for San Fernando East knows that. It is not easy, but he took the shortcut method to put the programme in place,

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to break the law and then never legalized it. Never! Never came! That is not the approach of this Partnership and the people did not vote for that; they voted for what we held out, the hope that we held, that those things must not happen again in this country.

So his policy was to do the illegal act and legislate afterwards. Do it illegally. That was the hon. Member's policy in government. So the question now arises: what else did he do that did not work well in the first place, and, therefore, was never legalized? What else was done?

**Mr. Warner:** Built a church.

**Hon. K. Persad-Bissessar:** What else?

**Mr. Warner:** Built a church.

**Hon. K. Persad-Bissessar:** That is what, as we go day by day it is unravelling. The fabric is unravelling and it is coming into the public life. Because do you know what? Nothing stays secret forever, and that is a good lesson for all of us here, in governance or out. I always say to my Members: "Do what you have to do and act as you have to act as though whatever you are doing is known by everybody in the public, because this is where it will go when you serve in public office." You can ask them, Mr. Speaker, I have told them that: "Conduct your business in a manner—in such a way—that you know that whatever it is you do, it will be in the public domain before you could blink."

Do you see these things? [*Displays cellphone*] It is instantly all over the world. So you conduct yourself in that manner and that is what we promised and that is what we will do. [*Desk thumping*]

William Pitt had some nice words to guide us. He said:

"Where law ends, tyranny begins."

So if we look at the dangers of this unchecked, unbridled monitoring in the past two years, especially when the media and the public became suspicious that this was taking place, the Law Association President, Martin Daly SC, writing in his column in the *Sunday Express* wrote at length about how such an act could violate citizens' privacy. I believe that people are not aware of the extent of such a violation so let me just mention a few points on it; what it meant for private citizens.

"The people who were put in charge of that unit without a law..."

Which is what we are now putting in place with the cooperation and valuable input of the Opposition Leader:

“There is no way to ensure that the persons assigned to this unit were or are fully trained and aware of the consequences of any abuse in the monitoring.”

No way that we can do it. So what is the scenario in these illegal wiretapping situations? The hon. Member for St. Augustine had mentioned some of them. It would be worthwhile repeating, and adding to that list.

In these illegal wiretapping situations, what is the scenario? The persons who do it, they have total control, unbridled control over what they are listening to and what they hear, and officials like all of us in this August House would have been at risk of serious things. What? Our safety, our private family life, the safety of our children would have been at risk by these officers, because, you see, we do not know what they were doing with this information. Could they have been using this private information about people's private lives to blackmail them? We do not know. What if they were using the information to pass it on to criminal gangs and kidnappers? We do not know.

The people spied on professionals, doctors, lawyers, trade unionists, journalists, business people, all of whom deal in confidentiality. Dr. Gopeesingh just spoke and he said he has been a medical doctor for so many years. That was one of the points he was making. He has people's private, confidential medical information. You are tapping his phone! It was not just him you were tapping; you were tapping his patients at the same time! You are tapping the people to whom he had a duty of care! You were tapping them too, when you were tapping his phone!

**Mr. Warner:** Shame on you!

**Hon. K. Persad-Bissessar:** When you were tapping the trade unionist's phone, you were tapping all the people also who were in conversations with him.

**Mr. Warner:** Shame! Shame! Tapping McLeod!

**Hon. K. Persad-Bissessar:** Mr. Speaker, it is not as simple as to say, “Well, my phone was never tapped. Yuh see me, I have nothing to hide.” That is not the point. It is that the people who were in your conversations were also indirectly being tapped. So how massive was this thing? How many people were violated, whether directly or indirectly? That, we will never know, because the numbers of conversations were multiplying.

I am asking, what was done with the information? People's medical business was at risk of being exposed. Businessmen's commercial secrets that are so important in an open free market situation, they would have been exposed,

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jeopardized; people's businesses in jeopardy. So open free trade market, jeopardized in all of this. It was abominable, in my respectful view, that a person's constitutional guarantee of the security of his personal rights has a long history, and yet that was violated and breached.

At the very core stands the right of a man or woman to retreat into his own home and there be free from unreasonable government intrusion. That is the basic right of every single, living, human being, to retreat into your home. People talk about palaces and so on, I have no palace, but I have a castle. My home is my castle—[*Desk thumping*—as is everyone else's. You have that right; it is a fundamental right and it is a fundamental principle of civilization, of democracy, that a person can retreat into home, into their castle and be free from unreasonable governmental intrusion. That was certainly not happening.

As I said the last time I spoke—I used the analogy from the Americans when they talk about, “Big Brother is watching you”. I gave the assurance then and I repeat it now: There will be no “big sister” watching you. There will be none! We will not do it! [*Desk thumping*]

This reminds me as well of the Watergate scandal and it is instructive for us just to remember that for a few moments. The consequences of this illegal monitoring were so great and I can only draw an example of what happened in the 1970s with the Nixon matter. Everyone would know the infamous Watergate scandal and what happened to the man who was behind it.

“Richard Nixon was forced to be the first US President to resign from office after he commissioned illegal wiretapping of the telephones of government officials and newspaper reporters to uncover sources, he said, of leaked information about the secret bombing of Cambodia during the Vietnam War.”

What happened to him? He was impeached. That is how serious such a crime is, to authorize this wiretapping. In the investigations into this matter it was revealed in a newspaper report, the *Christian Monitor*, dated August 14, 1980, these words Nixon had said.

“Get a good night's sleep and don't bug anybody without asking me.”

Do you know who he told those words to? To his reelection campaign manager, Clark MacGregor.

“Get a good night's sleep and don't bug anybody without asking me.”

Is this what the Member for San Fernando East had said to his personal army of spies? Could he have said the same thing? I do not know. “Get a good night's



sleep and don't bug anybody without asking me.” What the Watergate years did for the United States was to essentially reaffirm that no one, absolutely no one, is above the law. That is how they impeached their President. This is what this Bill before this honourable Chamber seeks to do for Trinidad and Tobago, given the frightening violation of our constitutional rights. This is what it seeks to do, to reaffirm that no one is above the law.

That justification, I believe, the hon. Member for San Fernando East, I read, is reported, is alleged to have said, that no one is above the law. But there was no law. There was absolutely no law. *[Interruption]*

**3.15 p.m.**

**Mr. Warner:** His law.

**Hon. K. Persad-Bissessar:** There is no law, Mr. Speaker. So how are you justifying this heinous action? How can you justify by saying, “Well, we could tap the President, the Chief Justice and so on?” Why? “They are not above the law”. Which law? There was absolutely no legal underpinning.

In that same matter I am speaking of, the Watergate issue, the *Washington Post* journalist who broke the Watergate Scandal, himself, Bob Woodward said and I quote:

“I believe Watergate shows that the system did work. Particularly the Judiciary and the Congress, and ultimately an independent prosecutor working in the Executive Branch.”

I repeat:

“I believe Watergate shows that the system did work”—because it went straight to, their President—“Particularly the Judiciary and the Congress, and ultimately an independent prosecutor working in the Executive Branch.”

Mr. Speaker, I say respectfully, that is what we aim to restore with this Bill. The confidence in our population, that our independent democratic systems still work in the interest of our people. *[Desk thumping]* That is what we intend to do with this. The irony is that when the hon. Member for San Fernando East had all the technology and the resources to fight crime, crime increased and increased and increased, and so, it now falls to this Government to right this wrong, and we are doing it. We see this Bill as one of the key weapons in the fight against crime.

Mr. Speaker, let me respond to some of the things being said on that issue with regard to murders. Every murder is one too many. Every single one is one too many. Your Government has been working fervourously to tackle this

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problem from many angles and under a large number of initiatives, and I am convinced that crime will be addressed by this administration. We will deal with crime. [*Desk thumping*] I have read and heard comments from others about performance with respect to crime and so on. I think we must remember that under the hon. Member for San Fernando East, white-collar crime flourished. “Don't forget you know. Don't forget about Calder Hart. We cyar find him anywhere.” White-collar crime flourished. Murders became the order of the day under that hon. Member for San Fernando East.

**Mr. Imbert:** And today too.

**Hon. K. Persad-Bissessar:** From 1997, 101 under the UNC then; 1998, 97; 1999, 92; 2001, 120 and so on; 2001, 151; 2002—San Fernando East—169; 2003, 229; 2004, 260; 2005, 386; 2006, 371; 2007, 392; 2008, 550; 2009, 509. From 151 murders in 2001—which is the year the UNC was revoked, whatever—when the UNC went out of office, to the end of last year, a 240 per cent increase in murders under the hon. Member for San Fernando East. Two hundred and forty per cent increase to 509, and they had all the money in the boom to spend to address every social issue, every security issue, every cause of crime, and instead what was happening? Wiretapping private citizens and then they have the audacity, the gall, to say that that this Government is battling for criminals. Nothing is further from the truth. Absolutely nothing is further from the truth to try to say directly or indirectly, that this Government is shutting down agencies to help criminals. Nothing is further from the truth, hon. Member for San Fernando East. So the rise in white-collar crime, Calder Hart—

This is just a little on the side. I attended the La Reine Rive Queen Show on Sunday night at NAPA—this is humorous, but it is what people have in their minds—and when the queens came out the stage was moving forward and in the audience people were shouting out Calder Hart, Calder Hart. Why? Mr. Speaker, because people understood—and as again I say, May 24 made a difference. [*Desk thumping*]

**Mr. Imbert:** They were praising him?

**Hon. K. Persad-Bissessar:** Are you praising him, Member for Diego Martin North/East? Are you praising him?

**Mr. Imbert:** I am asking you.

**Hon. K. Persad-Bissessar:** We are certainly not praising him. I think he is wanted and cannot be found. That is what I believe.

**Mr. Imbert:** He is in Fort Lauderdale.

**Hon. K. Persad-Bissessar:** You know where? If you know where, why do you not tell the police?

**Mr. Imbert:** That is what Tom said.

**Hon. K. Persad-Bissessar:** Member for Diego Martin North/East is telling us he is in Fort Lauderdale. I will encourage him to give the information to the police because I think they are looking for him.

**Mr. Imbert:** The DPP has it.

**Hon. K. Persad-Bissessar:** Why is it when the “mark was busted” on these two issues, spying was not used to gather intelligence when information was being destroyed? The consequence of all of this, as I come to a close on this matter, is that the State may be paying literally for sins of the former regime. People have signalled intentions to sue. The Chief Justice himself had indicated his displeasure. Now, who will have to bear the brunt of this, Mr. Speaker? Do you think it is the hon. Members who broke the law, or the non-hon. Members who broke the law? It will be you and I, and the taxpayers of this country who will have to pay, who will bear the brunt of it. That is one of the economic consequences of this hideous and heinous act.

Now, I am saying there is no greater breach of public trust for a person charged with upholding the law of a country in his governance, to knowingly, wilfully and deliberately violate the sacred trust and the rule of law. In a democracy, we simply cannot tolerate the abuse of this trust by this Government. The political lesson of what some are calling “Manninggate” similar to the Watergate is this: Never again, must Trinidad and Tobago allow anyone to bypass the Constitution, to undermine the rule of law, to violate sacred rights to privacy and safety. Never again! We must make sure of that. [*Desk thumping*] Until a government has a better understanding of the relationship between private performance and public truth, as was demonstrated with what is being termed “Manninggate’s bi-project”, the public has the absolute right to remain suspicious, contemptuous even, of the secrecy of any government's action.

It is this loss of confidence that my People's Partnership Government seeks to restore. If any good has come out of this abuse of democracy it is the fact that it has allowed the public to play its democratic role in expressing its outrage at what some are calling the dictatorship of the former Prime Minister. The time has come where responsible governments set the precedence in action and law that shows that the Constitution and the rule of law is not the private property of anyone, nor is justice the exclusive province of a sacred few.

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In the final analysis, the true justice is not a matter of courts and law books, but a commitment in each of us to liberty and mutual respect. May I quote—this has been a favourite quotation. I read it when I was a law student many years ago and I have always remained impressed with it as a foundation and a guiding principle for those who are committed to the rule of law and to democracy, and to the rights of the people of any country. This is from Judge Learned Hand, and Judge Learned Hand was an influential US Judge and Judicial Philosopher. He served in the Southern District Court of New York and the US Court of Appeals for the Second Circuit.

Hand has been reported quoting more often than any other Lower Court Judge by legal scholars and the Supreme Court of the United States and he had these words to say in one of his judgments:

“What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes...upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court”—can even do much to help it. While it lies there, it needs—“no constitution, no law, no court can save it;” [*Desk thumping*]

Liberty lies in the hearts of men and women, Mr. Speaker.

So that is where as a Government, we must uphold the law, but at the end of the day, it is the people of Trinidad and Tobago who will secure the rights and freedoms and liberties of all of us in this land, and they did that. On May 24, 2010, the people spoke and their voices were loud. [*Desk thumping*]

My commitment, Mr. Speaker, today, is that human security comes only with human rights and the rule of law. Human rights as the basis for strong and accountable countries, without which there can be no political stability or social progress. There is no contradiction, in my respectful view, between effective law enforcement and respect for civil and human rights. We must reject the idea that every time a law is broken, society is guilty rather than the lawbreaker. It is time to restore the precept that each individual is accountable for his actions.

It was Ronald Reagan, Mr. Speaker, who said:

“When the President does it, that means it is not illegal.”

I think these words can be attributed to the former Prime Minister, as well, the hon. Member of San Fernando East.

Theodore Roosevelt said:

“The law...will not bend to the uncertain wishes, imaginations and wanton tempers of men.”

I go back to Sophocles who said:

“Nobody has a more sacred obligation to obey the law than those who make the law.”

And on that note, just to thank those who have assisted us to where we are today. If I may, I have always said that our leadership’s style is based on the concept of partnership in the interest of the people. That it seeks to promote the collaborative and conversational approach to the problems that affect all of us, and as I indicated in this honourable House, we were prepared to meet with the Opposition with a view to establishing a collaborative and cooperative approach to this important piece of legislation. I am very pleased to say that the committee comprising on the Government side: the Leader of Government Business, the hon. Dr. Roodal Moonilal; the Minister of Justice, hon. Herbert Volney; the Minister of Legal Affairs, hon. Prakash Ramadhar; the Minister in the Office of the Prime Minister, hon. Collin Partap; Parliamentary Secretary in the Ministry of Legal Affairs, Mr. Jairam Seemungal; and the Member for Caroni East, hon. Dr. Tim Gopeesingh. They were joined by others: Mr. Subhas Panday, the hon. Minister in the Ministry of the National Security; Attorney General, hon. Anand Ramlogan; hon. Brig Sandy, the Minister of National Security from the Government also to lend further support. They met with a delegation from the other side.

This delegation was led by the hon. Member for Diego Martin East, the Leader of the Opposition—*[Interruption]*

**Mr. Warner:** West.

**Hon. K. Persad-Bissessar:** Member for Diego Martin West. I am so sorry. “East is East, and West is West, and never the twain shall meet.” They shall never meet. East is East and West is West. The Leader of the Opposition leading a team comprising: the hon. Chief Whip, Member for Port of Spain South, Miss Marlene Mc Donald; the hon. Member for Laventille East/Morvant, Miss Donna Cox; the hon. Member for Diego Martin North/East, Mr. Colm Imbert; and Sen. Fitzgerald Hinds.

In addition, as part of the process, we had the relevant stakeholders including Digicel and bmobile being consulted, and, in a historic move, the Law Association was invited to make submissions to the committee in keeping with the policy of listening and then leading. We have listened and we are now ready to lead.

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Let me just thank the President of the Law Association who attended, Mr. Martin Daly; attorneys at law, Mr. Darrel Alaha and Reggie Persad. I want to thank all Members of this committee who met really at a rapid pace over the last few days to bring the changes that we will be discussing at committee stage today.

**3.30 p.m.**

We thank all of them, together with the staff from the Ministry of the Attorney General and the parliamentary staff who assisted with the drafting. As the Member for Port of Spain South pointed out, a number of amendments have been made to this Bill. These amendments, I am pleased to say, are the collective efforts of the deliberations of the committee. We have put the interest of the people first. We have made significant changes so that this important piece of legislation can strike the right balance between the competing principles of enshrined fundamental rights and the need to fight crime and protect national security.

One of the contentious issues, as the Member for Port of Spain South pointed out, had to do with the authorized officer. Mr. Speaker, you may recall that I insisted that the Prime Minister not be the person to authorize the interception of private communication. Indeed, that was one of the suggestions that, as head of the National Council, I had insisted that it must not be the Prime Minister.

At that time the suggestion was that, not the person, but the Ministry of National Security, the office, would be that person. We have now gone a step further by stipulating who the authorized officer should be. As was pointed out, this officer is now defined to mean “Chief of Defence Staff, Commissioner of Police and the Director of the Strategic Services Agency”; all of whom are lawful office holders under legislation.

In the original Bill that we had discovered, the Special Anti-Crime Unit of Trinidad and Tobago (SAUTT) was included as one of these agencies but, as pointed out by the Member for Port of Spain South, obviously not, because SAUTT itself is illegal and not constituted by any law.

We will have these authorizing agencies. They can exercise power through their senior officers. This is a very important change because it was cause for concern for all of us, placing power in the hands of politicians. No matter how great that politician may be today, tomorrow he or she may not be the greatest politician. This is an important change that serves to further depoliticize the exercise of this very intrusive power by placing it in the hands of office holders, non-politicians. The authorized officers are directly in charge of critical state agencies with responsibility for fighting crime and protecting national security.

The Ministry of National Security no longer possesses that veto but must merely be informed of the application to intercept. I would like to make it very clear that it had nothing to do with the fact that Sen. The Hon. Brig. Sandy is our Minister of National Security. He is hard-working, dedicated and committed and we are very proud of him. It had to do with depoliticizing. It is not the office holder; using the institutions of the State—the hon. Leader of the Opposition is reminding me that it was to bring in the institutions rather than the persons holding political office.

Further, we accepted the recommendation by the Law Association to harmonize the definition of “communications” and other technical terms by reference to the definition taken from the Telecommunications Act of Trinidad and Tobago. We were able to harmonize that with the existing Telecommunications Act on the recommendation of the Law Association.

Then there is the issue of intrusions proportionate to the crime. Concerns were expressed about the need for proportionality. It was argued that this intrusion and the right to breach the sacred right to privacy should not be permitted with respect to all crimes. It should instead be reserved for more serious criminal activity. To this end, we have increased the level of offences that may justify the interception of private communication. We have moved the bar from offences that carry the term of imprisonment of one year to those offences that carry five years imprisonment. We are dealing with the more serious crimes.

A major change in policy in the Bill—and this was on the urgings of the Opposition, as the Member for Port of Spain South and the hon. Leader of the Opposition, the Member for Diego Martin West, said—relate to the ability of the State to gather criminal intelligence.

Grave concerns were expressed about the restriction and ability of the agencies to conduct interception for the limited purpose and time outlined on the original Bill. It was felt that the fight against crime and the protection of national security necessitated the gathering of criminal intelligence that could lead to the gathering of admissible evidence. The Opposition takes full credit for this. It was their suggestion and we have included it in the Bill on their recommendation.

On the basis that the gathering of criminal intelligence via interception is no longer an offence, however, the communication intercepted for this purpose is not admissible in a court of law. We have adopted the English model in this regard and provided for the gathering of criminal intelligence via interception in limited circumstances, in the interest of national security, for the prevention or detection

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of serious crime where the terms of imprisonment is 10 years or more, and to safeguard the economic wellbeing of the State with effect to our international mutual assistance obligations. Of course, this will include—and I will check with the draftsmen—terrorism.

This is a fundamental but necessary change in policy to allow, for example, the continuous monitoring of crime hot spots, international drug trafficking, human trafficking, gang leaders, suspected terrorists and other sensitivities that may be vulnerable.

With this change, although a judicial warrant is not needed for interception being used for gathering intelligence, a citizen is protected by the fact that the intercepted communication is not admissible in a court of law. It will however be an invaluable tool and weapon in the fight against crime and the protection of national security because it can be used to gather admissible evidence and then you will go to get your warrant before the court.

We have also simplified the application procedure for a judicial warrant. Before the authorized officer would have been forced to locate a Commissioner of Affidavits and submit supporting affidavit evidence. The fight against crime at times requires decisive, quick action in real time. We have created a simple application form contained in Schedule 1, which will be dealt with at committee stage.

This means that now the officer will be required to supply similar information on this form. His declaration is, however, deemed to be a statutory declaration and it is an offence to make a false statement in this application. The making of any false statement is an offence covered by clause 23. The penalty for this offence is \$250,000 and imprisonment for three years. We have also extended the time for submitting relevant information after oral application.

Priority was given to the fight against crime. We recognize our hard-working police officers and we extended the time for submission of the written application from 72 to 96 hours, three to four days. This will allow the police to concentrate on solving crime by providing some latitude and flexibility. This is where you had the oral application and had to come back.

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Dr. K. Rowley*]

*Question put and agreed to.*



**Hon. K. Persad-Bissessar:** Thank you very much, Mr. Speaker, hon. Member for Diego Martin West and Members for the courtesy extended.

Before, if you had to go before the judge for warrant in urgent real time, you could do it orally and thereafter you were given 72 hours within which to come with the written application. We have extended that time to the 96 hours to give the policeman a little more time to put it together.

Also of importance is a retention and disposal policy in the Bill. Interception of private communication is being done to protect innocent citizens from the terror and havoc of criminals and defend interests of the State. It is not for the purpose of satisfying the curious and "macoing" tendencies. We have therefore introduced a retention and disposal policy whereby any intercepted communication that is not relevant to the aforementioned purposes, the fight against crime and so on, shall be immediately destroyed. Furthermore, once the intercepted communication is no longer needed to pursue legal proceedings, it shall be destroyed. Again, we thank the hon. Member for Diego Martin West for assisting in putting this position forward for retention and disposal.

Communication interpreted on the basis of an oral application is to be immediately destroyed if the officer does not submit the written application to the judge within the 96-hour period. Likewise, should the court revoke its original order, the information is to be destroyed.

The Commissioner of Police shall, in consultation with the Chief of Defence Staff and the Director of the SSA, decide when the intercepted material is to be destroyed. Again, it is not in the hands of the politicians, but in the hands of the institutions and the officers in these institutions. Failure to destroy information in accordance with this section results in a fine of \$.5 million and a term of imprisonment for seven years.

In the interest of accountability and transparency, we have mandated the Minister of National Security to lay in Parliament an annual report on the operations of this Bill when it becomes law. He must do so within three months of the new year. It will be an annual report.

Those are some of the matters I wanted to raise today and as I close I thank the hon. Members led by the hon. Leader of the Opposition for their input and for their really outstanding collaborative effort.

As I said before, we could have passed this Bill with our numbers but we did not want such an important piece of legislation to be passed only by the Government. We wanted to have the Opposition's input and they delivered with value in terms of their recommendations for this Bill.

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Hon. Members, I thank you very much. When we take this forward, this will be a landmark piece of legislation in the history of Trinidad and Tobago.

**The Minister of National Security (Sen. The Hon. Brig. John Sandy):** Thank you, Mr. Speaker, for allowing me the privilege of winding up this most interesting debate. I will be particularly brief primarily because the Member for Port of Spain South and the hon. Prime Minister took us through most of the amendments that were made.

I add my congratulations, first of all, to members of the committee for the camaraderie that came to the fore during those meetings. I must admit it has extended itself to this august Chamber this afternoon.

One week ago, in this august Chamber, we commenced debate on the Interception of Communications Bill, 2010. I sought on that occasion to provide the backdrop to what has propelled the tabling of this Bill and took this honourable House through clauses so that we could all have an in-depth understanding of what is required of a responsible government, committed to adhering to the rule of law in this democracy.

I thank all hon. Members of this House for their valuable contributions to this debate. Several distinguished Members from both sides joined the debate and it was apparent that every speaker showed his or her support for the purpose and the benefits that could be derived from the legislation. We were in sync on the fundamental issues despite some concerns posited by the Opposition.

### **3.45 p.m.**

We on this side wish to place on record our gratitude for the support shown by the Members of the Opposition. Mr. Speaker, as I indicated earlier, the atmosphere in those meetings, or at those meetings, was quite refreshing indeed. Most of the concerns raised by the Opposition were amicably dealt with. There was a lot of discussion; there was a lot of argument, but it was all done in an atmosphere of collaboration and an atmosphere of camaraderie, all aimed at achieving the same goal.

Led by the Hon. Prime Minister, Mr. Speaker, we were receptive, as indicated a while ago by her, to any constructive suggestion to strengthen this Bill; and as we heard, she indicated very early that there was no way we were going to do this without the proper collaboration and concurrence of the Opposition. We must understand that this Bill was introduced to safeguard public safety; to safeguard our citizens from invasion of their privacy; and when there are situations, as experienced by some of us in this House, when that privacy is invaded, you feel, as it were, that all of your business is on the streets.

Mr. Speaker, the Government of the People's Partnership has always displayed its respect for the voice of the people and the recognition that this nation can only be developed by our collective efforts. We believe that crime is too important an issue for anyone to use in order to score cheap political points. To this end, the hon. Prime Minister suggested that an informal committee be established to consult with stakeholders and reach consensus on those matters on which there was divergence or lacunae. Opposition Leader, Dr. Keith Rowley, readily agreed to this suggestion, and, Mr. Speaker, may I say that this in itself showed the nation the seriousness with which we all viewed the introduction of this piece of legislation.

In commending Members of the Opposition who were on that committee, I wish to personally highlight the contributions of the Leader of the Opposition and Member for Diego Martin West, and also, the Member for Diego Martin North East, whose experience came to the fore and assisted us tremendously in the final analysis in coming up with what we came up with.

**Mr. Imbert:** You are a good “fella” after all.

**Sen. The Hon. Brig. J. Sandy:** Mr. Speaker, in this regard, officials of the Government and the hon. Leader of the Opposition and his team had the honour of the Law Association guiding us with their experience through some areas of this Bill. I want, on behalf of the entire committee, to extend our extreme and sincerest thanks to Mr. Daly and his team for assisting us in the areas that they did.

Some of the areas in which they guided us included, but were not confined to, the identity of those persons who would apply for a judicial warrant to intercept; the types of offences that would be captured under the act; the period of validity of a warrant; other oversight issues; the vital necessity to intercept communications for intelligence purposes in cases of threats to National Security; the admissibility of the intercepted material as evidence in cases where a warrant is revoked; and the destruction of intercepted communication.

Mr. Speaker, after those meetings, where thoughtful, insightful, and careful deliberations and propositions were made, I am delighted and gratified to report to this honourable House that by and large, there was agreement on the issues raised in all instances. Based on the consensus that was arrived at on most issues, the Government has made significant amendments to fortify this Bill. The amendments to be moved would be mutually beneficial in the interest of both private citizens, as well as the nation's security. In other words, Mr. Speaker, we

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looked at the security aspects of it; we looked at the societal aspect of it, and we drew a balance; at no time allowing our decisions to interfere with the seriousness of national security.

Mr. Speaker, we strongly believe that as a result of this mutual consultation, that the Interception of Communications Bill, when passed and effected into law, shall become an exceptional and useful weapon in our fight against crime. Our collaboration and extent of productivity, guided by the cooperation that existed, and continues to exist here this afternoon, is what has brought us or have brought us to this point today.

Mr. Speaker, as the Hon. Prime Minister said in her speech in this house one week ago, the interception of communications is a necessary evil, but the interest of national security must prevail in the clash between the right to privacy and national security. As I stated, when I presented this Bill last week, Mr. Speaker, developed nations such as the United States, Canada and the United Kingdom have recognized the necessity for this legislation.

Even some of our Caribbean counterparts have followed suit and introduced similar pieces of legislation, with Jamaica introducing its Act since 2002, and more recently, St. Lucia in 2006. Ironically, Mr. Speaker, as we debate this Bill today, St. Kitts/Nevis began their introduction to this type of legislation only yesterday.

While the Interception of Communications Bill can be viewed as an invasion of privacy, it must be weighed against necessity to stamp out the scourge of criminal activity and lawlessness that is afflicting our nation. It is vital and necessary. A vital and necessary tool in combating domestic and international criminal activity. It is acknowledged that the lawful interception of communications can assist in the prevention and detection of crime, the prevention of terrorism, and the safeguarding of national security.

Mr. Speaker, it is the duty of this Government to ensure that the rights of this nation's citizens are protected, and we guarantee that after our bipartisan meetings with the hon. Members of the Opposition, the Interception of Communications Bill certainly does this. It is also this Government's duty to protect the citizens of this country from risk of harm and danger, and to safeguard their well-being; and this we intend to do with the passage of this significant piece of legislation.

Again, Mr. Speaker, I wish to extend sincerest gratitude to all members of that committee; to the Law Association; to the drafting teams, not only from the Attorney General's Office, but other offices as well; and, indeed, all our

colleagues in this honourable House who assisted and contributed to the reinforcement of democracy in Trinidad and Tobago. With this, Mr. Speaker, I beg to move.

*Question put and agreed to.*

*Bill according read a second time.*

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

*House in committee.*

**Mr. Chairman:** All Members are supposed to have a copy of the Bill before this honourable House; all Members are supposed to have a copy of the amendments; and all Members are supposed to have a copy of the supplemental page in terms of further amendments.

**4.00 p.m.**

*Clauses 1 to 4 ordered to stand part of the Bill.*

*Clause 5.*

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

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that clause 5 be amended as circulated.

5(1) A. Delete the definition of “communications” and substitute the following:

“communications” includes anything comprising speech, music, sounds, visual images, data of any description or signals between persons, between a person and a thing or between things or for the actuation or control of any apparatus, and whether or not done in real time;”

B. Delete the definition of “private telecommunications network” and substitute the following:

“private telecommunications network” means any telecommunications network that, without itself being a public telecommunications network, is a network in relation to which the following conditions are satisfied:

(a) it is attached, directly or indirectly and whether or not for the purpose of the communication in question, to a public telecommunications network, and there is apparatus comprised in

*Interception of Communications Bill*  
[SEN. THE HON. BRIG. J. SANDY]

*Friday, November 26, 2010*

(b) the network which is both located in the state and used, with or without other apparatus, for making the attachment to the public telecommunications network; or

(c) it is operated without any interconnection to a public telecommunications network;”

C. In the definition of “public telecommunications network” delete the words “telecommunications services” and substitute the word “communications”.

**Mrs. Persad-Bissessar:** This one page is clause 5, which replaces the one in the bundle. This is the amendment to clause 5 in this one.

**Dr. Moonilal:** Yes, clause 5(1) A, B and C.

**Mrs. Persad-Bissessar:** We are amending A, B and C in accordance with this one page. These are the technical definitions for “communication”. We are removing A, B and C.

**Dr. Rowley:** Of the original amendments?

**Mrs. Persad-Bissessar:** Yes, to replace it with this one page.

**Mr. Imbert:** That cannot work. “That the authorized officer”, which is not referred to; they are different things.

**Dr. Rowley:** Clause 5(1)A of the multipage.

**Dr. Moonilal:** From the longer version.

**Mr. Chairman:** It really replaces B and adds another amendment.

**Mrs. Persad-Bissessar:** If we look at the original Bill, clause 5(1), which is the definition section, which is in alpha order, we are now going to insert in this that we delete the definition of “communications” and substitute that. I do not see “communications” in this definition.

Insert after the definition of “authorized officer” the definition as contained in this one-page Bill for communications. That replaces only B of the bundle. We will not have a definition of “communications” in the definition section, which will come in alpha order. We are also having a new definition for “private telecom”.

**Mr. Chairman:** If you go to the Bill under “private telecommunications” in the interpretation section, that is page 8 of the original Bill, look under “private communications network”—we are still in clause 5. Forget A and B.

**Mrs. Persad-Bissessar:** We are getting a new definition of “private telecommunications network” as in this one-page and C, “public telecommunications network” in the original Bill. We deleted the words “telecom services” and substituted them with “telecommunications”. We delete B on page 1 of the bundle.

*Question put and agreed to.*

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

*Clause 6.*

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

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that clause 6 be amended as circulated.

6(1) Delete the words “fifty thousand dollars and to imprisonment for three years” and substituting the words “five hundred thousand dollars and to imprisonment for seven years”.

6(2) A. Insert after paragraph (a), the following paragraph:

“(b) the communication is intercepted—

- (i) in the interest of national security;
- (ii) for the prevention or detection of an offence for which the penalty on conviction is imprisonment for ten years or more, and includes an offence where death, imprisonment for the remainder of a person’s natural life or life imprisonment is the penalty fixed by law;
- (iii) for the purpose of safeguarding the economic well-being of the State; or
- (iv) for the purpose of giving effect to the provisions of any international mutual assistance agreement,

and any communication so intercepted may be used for the purpose of an application under section 8 or 11, but shall not be admissible as evidence in any court;”

B. Renumber paragraphs (b) to (f) as paragraphs (c) to (g) respectively.

C. Delete paragraph (d) as renumbered, and substitute the following paragraph:

“(d) the communication is intercepted as an ordinary incident in the course of employment in the provision of telecommunications services;”

D. In paragraph (g), as renumbered, delete the words “network that is not a public telecommunications network” and substitute the words “private telecommunications network”.

**Mr. Imbert:** Mr. Chairman, I saw the Attorney General. It seems that he has disappeared. I was looking all through the offences that carry a penalty of 10 years or above, and it captures most of them. I was looking for larceny of a motor car as an example and I found that was 10 years. But, there are some offences, like conversion of property, which carry a penalty of over seven years. If you look at the Larceny Act, you will see. I am suggesting.

**Mrs. Persad-Bissessar:** You will catch more offences that way.

**Mr. Imbert:** I know you will.

**Mrs. Persad-Bissessar:** I have no problem with that.

**Mr. Chairman:** Which one, 6(1) or 6(2)?

**Mr. Imbert:** You have five in the warrant. I also want to make the point.

**Mrs. Persad-Bissessar:** If we do that, we would only be having a window of two years, five to seven. The initial warrant is for five years and above.

**Mr. Imbert:** I understand that. The warrant is for five.

**Mrs. Persad-Bissessar:** Non-warrant is 10 years.

**Mr. Imbert:** You are going to prosecute somebody for an offence that carries a penalty of five years, why are you gathering intelligence for 10 years or more? What happens to the offences in between five and 10?

**Mrs. Persad-Bissessar:** Because the check and balance is the court. It is not here now, so we were putting that into very serious matters.

**Mr. Imbert:** I understand, but I just found that conversion of property was a serious matter. You could leave it. I am just flagging. That was the one I found so far, there might be a few more. I am just flagging it and, perhaps between now and the Senate, you could look at that.

**Dr. Rowley:** I would leave it.

**Mrs. Persad-Bissessar:** Thank you, Leader of the Opposition.



**Mr. Chairman:** Are there any further clarifications to clause 6?

**Dr. Rowley:** No, we go with that.

*Question put and agreed to.*

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

*Clause 7.*

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

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that clause 7 be amended as circulated.

A. In subsection (1)—

(a) delete the word “A” and substitute the words “Subject to subsection (2), a”;

(c) insert after the word “possesses”, the words, “sells, purchases, or manufactures”;

(d) delete the words “the design of which” and substituting the words “knowing that its design”.

B. In subclause (2)(b)—

(a) delete the words “any other” and substitute the word “a”;

(b) delete the words “national security” and substitute the words “section 6(2)”.

C. In subclause (2), insert after paragraph (b) the following paragraph:

“(c) any other person in possession of such a device or component under the authority of a licence issued by the Minister”.

D. Delete subclause (3) and substitute the following subclause:

“(3) A licence issued for the purpose of subsection (2)(c) may contain such terms and conditions relating to the possession, sale, purchase or manufacture of a device or component described in subsection (1) as the Minister may prescribe.”

*Question put and agreed to.*

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

*Clause 8.*

*Question proposed, That clause 8 stand part of the Bill.*

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that clause 8 be amended as circulated.

- A. In subclause (2)—
  - (a) delete the word “and” at the end of paragraph (c);
  - (b) delete the full stop at the end of paragraph (d) and substitute the words “; and”; and
  - (c) insert after paragraph (d) the following paragraph:
    - “(e) the interception of communications to be authorized by the warrant is proportionate to what is sought to be achieved by such interception.”.
- B. In subclause (3) -
  - (a) delete the words “in writing” and substitute the words “in the form set out in Schedule 1”;
  - (b) in paragraph (a), delete the words “an affidavit” and substitute the words “a declaration in the form set out in Schedule 2”.
- C. Renumber subclauses (4) and (5) as subclauses (5) and (6) respectively and insert after subclause (3), the following subclause:
  - “(4) A declaration under subsection (3)(a) is deemed to be a statutory declaration under the Statutory Declarations Act.”

*Question put and agreed to.*

*Clause 8, as amended, ordered to stand part of the Bill.*

*Clause 9 ordered to stand part of the Bill.*

*Clause 10.*

*Question proposed, That clause 10 stand part of the Bill.*

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that clause 10 be amended as circulated.

- 10(4) Delete the words “an affidavit” and substitute the words “a declaration”.

*Question put and agreed to.*

*Clause 10, as amended, ordered to stand part of the Bill.*

*Clause 11.*

*Question proposed, That clause 11 stand part of the Bill.*

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that clause 11 be amended as circulated.

- 11 A. In subclause (1)(a), delete the words “an affidavit” and substitute the words “a declaration”.
- B. Delete subclause (2) and substitute the following subclause:  
 “(2) Where a warrant is issued under this section, the applicant shall, within ninety-six hours of the time of its issue, submit to the Judge the documents specified in section 8(3).”
- C. In subclause (3),  
 (a) delete “affidavit” and substitute “declaration”  
 (b) delete paragraph (a) and substitute the following paragraph:  
 “(a) make an order revoking the warrant if he is not satisfied that the warrant continues to be necessary as mentioned in section 8(2); or”.
- D. In subclause (6), delete the words “affidavit” and “seventy-two” and substitute the words “declaration” and “ninety-six”, respectively.

*Question put and agreed to.*

*Clause 11, as amended, ordered to stand part of the Bill.*

*Clause 12 ordered to stand part of the Bill.*

*Clause 13.*

*Question proposed, That clause 13 stand part of the Bill.*

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that clause 13 be amended as circulated.

- A. In subsection (1) insert after the words “telecommunications network” the words “and all other providers of telecommunications services”.
- B. Delete subsection (3) and renumber subsection (4) as (3).

*Question put and agreed to.*

*Clause 13, as amended, ordered to stand part of the Bill.*

*Clauses 14 to 16 ordered to stand part of the Bill.*

*Clause 17.*

*Question proposed, That clause 17 stand part of the Bill.*

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that clause 17 be amended as circulated.

17(3) Delete the word “proceedings” in the second place where it occurs and from the words “, unless the Court” to the end.

*Question put and agreed to.*

*Clause 17, as amended, ordered to stand part of the Bill.*

*Clause 18.*

*Question proposed, That clause 18 stand part of the Bill.*

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that clause 18 be amended as circulated.

18 Delete section 18 and substitute the following section:

“Disclosure of communications data “communications data” means any—

- (a) traffic data comprised in or attached to a communication, whether by the sender or otherwise, for the purpose of any telecommunications network by means of which the communication is being or may be transmitted;
- (b) information, that does not include the contents of a communication, other than any data falling within paragraph (a), which is about the use made by any person—
  - (i) of any telecommunications network; or
  - (ii) of any part of a telecommunications network in connection with the provision to or use by, any person of any telecommunications service;

“traffic data”, in relation to a communication, means any data—

- (a) identifying, or purporting to identify, any person, apparatus or location to or from which the communication is or may be transmitted;
- (b) identifying or selecting, or purporting to identify or select, apparatus through or by means of which the communication is or may be transmitted;
- (c) comprising signals for the actuation of—
  - (i) apparatus used for the purpose of a telecommunications network for effecting, in whole or in part, the transmission of any communication; or

- (ii) any telecommunications network in which that apparatus is comprised;
  - (d) identifying the data or other data as data comprised in or attached to a particular communication; or
  - (e) identifying a computer file or computer programme, access to which is obtained or which is run by means of the communication, to the extent only that the file or programme is identified by reference to the apparatus in which it is stored, and references to traffic data being attached to a communication include references to the data and the communication being logically associated with each other.
- (2) Where it appears to the authorized officer that a person providing a telecommunications service is or may be in possession of, or capable of obtaining, any communications data, the authorized officer may, by notice in writing, require the provider—
- (a) to disclose to an authorized officer all of the data in his possession or subsequently obtained by him; or
  - (b) if the provider is not already in possession of the data, to obtain the data and so disclose it.
- (3) An authorized officer shall not issue a notice under subsection (2) in relation to any communications data unless he has obtained a warrant under section 8 or 11.
- (4) A notice under subsection (2) shall state—
- (a) the communications data in relation to which it applies;
  - (b) the authorized officer to whom the disclosure is to be made;
  - (c) the manner in which the disclosure is to be made;
  - (d) the matters by reference to which the notice is issued; and
  - (e) the date on which it is issued.
- (5) Sections 13 and 14 shall apply, with the necessary modifications, to the disclosure of data pursuant to a notice issued under this section.
- (6) Subject to subsection (7), a provider of a telecommunications service, to whom a notice is issued under this section, shall not disclose to any person the existence or operation of the notice, or any information from which such existence or operation could reasonably be inferred.

- (7) The disclosure referred to in subsection (6) may be made to—
- (a) an officer or agent of the service provider, for the purpose of ensuring that the notice is complied with;
  - (b) an attorney-at-law for the purpose of obtaining legal advice or representation in relation to the notice,
- and a person referred to in paragraph (a) or (b) shall not disclose the existence or operation of the notice, except to the authorized officer specified in the notice or for the purpose of—
- (i) ensuring that the notice is complied with, or obtaining legal advice or representation in relation to the notice, in the case of an officer or agent of the service provider; or
  - (ii) giving legal advice or making representations in relation to the notice, in the case of an attorney-at-law.
- (8) An authorized officer shall not disclose any communications data obtained under this Act, except—
- (a) as permitted by the notice;
  - (b) in connection with the performance of his duties; or
  - (c) if the Minister directs such disclosure to a foreign government or agency of such government where there exists between the State and such foreign government an agreement for the mutual exchange of that kind of information and the Minister considers it in the public interest that such disclosure be made.
- (9) A person who contravenes subsection (6), (7) or (8) commits an offence and is liable on summary conviction to a fine of three hundred thousand dollars and to imprisonment for five years.

**4.15 p.m.**

**Mrs. Persad-Bissessar:** I am happy to advise that these are consequential amendments resulting from the change of the authorized officer. The Minister would have been the authorized officer there, and that necessitated these consequential amendments to ensure that the Minister has no part of any of this.

**Mr. Imbert:** Is that all that has happened here?

**Mrs. Persad-Bissessar:** This is what I am being advised.

**Mr. Imbert:** It is just a consequential amendment.

**Mrs. Persad-Bissessar:** To be in harmony.

**Dr. Rowley:** This is the consequential effect in moving the Minister.

**Mrs. Persad-Bissessar:** That is right.

**Dr. Rowley:** This harmonizes the Telecommunications Act.

**Miss Mc Donald:** May I ask a question at this stage? I know that there was an anomaly when we were discussing the Bill. We looked at section 22 of the Telecommunications Act. In clause 6 interception is prohibited, but, in section 22 of the Telecommunications Act, the telecommunications network could collaborate with the Minister in order to intercept communication. Is that an anomaly? You are saying no in clause 6 in the Bill, and you are saying yes in the Telecommunications Act. Has that anomaly been removed?

**Dr. Moonilal:** At the committee meeting, the Attorney General spoke to this issue, and he indicated that the interception law would override that. In any event, in the reading of the Telecommunications Act, the Attorney General said that it did not contemplate interception. That was the explanation given.

**Miss Mc Donald:** You would recall that even the Law Association had mentioned that anomaly.

**Dr. Moonilal:** The Attorney General indicated that interception is specific and internationally recognized. In any event, the section was never intended to authorize the interception of private communication in the Telecommunications Act. It does not authorize interception for the purpose of gathering information.

**Mrs. Persad-Bissessar:** In that Act the words used have to do with—every concessionaire shall be required upon request made by the Minister to collaborate with the Ministry in matters of national security. They are saying that “collaborate” should include “interception of private communication”. In our view, interception is specific as Minister Moonilal said—weapon against crime, terrorism and so on—and the law should make expressed provision to deal with same. In other words, we are saying this section does not include interceptions, and what is in this Bill will become the expressed law for any interception.

**Miss Mc Donald:** Okay.

**Mrs. Persad-Bissessar:** It does not authorize interception for the purpose of gathering criminal intelligence as well. This is the advice that we have received from the Attorney General.

**Mr. Imbert:** I have a question on page 6 of the amendments. This gives the impression that an authorized officer can go to a telecommunication provider and obtain private information without going through a process. It gives that impression. Is that what is intended?

**Mrs. Persad-Bissessar:** Unless he has obtained the warrant.

**Mr. Imbert:** Okay.

**Mrs. Persad-Bissessar:** You must have a warrant in order to have that done. I know we are all catching up. Before it was the Minister, but now we have removed that and put the authorized officer. So instead of just changing one word here and there, what they did was lift it out completely. Am I right?

**Dr. Rowley:** Clause 18(2) does not say that. If one reads 18(2) in isolation, it says:

“Where it appears to the authorized officer that a person providing a telecommunications service is or may be in possession of, or capable of obtaining...data, the authorized officer may, by notice in writing, require the provider—”

Where is the role for the warrant?

**Dr. Moonilal:** We can put in a (2) now, “subject to subsection 3”.

**Dr. Rowley:** Please! That does it.

**Mr. Imbert:** It is covered in 18(3). That is extra cover.

**Mrs. Persad-Bissessar:** It is just a different way of drafting. You can make this 18(2) longer.

**Dr. Rowley:** If you read them together they are okay.

**Mrs. Persad-Bissessar:** Thank you.

*Question put and agreed to.*

*Clause 18, as amended, ordered to stand part of the Bill.*

*Clause 19 ordered to stand part of the Bill.*

*Clause 20.*

*Question proposed, That clause 20 stand part of the Bill.*

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that clause 20 be renumbered as clause 21.



*Question put and agreed to.*

*Clause 20, renumbered clause 21, ordered to stand part of the Bill.*

*Clause 21.*

*Question proposed, That clause 21 stand part of the Bill.*

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that clause 21 be renumbered as clause 23.

*Question put and agreed to.*

*Clause 21, renumbered clause 23, ordered to stand part of the Bill.*

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that renumbered clause 23 be amended as follows:

Insert after clause 23(2)(a) the following subclause.

“(b) obtained in the course of the interception of communication to a person to whom he is not authorized to disclose the communication.”

*Question put and agreed to.*

*Clause 21, renumbered clause 23, as amended, ordered to stand part of the Bill.*

*Clause 22.*

*Question proposed, That clause 22 stand part of the Bill.*

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that clause 22 be renumbered as clause 24.

*Question put and agreed to.*

*Clause 22, renumbered clause 24, ordered to stand part of the Bill.*

**Sen. Brig. Sandy:** Mr. Chairman, I beg to move that renumbered clause 24 be amended to read:

In subclause (1), delete the words “as soon as possible” and substitute the words “within three months”.

*Question put and agreed to.*

*Clause 22, renumbered clause 24, as amended, ordered to stand part of the Bill.*

*Clause 23.*

*Question proposed, That clause 23 stand part of the Bill.*

**Dr. Moonilal:** Mr. Chairman, I beg to move that clause 23 be renumbered as clause 25.

*Question put and agreed to.*

*Clause 23, renumbered clause 25, ordered to stand part of the Bill.*

*New clause 20.*

**Sen. Brig. Sandy:** Mr. Chairman, I propose a new clause 20 which reads as follows: Destruction of records:

20. (1) An authorized officer shall ensure that any record of information obtained from the interception of communications in pursuance of section 8 or 11 that is not related to the objective of the interception is destroyed immediately.
- (2) An authorized officer shall ensure that any record of information obtained from the interception of communications in pursuance of section 8 or 11, being information that relates wholly or partly and directly or indirectly to the objective of the interception is destroyed as soon as it appears that no proceedings, or no further proceedings, will be taken in which the information would be likely to be required to be produced in evidence.
- (3) Nothing in subsection (2) shall apply to any record of any information adduced in proceedings in any court.
- (4) Where a warrant issued in accordance with section 11 is revoked or ceases to have effect, any record or information obtained from the interception of communications in pursuance of the warrant shall be destroyed immediately.
- (5) An officer who intercepts a communication in pursuance of section 6(2)(b) shall ensure that any record of information obtained from the interception that is not related to the objective of the interception is destroyed immediately.
- (6) The Commissioner of Police shall consult with the Chief of Defence Staff, the Director of the Strategic Services Agency and, where he considers it appropriate, the Director of Public Prosecutions, prior to the destruction.
- (7) A person required to destroy any record of information in accordance with this section who fails to do so commits an offence and is liable to a fine of five hundred thousand dollars and to imprisonment for seven years.

Renumber clauses 20 to 23 as clauses 21 to 24 respectively and delete the word “affidavit” wherever it occurs and substitute the word “declaration”

*New clause 20 read the first time.*

*Question proposed, That the new clause be read a second time.*

*Question put and agreed to.*

*Question proposed, That the new clause be added to the Bill.*

*Question put and agreed to.*

*New clause 20 added to the Bill.*

*New clause 22.*

**Sen. Brig Sandy:** Mr. Chairman, I propose a new clause 22 which reads as follows:

Insert after clause 21 as renumbered the following clause:

Minister to be informed 22. The Minister shall be informed—

- (a) of an interception under section 6(2)(b) within forty-eight hours of the commencement of the interception;
- (b) of an application under section 8 by the authorized officer who has made the application as soon as is practicable after the making of the application;
- (c) of an application under section 11 by the authorized officer who has made the application within forty-eight hours of the making of the application.

In the form set out in Schedule 3.

Renumber clauses 22 to 24 as renumbered to clauses 23 to 25 respectively.

*New clause 22 read the first time.*

*Question proposed, That the new clause be read a second time.*

**Mr. Imbert:** Mr. Chairman, there was a discussion between ourselves and the Leader of Government Business on Wednesday, and there was an agreement to change the forty-eight hours to ninety-six hours.

**Dr. Rowley:** That is to even it out. All the time limits are 96.

**Mr. Imbert:** So just change “forty-eight” to “ninety-six”.

**Mrs. Persad-Bissessar:** Mr. Chairman, I beg to move that the new clause 22 be inserted as circulated save and except for in paragraph (a) thereof, the words “forty-eight” be deleted and replaced by the words “ninety-six” wherever it occurs.

**Dr. Moonilal:** No, not in (c).

**Mrs. Persad-Bissessar:** But (c) says “forty-eight” hours.

**Mr. Imbert:** Leave that one. It was not that one. It is just (a).

**Mrs. Persad-Bissessar:** New clause 22 be inserted in the Bill as circulated save and except for in paragraph (a) thereof, the words “forty-eight” be deleted and replaced by the words “ninety-six”.

*Question put and agreed to.*

*Question proposed, That the new clause be added to the Bill.*

*Question put and agreed to.*

*New clause 22, as amended, added to the Bill.*

*New Schedule 1.*

*Question proposed, That new Schedule 1 stand part of the Bill.*

**Sen. Brig. Sandy:** Mr. Chairman, Schedule 1 reads as follows:

#### SCHEDULE 1.

##### Application for a Warrant.

I, (Name of Authorized Officer), Chief of Defence Staff/Commissioner of Police/Director of Strategic Services Agency\* hereby apply to a Judge of the High Court under the Interception of Communications Act, 2010 (hereinafter referred to as “the Act”) for a Warrant under section 8 of the Act.

I pray that the Warrant be issued to authorize (Name of Person to conduct Interception) to intercept, in the course of its transmission by means of a public or private telecommunications network, the following communications:

(Description of Communication)

And I further pray that the said (Name of Person) be authorized to disclose the intercepted communication to (Names of Persons (s)) in the following manner:

(Description of Manner)

This application is supported by a statutory declaration from the Authorized Officer pursuant to section 8(3(a) of the Act.

A draft of the order that the Authorized Officer seeks is also attached.

\*delete as applicable.

Dated this                    day of                    , 20

Signed:.....

*New Schedule 1 read the first time.*

*Question proposed, That the new Schedule 1 be read a second time.*

*Question put and agreed to.*

*Question proposed, That the new Schedule 1 be added to the Bill.*

*Question put and agreed to.*

*New Schedule 1 added to the Bill.*

**4.30 p.m.**

*New Schedule 2.*

*Question proposed, that new Schedule 2 stand part of the Bill.*

**Sen. Brig. Sandy:** Mr. Chairman, I propose a new Schedule 2 which reads as follows:

SCHEDULE 2

(Section 8(3))

Statutory Declaration in support of  
an Application for a Warrant

I, (*Name of Authorized Officer*), Chief of Defence Staff / Commissioner of Police / Director of Strategic Services Agency\* acting herein as an Authorized Officer under the Interception of Communications Act, Cap.3.12 (hereinafter referred to as "the Act") make oath and say as follows:

1. I am an Authorized Officer under the Act, namely.....  
(state portfolio). Except where I state otherwise, the facts set out herein are based on my personal knowledge.
2. By virtue of section 8 of the Act, I am authorised to make this statutory declaration in support of an application for a Warrant under section 8 of the Act, in respect of communications by an individual known as..... and in respect of the following method(s) of communication:

[Specify, in detail, the method of communication (e.g. postal service, computer, telephone, etc.)]

(i).....

(ii).....

3. A Warrant is required because [state facts or allegation giving rise to the application.]

4. This Court is requested to issue a Warrant on the grounds of .....[Note: specify ground(s) under section 8 of the Act on which Court is requested to grant the Warrant].

5. Further, I believe that a Warrant should be issued by this Court because: [the following information should be stated—

(i) if practical, a description of the nature and location of the facilities from which or premises at which the communication is to be intercepted; and

(ii) the basis for believing that evidence relating to the ground on which the application is made will be obtained through the interception.]

6. I am informed and verily believe that —

(i) the following investigative procedures were engaged and failed to adequately obtain the evidence required: [specify investigative procedures, if any and reason why they failed.] or

(ii) other investigative procedures appear to be unlikely to succeed or appear to be too dangerous for the following reasons: [specify reasons.]\*

7. If a Warrant is issued by this Court, it will be required for a period of .....months. [specify number of months Warrant is to subsist. Note: the duration of a Warrant is not to exceed ninety days. A further application will have to be made to the Court for an extension, if necessary.]

8. (1) There has not been any previous application for a Warrant made with respect to this person; or

(2) There has been a previous application for a Warrant made with respect to this person [specify status of previous application.] \*







Mc Leod, Hon. E.  
Sharma, Hon. C.  
Alleyne-Toppin, Hon. V.  
Gopeesingh, Hon. Dr.  
Peters, Hon. W.  
Rambachan, Hon. Dr. S.  
Seepersad-Bachan, Hon. C.  
Volney, Hon. H.  
Khan, Hon. Dr. F.  
Roberts, Hon. A.  
Cadiz, Hon. S.  
Baksh, Hon. N.  
Griffith, Hon. Dr. R.  
Ramadharsingh, Hon. Dr. G.  
Ramadhar, Hon. P.  
De Coteau, Hon. C.  
Indarsingh, Hon. J.  
Baker, Hon. Dr. D. L.  
Partap, Hon. C.  
Samuel, Hon. R.  
Douglas, Hon. Dr.  
Ramdial, Miss R.  
Roopnarine, Miss S.  
Seemungal, J.  
Mc Donald, Miss. M.  
Rowley, Dr. K.  
Imbert, C.  
Hypolite, N.  
Jeffrey, F.  
Browne, Dr. A.  
Hospedales, Miss A.

**The Prime Minister (Hon. Kamla Persad-Bissessar):** Mr. Speaker, I crave your indulgence and that of Members of the House to once again record our thanks to the hon. Leader of the Opposition and Members of the Opposition who saw it fit to stay in this Parliament and vote for this Bill.

We thank you.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

**Mr. Speaker:** Hon. Members, it is a good time for us to take our tea break. Having regard to such a great session, I suggest that we come back at 5.15 p.m.

This sitting is now suspended until 5.15 p.m.

**4.39 p.m.:** *Sitting suspended.*

**5.15 p.m.:** *Sitting resumed.*

#### LAND TENANTS (SECURITY OF TENURE) (AMDT.) BILL

*Order for second reading read.*

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move,

That a Bill to amend the Land Tenants (Security of Tenure) Act, Chap. 59:54, be now read a second time.

The Bill before us deals with a matter that requires some urgency and quick action on the part of the House. As Members would be aware, this Bill has three clauses and the critical provision is at clause 3 where we are replacing four words and adding two. So coming on the heels of the debate on the Interception of Communications, we do not anticipate that the insertion of "on or" should require more time than is necessary.

Notwithstanding threats that my friend opposite intends to take 75 minutes to address the words "on or", I would restrict my presentation to a few matters and just put the Bill in the context which it is in. I will just raise one matter of a policy nature concerning housing and alert my friend opposite, the Member for Port of Spain South, that we really intend to deal with this matter with dispatch. I am sure the Member would so instruct the Member for Diego Martin North/East.

The Land Tenants (Security of Tenure) Act was passed on June 01, 1981. The purpose of this Act was to protect land tenants who had houses on rented lands

from being evicted by owners of those lands. Currently, there are approximately 4,000 land tenants throughout Trinidad and Tobago. When I say tenants, I mean persons who are renting on private lands and not State lands.

The 1981 Act stipulates that where a tenancy existed at the appointed day of commencement of the law, and that was June 01, 1981, it was automatically converted into a statutory lease for 30 years. During the period of the statutory lease, the tenant has the option to renew the lease for a further period of 30 years or purchase the parcel of land at half the market value.

In order to exercise the right of renewal, section 4(3) of the Act itself provides that the tenant is required to serve on the landlord written notice of renewal, at least six months before the expiration of the original term of the statutory lease. Upon service of the notice by the tenant to the landlord, the statutory lease is deemed to be renewed for a period of 30 years, subject to the same terms and conditions and to the same covenants, if any, as the original term of the statutory lease, but excluding the option for renewal.

The expiration of the original term of 30 years of the statutory lease will be on June 01, 2011, since the appointed date of the beginning of the term of that lease was on June 01, 1981. As such, in accordance with section 4(3) of the Land Tenants Act, the tenants must serve notice of renewal upon the landlords on or by November 30, 2010.

### **5.20 p.m.**

Presently, many tenants, due to a lack of knowledge, lack of communication between landlord and tenant or otherwise are unaware of the requirement to serve the notice of renewal, and of the date upon which this must be done, also, that the Ministry has embarked upon a course of action to address that problem. In order to sensitize the public to the requirement of serving a notice of renewal on the landlord, the Ministry of Housing and the Environment in collaboration with the Ministry of Legal Affairs embarked upon an extensive public relations campaign in the form of radio and print media. You might have heard advertisements on the radio and seen notices in the press which alerted all land tenants to comply with the provisions of the 1981 Act.

Copies of the form, which land tenants were required to fill out, were made available to them in the daily newspapers and telephone numbers of persons in the Ministry who were assigned to assist members of the public were listed. Mr. Speaker, just for the record I have in my hand one of the notices of renewal of statutory lease and this one in particular was published in the *Daily Express*, Monday, November 22, 2010. [*Holds up paper*]

*Land Tenants (Amdt.) Bill*  
[HON. DR. R. MOONILAL]

*Friday, November 26, 2010*

Reality would tell us that in spite of sensitizing the public and embarking on a public education programme, many land tenants would still fall through the cracks by not adhering to the statutory requirement of serving notices of renewal on their landlords.

The tenant who does not serve a notice of renewal on the landlord could be evicted from the land, could lose the protection of the Act, in that, he or she would no longer have the option to purchase the land at half the market value and in essence would no longer hold the land as a statutory lessee. Such a person would now have to make some other type of application for legal title of the land. Since it is imperative that tenants all over the country assist in exercising their legal right to renew their leases, it is recommended that the Act be amended by extending the time for notices of renewal to be served on landlords on or before May 31, 2011. This will provide for those tenants mentioned above, that is those who may not have served notices on their landlords by November 30, 2010. Those persons who would have already served notices are already protected by the measure.

In this regard an amendment to section 4(3) of the Act is being proposed in the following form and I quote:

“In order to exercise the right of renewal conceptualised by subsection (2), the tenant shall serve on the landlord a written notice of renewal on or before the expiration of the original term of the statutory lease.”

Mr. Speaker, “on or” are the two operative words.

I would like to add that after this amendment is made, the Ministry intends to embark on a public relations and education drive to encourage all land tenants to exercise their options to purchase the land for half the market value as provided for in sections 5(5) and (9) of the Act. This would be of paramount importance since the life of this Act extends only for another 30 years, that is up to 2041.

Mr. Speaker, in 1981—members then I imagine would not have thought that they would have been around by 2011 and they passed the law for 30 years, so we have to look at 2041 as the next date. In effect, therefore, tenants are given by this Act, a period of 60 years to exercise the option to purchase the land—tenants meaning both heir and assigned. Thirty years have already gone. In light of the foregoing, I want to recommend that consideration be given to this Bill as amended, to amend section 4(3) of the Land Tenants (Security of Tenure) Act, Chap. 59:54.

Mr. Speaker, I want to say again that it is the view of the Ministry, that when this matter is dealt with, hopefully today—assured passage of this amendment—

we intend to have consultations with the affected stakeholders communities to look at a more comprehensive reform of the 1991 legislation so that persons who are unaware as to the identity of their landlord, the location, the whereabouts, in some cases, even their own right through no fault of theirs, they will be protected in the event that they cannot comply with the 1981 legislation as amended by way of this amendment. So we intend, in the new year, to bring an additional amendment that would seek to protect the rights of those tenants, notwithstanding this measure today which really deals with the deadline issue that we face.

So, Mr. Speaker, I would like to leave it as it is there and I look forward to the one speaker on the Opposition arm—who has identified himself—*[Interruption]*—who has identified himself, the one speaker identified to make some very brief comments on this matter.

Mr. Speaker, I beg to move.

*Question proposed.*

**Mr. Speaker:** The Leader of the Opposition—*[Interruption]* oh, sorry, the Member for Diego Martin North/East. *[Interruption]*

**Mr. Colm Imbert** (*Diego Martin North/East*): Mr. Speaker, that is just evidence that we have 12 speakers on this side.

**Hon. Member:** “Whey dem”? “Whey dem”?

**Mr. C. Imbert:** Yes, to my left and to my right. *[Laughter]* Mr. Speaker, you know, it is a funny thing eh, they say that “Gopaul luck eh Seepaul luck”. Every time in the three governments—three, could be four—the four governments that I have had the honour to be a part of, that a Minister brought piecemeal amendments to a complex piece of legislation, the Opposition murdered us—

**Mr. Warner:** You are still alive!

**Mr. C. Imbert:** Yes, I am not so easy to kill—and it is amazing how, softly and easily the Member for Oropouche East brought this one clause—even though there are three clauses, one is the title, one is interpretation, this one-clause amendment to this piece of legislation, but it is all right, we would not treat him the way that we should treat him.

**Mr. Sharma:** You do not have any extension to get.

**Mr. C. Imbert:** What is this?

**Mr. Sharma:** No extension.

**Mr. C. Imbert:** I do not need one, especially from you. [*Laughter*] Mr. Speaker, the fact of the matter is the parent Act, the Land Tenants (Security of Tenure) Act, 1981, which was previously called the Chattel Buildings Bill, for the information of the Minister, was the subject of extensive debate in this Parliament in 1981 and some famous personalities—[*Interruption*] well I said I was talking for 75 minutes—contributed to the debate way back in 1981. In fact, as I was reading the *Hansard* on just one of the days—because there were three or four days of debate—I saw that Mr. Basdeo Panday gave a comprehensive contribution on the legislation.

He went into great depth on land law and so on. His contribution was very, very interesting. However, the fact of the matter is, this piece of legislation, the original parent Bill, The Land Tenants (Security of Tenure) Act, as I said formerly called the Chattel Building Bill, was part of a package of legislation that was introduced by the government in 1981. Some of us who were interested in politics at that time would be aware of other pieces such as the Rent Restriction Act, the Condominium Act; there was even a piece of legislation which is very significant in the context of the parent Act called the Land Registration Act, which I have not been able to find any record of. Perhaps the Minister, in his winding up could tell us whether the Land Registration Act was passed, assented to or proclaimed, because it was referred to in the parent Act, it has a very important link to this legislation—but the then Attorney General, Mr. Selwyn Richardson—as I said a number of famous names in this debate—made the point that this Bill was part of a package of nine pieces of legislation dealing with lands and buildings.

The Bill was intended at the time to deal with a problem where persons who had been renting land had built houses on them and these houses or these dwellings had gone beyond the normal concept of a chattel. A chattel is something that can be moved, and previously, persons were building wooden houses and so on, on rented lands and the idea was that these wooden houses could be dismantled and relocated. However, what happened in the '70s and the '80s, well the '70s—'60s and '70s in Trinidad and Tobago was that persons built substantial concrete structures on rented lands and the law at the time was, when the lease expired, the landlord was entitled to the building. So these tenants, having built these substantial concrete houses on the rented land, when the rental agreement came to an end the landlord was entitled, under the law to take possession of these concrete buildings. In fact, take it away from the tenants.

Now, that was the thinking that motivated the government at the time. When I look at all the contributions in 1981, everybody was supportive. The entire Opposition at the time—Mr. Ramnath, Mr. Panday—everybody who contributed was supportive of the purpose and intent of the Bill which was to protect, essentially, poor people who had been renting lands for donkey's years and had no security of tenure.

However, in the Bill—and this is what I am happy to hear the Minister say, that he is going to do a comprehensive review of this legislation, because in this legislation there is something called the “Land Commission” and the Land Commission has very, very important powers and very, very important responsibilities. I am told that the Land Commission was never set up. I do not know if this is true, but I was told this was never done. The reason I referred to the Land Registration Act is that when you go to section 2, the interpretation in the parent Act, you will see that it refers to the Land Commission and it says—it means the Land Commission to be established by the Land Registration Act 1981.

That is why I asked the Minister to let us know whether the Land Registration Act was ever brought to Parliament and whether it was ever passed and assented to, because if that was never done then there could be no Land Commission.

There is another aspect of this legislation which I am not sure whether any tenant has ever sought to utilize, because the definition goes on to say:

“‘Land Commission’... means the Land Commission to be established by the Land Registration Act, 1981; but if on the passing of this Act”—and this is The Land Tenants (Security of Tenure) Act—“the Land Registration Act, 1981 has not yet come into operation then, until the coming into operation of that Act, all references...to the Land Commission shall be construed *mutatis mutandis*, as references to the High Court or a Judge thereof.”

So it means people still had protection. They could have gone to the court and asked the court to intervene and assume the authority of the Land Commission in terms of valuing land, because that is really the main function of the Land Commission. If these tenants were to buy the land, purchase the land, it was the Land Commission that had to establish the value. I am not sure how many land tenants in Trinidad and Tobago know that they had the right to approach the court to exercise the powers and duties of the Land Commission. I am sure very few of them knew that.

So what has happened for the last 30 years, no Land Commission was established, as far as I know, the Land Registration Act was not passed or if it

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was, it was not proclaimed or assented to, so the mechanism to allow tenants to purchase the land just was not there, was not available as I said, with the exception of persons approaching the High Court.

So I am happy to hear the Minister say he is going to do a holistic overview of the legislation and it is something you need to deal with, because if I have been renting land for 30 years, surely I would want to exercise the option to buy it. The way this Land Bill operates with this Land Tenants (Security of Tenure) Act, is that the Land Commission would assess the market value of the land and then the persons would be allowed to purchase it at 50 per cent of the value assessed by the Land Commission.

**5.35 p.m.**

I am sure there are thousands of people who have been on land now for more than 30 years who wanted, at some point in time over that 30 years to purchase the land and were unable to do so because the commission was not established and, perhaps, they were not aware that they could have gone to the court to ask the court to do it.

I just have one suggestion. I understand what the Minister is seeking to do and that is to remove the six-month deadline for application for renewal of a lease, but I would ask the Minister, since what you are trying to do—and we support this; I mean, a lot of these people just do not know what the procedures are and they need to be assisted and educated and I am happy to hear that the Ministry has gone through a public education programme in an effort to try to get these tenants to understand their rights and responsibilities. But I just have a question; I am not going to push it: if the intent of this Bill is to give them another six months—because that is essentially what you are doing—so that instead of having a cut-off date at the end of this month—I am told the cut-off date is around the 30th of this month—for applications for renewal; you are now pushing that down to May, why do you not push it to December of next year? It is just a suggestion. Give them an additional six months beyond the date of the expiry of the lease. It is just a suggestion. I mean, you can go with what you have here, and you give them six months, but I would say, because we know that these particular people are people who are not, in the main, very highly educated and sophisticated; I mean these are people, a lot of them are within the outskirts of Port of Spain, and so on—

**Mr. Warner:** Maraval.

**Mr. C. Imbert:** Yes, in Maraval. Of course, yes, I accept that. Therefore, I am suggesting to the Minister, rather than “on or before”, why do you not say “within



a period of six months after the expiry of the statutory lease"? It is just a suggestion. You do not have to go with it, but I would prefer—this thing has been going on for 30 years, what is another six months in addition to the six months that the Minister is proposing?

With those few words, I am in support of this legislation with the suggested amendment that I am proposing and I would hope the Government would listen and take my proposal on board.

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

**The Minister of Housing and the Environment (Hon. Dr. R. Moonilal):** Thank you very much, Mr. Speaker, and I want to thank all the Members who contributed on this measure before us. [*Laughter*] It is a new day in the history of our parliamentary democracy today that we can get the business of the House to move with such dispatch. But I will not now trample upon the goodwill of Members opposite. I want to thank the Member, of course, for the suggestion and just to respond briefly to a couple matters.

It is my understanding—and I am so advised—that the Land Registration Act, while enacted, was never proclaimed and, therefore, it was not operational and the Land Commission has never been formed. That, by itself, is a sorry realization because we are dealing with legislation since 1981. But it also suggests something else, that the attempt to manage the land, the ownership, the title, the tenancy, and so on, is a very complex matter, particularly in our common-law type of jurisdiction, because of the bulk of colonial laws that we inherited and the fact that land law has been driven so much by common law and there are so many complexities in trying to manage this matter that since 1981 we could not have made operational a Land Commission as provided for in the law. Those are my instructions.

The other matter raised by the Member, I just want to clarify, because for the record, I do not want to be misinterpreted. What I said in the opening address to pilot the Bill, it was the intention of the Ministry to make a more comprehensive amendment to the problem that we face today, not to the Act itself, because the Act itself would require much more thought, because as you would recognize you are dealing with, maybe, a dozen pieces of legislation; you are dealing with laws; several Acts of Parliament; several bodies of regulations, some codified, some not codified, so that we cannot make a commitment that in six months we will give a comprehensive review of the Act.

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What we said was that in six months we would review the purpose of this amendment and how we could better arrive at protecting tenants in the circumstances that the current amendment contemplates.

**Mr. Imbert:** I thank the Minister for giving way and thank you for that clarification. I really did not hear the distinction. It is okay. What I would hope is that now that this issue with the Land Commission has been highlighted and you, as Minister, have confirmed that the Land Registration Act was never proclaimed, it is something that needs to be addressed and I would ask the Minister to let us know whether you intend to drill down deep into this legislation and deal with these structural problems.

**Hon. Dr. R. Moonilal:** Mr. Speaker, it leads to another matter. The Government, recognizing the enormous challenge in developing land law and updating the body of law that governs this area—that was one of the reasons, incidentally, why the Government has been cautious with the appointment of the board, because in the areas that deal with this matter, the respective statutory entities, you would want to ensure that the type of personnel, the type of professional assistance that you get at the level of boards that is reflected there, so that those institutions can drive this legislative reform in terms of land law. So it is the mandate of the Ministry of Housing to develop first the institutional capacity and embark upon a longer term campaign of reforming the land law of Trinidad and Tobago and, in that sense, amending, repealing, reforming, the body of law before us, but it is not something, you could recognize, that we can do. I cannot now pronounce on this Land Commission, simply because we have to investigate what has been the problem; what has been the keepback; why, for example, that since 1981 successive governments—and I may add, the four administrations that you were so proud to represent on this side; none of the four could have dealt with this.

**Mr. Imbert:** NAR and UNC neither.

**Hon. Dr. R. Moonilal:** Yes. What I am saying, including the NAR, the United National Congress and including the four PNM administrations. That is given, so that it must be a little more complex than we are looking at it.

I also want to respond to the other suggestion made by the hon. Member, where the Member was suggesting, in a nutshell, that you could have extended it six months after the expiration of the original term of the statute lease. I am advised that at this time it is difficult to enact such an amendment because of the period of the lease and because of the implications to be dealt with which a further extension would have, and with other matters concerning the Act, in that

there is some synchronization with other areas in the Act. So it is not a simple matter that we could entertain that today, because it may affect other provisions in the Act.

Just to add that in the absence of a Land Commission—taking note of its original intention—the tenants, and landlords as well, will have to approach the High Court to deal with any breaches, with any problems and so on, the High Court has been addressing those matters in the absence of a Land Commission. I am just saying that at this moment we would like to proceed with the amendment before us.

I just want to make one other point. It is related to a matter of housing, and if you would just permit me leave, it is a matter that several persons in the national community have raised, incidentally, including the Member for Diego Martin North/East. I just wanted, for the record, to state that under the previous administration, I think it was the former Prime Minister who, on a return from one of his trips, had indicated to the national community, and particularly to the housing construction sector, that it was the intention of the then administration of the Member for San Fernando East that they would adopt a policy of providing underground infrastructure, providing that future housing developments and estates would be so designed to accommodate underground installations: electrical, telephone and what have you. That was never in writing.

The Prime Minister at the time, the Member for San Fernando East, had returned from a trip abroad and he was probably excited by some development he saw and announced that, and members in the affected constituent group: contractors; builders; developers, adopted that as government policy. I want to indicate for the record, for the benefit of the Member for Diego Martin North/East and all those persons out there who are interested parties in the housing construction sector, that that is not the policy of this current administration, for several reasons, because that is ill-conceived in one sense. But apart from that, we are informed that it really results in a mark-up of prices per unit for low income applicants, and so on. So at this time the Government will not contemplate that and it is not the policy of the current administration.

Mr. Speaker, 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.*

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*House in committee.*

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Clause 3.*

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

**Mr. Imbert:** Mr. Chairman, I had made a suggestion while I was on my feet and the Minister has replied, and, essentially, what the Minister has said is that it is a bit complicated because there will be consequential effects. Now I have looked at the legislation. I do not really see anything that would be adversely affected, but it is okay. I mean, the clause that deals with the length of the lease is clause 4. It is all right; I will accept that there may be some consequential implications that I am not seeing. But I would ask the Minister to consider, between now and the other place, see whether it is possible to give an additional six months, because a lot of people will not be aware of this. I mean, you have said you did a public education programme. A lot of people would not know.

**Dr. Moonilal:** Could I say that we will contemplate, not the extension of another six months as you are suggesting, but a clause that does not require an extension, for example, where—I am just thinking—persons will be automatically renewed unless the landlord states otherwise, or writes otherwise or something. So that there will be no need even for an extension.

**Mr. Imbert:** No problem. As long as it achieves the same objective, that is fine.

*Question put and agreed to.*

*Clause 3 ordered to stand part of the Bill.*

*Preamble approved.*

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

*House resumed.*

*Question put.*

**5.50 p.m.**

**Dr. Moonilal:** Division.

**Mr. Speaker:** The Bill requires a three-fifths majority and we need to have a division.

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*The House voted:* Ayes 35.

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar, Hon. K.

Warner, Hon. J.

Dookeran, Hon. W.

McLeod, Hon. E.

Sharma, Hon. C.

Alleyne-Toppin, Hon. V.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Volney, Hon. H.

Khan, Hon. Dr. F.

Roberts, Hon. A.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Ramadharsingh, Hon. Dr. G.

Ramadhar, Hon. P.

De Coteau, Hon. C.

Indarsingh, Hon. R.

Baker, Hon. Dr. D.

Partap, Hon. C.

Samuel, Hon. R.

Douglas, Hon. Dr. L.

Ramdial, Miss R.

Roopnarine, Miss S.

Seemungal, J.

Mc Donald, Miss M.

Rowley, Dr. K.

Hypolite, N.

Imbert, I.

Jeffrey, F.

Browne, Dr. A.

Hospedales, Miss A.

*Question agreed to.*

#### ADJOURNMENT

**Mr. Speaker:** While we are waiting—before I put the adjournment, there are two matters on the Motion for the adjournment. So maybe we could proceed to those matters while we are conferring? Could we?

#### **Nicki Minaj's Concert (Cancellation of Sporting Events)**

**Dr. Amery Browne** (*Diego Martin Central*): Thank you, Mr. Speaker. It has been reported to me that on October 30, 2010, the taxpayers of Trinidad and Tobago were again abused by this UNC dominated Government. On that night, October 30, 2010, the same night that hurricane Tomas was tearing into the Caribbean, tearing into Tobago and tearing into persons even affecting Trinidad, this island, State's funds were used—I have been informed—to fund a US-based artiste to perform in Trinidad and Tobago and profits were siphoned into the pockets of private persons.

Mr. Speaker, that is the information that came to me and I am looking forward to the hon. Minister of Sport and Youth Affairs clarifying exactly what took place. This debacle came to my attention, first, on October 08, in an article in the *Trinidad Guardian* which was headlined in black and white, “Minaj concert boots Digicel qualifiers”. The article written by Nigel Simon states:

“The staging of a concert featuring T&T-born American female rap star Nicki Minaj on Saturday at the recently refurbished Hasely Crawford Stadium, Mucurapo, has forced the cancellation of three scheduled sporting events at the same venue over the next five days. The concert dubbed ‘Localize Itt’ is being part sponsored by the Ministry of Sport and Youth Affairs and was originally scheduled for the Queen’s Park Oval, Tragerete [*sic*] Road, Port of Spain, but has since been switched to the Mucurapo Road venue.”

*Nicki Minaj's Concert*

*Friday, November 26, 2010*

The article goes on to say:

“In a release from promoters for the event, D Project Records, Chief Executive Officer, Daryl Braxton said the original venue could not accommodate all the desired specifications. He said: ‘We had concerns about parking in the Oval and the flow of traffic before and after the event, plus we were not able to section off the Oval as much as we needed in order to facilitate the MTV taping, so we had no choice but to move it to the stadium.

Contacted for comment”—this is the article—“Anil Roberts, Minister of Sport and Youth Affairs said the switch was also due to the overwhelming response to ticket sales.”

The overwhelming response to ticket sales, Mr. Speaker, and we will talk about that overwhelming response to ticket sales that the Minister was talking about.

Mr. Speaker, even before that, on Saturday, October 23, a writer to the *Trinidad Express* said this:

“I am curious as to how there is going to be a kid zone in the Niki Minaj concert? I am sure all are aware that 99% of her music is sexually explicit. And from the commercials aired MTV is going to be taping, this brand is not known for Rated PG... And to those that say we have numerous local artist that are not appropriate for children, the same standards apply. Will be happy to hear any insight into this for I believe its an accident waiting to happen.”

So the Government was warned by a member of the public since October 23, that this was a disaster in the making.

Mr. Speaker, I go on to an article written by Cherisse Moe, reporting on this debacle. An abuse of taxpayers’ dollars in Trinidad and Tobago and this is the artiste in full flight on the stage. [*Displayed picture*] Let us hear what the *Guardian* had to say about these fantastic ticket sales and what was happening with these children. I quote:

“Trinidad-born hip-hop mega star Nicki Minaj failed to attract a large crowd for Saturday’s much-talked about Localize Itt concert. Organizers estimated that just over 3,500”—this is the National Stadium displacing major sporting events over a period of time—“fans turned up for the event at the National Stadium...”

Mr. Speaker, what a disgrace. He was quoted as saying “overwhelming ticket sales were the reason to put this thing at the stadium”. The reporter went on to say:

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[DR. BROWNE]

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“The general and VIP sections, which cost patrons \$250 and \$450, respectively, were virtually empty.”

Listen to this:

“The Kids Zone”—there was a kids zone. I want to know who approved that Kids Zone. I want to know if the taxpayers’ dollars paid for a Kids Zone at this horrific event—“which cost \$200 for adults accompanying children, and \$100 for children was probably the most populated.”

Mr. Speaker, do you want to know what those children were exposed to? Do you want to know the songs and lyrics those children were exposed to in this Kids Zone, paid for by the taxpayers’ dollars on the same night that our Caribbean brothers and sisters were bleeding? The article went on to say:

“The VVIP and the MTV Zones, meanwhile, cost \$900 and had a good crowd. Accompanied by popular female DJ, Diamond Kuts, and her ‘hype man’ SB, Minaj opened her performance with the smash hit, Itty Bitty Piggy, in which she gave fans a taste of her over-exaggerated vocal inflections.”

What a disgrace and a disaster. This Government should be ashamed of itself. Mr. Speaker, I will go right on. It was widely covered and we heard no apology or explanation from the Government.

*Newsday*, November 01:

“Fireworks lit the night sky and screams filled the air when Minaj...took the stage about 11 pm on Saturday night.

Her performance began with ‘Itty Bitty Piggy’, a song off her 2009 mixtape...She continued...several popular”—songs—“‘Bed Roc’, ‘Bottoms Up’, ‘Check It Out’ and...‘Your Love’.

During her performance, Minaj took time to interact with fans...other persons who travelled to Trinidad from the Caribbean to see the artiste and children who were located in the Kid’s Zone positioned stage-side.”

This is the *Newsday's* version. This is a national disgrace perpetrated by this Government on the citizens of Trinidad and Tobago. [*Desk thumping*]

An article in the *Trinidad Express* on November 01, written by Nigel Telesford had this to say and I quote:

“Minister of Sport and Youth Affairs, Anil Roberts, took the stage immediately after Maraj’s set ended and thanked both the star and those who assembled for attending.



However”—and I want you to take careful note of this—“some parents expressed concerns about the high sexual content contained in certain songs performed on the night and...eyebrows were raised when Minaj used a few expletives during her set.”

Mr. Speaker, the taxpayer paid for hundreds of children to attend this concert. They paid for this artiste to come down here to Trinidad for the exposure of high sexual contents in lyrics and expletives. This Government should be completely and totally ashamed of itself. What a disgrace. I further spoke to several persons who were present at that debacle, and everyone here should be ashamed of this. Hundreds of children were present—I want the Minister to give us the figures—under 12 years of age. I see the Minister of the People and Social Development here. The Prime Minister was here talking about the convention and the rights of the child and gave us a lovely speech a couple sittings ago to protect children, and the taxpayers are paying money to abuse our children and expose them to this vile filth.

Mr. Speaker, I spoke to many persons who were present and they said that the rapper was singing over a track. The track was playing these lyrics and the rapper was singing over the track. Do you know what happens when you attend these concerts? The children are there, they know the songs and they are singing the songs out loud. So even when the DJ scratches the tape and there is a skip of a word, the entire audience is singing the obscenity. Hundreds of children exposed to this vile nonsense. They said that the first song on the night was this “Itty, Bitty, Piggy”. I thought maybe it was a nursery rhythm. If a Ministry or Minister is paying this money—it is sad to see the good Minister responsible for culture happy to hear this thing.

Mr. Speaker, listen to some of these lyrics:

“I was on the plane wit Dewayne

You can call me whitley I go to hill mane

Listen, I'm the baddest in the school, the baddest in the game

Excuse me honey but nobody's in my lane

When you was in New York, you was f... the yankee.

I was f...' wit base I was pitchin' to franky”

This is taxpayers' dollars.

“These”—a b word—“so cranky, give em' a hanky

My mommy I'm cold gimme my blanky

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Wait Hold on hold on Holiday,

You cant give it to em dry like that, you gotta get that s...wet first—another word for negro that the hon. Member for Chaguanas West is familiar with—c'mmon now!

You gotta prep them fa s... like that,

They cant just get that s... right off the top

like you gotta bring that s... back,

bring that s... da f... back!"

Mr. Speaker, this is what the children were singing—I have it on good authority—at the Hasely Crawford Stadium. Even Mr. Crawford must be ashamed and embarrassed that his tax dollars would have applied to this debacle—3,500 persons—and the biggest attendance was in the Kid's Zone. This is a complete and total disgrace.

The first song—I would not even go on to read any more from it. It is horrific. The next song, "Bottoms Up". I thought maybe it was a song about winning. It is a song about drunkenness and alcohol.

**6.05 p.m.**

"Bottoms up, bottoms up...

...Whats in ya cup

Got a cuple bottles.

But a cuple aint enough.

Bottoms up bottoms up...

Throw ya hands up

Tell security we bouta tear this club up...

Can I get that dro

Can I get that remmy

Can I get that coke

Can I get that henny

Can I get that margarita on the rock rock rock

Can I get salt all around that rim....

Do you think you can buy me a bottle of rosay

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Okay lets get it now.

I am wit a bad b----....with his friends...

F--- her f--- her then yell f--- her.

Then im go and get my loui belt slug her.”

**Hon. Member:** Shame on them! Shame on them! Shame on you all!

**Dr. A. Browne:** Mr. Speaker, this is taxpayers' dollars exposing our children. This is a complete and total disgrace. Mr. Speaker, these are the patrons [*Holds up photos of children*] that our tax dollars funded. This is a photograph from the concert. What a complete and total disgrace!

Mr. Speaker, look at these little children, coming on the heels of the International Day of the Rights of the Child. This is your UNC Government at work expending taxpayers' dollars to expose our children to this debacle.

**Mr. Warner:** [*Inaudible*] condone that?

**Dr. A. Browne:** Anyone who may be able to answer any of these questions. This is another photograph from the event, Mr. Speaker. [*Holds up photograph of Hon. Anil Roberts*] What a complete and total disgrace!

I want to know how much it cost the taxpayers to bring this individual and expose her to hundreds of children in Trinidad and Tobago. The Government has questions to answer. I want to know what were the benefits of this complete debacle.

The Prime Minister, at the last sitting of the House of Representatives on Friday, November 19, 2010, said—and these are her words:

“There is no trust more sacred than the one the world holds with children.

There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and they can grow in peace.”

She went on to say:

“...all citizens of our country...ought to...observe and celebrate the great blessing of children, the joy, hope and inspiration they bring to our lives...communities.

I must confess that children, their rights”—their wants—“their welfare and betterment are special topics to me as a mother, grandmother, activist and politician and...their welfare is of paramount importance to my Government.”

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Mr. Speaker, what a complete and total example of hypocrisy when we are saying this on one hand and this is how we are expending the taxpayers' dollars on the other hand.

The Prime Minister went on to say that the:

“...Constitution...as well as the UN Convention for the Rights of the Child...ratified over a decade ago—”

**Mr. Speaker:** Hon. Member, you have one more minute.

**Dr. A. Browne:**

“—mandates us as a Government...to treat children...—with—“respect, love and care.”—two articles from the UN Convention.

“...the best interest of”—children must be the primary concern in making decisions that would affect them.

What is the concern of this Minister in this regard? Why have we taken scarce taxpayers' dollars and paid for such an obscene and filthy performer? Why expose our children to such garbage? Where did the money come from? Was it the youth development budget? What was the appearance fee? Who footed the bill? What was the agent's fee, the advertising fee, the manager's fee. DJs, lightings, stage managers, the airfare of Nicki Minaj and her entire entourage? Where did the money from the tickets go? I am told it went into the pockets of a private promoter who may be well known to some on the other side. Who made the decision to spend this money in this atrocious manner?

I call on the Prime Minister to conduct a full audit and to apologize to the children and citizens of Trinidad and Tobago.

Mr. Speaker, I thank you.

**The Minister of Sport and Youth Affairs (Hon. Anil Roberts):** Thank you very much, Mr. Speaker.

Let me, first of all, say, before I deal with the Member for Diego Martin Central, I commend him for bringing entertainment to our rather drab session today. [*Protests from Members*]

**Mrs. Persad-Bissessar:** Today has been a red letter day.

**Hon. A. Roberts:** Yes, but it was red letter. I withdraw. He brought entertainment to an ordinarily serious day. Serious matters were being discussed and he has now brought some comedy.

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Let me start off by saying we wish the former President, Sir Ellis Clarke, a speedy recovery and his family and friends all the best. May the nation of Trinidad and Tobago pray for his speedy and total recovery.

I would also like to say to our MP for Princes Town, Ms. Nela Khan, that we wish her daughter all the best. She is feeling a bit under the weather that is why she is not here. Of course, 10 minutes ago, in Martinique, the Soca Warriors started their game against Cuba, so I hope that all citizens are locked on to their television sets and radios supporting Russell Latapy and the boys in their quest to win the Digicel Caribbean Cup.

It gives me great pleasure to respond to this Motion on the Adjournment. As you realize, the People's Partnership Government, no matter what question or Motion comes from the other side, is always willing and ready to respond, unlike those on that side who failed repeatedly to answer questions forcing the then speaker to make many statements when the former People's National Movement government would disrespect the House and not answer oral or written questions and would be tedious as stated by the former Speaker on Friday, May 09, 2008 when he stated:

“That is true. We have 18 questions for written answers. Again, for the umpteenth time may I appeal to Ministers; you have written questions on the Order Paper. Some have been there since February and December; there is no excuse really for written questions on the Order Paper for that length of time not being answered. Again. I am appealing to Ministers to have answers...”

In the People's Partnership Government, under our Prime Minister, we answer immediately. Mr. Speaker, it went on and on.

**Hon. Member:** Answer the question!

**Hon. A. Roberts:** Let me state that the Member for Diego Martin Central, as he was out in Europe, he missed the local government election. As he was not in town, he would not understand that it was just not a concert. “Localize Itt” is a concept that needs to be engendered in this country after nine years of PNM rule where everything foreign was held up as great; when the Member for Diego Martin North/East, on every occasion, told our consultants, our contractors, our architects, our policemen, our teachers, our people that we were no good; we were lazy and they had to bring foreigners. They brought foreigners for a traffic plan; Mastroski for a crime plan—\$81 million, foreigners to run the port; foreigners for everything; Haji to build some schools—they run with \$40 million and not an early childhood centre was built. Our people were beaten and battered and the

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People's Partnership Government has decided that we must respect our local people and bring back and engender a feeling that we are good and that we can compete.

So, for the edification of the Member for Diego Martin Central, the Nicki Minaj concert was just a vehicle to launch "Localize Itt", which he would not understand because he left his party in local government election to be in foreign. We were utilizing this as a vehicle to launch "Localize Itt".

What is "Localize Itt"? It is a concept. When we hear Hon. Vasant Bharath talk about buy local, eat local, think local; Minister Stephen Cadiz saying that our domestic economy requires a fillip; Minister Fazal Karim, talk about our intellectual capital being second to none and the list goes on. This is the policy that differentiates the People's Partnership from the People's National Movement, which promotes foreigners to the disdain, amazement and peril of our citizens.

So ladies and gentlemen, "Localize Itt" is a process that will continue. The Trinidad and Tobago Manufacturers' Association is in the process of developing a detailed roll-out over the next few years to educate people, promote our local artistes, culture and artisans, support and buy local to generate revenue and spin-off effects in this economy.

So to come here and say that "Localize Itt" was just a concert is not to understand what was taking place. Furthermore, we will also tell you that Nicki Minaj is not a foreign artiste. She was born here and lived here. She is from St. James. She is now the number one artiste in the world with fans ranging from three years old to 100 years old. For you to get hung up and interpret lyrics as "itty bitty piggy" and determine that to be sexual leads a lot into understanding your mindset rather than the mindset of the people and the children. Obviously, you seem to have a problem, Member for Diego Martin Central, with "itty bitty piggy" but I know that the children may have interpreted it in a different way.

Furthermore, I am glad—and you can hold up that picture again—that I was in the concert. Mr. Hasely Crawford was in the concert. Why did you not show the picture? Hasely Crawford was standing to my right. Why did you not show the whole picture?

I know one thing. You were not there. There were 20 police officers, fire officers and at no point in time did any foul language or expletive cause anything. If so, I would like you to state if you were there and you heard because you are casting aspersions on our entire police force that was there. Using expletives on stage is against the law and the police would have shut down the concert and

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therefore the concert would have been on the *Trinidad Express*. I am telling you I was there. Hasely Crawford was there; the police were there and there were no expletives. If you would like, I will give way so that you can say if you were there and you heard. [*Member sits*][*Member stands and continues*]

So the “Localize Itt” launch, the diversification of the economy is where this Government is going so we need to expand and market Trinidad and Tobago. “Localize Itt” brought in the number one artiste in the world so Trinidad and Tobago had many benefits.

CNN was here, MTV was here, the local media for five weeks and more advanced the concept of “Localize Itt” for our young people. On Synergy TV there were 145 minutes; the *Express* printed 13 articles discussing “Localize Itt”; the *Guardian* had seven articles; *Newsday* five; Boom Champions Radio 94.1 FM, five weeks, 50 minutes a day of advertisements telling people about “Localize Itt”; TV6 had eight-minutes full length features; CNC 3, six minutes; Wi Sport, 20 minutes; 25 local and international entertainment websites were professing “Localize Itt”, promoting the value, the artiste, the brilliance of our local people. There were also on the cast—that he did not mention—15 local artistes who were exposed to the world because MTV and CNN were here. Our people, Three Sons, Maximus Dan and all the like got exposure that could promote Trinidad and Tobago internationally. Also Nicky Minaj has already discussed—and discussions are ongoing for possible future collaborations with Machel Montano and Destra Garcia—getting our music out there internationally.

Just to let you know that the benefits keep rolling in because this week on MTV, which is watched by over one billion people worldwide, Trinidad and Tobago will be showcased on the show *My Time Now*, which is featuring the concert that took place at the Hasely Crawford Stadium in Trinidad and Tobago. So the benefits keep rolling.

**Dr. Browne:** How much money was spent?

**Hon. A. Roberts:** Mr. Speaker, please. The benefits keep rolling, ladies and gentlemen. So MTV, Trinidad and Tobago, red, white and black, “Localize Itt” will be on MTV. You want to know about money, let us talk money.

I am hearing the Jah Cure concert that is coming up and being hosted at the Hasely Crawford Stadium because this Government believes that sport and culture are intrinsically linked and no seamstress will stop culture from going into our sporting facilities. I am hearing that the Jah Cure concert with Damian “Junior Gong” Marley is budgeted at some \$4 million for December 04, 2010.

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**6.20 p.m.**

Also, I did an interview for the *Guardian*—this is the report here—and when they are finished, they said “You want a full-page advertisement? It costs 53,000 Euros,” which is approximately \$550,000 just to get a one-page advertisement in this article.

To tell you, and here you are—take copious notes—the “Nicki Minaj/Localize Itt” launch; the fashion show, local artistes, local design, \$60,000; add it up. The characters at the show, Moko Jumbies, you know, local culture, \$26,000; venue management, \$75,000; COTT, the Copyright Organisation of Trinidad and Tobago, local, \$32,383; local artistes—ours that you seem not to like. You like to go to Europe—they were \$40,000. Hilton Hotel—a local hotel that you all spent \$300 million and counting—\$600 million we have to help them pay that back, the Government, \$60,343 for the artiste and entourage. Advertising, a mere \$150,000, for five full weeks for what I just called out there; and the air transport and the figures for Nicki Minaj and her fees, \$382,000, for a total of roughly \$869,000, Mr. Speaker.

**Dr. Browne:** Shame, shame.

**Hon. A. Roberts:** Mr. Speaker, just to give you a little perspective, the Ministry of Sport and Youth Affairs, about which you did not ask, also spent \$175,000 at Radio 95.5, owned by the Mayor of Port of Spain, Louis Lee Sing, for the World Cup Under-17 and got no ads; just little ad lib mentions. Just to let you all know that this benefit multiplies worldwide for Trinidad and Tobago and redounds to our benefit and our artistes’ benefit, and “Localize Itt” lives on. [*Desk thumping*]

How dare you all talk about squandermania? You spent \$1.08 million on the neon lights which we did not bother to turn on at the stadium for the concert, because it is a total waste. The \$2 million flag was flying so that CNN and MTV could film it, but we did not tell them how much it cost. [*Laughter*] I am also really disappointed that on this day against domestic violence, domestic abuse and treating our women with respect, and so on, that the Member for Diego Martin Central would get up in this Parliament, this august House, and accuse a young Trinbagonian lady who is doing well out there worldwide—

**Mr. Speaker:** Member, you have one more minute.

**Hon. A. Roberts:**—and who is not here to defend herself. What kind of man will attack a young lady without letting her be able to defend herself, accusing her of using profanity, when the police were there, they did not hear anything, and no



charges were laid; no statements were made, no report from the police? You who were not there, you accused a young lady. I think you should apologize to the young lady because we do not treat our women like that.

Mr. Speaker, thank you very much. [*Desk thumping*]

**Dr. A. Browne:** Shame, shame. You should be fired.

**Mr. Speaker:** Member for Diego Martin Central, please? The next motion is in the name of the Member for Diego Martin North/East. The Minister of National Security is supposed to respond. He is caught up in another meeting; however, if the hon. Member for Diego Martin North/East wishes to make his presentation, I will allow him and the Minister could respond on another occasion. So, Member for Diego Martin North/East? [*Desk thumping*]

### **Dismantling of Security Systems**

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you very much, Mr. Speaker, and I especially thank you for your decision with respect to this matter. I will be very brief. It is a pity the Minister is not here, but what it will do is it will give the Minister and the Government some more time to deal with the issues that I wish to raise. Now, Mr. Speaker, the Motion deals with the apparent dismantling of security systems in Trinidad and Tobago, such as the Special Anti-Crime Unit—

**Mrs. Persad-Bissessar:** Illegal.

**Mr. C. Imbert:**—the Security Intelligence Agency—

**Mrs. Persad-Bissessar:** Illegal.

**Mr. C. Imbert:**—the cancellation of the offshore patrol vessels contract, which would have a serious adverse effect on the drug interdiction effort, and the virtual cancellation of the Caricom drug interdiction effort.

**Mrs. Persad-Bissessar:** That is not cancelled.

**Mr. C. Imbert:** Mr. Speaker, since the new administration has come in, every month we hear about some decision that has been taken, and we usually hear it from the Prime Minister, with respect to security agencies of the State. The first agency that was affected was the Special Anti-Crime Unit.

**Mrs. Persad-Bissessar:** Illegal.

**Mr. C. Imbert:** What the Government has told us, and what we have learned, is that the investigative capacity of the Special Anti-Crime Unit has more or less been terminated.

**Dr. Moonilal:** Who told you that?

**Mr. C. Imbert:** It came from the Prime Minister herself. We heard just one week ago, or two weeks ago, that the staff of the Security Intelligence Agency have been sent home. We heard—

**Mrs. Persad-Bissessar:** Not the staff; the head.

**Mr. C. Imbert:** The staff have been sent home, the agency has been more or less shut down, and that the equipment used for electronic surveillance of criminals has been switched off. Mr. Speaker, we also are well aware that the contract for the offshore patrol vessels has been terminated. I will not go into that in any great detail, except to say, Mr. Speaker, that the offshore patrol vessels were designed to give us coverage on the east coast of Trinidad, and the Members—

**Mr. Roberts:** You were using the *Su*.

**Mr. C. Imbert:** Mr. Speaker, I have the same problem with the Member for D'Abadie/O'Meara speaking loudly. I cannot say he is a loudmouth but he is disturbing me, Mr. Speaker. I want your protection.

**Mr. Speaker:** You can continue.

**Mr. C. Imbert:** Thank you, but I know he does not take that on. Mr. Speaker, the offshore patrol vessels were designed to give us coverage of the east coast of Trinidad. The current capability of our coast guard extends to the Gulf of Paria, some small distance off our north coast, and some small distance off our south coast; but it certainly does not give us the capability to patrol our east coast, Mr. Speaker.

**Mr. Roberts:** Patrolling using the *Su*.

**Mr. C. Imbert:** Mr. Speaker, could you?

**Mr. Speaker:** All right, please, could we give the hon. Member for Diego Martin North/East our fullest attention? Continue, please.

**Mr. C. Imbert:** Thank you, Mr. Speaker. You know the Member for D'Abadie/O'Meara ignores you routinely. Now, Mr. Speaker, the hon. Members opposite think this is all a joke, but I want to read into the record, since you think this is such a joke, the dismantling of the Special Anti-Crime Unit and the capability to deal with gangs in Trinidad and Tobago; the dismantling of the Special Intelligence Agency and the capability to deal with criminal intelligence; and the destruction of our drug

interdiction effort. I want to read into the record, Mr. Speaker, a report of the Eastern Divisional Criminal Investigation Division of the Trinidad and Tobago Police Service.

**Dr. Moonilal:** Where you got that from?

**Mr. C. Imbert:** Do not ask me where I got it from. Mr. Speaker, I will read extracts from this report.

**Mr. Sharma:** You wrote that yourself.

**Mr. Speaker:** Please, order, order.

**Mr. C. Imbert:** Thank you, Mr. Speaker. In May 2010, information was received from a resident of Cumana Village, Toco, and the Member for Toco—

**Mr. Sharma:** May I ask the source?

**Mr. C. Imbert:** You cannot ask me. You cannot do that. There is no procedure. You know that.

**Mr. Sharma:** You have to identify the source. You just cannot read anything in the House.

**Mr. C. Imbert:** Mr. Speaker?

**Mr. Speaker:** Please, you are quoting from a document?

**Mr. C. Imbert:** Yes.

**Mr. Speaker:** You want to identify the source?

**Mr. C. Imbert:** Yes.

**Mr. Speaker:** Good.

**Mr. C. Imbert:** Mr. Speaker, I identified it. I cannot help it if the Member is sleeping. [*Desk thumping*] I said it is a report of the Eastern Divisional CID of the Trinidad and Tobago Police Service.

**Mr. Speaker:** Good.

**Mr. C. Imbert:** Now, in May 2010, Mr. Speaker—and the Member for Toco/Sangre Grande should be interested in this—information was received from a resident of Cumana Village, Toco. The informant indicated that he had information concerning drug and firearm trafficking activities in the Toco and Matelot districts. It goes on to name the alleged drug dealers, but I would not read that into the record.

The informant indicated that he was previously involved in a drug-trafficking ring involving the above-named suspects, and he previously made several trips via fishing vessels to the country of St. Vincent where large quantities of narcotics

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were collected and brought into the Cumana and Matelot districts. The informant also indicated that, as recently as May 10, a boatload of compressed marijuana was brought into the country by a particular individual through the Matelot fishing depot.

It goes on to say, the informant further indicated that he saw six large bales of narcotics offloaded at the depot, and he estimated the drugs to be approximately 1,500 kilograms of marijuana; and he goes on to give further information, Mr. Speaker. The informant also stated that two days before, he accompanied a drug dealer to St. Vincent to collect 3,000 pounds of compressed marijuana, and so on. This report in the CID in the eastern division also speaks about the purchase of two Mac-10 submachine guns and various other things, Mr. Speaker. Now, all—

**Mr. Sharma:** That looks like a comic book story.

**Mr. C. Imbert:** That looks like a comic book story to you? You think this is a joke? Mr. Speaker, the cancellation of the offshore patrol contract has effectively destroyed the drug interdiction effort off the east coast of Trinidad. [*Desk thumping*] This report speaks to the importation of drugs through Cumana and Toco and Matelot, Mr. Speaker—the importation of guns.

I would like the Government to tell us, assuming that this information is accurate, Mr. Speaker, why has the Government done what it has done; the dismantling of the Special Anti-Crime Unit, the dismantling of the Special Intelligence Agency, and the cancellation of the OPV contract? Why has it done this and created a situation where our east coast is now exposed to drug trafficking from the cartels that operate out of Colombia, operate out of Venezuela and other parts of Latin America, Mr. Speaker?

All I am asking the Government to do is to explain, and that is why I am glad that the Minister will now have some time to come and deal with these issues. I would like the Government to explain why they are doing these things, which gives the impression that they are going about dismantling all of these security agencies, allowing—

**Mr. Peters:** You are sounding like the Member for San Fernando East.

**Mr. C. Imbert:** I am reading real information. This is real information. I would like the Government to explain why have they gone about dismantling these agencies, and why are they exposing the east coast of Trinidad to international drug traffickers. I thank you, Mr. Speaker.

*Adjournment*

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**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move that this House do now adjourn to Wednesday, December 01 at 1.30 p.m., and to put the Opposition on notice that on that day we intend to address Bill number four on the Order Paper, an Act to make provision for the suppression of associations established for unlawful purposes and for the better preservation of public safety and order, and for other related matter; and, time permitting, Bill number three, a Bill entitled an Act to amend the Bail Act, Chap. 4:60.

Mr. Speaker, I beg to move.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.34 p.m.*