

*Leave of Absence**Friday, January 17, 2014***HOUSE OF REPRESENTATIVES***Friday, January 17, 2014*

The House met at 1.30 p.m.

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

Madam Deputy Speaker: Hon. Members, I have received the following communications: the hon. Dr. Rupert Griffith, MP for Toco/Sangre Grande, is out of the country and has asked to be excused from the sittings of the House during the period January 15 to 17, 2014. The hon. Dr. Keith Rowley, MP for Diego Martin West, is also out of the country and has asked to be excused from the sittings of the House during the period 14 to 21, 2014.

Hon. Stacy Roopnarine, Member of Parliament for Oropouche West; hon. Clifton De Coteau, MP for Moruga/Tableland; Miss Donna Cox, Member of Parliament for Laventille East/Morvant; Mrs. Paula Gopee-Scoon, Member of Parliament for Point Fortin, and Mr. Fitzgerald Jeffery, Member of Parliament for La Brea, have asked to be excused from today's sitting. The leave which the Members seek will be granted.

Mr. Roberts: "All ILP members here?" [*Laughter*]

Madam Deputy Speaker: Hon. Members, further announcements will be deferred until later in the proceedings as agreed by both sides.

ORAL ANSWERS TO QUESTIONS**Security Lighting Projects of WASA
(Details of)**

21. Mr. NiLeung Hypolite (*Laventille West*) asked the hon. Minister of the Environment and Water Resources:

Could the Minister state what company was responsible for the security lighting projects of WASA over the period May 2010 to December 2012?

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you very much, Madam Deputy Speaker. Question asked: "Could the Minister state what company was responsible for the security lighting projects of WASA over the period May 2010 to December 2012?"

The reply: in August 2010, the Water and Sewerage Authority began ascertaining its rights over all its properties. As a result, securing these properties became a priority. Consequently, the following contractors were utilized to provide security lighting services: Kem Engineering Company; KP Contracting Limited; Delta Electrical Contractors; Electronet Company Limited; Lennie George Limited, Masuda Suppliers and General Contractors Limited.

**Cable Theft at WASA
(Details of)**

22. Mr. NiLeung Hypolite (*Laventille West*) asked the hon. Minister of the Environment and Water Resources:

- (a) Could the Minister state whether there were any reports of cable theft at WASA during the period May 2010 to December 2012?
- (b) If the answer to (a) is in the affirmative could the Minister state the estimated value of the cable stolen?
- (c) Could the Minister also state what steps have been taken to apprehend the perpetrators and recover the stolen items?

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you, Madam Deputy Speaker. The question asked:

“Could the Minister state whether there were any reports of cable theft at WASA during the period May 2010 to December 2012.

- (b) If the answer to (a) is in the affirmative, could the Minister state the estimated value of the cable stolen;
- (c) Could the Minister also state what steps have been taken to apprehend the perpetrators and recover the stolen items?”

Answer:

- (a) There was only one instance of cable theft reported in the period where 12 feet of cable at the kiosk adjacent to the PBR was stolen at Farm Road in St. Joseph.
- (b) The estimated value of the cable stolen was \$1,356. It was 12 feet of cable at \$113 per foot.
- (c) The matter was reported to the St. Joseph police. Investigations were also conducted by WASA’s estate police. To date, there have been no arrests but the investigation by the police is ongoing.

Miss Mc Donald: Supplemental, please. Through you, Madam Deputy Speaker, Minister, could you state what measures have you put in place to prevent such an occurrence?

Sen. The Hon. G. Singh: Madam Deputy Speaker, the Water and Sewerage Authority Estate Police have been very aggressive and since then the security perimeter fence has been established in order to secure the premises.

**Discontinuation of Supplies to Schools
(Details of)**

30. Miss Alicia Hospedales (Arouca/Maloney) asked the hon. Minister of Education:

Could the Minister state:

- (a) Whether a decision was taken to discontinue providing supplies such as toiletries, stationery, and other requested items to schools and if so, when?
- (b) When will this service be resumed?

The Minister of Education (Hon. Dr. Tim Gopeesingh): Question 30 reads as follows: “Whether a decision was taken to discontinue providing supplies such as toiletries, stationery, and other requested items to schools and if so when? When will this service be resumed?”

Madam Deputy Speaker, the provision of supplies to schools had been an archaic, outmoded, frustrated, unacceptable and undesirable situation with a policy that brought tears at times and frustration to principals, teachers and school management and this occurred up to academic year 2011.

In that system, the principals had to send to head office in Port of Spain at times who purchased all these toiletries and supplies, according to the Central Tenders Board regulations, and at that time, you had to go with the lowest price. So therefore, principals were receiving items that were below standard because they were cheap and some of the items were not available to the principals because these bonded contractors did not have these items. In addition, the Ministry of Education had to send these to the district offices and the principals then had to collect from the district offices. As a result, that created a lot of stress to principals and to teachers and administrators in both the primary and secondary schools.

When we came in, we realized that this cannot continue to occur and the Ministry took a decision to move the process of procurement of these supplies from its central location at head office to the direct purview of the principals of the schools, and we had lots of discussions with the auditors and the Director of Finance at the Ministry and the Permanent Secretary, to see if we could find a different mechanism to help these principals to obtain their supplies on a regular basis. We made a change in 2012/2013 and it is now continuing. It enables principals to exercise control over the quality of supplies, to negotiate better prices and to reduce the time taken for the procurement of such supplies. So this change was introduced in fiscal year 2012/2013, and has also set the stage for continued empowerment of principals.

In this regard, for the fiscal year 2013/2014, funds and votes were allocated to principals directly including funding for minor repairs to equipment and school buildings. So not only are we now giving the principals money to buy these supplies and toiletries, et cetera, but to have some funding for minor repairs—things like changing light bulbs and fixing toilets and washrooms and so on—and for purchase of minor equipment for their buildings.

Madam Deputy Speaker, we have 317 denominational board primary schools, and we allocated \$12.2 million, last year, at an approximate of \$152 per child in a school. So if a school has 400 students, we gave approximately \$60,800 for those schools, and those are denominational board schools—317. In fact, there are 25 Anglican—not 25, 47 Anglican; seven A.S.J.A. primary schools, four Baptist board of management schools, 40—no, 72 Presbyterian primary schools; 114 Roman Catholic schools, 43 Maha Sabha schools, five T.I.A., three T.M.L., two Kabir Panths, nine Arya Pratinidhi, five Seventh-Day Adventists, one African Methodist Episcopal, and two Moravian. So those 317 schools, denominational boards, received a total of \$12.2 million for their stationeries and supplies.

We also gave cleaner's grants and maintenance grants to these denominational boards. So, in addition, to the \$152 per student, we, additionally, gave cleaners and maintenance grants. The cleaner's grants and maintenance grants came up to about \$34.9 million for October 2012 to 2013. So, in addition to supplies, denominational boards also got cleaner's grants and maintenance grants. So, in total, the denominational board schools in primary schools received, in 2012/2013, approximately \$46 million for their various issues. Those are denominational boards primary schools.

The payment of the cleaner's and maintenance grants were made to the denominational boards and that came out of a particular vote—Grants to Assisted

Primary Schools—and the payment for the requisites were made directly to the schools' bank accounts. We got the principals to create a bank account now that is being accepted by the auditors, except for those schools under the purview of the Moravian, SDMS and A.S.J.A. board of management. They did not want those grants to go to the schools and we have been trying to negotiate with them to see whether the grants can go directly to the schools rather than the boards. That is for primary schools.

For the secondary schools, we have 39 denominational secondary schools: four Anglican, six A.S.J.A., one Baptist, one Miracle Ministries, five Presbyterian, 16 Roman Catholic, five Maha Sabha, one Swaha. That is 39 denominational secondary schools.

In 2013, we gave \$60.660 million for these denominational secondary schools and that included money for a number of areas: ancillary staff, practical subjects, books, materials and services, running costs and instructional materials and supplies, minor equipment and protective gear.

1.45 p.m.

The amount we have been giving has been increasing, from 2009, \$44 million was given; 2010, \$45 million; 2011, \$57 million; 2012, \$59 million and in 2013, \$60.660 million was given as grants to denominational secondary schools to run their business, in addition to the Ministry of Education paying for all the principals, teachers, everything else we pay for, but these are grants. Madam Deputy Speaker, just an example—some schools receive \$1.891 million, like St. Stephen's College. And the amount of money they receive range between about \$1.1 million as the least to \$1.94 million, like Naparima Girls' College get \$1.94 million; Cowen Hamilton Secondary School, \$1.64, ASJA Boys Secondary, \$1.732—and all these schools.

So the Roman Catholic schools got approximately \$26 million; the SDMS got \$7 million; SWAHA, \$1.5 million; the Anglicans, \$6.476; ASJA, \$8 million; Cowen Hamilton, \$1 million; Miracle Ministries, \$1.1 million; the Presbyterian, \$8.7 million and so on, and Roman Catholics, \$25.978 million; and Maha Sabha, \$6.96 million and SWAHA, \$1.5 million.

So Madam Deputy Speaker, in 2013 they received close to \$90 million—no—\$60 million for the denominational board schools.

Dr. Browne: How many of them, Sir?

Hon. Dr. T. Gopeesingh: Thirty-nine denominational board schools—secondary schools; and 317 denominational primary schools. We have 85 government secondary schools, Madam Deputy Speaker, and they receive close to \$91 million. So it is important for the general community—I am very pleased that the Minister—the Member asked this question because it gave me the opportunity to inform the national community that each one of these secondary schools receives an annual grant close to, from the least \$1.1 million, close to \$2 million per year to do things outside of their teaching and we pay for everything else. This is for them to run their schools. So minor repairs and small things like getting a water pump for their schools, and do power washing and cleaning, and changing light bulbs and fixing toilets, they can use some of this money to do the things that they are supposed to be doing, and we have been emphasizing this along. No need to call EFCL and the Ministry to change a pump which will cost two and a half—\$2,500.

So these 85 government schools received, last year, \$91 million to run their business, Madam Deputy Speaker. The values ranged from \$1.1 to close to \$2 million. So in all, the secondary schools, 85 plus 39 in Trinidad, which is 124 secondary schools, they receive, in addition to the Government and the State, and the taxpayers paying for all the principals, vice principals, everything that is paid for, electricity, telephone, everything, they received an additional, close to \$151 million for the secondary schools to run their business.

So when it is outside there that the schools receive nothing and they cannot do their business, we must ask how do they manage their close to \$2 million that they receive, on an annual basis, to manage their schools? And when we indicated last year, the Permanent Secretary asked them to do some of the cleaning up of the environment of the schools and utilize some of the funding from that, we found that over 90 per cent of them did not heed that, and they are now calling for EFCL to do all sort of cleaning when they could have done that themselves. And we found that from this vote and allocation, almost 15 per cent of the vote and allocation, that we provided for them in their vote book, were returned to the Consolidated Fund.

So they had the funding available—*[Interruption]*

Dr. Browne: Just like the Government.

Hon. Dr. T. Gopeesingh:—to do the things that they had to do—*[Interruption]*

Dr. Browne: Just like the Ministry.

Hon. T Dr. Gopeesingh:—but they did not complete the things that they should have been doing.

Dr. Browne: Just like the Ministry.

Hon. Dr. T. Gopeesingh: So we will continue to support all the schools, Madam Deputy Speaker, the primary and secondary schools; and this year we have moved the vote allocations from \$152 per child, I believe, I have been advised by the Permanent Secretary, to close to \$165 per child. And schools that have only about 40 or 50 students, receive a particular minimum, much above the \$160 per child. Thank you. [*Desk thumping*]

Madam Deputy Speaker: Member for Chaguanas West.

Mr. Jack Warner (*Chaguanas West*): Thank you, Madam Deputy Speaker. Question 46 to the Minister of Local Government.

**New Chaguanas Market
(Details of)**

46. Mr. Jack Warner (*Chaguanas West*) asked the hon. Minister of Local Government:

With respect to the construction of a new Chaguanas Market, could the Minister state:

- (a) Whether any contract has been signed for this project?
- (b) If the answer to part a) is in the affirmative:
 - i. The name of the company that was awarded the contract;
 - ii. The cost of this project;
 - iii. Whether the contract was awarded by competitive tender;
 - iv. The names of all companies that tendered for this project and the amounts of the respective bids;
 - v. The particulars of the contract including the date on which the contract was signed, the scope of works, the date on which work was supposed to commence, the anticipated completion date for the works; and
 - vi. The current status of work on this project?
- (c) When will actual construction work commence on this project?

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): I will speak on behalf of the hon. Minister of Local Government, response to Question No. 46 on the Order Paper. Part a)—no contract has been signed for this particular project. There has been no signed contract for the construction of a new Chaguanas Market, therefore part b) is not relevant, neither is part c). Thank you.

Madam Deputy Speaker: Member for Port of Spain—[*Interruption*]

Mr. Warner: Supplemental Madam, perhaps?

Madam Deputy Speaker: Sorry.

Mr. Warner: Is a new market proposed for Chaguanas West—for Chaguanas?

Hon. Dr. R. Moonilal: Madam Deputy Speaker, these are questions I will convey to the hon. Minister of Local Government and the Minister will, I think, communicate that to you.

Madam Deputy Speaker: Member for Port of Spain North/St. Ann's West.

Mrs. Mc Intosh: Question No. 51 to the Minister of Education.

Malick Secondary School Closure

(Details of)

51. Mrs. Patricia Mc Intosh (*Port of Spain North/St. Ann's West*) asked the hon. Minister of Education:

Could the Minister state:

- a) Why has the Malick Secondary School remained closed to date?
- b) Have the students attending Malick Secondary been placed at other schools/institutions?
- c) If the answer to part (b) is in the affirmative, how many students have been placed and where?
- d) If the answer to part (b) is in the negative, what has happened to these displaced students?
- e) When will the Malick Secondary School be reopened?
- f) Whether it is the government's intention to close down Malick Secondary School?

The Minister of Education (Hon. Dr. Tim Gopeesingh): Thank you, Madam Deputy Speaker. The Malick Secondary School, which the Member for

Port of Spain North/St. Ann's West, has asked the question, it is important to give some information related to work done at the school and stoppages and reopening, et cetera.

Madam Deputy Speaker, at Malick Secondary School, an electrical fire occurred in Block H, within the Geography room in August, 2012, due to faulty electrical wiring. Subsequently a pad-mounted transformer was installed to reinstate power. The fire caused severe damages to Block H, which included ceiling, roof and furniture, and these repair works were completed on September 17, 2012, at a cost of \$345,500.

The school further requested Block E to be repaired in October, 2012. That is September 17 something is finished. October they asked for something more to be repaired. These repairs comprised roofs, ceilings and minor electrical works, and commenced October 6, 2012 and were completed October 25, 2012 at a cost of \$458,640.

The school remained closed despite that as the PTA insisted that the electrical systems of the school be upgraded. This major electrical upgrade was conducted by three contractors from October 11, 2012 to December 30, 2012 at a cost of \$4.722 million.

We made a visit to the school, the Minister and members from the EFCL and Ministry, on Friday October 12, and this visit resulted in the following repairs being instructed to be done: All roofs and ceilings of the Blocks of the school to be repaired, laboratory upgrade, the drainage system with grills where children's feet could have gone in, pressure washing of the entire compound, replacement of all the deteriorated windows, termite treatment. The total cost of these repairs was \$8.825 million and they were completed on December 29, to facilitate the reopening of school in January, 2013.

During the period January to September, 2013, painting, burglar proofing, metal works and minor electrical repairs were also conducted at a cost of \$666,898. These repairs were conducted during the school term and did not affect the operations of the school. That is January to September, 2013. The school was closed on September 30, 2013 due to the teachers suspecting the presence of mould in the Beauty and Culture room. The chronology of the events: on October 01, 2013, a site visit took place, at the school compound. On October 14, the receipt of letter indicating teachers suspicion of mould. On October 30, CARIRI engaged to conduct microbiology and air quality testing and a swab test at a cost of \$7,450. On November 26, the final report was received from CARIRI on the

mould and the spores. On January 02, Century 21 was engaged to conduct carbon dioxide, dry ice blasting at a total cost of \$302,319.16.

On January 03, everything was completed, as far as up to what was requested. Then on January 04, there was a request that the Beauty and Culture room be also blasted—dry ice blasted. That was done. On January 05, we also did blasting of the Geography room and upon completion of that, the school was scheduled to be reopened on October 13, which we did. And the school has been reopened, Madam Deputy Speaker, on 13 of—*[Interruption]*

Mrs. Mc Intosh: October?

Hon. Dr. T. Gopeesingh: January, January. Sorry. January 13. Madam Deputy Speaker—thank you for listening—the entire cost of the Malick Secondary School repair programme, we have done 19 repairs and maintenance project at that same school, from February 09, 2011 to January 09, 2014, at a cost of \$16,132,302.40. So that is the extent of the work that we have done at Malick Secondary School.

We continue to ensure that we will provide the best suitable environment, ensuring that health and safety concerns are taken foremost in mind for students and the members of the staff; ensuring that their safety is always paramount and, of course the hundreds of students in that school.

Madam Deputy Speaker, I believe one of my School Safety Officers, Lovell, attached to that Malick Secondary School, was shot on Henry Street in Port of Spain on January 01, 2014. His right hand was broken. He was due for surgery on January 07. We have been following up; that information was received today and I want to take this opportunity to wish him a speedy recovery.

Madam Deputy Speaker: Member for—Go right ahead, Member.

Mrs. Mc Intosh: Supplemental—I noticed the Minister did not answer the questions b), c), d), e) and f). And what I was wondering Minister—hon. Minister—is, during that hiatus between September and January.

Hon. Dr. T. Gopeesingh: Yes.

Mrs. Mc Intosh: What arrangements were made for those—you are talking about almost four months, well, well count out Christmas, but at least three months, were there any arrangements made for the students? Were they placed elsewhere? Was anything done to ensure that they received adequate learning time; that they were not deprived of that learning time?

Hon. Dr. T. Gopeesingh: Thank you, Member for Port of Spain North/St. Ann's West. I have been advised, by the Chief Education Officer and the technocrats of the Ministry of Education that teachers had continued to sign the attendance register, even though the school was closed, and leave the school compound, while the students were kept at home by their parents.

Efforts had been made by the Ministry of Education to identify suitable accommodation for the students. Among those sites were a nearby church, an ECCE centre, you know it is difficult to get a site to house these hundreds of students. The former was found to be inadequate and the centre which was previously unoccupied was earmarked for opening to accommodate its own cohort of students.

Another consideration for accommodation were the vacant buildings located on the compound of Aranguez Secondary School. These buildings had previously provided temporary accommodation for some students of Malick Secondary School.

2.00 p.m.

However, parts of these buildings have been demolished and it forms part of an answer to another question. Thus, to date, students of Malick Secondary School had not been placed during that time of the three months in any other school. But I am advised that students had been at home. While they were at home, the Ministry had been providing support for teachers and students through its Division of Curriculum Planning and Development in an attempt to address the lost teaching time.

These initiatives included monitoring of pedagogical practice, both lesson planning and assessment, and strategies to optimize classroom contact time; provision of ICT-infused lessons in various subject areas for teachers developed by the Ministry of Education; access to online resources selected by the Curriculum Division for teachers and students; provision of access to the Commonwealth of Learning student/self-study material for the CSEC examinations, prepared in conjunction with the Curriculum Planning Division to enable students to move forward at their own pace and address individual deficiency; and access by students to continuation classes with the resumption of classes at school now for students in examination classes.

That completes what I have been advised by the technocrats and the Chief Education Officer. I feel almost convinced that a lot more work will have to be done for these students in these five months between now and the exam at the end

of May and I have been searching the technocrats to come up with some ideas so that these students will not be disfranchised from their education.

Mrs. Mc Intosh: Supplemental.

Madam Deputy Speaker: Supplemental again.

Dr. Moonilal: “Last one.”

Mrs. Mc Intosh: The last one. Mr. Speaker, [*sic*] respectfully, I notice a lot of online learning was recommended and we will assume that students who were at home would have Internet access to involve themselves in the online learning and I doubt that was the case. Thank you, Madam Speaker.

Mr. Roberts: “Dahs de question?” What is the question?

Mrs. Mc Intosh: A statement.

Madam Deputy Speaker: Member for Laventille West.

Dr. Browne: Madam Deputy Speaker, supplemental.

Madam Deputy Speaker: Supplemental.

Dr. Browne: Yes.

Madam Deputy Speaker: Go right ahead.

Dr. Browne: Thank you. Mr. Minister, based on your explanation thus far, were there additional challenges? Why did it take so long for the repairs to be effected at Malick Secondary; the repairs to be effected; why that long duration?

Hon. Dr. T. Gopeesingh: I gave a chronology of events from 2012, where we did a number of repairs, close to about 18 repairs done just in six months. It must take long because you have major blocks and ceilings and roofing. So that was completed last year. But this time, we had to wait for CARIRI to give us the report. We attempted to get another company, Kaizan, to give us an idea whether there were moulds and spores around. CARIRI took five to six weeks to bring about the report and as soon as we got the report, we went straight on to doing the blasting of the thing and I think we were able to complete that in about four or five days.

Dr. Browne: Further supplemental. Thank you, Madam Deputy Speaker. Mr. Minister, you indicated that the PTA had triggered this initially, these repairs, this sequence of repairs, was part of the procedure on signing off on the completion of these projects, was the PTA again taken and given a tour and interfaced with the school to build consensus that the job has been done?

Hon. Dr. T. Gopeesingh: My understanding is that the Ministry of Education personnel have been liaising with the principal and the PTA—this is what I have

been advised—to the satisfaction of the PTA and they all agreed that the school should have been opened on the 13th of January and which was done.

Mr. Warner: Supplemental. Mr. Minister, for the past four years we have been having the same problem about school repairs, have you ever considered that school repairs should be given to the denominational boards to repair their own schools and that the Government repair theirs, having more efficiencies of scale, so to speak?

Hon. Dr. T. Gopeesingh: Thank you, Member for Chaguanas West. During these three years and eight months, the Educational Facilities Company Limited has done over 2,500 repairs and maintenance projects during that period of time, at a cost of a bit close to \$500 million, utilizing over 550 small, medium and large contractors.

We have attempted to consider giving the secondary schools principals the ability to repair their schools but the Exchequer and Audit Act and the Financial Regulations prohibit them from doing so, except for the \$2 million that we give them. They can do the minor repairs to things that they are now permitted because we searched the Exchequer and Audit Act and the Financial Regulations governing the expenditure of public funds and so far it does not allow the principals to be able to go out and tender and repair the schools on their own. But we continue to search for a policy, pretty shortly and discussions with the Ministry of Finance and the Economy and our own Ministry, to be able to see whether the Permanent Secretary has the ability to allow them to tender, at least get about three or four tenderers, and they do the repairs themselves. But the transfer of funds from the votes that we have, according to the Exchequer and Audit Act, does not facilitate it at this moment.

Mr. Warner: Madam Deputy Speaker, I am sorry to belabour the point but Mr. Minister, I am not talking about principals, I am asking: have you ever considered, after four years of failing to finish schools in time, denominational boards giving the boards—the denominational boards, not principals—the right to repair their own schools with all the checks and balances, of course, and the Government repairs its own? I am asking, would that not provide for greater efficiencies of scale?

Hon. Dr. T. Gopeesingh: From our experiences, it is a quagmire of financial accountability and transparency in the process and we have had experiences where particular boards wanted to do the repairs themselves and when we costed the repairs that they were sending us, based on their tender documents that they

Oral Answers to Questions
[HON. DR. T. GOOPEESINGH]

Friday, January 17, 2014

said that they got three or four tenders, and we compared it with in-house tenders, evaluation and the costing by two independent quantity surveyors, they were way out of line, in terms of the costing. So we still continue to work with them.

The question is that for every dollar that has to be spent, the Ministry of Education and the Permanent Secretary has to have the accountability and they are not prepared to let that go very easily because there are serious issues related to the expenditure.

But, nevertheless, we continue to build all the denominational board schools. They do not put in a cent. Wherever there is repair to be done, they do not spend a cent. Whether it is primary or secondary, the State and the taxpayers' money always are spent to repair even all the denominational board schools and the new ones that we are constructing.

Previously, they used to put in a third and the State will put in two-thirds. But previous administrations have found that to be not in conformity with good financial practice and transparency and probity and, therefore, it was discontinued, even at the expense of the State to fully fund the construction of denominational board schools and I would probably answer more if you ask me subsequent later.

Mr. Warner: Thanks a lot.

Madam Deputy Speaker: Member for Laventille West.

**Beetham Gardens Community Centre
(Details of)**

24. Mr. NiLeung Hypolite (*Laventille West*) asked the hon. Minister of Community Development:

Could the Minister state:

- a) When will the Beetham Gardens Community Centre be completed?
- b) What is the name of the contractor and the estimated cost for completion?

The Minister of Community Development (Hon. Winston Peters): Thank you very much, Madam Deputy Speaker. In answering question No. 24, I only think that it is fair to the people of Trinidad and Tobago that I do a preamble, in terms of this community centre at the Beetham.

I would like it to be known that it was like 75 per cent completed and it was vandalized to the point where the very steps that were put there; “anything that had to do with iron somehow or de odda, nobody see when anybody went in there and dey cut down all de iron, all the stairs. Dey took out all de windows. Dey took out some of the brick. Dey tief de floor.” Madam Deputy Speaker, I say to you that this place should have been finished a long time ago and saved the taxpayers of Trinidad and Tobago a lot of money but unfortunately nobody on the Beetham saw when “people was tiefing out everything from inside of it”.

So I say that to you today that to answer question (a)—part (a) of the question, the anticipated completion date is now the 17th of December, 2014.

The project manager, National Insurance Property Development Company Limited (NIPDEC), is expected to engage in the procurement of a contractor shortly and the estimated cost of finishing that centre is now \$8 million.

Mr. Hypolite: Supplemental. During that period of 2010—2013, was there any kind of security put in place to secure that building?

Hon. W. Peters: There is always security in Trinidad and Tobago. We have a police force.

Mr. Hypolite: Supplemental. Will some kind of consultation take place with the residents on the way forward, with respect to the completion of that building?

Hon. W. Peters: Well, I do not know that the residents have to be consulted any further because when the centre was being built I think that the consultation took place and when all the things were being stolen, nobody consulted with them “fuh tiefing it”. [*Laughter*]

Mr. Hypolite: Supplemental. Is it, Madam Deputy Speaker, that the Minister is saying that he will not be meeting with the residents with respect to moving forward with the completion of that building?

Hon. W. Peters: I am saying that we have already consulted with all the persons that we have to consult and the centre is going to be finished on the 17th of December, 2014.

Madam Deputy Speaker: Member for Laventille West.

**Pelican Extension Community Centre
(Details of)**

25. Mr. NiLeung Hypolite (*Laventille West*) asked the hon. Minister of Community Development:

Could the Minister state:

- a) When will the Pelican Extension Community Centre be completed?
- b) What is the name of the contractor and what is the estimated cost of completion?

The Minister of Community Development (Hon. Winston Peters): Thank you very much, Madam Deputy Speaker. Part (a) of the question, the Pelican Extension Community Centre is scheduled for completion in fiscal 2015.

The issue of the engagement of a contractor will be addressed in due course. The original estimated cost for this project is \$5 million.

Madam Deputy Speaker: Member for Arouca/Maloney.

Demolition of Old School Buildings (Details of)

31. Miss Alicia Hospedales (Arouca/Maloney) asked the hon. Minister of Education:

Could the Minister indicate:

- a) When will old school buildings be demolished on sites where new school buildings were built?
- b) Whether any allocation was made in the 2014 budget to accommodate the demolition of old school buildings?

Madam Deputy Speaker: It is an omission. It is an omission.

The Minister of Education (Hon. Dr. Tim Gopeesingh): All right, go ahead? I will go ahead. Madam Deputy Speaker, so far this administration, amongst the 74 schools that we have completed, which are 54 early childhood education centres and seven secondary schools and 13 primary schools, out of the seven secondary schools that we have completed, the only demolition that took place was a part of the Aranguez Secondary School.

In fact, in that school, the administrative three-storey building, the industrial arts and the farm buildings have been left but the rest were demolished because they were found to be not structurally sound. All the others we have examined and the reports coming in are that they are structurally sound so we are looking at the issue of not demolishing these areas which were the old schools in the compound where there are new schools.

In addition—so this includes Marabella South, Couva West, part of Aranguez, and so on—there are a number of other schools that are being completed at the moment—secondary schools, Madam Deputy Speaker, Five Fivers, 94 per cent complete; Barataria North, 82 per cent; St. Joseph, 92 per cent; Mount Hope, 81 per cent; Carapichaima West, 79 per cent; Princes Town East, 75 per cent. That old school was demolished, Princes Town East, at a cost of \$1.875 million; and Siparia East is 34 per cent completed. We expect all these schools to be completed before the opening in September 2014.

In addition, construction is going on at Shiva Boys', Parvati Girls' and I have spoken to the Member for San Fernando East. We will make a visit to Pleasantville, which is due to be completed for construction.

2.15 p.m.

Lakshmi Girls' auditorium has been completed, and a significant part of Hillview has been refurbished. The Keshorn Walcott School will start construction shortly.

We also are in the process of doing A level blocks, a phase 2 project for Caroni Boys'; A level blocks for ASJA Boys' and Girls'; Miracle Ministries; Sangre Grande, SWAHA; Holy Name Convent in Point Fortin, and at St. Augustine Girls', a culture centre and a science block. All these are being drawn up at the moment for tender, but 1, 2, 3, 4, 5, 6—six secondary schools: Five Rivers/Barataria North; St. Joseph; Mount Hope; Carapichaima West and Princes Town East are scheduled for completion before the end of September 2013 [*sic*].

We are investigating the existing old schools to determine whether they are structurally sound or not. If they are structurally sound, we will be keeping these rather than demolishing them, because they have a number of purposes. We can help in putting centres for rehabilitation, there are a number of other areas where the Ministry of Science and Technology, and the Ministry of Tertiary Education and Skills Training want space, the Ministry of Gender, Youth and Child Development needs space, the Ministry of People and Social Development needs space, and even the Ministry of Education needs more space for examination centres and so on.

These existing old schools which were kept by us deliberately, we have investigated their structural integrity. We have found most of these to be relatively sound. We will do some repair and maintenance work on them and keep them, so that we can continue expansion of both the secondary education and tertiary education, and assist the other Ministries in space which is highly desirable, particularly on the East-West Corridor.

Madam Deputy Speaker: Hon. Members, you will recognize that question time is over, but I would allow for question No. 26 which I inadvertently omitted. So I now go to the Member for Laventille West.

**Construction of Bailey Bridges
(Details of)**

26. Mr. NiLeung Hypolite (*Laventille West*) asked the Minister of Works and Infrastructure:

Could the Minister state:

- a) How many Bailey Bridges have been constructed over the period May 25th 2010 to present?
- b) Which company was contracted for the construction of each bridge?
- c) Whether the bridges were imported?
- d) If the answer to part c) above is in the affirmative, where and from whom were they imported?

The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan): Thank you, Madam Deputy Speaker. Question No. 26 seeks information about how many Bailey Bridges have been constructed over the period May 25, 2010 to the present time. Also, which company was contracted for the construction of each bridge? Whether the bridges were imported? Where and from whom were they imported?

Madam Deputy Speaker, Bailey Bridges are very important in bringing about immediate relief where bridges collapse, and over the period May 2010 to present, 25 such bridges have been constructed in the country: Musharraf Trace, Barrackpore; Lucky Trace, Couva; Claire Street Extension, Caroni; Diamond Road, Claxton Bay; two in Lightbourne Road, Gasparillo; La Compensation in St. George East; Phillip Trace, Moruga; La Savannah, Moruga; the B1/30 Eastern Main Road Bridge; Dades Road, Nariva; Freeport, Todds Road; Seepersad Trace, Penal; Blanchisseuse; Teesdale Road, Moruga; Boodoo Trace 3 in Penal; Arena Road, Freeport; Teemul Trace, Penal; Goodman Trace, Penal; Moolai Trace, Penal; B1/15 SS Erin Road; Massy Lands, Gasparillo; Coconut Drive, Williamsville; Caigual Road, Manzanilla and Boodoo Trace 2 Penal.

Madam Deputy Speaker, the importance of these bridges will be understood if I were to tell you that, the Boodoo Trace No. 2 bridge, the Bailey Bridge installed there, that bridge broke down almost 30 years ago, and for 30 years no bridge was rebuilt there; 30 years. It took us as a Ministry just two months in order to build

back the abutment, and four days using the labour of the Ministry of Works and Infrastructure, to re-establish that bridge and to rejoin all the villages in that area; but for 30 years—[*Desk thumping*]

Madam Deputy Speaker, the other information sought is: which company was contracted for the construction of each bridge? There are two aspects to Bailey Bridges, one, is the construction of the foundation and abutments and, of course, the assembly of the bridges. In the majority of cases, the bridges were assembled by the Bridges Division of the Ministry of Works and Infrastructure, employees of the Bridges Division. The bridges were all imported, they were imported from a company called Mabey & Johnson Limited in England through a local agent, Premier Road Maintenance Company Limited, who has been importing these bridges and supplying the Ministry prior to 2007.

Now, there are different types of Bailey Bridges, but when you use the Mabey & Johnson bridge, you have to also ensure the modular parts can fit into each other, and that they are not incompatible. So you have to continue to deal with the particular company who is supplying these particular bridges.

Thank you, Madam Deputy Speaker.

Madam Deputy Speaker: Hon. Members, the remaining questions will be deferred to the Order Paper for the next sitting.

EXPIRATION OF SPEAKING TIME

The following questions stood on the Order Paper:

Refurbishment of Bon Air Government Primary School (Details of)

32. With respect to the Bon Air Government Primary School, could the Minister of Education state:
- a) When will the floor be tiled?
 - b) When will the yard be paved?
 - c) When will the public announcement system be installed?
 - d) When will the multi-purpose hall be constructed? [*Miss A. Hospedales*]

De La Marre Gardens Pedestrian Crossing/Walkover (Details of)

33. Could the Minister of Works and Infrastructure state:
- a) Whether a pedestrian crossing or a walkover will be installed in the vicinity to the west of De La Marre Gardens, Trincity and east of the Trincity Mall?

- b) The expected date that this exercise would begin? [*Miss A. Hospedales*]

**VMCOTT's Agreement with the Saladin Group
(Details of)**

52. With respect to the decision by the Vehicle Maintenance Company of Trinidad and Tobago (VMCOTT) to enter into an agreement with the Saladin Group - reputed distributor of the Zavoli line of Compressed Natural Gas (CNG) conversion kits and range of vehicles, could the Minister of Transport please state:

- a) the date on which the VMCOTT Board took the decision to enter into the agreement with the Saladin Group;
- b) the names of the Directors of VMCOTT who were present for the taking of the decision;
- c) the method by which the Saladin Group was selected for this agreement;
- d) whether the Saladin Group was selected as a result of any Request for Proposals (RFP);
- e) if the answer to part (d) is in the affirmative:
 - i. where and when was the RFP published;
 - ii. the names and addresses of all companies that submitted proposals and the details of their proposals; and
 - iii. the method of evaluation and the basis for the selection of the successful proposal. [*Mr. J. Warner*]

**VMCOTT's Agreement with the Saladin Group
(Details of CNG Conversion Kits)**

53. With respect to the agreement signed between the Vehicle Maintenance Company of Trinidad and Tobago (VMCOTT) and the Saladin Group - reputed distributor of the Zavoli line of Compressed Natural Gas (CNG) conversion kits and range of vehicles, could the Minister of Transport please state:

- a) the date on which the agreement was signed;
- b) the signatories to the agreement;
- c) the deliverables;
- d) the breakdown of the costs associated with said deliverables; and

Expiration of Speaking Time

Friday, January 17, 2014

- e) the cost and projected quantity of each type of CNG conversion kit to be supplied under the agreement. [Mr. J. Warner]

Question time having expired, questions 32, 33, 52, and 53 were not dealt with.

Madam Deputy Speaker: The Minister of Trade, Industry and Investment.
[Desk thumping]

CUSTOMS ACT

(EXEMPTION FROM IMPORT DUTIES)

The Minister of Trade, Industry and Investment and Minister in the Ministry of Finance and the Economy (Sen. The Hon. Vasant Bharath):
Madam Deputy Speaker, I beg to move the following Motion:

Whereas it is provided by section 56(1)(a) of the Customs Act, Chap. 78:01 that the House of Representatives may, from time to time, by Resolution provide that any class of goods specified in the Resolution shall be exempt from import duties of Customs if the goods are imported or entered for use by any person for any purpose specified in the Resolution during any period to be fixed by the Minister in each particular case, not being a period terminating later than the date prescribed in the Resolution as the last day on which such exemption shall be operative, and subject to such condition as the Minister may impose:

Be it resolved that the House of Representatives, in accordance with and subject to the provisions of section 56 of the Customs Act, exempt from import duties of customs the classes of goods imported or entered for use in Trinidad and Tobago for the respective purposes set out in the List of Conditional Duty Exemptions in the Third Schedule to the Customs Act for—

- (a) Approved Agriculture, Livestock, Forestry and Fisheries in Part A, subheading II;
- (b) Approved Hotels in Part A, subheading III;
- (c) Approved Mining Purposes in Part A, subheading IV; and
- (d) Other Approved Purposes in Part A, subheading V from the date of publication to December 31, 2015.

Madam Deputy Speaker, the purpose of this Motion like many that provide incentives to organizations in any country, whether they are start-ups or whether, in fact, they are mature companies, is really to allow these organizations to access incentives offered by Government, so that they can either continue to be

Customs Act
[SEN. THE HON. V. BHARATH]

Friday, January 17, 2014

competitive in their local market, or that they can become more competitive on world markets, and protect themselves against the barrage of imported products that may enter across borders.

In fact, Madam Deputy Speaker, the areas that we are due to speak about today, and to discuss in this honourable House, all fall under the purview of the diversification thrust of the Ministry of Trade, Industry and Investment and the Government of Trinidad and Tobago.

So, therefore, it is critically important to understand the role that these sectors play in moving away steadily from the dependence on oil and gas, as our sole source of revenue or our main source of revenue into other forms of revenue streams. Much in the same way, Madam Deputy Speaker, that many years ago previous Governments would have taken the decision to enhance the incentives related to the manufacturing sector.

Today, we have a very thriving manufacturing sector that is perceived in reality to be the most dynamic in the Caribbean region, and possibly in the hemisphere because of the incentives that have been offered over the years, whether they have been corporation tax, whether they have been export entries into new markets, whether they have been import duties on raw materials and equipment, and most recently, Madam Deputy Speaker, in the last budget, the 2014 budget, the waiver of VAT on inputs that would go into manufacturing. As a result, Madam Deputy Speaker, the manufacturing sector now accounts for over 50,000 jobs in Trinidad and Tobago, and is, I dare say, the most sophisticated and mature in the Caribbean region; the envy of all of our Caricom neighbours.

Growth in 2013 in the manufacturing sector, is expected to be about 6.1 per cent and its percentage as a part of GDP, is about 9.2 per cent for 2013. Just as I speak about incentives, just so I will let this honourable House know, Madam Deputy Speaker, that the Ministry of Trade, Industry and Investment is actually currently working on a new incentive regime, not geared just towards manufacturing, but to all those sectors that we have agreed are the areas that we can be competitive in, and in which we are diversifying the economy, and that will be released soon. I have a first draft of it here before me.

Madam Deputy Speaker, if I could put in context the discussion for today on the basis that as I have mentioned before, and I have mentioned on previous occasions, the areas set aside for diversification of the economy fall under seven broad categories: financial services; ICT; tourism; the creative industries sector; the agricultural sector; the maritime sector; downstream energy services and

sports tourism. All of the areas that we are seeking exemptions from import duties here today, all fall within the purview of the diversification thrust of Trinidad and Tobago. So, therefore, it is critical that we agree that these are absolutely necessary incentives that must be had.

But before I actually go into discussing the individual sectors, Madam Deputy Speaker, I want to also put what I am about to say in the context of the Trade Policy that has been developed by the Ministry of Trade, Industry and Investment, a trade policy, the last one of which was developed by the UNC Government for the period 1995—2001, and there was interregnum where there was no trade policy essentially. So this is a new trade police for the period 2013—2017.

The world has changed dramatically, Madam Deputy Speaker, since the last trade policy was developed. So much so that in that period, Trinidad and Tobago as I mentioned, has developed and emerged as a power house in this part of the world, well positioned to take advantage of new and emerging markets, and also some mature markets beyond our shores. But to do so, the Government of Trinidad and Tobago recognizes that we must provide the enabling environment to allow our manufacturers first of all to survive, and then to thrive in the local market, Madam Deputy Speaker, as well as in those export markets by providing the enabling environment for them to do so.

The People's Partnership Government, Madam Deputy Speaker, also recognizes that trade is the lifeblood of the economy and that trade must result in economic and social benefits, that must trickle down throughout the economy, and to be in a position to impact positively, the lives of all of our citizens.

So having said that, Madam Deputy Speaker, I just wanted to highlight just a few brief measures in the Trade Policy that will put in context the discussion for later on. Our first objective is to expand market access. Trinidad and Tobago is a very small place, Madam Deputy Speaker, 1.3 million people. The economies of scale that can be gained by any manufacturing entity in Trinidad and Tobago, is quite small. So, therefore, we need to seek wider markets. In the last three or four years, the Government has embarked on a very aggressive campaign to sign bilateral agreements with many of our Central/Latin American and South American partners. We have signed agreements with Guatemala. We have signed agreements with Panama. We are in the process of signing or in negotiations with El Salvador at the moment, Madam Deputy Speaker.

2.30 p.m.

And, in fact, we still have on our books—and we need to resuscitate them—agreements with Venezuela, Costa Rica, Cuba and the Dominican Republic. We

have also signed very recently—last year, in fact, we came to this honourable House and ratified the European Partnership Agreement, which gives us access to over 500 million people, many of whom have significantly high incomes. In fact, the average income in that common market is in the region of about US \$31,000. We are in the process of negotiating with Canada to renew the Canada-Caricom agreement and, again, access to about 35 million people with an income in the region of about \$41,000, Madam Deputy Speaker.

So we are aggressively pursuing these markets to allow our manufacturers to become more competitive because they now have access to larger markets, and create economies of scale as far as costs are concerned, which will in turn allow them to reduce their cost per unit of production in Trinidad and Tobago, which in turn will allow them to fend off competition from overseas competitors.

The second aspect of the trade policy is to increase production and export opportunities in capacity by minimizing bureaucracy. Madam Deputy Speaker, the Ministry of Trade, Industry and Investment has been working very aggressively in reducing the amount of bureaucracy involved in doing business in Trinidad and Tobago. We have reduced the number of days it takes to start a business from 43 days to three days; [*Desk thumping*] we have tackled the very thorny issue of the merging of the ASYCUDA system with the single electronic window.

And I am happy to say that in a meeting today with the Comptroller of Customs and Excise, he has committed that on February 02, we will start the changeover where we merge both systems, [*Desk thumping*] Madam Deputy Speaker, so that no longer will we be running parallel systems; that will save on average, maybe seven or eight days in that entire process, Madam Deputy Speaker.

In fact, the World Bank record is that it takes about 19 days to clear a container on or off the ports. By the time we have completed this exercise, Madam Deputy Speaker, together with the fact that for the first time we have a new scanner in Trinidad and Tobago—[*Desk thumping*]—we are just awaiting Town and Country Planning before it is erected—that scanner will be able to scan in the region of about four or five containers per minute, so that it will no longer require the intervention of a customs officer to open every container to search unless there is any suspicion that there may be something in there that is not legal, legally allowable into the country. Other than that, this scanner is going to scan these containers when they come in, Madam Deputy Speaker.

So the Government is moving aggressively to ensure that we move from what we call red tape to the red carpet, as we embrace investors coming into Trinidad and Tobago, Madam Deputy Speaker. [*Desk thumping*] I just want to put into perspective, as an example, how quickly and how swiftly and how flexible and how mobile the Government has been as we are not just talking about what we want to do, but we are actually walking the talk. I will give you an example, Madam Deputy Speaker.

Several months ago when Royal Bank of Trinidad and Tobago and Scotiabank came to us—they wanted to locate what is called a back office and middle office function in Trinidad and Tobago where they would have been conducting a lot of their accounting, their human resource, their marketing, their customer callers, complaints in Trinidad and Tobago—and to do that—to encourage that investment to get them to come to Trinidad and Tobago—for their Caribbean markets, we had to move to Parliament to make certain amendments to the laws: corporation tax, value added tax, the Free Zones Act, all of that was done last year in the Finance Bill that the Minister of Finance and the Economy would have presented to Parliament, subsequent upon the budget of 2013.

I am happy to say, I am proud to say, that those two organizations are now functioning in Trinidad. They have created 200 new jobs in that sector. We are creating a new sector, [*Desk thumping*] Madam Deputy Speaker, because of the flexibility with which the Government was able to move to be in a position to ensure that we provided that environment for those companies, Madam Deputy Speaker.

Madam Deputy Speaker, there are also other areas that we are working on assiduously. There is an interministerial team that has been set up to ensure that all of the areas outside of the Ministry of Trade, Industry and Investment that have caused us to be scored very lowly in the ease of doing business world rankings—in fact, we currently scored 66, but I want to tell you that it is a huge increase and improvement from where we were at 88, just about two years ago, Madam Deputy Speaker. So we have jumped actually 20 places in about two years [*Desk thumping*] and our intention, Madam Deputy Speaker, is to be in the top 50 by the end of 2014. So we have a lot of work to do. We are doing all of that.

We have an interministerial team that consists of the Ministry of Legal Affairs, the Ministry of the Environment and Water Resources, the Attorney General's office, the Judiciary, my own Ministry and the Ministry of Planning and Sustainable Development, so that all of the areas that need to be covered—

whether it is construction permitting where we ranked, again, 101 in the world, Madam Deputy Speaker, or enforcing contracts where, unfortunately, we ranked 178 in the world, or registering property where we ranked even lower than 178, we are bringing all of these Ministers at the highest level to ensure that we can clear the bottlenecks that are required, so that once an investor comes to Trinidad we can keep that investor in Trinidad and Tobago, Madam Deputy Speaker.

Part of the trade policy also is to strengthen our institutions because with all of the work that we may be doing with regard to ease of doing business; with all of the promotional marketing work we may be doing abroad encouraging people to come here, if the institutions that receive them are poor at handling customer service, then all would have fallen down. We have now refocused, restructured and reconfigured organizations like investTT.

Fifteen months ago, Madam Deputy Speaker, there were 13 agencies in Trinidad and Tobago and three Ministries, all responsible for trade facilitation and investor promotion. When an investor came to Trinidad, he or she did not know where to go. In fact, what would have happened, it would have created a lack of accountability because each agency would say, “But that is not us, that is them” and they would say, “It is not us, that is them” and so the investor went round and round in rings and eventually caught the next flight out and left Trinidad and Tobago. Today, investTT is the sole point of entry for any or receipt for any possible investor coming into Trinidad and Tobago, and investTT would help every prospective investor through the entire process in terms of gaining all of the approvals.

Madam Deputy Speaker, exportTT has now again been refocused to help small manufacturers and small producers to access new markets; those who do not have the wherewithal. Eximbank has now also been refocused to assist, primarily, exporters to regional markets. So exporters to regional markets will get a more favourable interest rate than those who are looking to either import or to export to the Caribbean region, Madam Deputy Speaker.

And, lastly, the creative industries sector, which has taken us some time to put together because there has been a lot of pushback but, finally, the work is paying off. On January 26, Madam Deputy Speaker—this is just next week—we are to receive *Vogue Italia* to Trinidad and Tobago, the world famous magazine. *Vogue Italia* is going to be doing a special feature on Trinidad and Tobago fashion. Understand what that does for the fashion designers in Trinidad and Tobago and the potential of the market and what it does—the excitement it creates for young people to look and see that Trinidad and Tobago could be positioned on a global

scale, and there is actually a pathway for them in a sector like fashion—we are doing exactly the same thing in music and exactly the same thing in film, Madam Deputy Speaker.

But, you know, there are several other mandates and objectives of the trade policy which I would not go into directly, Madam Deputy Speaker, but this is the trade policy [*document in hand*] as I said, it is the first one we have had now for 10 years, and it covers the period 2013—2017.

Madam Deputy Speaker, no one incentive on its own can create the environment or the competitiveness that is required by an organization to be able to compete either locally or against foreign competition. No one incentive alone will allow a manufacturer in Trinidad and Tobago or anywhere else to compete with global players outside of their shores. So there are a number of incentives that every government must put together—a mix, a judicious mix of incentives that a government must put together—to ensure that organizations in the sectors which they wish to promote—which they believe these organizations or these sectors can be either competitive today or could be competitive in the future—that governments must put together to create that enabling environment to allow these sectors to strive.

So Madam Deputy Speaker, let me at this point in time speak directly of the measures related to the items in the sectors that require exemptions. The first one is approved agriculture livestock, forestry and fisheries. Madam Deputy Speaker, there can be no doubt, even amongst the most doubting of Thomases, that for the first time in the history of this country, and possibly at least in the last 50 years, that any government has paid real attention to the agricultural sector.

The agricultural sector has been in demise for the last 50 years, and no government, and I say no government, has really—apart from this one—set aside the time, effort and has adopted the philosophy that the agricultural sector is important to the development of Trinidad and Tobago, primarily because we realized at a very early stage that food security was very high on the agenda, not just of the Government, but on the agenda of most citizens of Trinidad and Tobago. Food security and the cost of food plays a very important role in everybody's lives on a daily basis, hopefully, in many cases, three times a day but, in many other cases, not so often, unfortunately.

And so, therefore, the Government set aside as its mandate back in 2010 to rebuild the agricultural sector because we understood very clearly we needed to provide food security; we needed to reduce the cost of food which was primarily

Customs Act

Friday, January 17, 2014

[SEN. THE HON. V. BHARATH]

imported, and which resulted in food imported inflation; we needed to create long-term sustainable employment for our people; we needed to diversify the economy and, as I mentioned, this is one of the prongs of diversification and we, of course, needed to preserve much needed foreign exchange.

It was in light of the fact that the Government of Trinidad and Tobago and the hon. Prime Minister recognized that we needed to reduce the price of food that a decision was taken by the Government in 2011 to remove VAT on over 7,000 items of imported food. Madam Deputy Speaker, that would have given some relief to many of the citizens. Unfortunately, for one reason or another, prices have again risen. Maybe prices would have been 15 per cent higher today had we not removed the VAT at that point in time. Also, recently, the Prime Minister announced, at Christmas, that there will be temporary relief on certain food items; flour, rice and oil which was joyfully received by the majority of the population, Madam Deputy Speaker. [*Desk thumping*]

The Ministry of Trade, Industry and Investment, Madam Deputy Speaker, will continue to lobby Caricom to remove the CET, the Common External Tariff, on a number of imported products. But, as you would appreciate, we need a consensus from Caricom to be in a position to do that. But agriculture has been on the top of the agenda of the Government since 2010, Madam Deputy Speaker, and we have, in addition to the request that we are here this afternoon to ask for, which is exemption from duties on certain items, the Government has put in place and the Ministry of Food Production has put in place since 2010 a series of measures and incentives to develop the sector.

Many of you may know because it has been well documented, the very aggressive programme of renewal of roads—access roads to be able to get access to lands which were previously inaccessible. The revised agricultural programme that we put in place—the Ministry of Food Production put in place, which was the first time for 17 years that the incentive programme had been revised—a very structured water management programme and flooding programme, irrigation programme, desilting programme of rivers; all of those things that obstructed the proper flow of water, or the correct direction of water to the necessary areas, all of those things were put in place.

2.45 p.m.

The commissioning of large farms and the resuscitation of the rice industry: At one time, Madam Deputy Speaker, this country produced about 30 per cent of the rice that we required; today, we are down to about 5 per cent. The Ministry of

Food Production has now put close to 1,000 acres of land back into rice production.

We have continued the issuance of the leases to ex-Caroni workers, and through the special land delivery programme, Madam Deputy Speaker, we have put into place 4,000 acres of arable land into the hands of farmers across the country. [*Desk thumping*] In fact, as we speak today, before Cabinet, the Minister of Food Production has a Note to disburse a further 800 hectares of arable ex-Caroni lands to farmers of this country.

Hon. Member: Very good.

Sen. The Hon. V. Bharath: He has also launched the Caroni Green project, which has already brought into place 560 acres of lands, and will bring into play, under phases 2 and 3, a further 5,200 acres of land, Madam Deputy Speaker.

So all of these things, together with reduced interest rates through the Agricultural Development Bank, where we have moved rates from between 8 and 12 per cent to 3 and 5 per cent, would have stimulated the economy. Our young professionals in agriculture, where we took young graduates who previously had no hope of employment, we took a decision in 2011 to accept 50 young graduates out of the University of the West Indies every single year—50 of them. We have now had our first cadre of 30 complete that course.

And, lastly, with regard to putting people to work, Madam Deputy Speaker, in 2011 we had launched the Agriculture Now programme, where we took people out of URP, trained them for a period of three months and then put them to work at double their salaries. In fact, they were earning \$69 a day, we gave them three months' worth of training and we guaranteed them a wage of \$150 at the end of it. We now have 361 of those people who have come through that programme, Madam Deputy Speaker, who are now productive members of our society.

Madam Deputy Speaker, in addition to that, the Ministry of Food Production has certain legislative measures which will back up all of the work that they are doing, and those legislative measures for 2014 relate to the Land Adjudication Act, the Plant Protection Act, the Cocoa and Coffee Industry Act, the Fisheries Management Bill and the trawling Bill; all of which will come to Parliament in 2014 to be in a position to support the other measures that the agricultural sector has embarked upon.

The second area, Madam Deputy Speaker, is approved hotels. Hotels are inextricably linked to tourism, and there is no doubt that the tourism sector is both

Customs Act

[SEN. THE HON. V. BHARATH]

Friday, January 17, 2014

an exciting one but also a very challenging one for Trinidad and Tobago and the Caribbean, in general. The value of the global tourism industry is US \$1.4 trillion in 2013, creating about 54 million jobs directly in the sector, according to *Global Tourism Market Research Report*.

According to another report, *Innovation Norway, Tourism Sustainable Report 2012*, November 06, 2012, it quotes:

“A billion tourists are set to generate a trillion dollars—...and offer the chance to create millions of jobs...”—worldwide.”

In fact, when the President of China was here in July of last year, he commented on the fact that there were 90 million Chinese tourists who leave China every year searching for destinations across the globe—90 million tourists. Our country is 1.3 million people, Madam Deputy Speaker, and Tobago, of course, is a small component of that, but even in Tobago tourism is extremely important to the lives of the people; it represents 46 per cent of GDP; it represents 57 per cent of employment, and also 96 per cent of exports.

In fact, the tourism sector touches almost every aspect of life in Trinidad and Tobago. A tourist must eat, he must sleep, he may attend conferences, he may take a taxi, he may take a bus, he may rent a car, he may change foreign exchange, he may use bank facilities, and, of course, as a direct result of that, he brings into play the lives of almost every citizen of Trinidad and Tobago, whether it is a taxi driver, whether it is a farmer, whether it is a doctor, whether it is a bank clerk, whether it is a tour guide, whether it is a bartender, whether it is a carnival band leader, whether it is an entertainer, whether it is customs, immigration; a tourist dollar touches almost every aspect of life in Trinidad and Tobago.

But because of the fact that there has been a downturn in the economy, a downturn in the tourism dollar, because of that you have a fight for the tourist dollar, it is very difficult now, of course, for the Caribbean to compete unless we have some sort of unique selling point. What makes us different? Why should someone leave the Seychelles, or not go to the Seychelles or to Indonesia, or to Singapore and come to Trinidad and Tobago? That is what we have got to work out.

What is it that we have here that we can sell to the outside world to ensure that they come to Trinidad and Tobago? And we have got to create the incentives. We have got to get people to invest in our tourist stock. We have got to get more marketing out there to tell people what Trinidad and Tobago represents, who we are. We have got to sell the fact that *Vogue Italia* has been here, and they go back

and a million people, or two million people read that magazine, see that magazine, and what is it they see about Trinidad and Tobago that would want them to come to Trinidad and Tobago. And so, therefore, these incentives together with all of the others we have—and we have other incentives in place, Madam Deputy Speaker, that are already there but we need these incentives. We need these exemptions from custom duties to be in a position to make our hoteliers and our tourism sector more competitive.

Madam Deputy Speaker, in 2012 there were 24 million arrivals of tourists in the Caribbean. Trinidad and Tobago got 400,000 of those—not very many by comparison to Jamaica or Barbados—Dominican Republic had 20 per cent of that, close to 5 million tourists arrived in the Dominican Republic rather than coming to Trinidad and Tobago; Jamaica 8, per cent; Bahamas, 6 per cent; and so therefore Cuba got 11 per cent of the tourists coming into Trinidad and Tobago.

So, again, together with the incentives that are already in place, for example, we already have accelerated depreciation on hotel stock, we have exemptions on profits for the first seven years generated. We also have the Trinidad and Tobago Hotel and Guest House Room Stock Upgrade, which gives to the hotelier an incentive of \$12,500 to upgrade rooms in Trinidad and \$15,000 per room in Tobago. We also have the Government loan guarantee programme in which the Government has set aside \$100 million with increases of \$50 million for the next three years, taking it to \$250 million altogether, for debt restructuring in the tourism sector, as well as the upgrade and maintenance of hotels below 50 rooms.

So the duty exemptions will further add to these incentives, Madam Deputy Speaker; incentives that are desperately required to ensure not just the growth of the sector, but the very survival of the tourism sector in Trinidad and Tobago.

The third area is approved mining purposes. Madam Deputy Speaker, according to the *Review of the Economy 2013*, the energy sector in 2013 has contributed just under 40 per cent of gross domestic product, showing a marginal decline of half per cent. But let me say, let me put that in context: for the periods 2006—2012 the average decline was 8.7 per cent. So, in fact, it is clear that we have arrested the decline by only having a marginal decline of 0.5 per cent.

The construction sector, on the other hand, has contributed 5 per cent of GDP, and has seen for the first time since 2008 any growth whatsoever in that sector, in fact, a growth of 3 per cent in 2013. And both these sectors, the energy sector as well as the construction sector, are crucially important to the economic development of Trinidad and Tobago, Madam Deputy Speaker.

Customs Act
[SEN. THE HON. V. BHARATH]

Friday, January 17, 2014

Madam Deputy Speaker, 2014 is poised to be the busiest year for the energy sector probably in three or four decades, simply because of the heightened activity in the upstream sector. The planned maintenance that took place in 2013 is now over with regard to the Cassia platforms and the Dolphin platforms of BPTT and BGTT, respectively and, as I said, this optimism is predicated on the fact that there is heightened upstream exploration and higher production of natural gas, LNG, and methanol.

Today in Trinidad and Tobago, Madam Deputy Speaker, there are eight drilling rigs in Trinidad and Tobago; eight drilling rigs as opposed to 2010 when we had one drilling rig in Trinidad and Tobago. And it is common knowledge that there were very positive responses to Government's onshore bid round, where in 2013 there were 11 bids and the deep-water bid rounds in 2012 when there were 12 bids. In the last two years, Madam Deputy Speaker, the Government of Trinidad and Tobago has signed seven deep-water production sharing contracts to a value of \$1.9 billion in the last two years only. And again—[*Interruption*]

Hon. Member: US.

Sen. The Hon. V. Bharath:—Yes, US. And again, Madam Deputy Speaker, we would have all read of the high quality crude find by Trinity of between 50 and 115 million barrels in the Jubilee fields, again showing the potential of the exploration and upstream sector. BPTT and BHP Billiton have also issued very positive statements and, again, BP has reported the discovery of one trillion cubic feet of gas in the Savonetta Four well.

So therefore, Madam Deputy Speaker, it is absolutely critical that we continue to ensure that there is a competitive fiscal regime in place to attract the levels of capital investment required to continue to show positive growth. In fact, in the 2014 Budget, the Minister of Finance and the Economy would have announced several new fiscal incentives to add to what was already there: unused tax credit carried forward in one year, capital allowances for exploration, 100 per cent capital allowances through to 2017, capital allowances for development, simplified and accelerated capital allowance for tangible and intangible development costs for the first time, allowances for 100 per cent of total costs of work-overs and qualifying sidetracks, wear and tear allowance for compression facilities increased to 33.3 per cent and a tax allowance of 100 per cent on the cost to converting motor vehicles to use CNG which, of course, is moving away from the fuel subsidy.

In addition to all of this, Madam Deputy Speaker, the soft side is, that whilst we have a situation where we continue to develop and put more resources, or put

resources, capital resources particularly, into this sector, there is a softer side, which is the services side, and that is the area that I am particularly interested in as the Minister of Trade, Industry and Investment, because it is an area for significant opportunity for diversification.

What do I mean by that? We have an expertise that has been developed over 100 years in the energy sector where we have a number of people who are not just qualified, but highly experienced in this area. When they are not working in Trinidad and Tobago they are working for very high salaries all around the world, as and when necessary. In fact, for the plant maintenance and the bringing back up of these plants, there were 10,000 people involved in bringing these plants up on time and below cost.

But now that the plants are back up and running, what do these 10,000 people do? So maybe there may be work for 1,000 of them, but you know what most of them do, Madam Deputy Speaker? A lot of them go back and they drive taxis, they sell doubles—these are highly-skilled, highly-trained people who do not necessarily have access to the international market on their own.

3.00 p.m.

Therefore, recently I met with the Energy Chamber to discuss ways of how exportTT would guide the process to assist selling the services of Trinidadians and Tobagonians, who are experienced and have the expertise and the qualifications in the oil sector, to companies abroad. We will target specific organizations; we will target specific countries, and we will market and sell the services of our people to those countries, developing a whole new formalized industry which is currently unregulated, which is currently unstructured and which is currently one where a practitioner could only be successful by the sweat of his own brow. Much in the same way as musicians and artistes and fashion designers have done over the years, they have done it on their own, in spite of Government. We are now putting structures around all of these to ensure that we promote Trinidad and Tobago and the services of Trinidad and Tobago and our people.

I want to congratulate my fellow colleague Minister in the Senate, Sen. Karim, for launching the first drilling academy in Trinidad and Tobago—much needed [*Desk thumping*], which will allow secondary school students to get hands-on experience and training in this area of drilling, that will allow them a pathway into the upstream industry in Trinidad and Tobago.

Madam Deputy Speaker, the second part of this sector relates to the quarry sector. The minerals or mining sector consists primarily of open-pit mining for

Customs Act

Friday, January 17, 2014

[SEN. THE HON. V. BHARATH]

aggregates, which really are sand, gravel and limestone. These raw materials go into the manufacture of downstream products; for example, bricks and blocks and clay tiles and so on, but also the primary raw material in building our roads and our infrastructure in Trinidad and Tobago, and, of course, is vitally important to the economic development, through our PSIP programmes.

In the 2013/2014 Budget, the Minister of Finance and the Economy would have highlighted, whether through private/public partnerships or through the PSIP programme, many infrastructural projects, all of which, you would see when I read them out, actually impact on the quality of lives of the people of Trinidad and Tobago, and gives you a firm understanding of this Government's understanding of what is required to improve people's lives.

Madam Deputy Speaker, some of the projects that were announced over the last two years, for which the quarrying sector is going to be absolutely critical and crucial, are the Point Fortin Highway; the Valencia bypass; the dualling of the Rivulet Road; the dualling of the Diego Martin Highway; the Arima Hospital; the Point Fortin Hospital; the Penal Hospital; the National Oncology Centre; the Couva Children's Hospital; the National Aquatic Centre; the cycling velodrome; the UWI campus in Debe—[*Desk thumping*]*—the Motor Vehicle Authority in Frederick Settlement, and I gather it is on the Order Paper to speak about today, the Motor Vehicle Authority and police stations across the country. [Crosstalk]*

Dr. Gopeesingh was telling me yesterday that since he has been Minister of Education this Government has built 54 early childhood centres—54. [*Desk thumping*] The PNM built 22 in nine years. [*Crosstalk*] Dr. Gopeesingh has built 54. He has 50 more under construction. [*Desk thumping*] Fourteen primary schools he has built; 17 under construction; six secondary schools; 15 under construction.

You know what? Even the private sector has jumped in. We read recently of this 600,000 square foot mall being built by the Allum family in south, at a cost of \$500 million. [*Crosstalk*]

Miss McDonald: Madam Deputy Speaker, I rise on 36(1)—relevance.

Madam Deputy Speaker: Sustained; Member, you may continue, please. [*Crosstalk*]

Sen. The Hon. V. Bharath: Clearly the Member for Port of Spain South does not realize what goes into the building of infrastructure in Trinidad and Tobago and what the basic building blocks are, the raw materials are. It requires a quarry

and it requires quarrying and quarrying equipment to be in a position to provide the basic raw materials to put in place all these infrastructures. [*Crosstalk*]

I am alluding to the fact and highlighting the critical nature of the quarrying sector in Trinidad and Tobago. All those projects, Madam Deputy Speaker, that I have spoken about and highlighted, relate directly to the improvement in the quality of life of the people of Trinidad and Tobago. [*Desk thumping*]

Mr. Roberts: “Yes! Look at de envy on their face!”

Sen. The Hon. V. Bharath: The last item is “Other Approved Purposes”, and within approved purposes there are items that relate to navigation equipment for boats and equipment to be used in sports and recreational activities. Let me look at the navigation equipment for boats and the maritime sector initially, and then I will speak a little about the sport sector and why we are asking for exemptions in that area.

We are particularly blessed in Trinidad and Tobago—we are very blessed I would say—because of our strategic location, because of the fact that we have a cheap source of energy. We have very good, or relatively good, nationwide telecoms and we have a very literate workforce and people. We are blessed that we are ideally suited to have a maritime sector in Trinidad and Tobago—to develop a maritime sector in Trinidad and Tobago.

Madam Deputy Speaker, there are 30,000 vessel voyages that take place 25 nautical miles off the coast of Trinidad and Tobago every single year. None of those ships stop off in Trinidad and Tobago—none, zero. At the end of the day, the Panama Canal is opening up, widening its channels by 2015/2016, to accommodate boats that in some cases would be twice the size of the ones that currently pass through it. In fact, the majority of ships passing through the Panama Canal today range in size from between 5,000 TEUs—the TEU is a 20-foot container—to about 13,000 TEUs. The new ships will accommodate up to 18,000 TEUs. There is nowhere in this part of the world, in this part of the hemisphere, that those ships can be repaired.

In fact, for these ships to be repaired or maintained they would have to go back to the Far East. What a perfect spot we are in for those ships heading down to South America to stop in to Trinidad and Tobago and for us to build a whole new industry that can rival oil and gas for the first time in this country’s history—

Mr. Roberts: “Yes man!” [*Desk thumping*]

Sen. The Hon. V. Bharath:—creating thousands and thousands of jobs.

Hon. Member: Thousands and thousands!

Sen. The Hon. V. Bharath: Just so that I can let the Opposition know it is not pie in the sky, we have already completed a feasibility study to place a port in La Brea. We have already made an application to the Chinese Government to access funding for this port, and it is very likely that the development and building of this port will start later during the course of 2014 in La Brea, creating, as I said, thousands of jobs for the people of Trinidad and Tobago, significant economic activity in two spheres, in two areas—one as a transshipment port. .
[*Desk thumping*]

Madam Deputy Speaker, do you know how many containers are offloaded in the Port of Singapore on a daily basis? 80,000—

Hon. Member: What?

Sen. The Hon. V. Bharath:—80,000 containers are offloaded on the Port of Singapore on a daily basis. That is the kind of potential that awaits Trinidad and Tobago because of our strategic location, if we did not have the naysayers on the other side. But despite them—despite them—[*Crosstalk*] we will be proceeding, [*Desk thumping*] because we put the people of this country first and we put politics second.

Hon. Member: Yes! [*Desk thumping*]

Sen. The Hon. V. Bharath: The other part of “Approved Purposes” relates to sports and recreational activities. I spoke a little about tourism earlier on, but sports tourism is a major facet of our divestment thrust. I want to congratulate our Minister of Sport who has initiated so many programmes, both at alleviating poverty in Trinidad and Tobago and redirecting our youth, to make them more productive individuals through the use of sport. [*Desk thumping and crosstalk*]

Madam Deputy Speaker: Member for D’Abadie/O’Meara.

Sen. The Hon. V. Bharath: Sports tourism is a billion dollar industry. In fact, it accounts for just more than 10 per cent of the \$1 trillion I spoke about earlier on. After the Olympic games in the United Kingdom two years ago, sports tourism last year accounted for £2.3 billion pounds—£2.3 billion. That is TT \$23 billion in sport tourism only. A lot of that relates to big activities that are hosted in these countries. I know when Minister gets the opportunity to speak, he will speak about some of the initiatives to have some of these big ticket items in Trinidad and Tobago over the next two to three years.

I also want to say that tourists who come in on sports tourism tickets are generally high-paying tourists. They stay longer, because they could afford to. I want to also mention that the Grand Magdalena falls under the Ministry of Trade, Industry and Investment. Very recently, the operators at the Magdalena were able to engage a Scandinavian tour operator which has resulted, over the next three years, in having golfing tourists coming into Tobago once a week, every week for five months. They have already started. [*Desk thumping*] Five months from December 03 to the end of April, every year for the next three years.

Understand what that does, not just for Tobago, but understand what that does for Trinidad and the far-reaching implications of these golfing tourists who come here. They enjoy coming to Tobago. Word of mouth spreads when they get back to Finland, to Sweden and to other Scandinavian countries, and more and more people come into Trinidad.

Those are the kinds of enabling environments, those are the kinds of things that the Government of Trinidad and Tobago has been working on, to make sure that we can make this place better than when we arrived.

So I want, in conclusion, to ask that these exemptions be continued. It is recommended that this Resolution be passed in the House of Representatives to allow the Ministry of Trade, Industry and Investment to grant import duty concessions to:

- “(a) Approved Agriculture, Livestock, Forestry and Fisheries...
- (b) Approved Hotels...
- (c) Approved Mining Purposes...; and
- (d) Other Approved Purposes...”

It is strongly believed that these exemptions will continue to foster growth and development to the benefit of the people of Trinidad and Tobago.

Madam Deputy Speaker, I beg to move. [*Interruption*]

Dr. Gopeesingh: Madam Deputy Speaker, I beg to second the Motion and reserve the right to speak.

Hon. Members: No, no.

Madam Deputy Speaker: There is no seconder. [*Crosstalk*] I apologize, Members, I have been advised.

Question proposed.

3.15 p.m.

Miss Alicia Hospedales (*Arouca/Maloney*): Madam Deputy Speaker, I am happy to contribute to this Motion on conditional duty exemptions, Customs Act, Third Schedule. [*Desk thumping*]

Madam Deputy Speaker, [*Desk thumping*] the Minister of Trade, Industry and Investment indicated that the manufacturing sector in Trinidad and Tobago is the envy of our Caribbean neighbours, and he stated that his Government is seeking to increase production and export capacity. But what he failed to tell us is how the manufacturing sector performed under his Government, particularly over the last three years and I would just make mention to the period or the year 2013.

Madam Deputy Speaker, if we were to take a look at the *Review of the Economy, 2013* we would realize that there were significant challenges experienced by the manufacturing sector. In the report it states that with the exception of a flat performance in miscellaneous manufacturing, 0.04 per cent, declines were expected in the remaining manufacturing subsectors. The sharpest contraction 4.2 per cent is anticipated in assembly-type and related industries, and that is for—you know, they were talking futuristically that is what is going to be taking place over the few months after the 2014 budget debate. [*Interruption*]

Madam Deputy Speaker, the report also stated that the third largest manufacturing subsector on account of an anticipated fall in the production of iron and steel products—It also further stated that food, beverages and tobacco, the largest manufacturing subsector, is expected to record a marginal decline of 0.4 per cent in 2013, following an estimated expansion of 1.5 per cent prior to this report. A slightly larger contraction of 1.4 per cent is also projected for the printing, publishing, et cetera, subsector.

Madam Deputy Speaker, you know, the Minister came here and talked so much about the manufacturing sector, but he really did not tell us what was the report that was published by his Government with respect to the challenges that are experienced by the sector. [*Interruption*] I would like to ask him, was there ever a comprehensive assessment done by the Government, and what systems are actually being put in place to ensure that the issues by the manufacturing sector are addressed?

Madam Deputy Speaker, you know there was a lot of talk about some of the challenges experienced by the manufacturing sector in Trinidad and Tobago, and one of the challenges has to do with workforce productivity. And this is a national issue that the Government has not addressed. There was a World Bank report on

the issue of workforce productivity and there has not been any attempt by the Government to seek to implement any strategy to deal with the issue and to try and to improve productivity where different agencies, Ministries, et cetera, and even the various sectors, and particularly the manufacturing sector, because, nationally, there is a problem in workforce productivity. It is going to affect the workforce productivity of the manufacturing sector.

Another challenge that they indicated that they have, is the fact that there are no workers. They are struggling to find workers, competing with the Government, because the Government has implemented a number of programmes, some of which would have been established under the People's National Movement that they are relatively continuing, but the challenge that the manufacturing sector is experiencing is that these workers are occupied doing other types of work and they are not available to help with the manufacturing of goods and even the production of various types of services, et cetera and, as a result of that, they are experiencing hardship in terms of increasing their level of productivity and the amount of goods and services that they can make available.

The other issue that they have indicated is that they have challenges with respect to the artificial cost imposed through traffic through the ports and customs, the inefficiencies experienced at the ports and customs. The length of time to collect goods, that is a major problem. The length of time to clear goods, and what they have stated—a lot of the manufacturers have stated—is that the hindrances at the ports, particularly with respect to clearing containers, especially when a crane is not working.

Dr. Rambachan: How many people complain—[*Inaudible*]

Dr. Browne: Hello!

Miss A. Hospedales: The hindrances at the ports when the crane is not working, it makes it difficult for them to get—[*Interruption*]

Dr. Browne: Hello! You will have your chance to speak.

Miss A. Hospedales:—their goods on time. And the other thing, you know, I heard the Minister of Trade, Industry and Investment indicate that 80,000 containers are offloaded in Singapore, because of the level of efficiency at the ports, and that is something that you need to look at in terms of improving the level of efficiency at the port so that the manufacturers who need to clear their containers they would not be struggling and having to wait two and three weeks before their containers are cleared. And you probably need to look at—consider

having more than one crane available, because if a crane is down and that is causing major delays, two weeks, three weeks, four weeks, that is a major issue that you need to look into.

So, these are just a few of the problems that some of the manufacturers are encountering and I would really hope that the Minister of Trade, Industry and Investment would take time and look at some of those challenges and try his best to implement particular strategies. I heard him make reference to the trade policy being 10 years old, and I am happy to know that he did not discard it because it was a document that was established under the People's National Movement, and that he is looking at it, looking and seeking to implement all the things, very, very, very good plans that would have been stated in that policy. [*Desk thumping*]

Madam Deputy Speaker, the Minister made several references to the agricultural sector. He talked about the livestock, forestry, fisheries, et cetera, and he even stated—and you know, that is a real falsehood—that is “the first time in 50 years the Government of Trinidad and Tobago has taken agriculture seriously, recognizing that food security and the cost of food is imperative”, et cetera, et cetera. And I would like to say that that is a falsehood because, you know, if you really take a deep examination of what is taking place under this current Government where the agricultural sector is concerned you would realize that they do not care one bit about that sector. Madam Deputy Speaker—

Miss Ramdial: How they do not care?

Miss A. Hospedales: They do not care one bit about the sector.

Miss Ramdial: How? How? How so?

Miss A. Hospedales: Madam Deputy Speaker, the Minister of Trade, Industry and Investment—

Dr. Browne: That is just how you are.

Miss Ramdial: No, that is not true.

Miss A. Hospedales:—he said, again, let me reemphasize that they are taking the agricultural sector seriously, and I am asking, is that really so, Minister of Trade, Industry and Development? Is that really so? Because, based on the reports, again, that they have provided as a Government, there have been significant declines in the production of dasheens, eddoes, cabbage, lettuce, cauliflower, tomatoes, sweet peppers; significant declines in hot peppers and bodi, rice paddy.

Madam Deputy Speaker, rice paddy decreased significantly, 25 per cent reduction and this is—I really want to ask the Minister, is this the way that you all are seriously investing in the agricultural sector? Is this a serious investment?

Madam Deputy Speaker, the Minister of Trade, Industry and Investment even talked about the food import bill—and I would like to ask him, what is the current food import bill? I heard reference being made that the food import bill is going to be reduced by half by the year 2015. What is the current food import bill? The last recorded figure that we had of the food import bill was in the year 2009. That was \$4 billion. Since, we have not heard 2010, 2011, '12, '13; no record can be found, I would like the Minister of Trade, Industry and Investment to tell us when he stands up to respond to me, what is the current food import bill? The reason why I am asking, I just want to make reference—previously the Member for Tabaquite had stated that the hon. Minister, when he held the portfolio of Minister of Food Production—which is the hon. Minister of Trade, Industry and Investment—he had indicated bravely that the intent of the Government was to cut the food import bill by 50 per cent by 2015, and the Member for Tabaquite indicated that the measures in this Motion are really to dovetail into the objective of cutting the food import bill by 20 per cent.

Madam Deputy Speaker, I would like to ask—and, you know, I would like to indicate that there has been a drastic increase in food importation since this Government has been in office, and you know why I am saying that? For instance, for the year 2008, the importation of chicken was at 11,103 kilograms; in 2009, it was 10,833.7; in 2010, it went up to 19,462.3; in 2011, 19,948.5; and in 2012, it went down to 17,545.9—and that is metric tons not kilograms, Madam Deputy Speaker. And in lamb, the importation of lamb, went up from 5.8 metric tons in 2008 to 12.9 metric tons in 2009; in 2010, when this Government came into office, the importation of lamb went up to 151.6 metric tons; in 2011, it went up to—it went slightly down to 19,948.5 metric tons and in 2012, 17,545.9 metric tons.

The importation of beef as well; the importation of beef was 3,925 metric tons in 2008; in 2009, it went up to 3,544 metric tons; 2010, there was a slight increase again to 4,969 metric tons; 2011, 5,416 metric tons; 2012, 6,050 metric tons. Is this the way in which the Government is going to reduce the food import bill to 50 per cent by increasing the import bill to, probably, way beyond 50 per cent?

Madam Deputy Speaker, when we look at the importation of cauliflower, there was no importation in 2008, because the local farmers were planting, and

Customs Act
[MISS HOSPEDALES]

Friday, January 17, 2014

there was significant amount of cauliflower available for use in the country. No importation in 2009; no importation in 2010 but in 2011, 56.1 metric tons and in 2012, 253.6 metric tons.

3.30 p.m.

January to July 2013, we had 218.2 metric tons of cauliflower imported. The other thing is, with respect to organic cauliflower, there was no importation for 2008, 2009 and 2010 and then there were 100.9 metric tons imported in 2011 and 187.5 metric tons in 2012.

Madam Deputy Speaker, when we take a look at cherry potatoes [*sic*], there would have been no importation for 2008, 2009 and 2010, but then there were 6.9 metric tons of cherry tomatoes imported in 2011, and 284.2 metric tons imported in 2012.

We also have the staple import bill which has increased—is currently \$649 million alone. So when the Member for Tabaquite and even the Minister of Trade, Industry and Investment, indicated that they are dealing significantly with the food import bill, that is totally inaccurate. I would like to ask the question: are they really serious about food security? I looked at previous notes from the Minister. He indicated that they were providing food security, lowering the cost of food, creating long-term investment in the sector, and I am asking: are they really serious about, you know, lowering the cost of the food importation bill and really, you know, creating success in the area of the agriculture sector?

Madam Deputy Speaker, are they serious about creating long-term investment, again, in the sector to diversify the economy? Because that is what he said. He said that the agriculture sector is targeted as one of the key sectors to diversify the economy. Are they really serious about it? Is this the way in which the Minister indicates, again, that they are serious about the agricultural sector? If you look at this report, the answer would be no, they are not serious; they are not serious; they are not serious.

Madam Deputy Speaker, the other area that I want to focus on a little bit is the area of tourism because the Minister made reference to the tourism sector and, you know, he would have indicated that the tourism industry basically touches everyone, every individual, every sector, every person; the taxi driver to the doubles vendor, to the hoteliers. It touches everyone—the hotel industry. And, you know, as he indicated, they are paying special focus on the tourist sector because it is one of the—another key sector that they are seeking to diversify the economy through. Madam Deputy Speaker, you know, I have expressed a lot of

concern concerning the Government's commitment, or lack thereof, when it comes to the tourism industry. The reason why I am saying this is because when you look at the statistics again, you would realize that there would have been significant declines in the tourism industry.

I remember coming here in this House last September and asking pertinent questions with respect to information that is missing, and I would like the Minister of Trade, Industry and Investment to tell us why were there no statistics for Trinidad and Tobago reported to the Caribbean Tourism Organization. I am not sure if he even knows that Trinidad and Tobago—that his Government ought to report, or submit reports to the Caribbean Tourism Organization. There were no reports for stopover arrivals for 2011, 2012, 2013, and the last time any information was submitted to the Caribbean Tourism Organization was in 2010, and prior to that, there would have been several reports submitted in 2003, 4, 5, 6, 7, 8, 9, by a very, very transparent PNM administration, Madam Deputy Speaker.

Mr. Roberts: “Yuh was going good.”

Miss A. Hospedales: So, Madam Deputy Speaker, I am asking, why is the information missing in action? Where is it? Right? Why is it not open to the view of everyone? Because this—it is posted and it can be accessed by anyone across the world.

Madam Deputy Speaker, the Governments of Anguilla, Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, Bermuda, Bonaire, British Virgin Islands, Cancun, Cayman Islands, Cuba, Curacao, Dominica, the Dominican Republic, Grenada, Guyana, Jamaica, Martinique, Montserrat, Puerto Rico, Saba, St. Lucia, St. Eustacius, St. Maarten, St. Vincent and the Grenadines, Suriname and the US Virgin Islands, all submitted statistics for their country—all of them. It can be found. And, again, Trinidad and Tobago, no information for those years that I have mentioned.

Madam Deputy Speaker, I would like to know why is the Government not being transparent with the real tourist stopover arrival statistics. Why are they not being transparent? Even the breakdown—so you would have general statistics provided by each country with respect to the number of stopover arrivals, and then you would have a breakdown by months, so you would be able to, you know, do a nice analysis in terms of whether or not there is really an increase or decrease in tourist arrivals based on a month-to-month basis. All of these countries that I have mentioned, they have a month-to-month analysis, you know, in terms of reports done, but Trinidad and Tobago, again, missing in action—cannot be found for the years 2011, 2012 and 2013. Nothing is found.

Customs Act
[MISS HOSPEDALES]

Friday, January 17, 2014

Is the Government ashamed, Madam Deputy Speaker—I have to ask—that they have not succeeded to boost the tourism sector? Is the Government ashamed? I would like to ask—and I hope the Minister of Trade, Industry and Investment will indicate whether there has really been an increase in terms of tourists coming to this country.

I heard he made mention of golfers going to the Magdalena. Are those golfers locals? Because, you know, there is inter-island migration—well, I would say tourism—[*Interruption*]

Hon. Member: From Scandinavia?

Mr. Roberts: “It have” locals from Scandinavia?

Miss A. Hospedales: No, no, no, I am asking. No, because a lot of Trinidadians go over to Tobago to play golf and to recreate, so I am asking the Minister to tell us whether or not those are locals going across to the Magdalena to engage in golf. Can the Minister of Trade, Industry and Investment tell us what is really happening with the tourism industry? Can you really tell us? Can you really be transparent and let us know?

We have also seen, Madam Deputy Speaker, you know, significant decreases in other areas with respect to the tourism industry. I would like to ask the Minister of Trade, Industry and Investment to present the real statistics exactly. Let us know exactly what is taking place with the tourism sector and do not just come here and use a lot of flattery and pretend as though all of these sectors are performing well and they are really not performing well, and to give us as much information as possible because, you know, there is need for transparency.

Madam Deputy Speaker, the information that I have provided with respect to the agricultural sector as well as the tourism sector proves that the Government lacks the commitment [*Desk thumping*] when it comes to ensuring that those sectors are actually functioning really well.

The other area that the Minister made mention of is the area of quarrying, the quarrying sector. He said something here, that he was highlighting the critical nature of quarrying in Trinidad and Tobago, and what the Minister failed to highlight—and I would like to highlight—the critical nature of illegal quarrying in Trinidad and Tobago. Yes, we agree that through this Motion the equipment will become available for quarrying, but there is an aspect of quarrying that is very, very illegal, Madam Deputy Speaker, and the Minister did not even consider it; that it is important to even mention that they are seeking to deal with this particular issue.

There was a newspaper article highlighted on the 28th of August, 2013, where the Minister of the Environment and Water Resources—[*Interruption*]

Hon. Member: Which paper?

Miss A. Hospedales: Which paper? Let me just make mention: the *Express*.

Hon. Member: Oh, the *Express*.

Miss A. Hospedales: Right. The Minister of the Environment and Water Resources indicated that the illegal quarrying is an impediment to river protection. He also stated that \$400 million worth of material is extracted illegally from state lands every year and action will be taken by security forces to stamp out these activities in order to preserve the country's watersheds and water resources.

Madam Deputy Speaker, I would like the Minister, in closing, to tell us how many illegal quarries have been identified to date. What measures have been taken against persons who engage in illegal quarrying, and how many persons were charged for committing such an offence?

I would also like him to, you know, try and answer—try and, you know, well, honestly answer whether or not it is true that the Ministry of Energy and Energy Affairs does not take into consideration illegal quarries when it is doing its assessment. And there have been several hundred acres of prime property, prime forest, that have been totally destroyed; millions of dollars in gravel stolen.

I am not sure when last the Minister took a ride to the area of Toco and just before you make the turnoff, there is an area of prime—that area used to be forested area. That is now—I mean, it is almost like a desert—almost like a desert because they have—they literally cut down the trees; they quarried the area; dug up the area and what has happened is that they have left a whole lot of puddles. Big, big pools of water are in that area. So the Minister needs to give some very serious consideration with respect to the illegal quarrying that takes place in this country.

The other thing that I want to mention is the fact that even the previous chairman of the Toco/Sangre Grande Regional Corporation, Mr. Maharaj, had said that stronger police intervention in criminal activity surrounding illegal quarrying was urgently needed, or is urgently needed. Right? Because what they also found happening, not only were these persons, or nefarious individuals, quarrying illegally, they were also threatening the legal quarry owners. They were also threatening them, intimidating them, using fear tactics, Madam Deputy Speaker.

Customs Act
[MISS HOSPEDALES]

Friday, January 17, 2014

Even though reports have been made to the police, a lot of these quarries continue to exist on a daily basis. They said that—in the newspaper article—approximately \$70,000 to \$100,000 is earned by an illegal quarrier in one night, and normally they would do illegal quarrying over a period of one to three nights. So you could imagine how much money these people are making for quarrying illegally.

Madam Deputy Speaker, I just hope that the Minister will give significant consideration to some of the things that I would have said and in winding up he would give some responses as well, and I would not delay anymore but to say thank you, Madam Deputy Speaker. [*Desk thumping*]

Madam Deputy Speaker: Member for Couva South.

The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh): Thank you very much, Madam Deputy Speaker. We are at the start of a new year and I thought that this would have been a signal to the Member for Arouca/Maloney to come with something new [*Crosstalk*] in relation to her delivery here this afternoon. And it is indicative of the overall approach of the PNM, no matter what time of the day they seem to have nothing new to offer and put forward as it relates to this, what we would call very routine motion which has been clearly articulated in terms of its intent and purpose by the Minister of Trade, Industry and Investment.

3.45 p.m.

Madam Deputy Speaker, because I do not want to be very long, I would take a few minutes really to address the issue of what is happening with the agricultural sector in Trinidad and Tobago, and I think that the Member for Arouca/Maloney needs to be schooled in terms of what has been the history of the PNM as it relates to the development of the agricultural sector in Trinidad and Tobago.

Mr. Roberts: School her. School her.

Hon. R. Indarsingh: I cannot recollect that under the PNM if there was any sense of growth and development in the agricultural sector from a statistical point of view. [*Crosstalk*] With the thrust of the People's Partnership Government and administration since 2010, we have seen for the first time in approximately 35 years in Trinidad and Tobago, four consecutive quarters of growth as it relates to the agricultural sector in Trinidad and Tobago. [*Desk thumping*]

Hon. Member: What?

Mr. Imbert: The price growing?

Hon. R. Indarsingh: Four consecutive growths and it is as a result of the Government's commitment, and I should say 100 per cent commitment to creating food security in Trinidad and Tobago, ensuring that the cost of living has been brought down through reducing inflation and putting more people back to productive work.

Madam Deputy Speaker, it is important to understand as it relates to—and it is important to remind those on the other side. I will take the opportunity to do so. During your tenure—Member for Diego Martin Central, I will take my time as it relates to providing you with some statistical data—*[Interruption]*

Dr. Rambachan: Give him an education.

Hon. R. Indarsingh:—as it relates to food inflation—*[Interruption]*

Dr. Browne: You are capable of that. You could provide some statistics.

Hon. R. Indarsingh:—and the overall core inflation which occurred during your tenure. I could recollect very clearly, as a trade unionist, that it was in the vicinity of between 28 to 35 per cent as it relates to food inflation, and core inflation hovered around 13 to 15 per cent during your tenure. Today, as a result of the overall thrust from an agricultural point of view, food inflation is around 7 per cent and core inflation is around 6.8 per cent, Madam Deputy Speaker.

Miss Hospedales: How it does not impact—*[Interruption]*

Hon. R. Indarsingh: It is important to understand, Member for Arouca/Maloney, that as you speak about nothing happening as it relates to the agricultural sector and so on, I want to take the opportunity here, this afternoon, although my colleague, the hon. Minister of Trade, Industry and Investment, has done so in articulating a few of the measures and accomplishments of the People's Partnership administration, I will take the opportunity to reinforce what he has already said from an agricultural point of view, because it is important to understand that we took the opportunity to launch what would have been a National Food Production Action Plan which was developed in full consultation with stakeholder and interest groups in Trinidad and Tobago.

Hon. Member: First time ever.

Hon. R. Indarsingh: First time ever when you want to speak about nothing being done in relation to the agricultural sector.

Madam Deputy Speaker, as it relates—*[Interruption]*

Dr. Browne: [*Inaudible*]

Hon. R. Indarsingh: All stakeholder groups [*Inaudible*] All! [*Laughter*] And it is important to understand too from that point of view, we continue to look at the agricultural sector in a holistic manner; in a holistic manner, not only concentrating on plans and so on, but actually walking the talk.

I do not know during your tenure if you refurbished any fishing site or landing site during your nine years—your 10 years—and in less than three years we have been able to fully refurbish 11 landing sites throughout the length and breadth of Trinidad and Tobago. [*Desk thumping*] I see my colleague, the Member for Couva North, is thumping the desk because she knew and she was treated with a sense of engagement as it relates to what prevailed at the Cali Bay landing site because of the neglect of the PNM in the way that they approached the agricultural sector in areas such as Claxton Bay, Cali Bay, Otaheite, Mayaro and— [*Interruption*]

Mr. Roberts: The whole country.

Hon. R. Indarsingh:—and I could go on and on in relation to that.

I do not know, Member for Arouca/Maloney, if you heard or you have been schooled and you have been exposed to the development of the aquaculture sector from the point of view of the Minister of Food Production pumping in excess of \$3.6 million towards the development of that sector, because the FAO or the Food and Agriculture Organization has indicated that from the point of view of the aquaculture sector it continues to be the fastest growing animal food producing sector, and in 2010 it accounted for nearly half or what we would call 45.6 per cent of the world's food consumption. As a result of that, we have seen the importance and we have gone the distance to ensure that there is the revitalization of the fisheries demonstration pond at the Bamboo Settlement Aquaculture Demonstration Centre. When you are passing in the approach before Grand Bazaar there, you could see tangible evidence of what we have done from that point of view. So there is much that is happening, Madam Deputy Speaker, as it relates to the agricultural sector in Trinidad and Tobago.

I could recollect very clearly that when there was flooding in Trinidad and Tobago, farmers had to wait and wait and wait on the PNM as it relates to getting their compensation cheques, and this administration has been able to turn around that in terms of 30 days [*Desk thumping*] in providing compensation to the victims of flooding from an agricultural point of view. So these are the different—this is what I would call a different approach in terms of governance and what we have been able to do from the point of view of the agricultural sector.

In addition to that, for the first time in approximately 50 years, Member for Arouca/Maloney, there has been a distribution of over 4,500 hectares of productive agricultural lands to farmers in Trinidad and Tobago, [*Desk thumping*] the largest single issue in 50 years. That must be matched in terms of what we have done.

You all should be the last to speak about paying attention to the development of the agricultural sector in Trinidad and Tobago.

Hon. Member: They speak about that?

Hon. R. Indarsingh: You killed, you decimated—[*Interruption*]

Miss Hospedales: That is not true.

Hon. R. Indarsingh:—you scorched the earth with the closure [*Desk thumping*] of the only agro-processing company in Trinidad and Tobago, Caroni (1975) Limited. There are still tears that continue to fall as it relates to what you all did to the citrus at La Gloria and Todds Road in terms of falling to the ground, rotting and wasting away and so on, and that is the hypocrisy as it relates to the agricultural sector in Trinidad and Tobago. So you should be the last one to be articulating something on behalf of the PNM as it relates to the agricultural sector in Trinidad and Tobago.

On how many occasions we would have heard of the launch of a praedial larceny squad; and on how many occasions we would have been told from successive Ministers of Agriculture under the PNM that a praedial larceny squad would have been launched, would have come into being to be of support in terms of dealing with the scourge of praedial larceny and how it impacts on the farming community in Trinidad and Tobago. Well again, we have delivered, and the Minister of Food Production has ensured that there has been the launch and the successful launch with the appropriate manpower and support systems.

In fact, the Member for La Horquetta/Talparo, who once served as a Minister in the Ministry of Food Production, has advised me that 200 officers have been attached to this particular force as it relates to giving that sense of balance towards the continued development of the agricultural sector in Trinidad and Tobago and, of course, from the point of view of ensuring that we as a Government continue to display a sense of responsibility to the environment.

Hon. Member: Which Government?

Mr. Seemungal: Not PNM.

Hon. R. Indarsingh: Certainly not PNM.

Mr. Seemungal: Certainly not PNM.

Hon. R. Indarsingh: Certainly not PNM, Member for Diego Martin Central.

Mr. Imbert: You have to be kidding. “You doh read the newspapers?”

Hon. R. Indarsingh: We have continued to be responsible in protecting the natural environment of this country and this is why in March 2012, the Minister of Energy and Energy Affairs stopped all quarrying in the Northern Range near the Asa Wright Nature Centre and directed the reforestation of the slope with immediate effect. [*Desk thumping*]

In addition, Madam Deputy Speaker, a ministerial order was signed to place quarries of all sizes back in the jurisdiction of the Environmental Management Authority among other initiatives from the point of view of addressing the whole issue of illegal quarrying and so on in Trinidad and Tobago, and bringing about a sense of regulation and a sense of order to the quarrying industry in Trinidad and Tobago.

Madam Deputy Speaker, as has been clearly stated by the Minister of Trade, Industry and Investment, this particular issue or this particular Motion deals with the whole question or attempts of exemption from custom duties for goods used in the manufacturing sector. What is important to understand is that a sustainable economic future for Trinidad and Tobago is based on diversification of the economy, both in the traditional and non-traditional sectors, as well as the ability to ensure—or as well as the ability of both private and public sector institutions to successfully compete in the dynamic and evolving global market. This is what this initiative is about. It is nothing strange, it is nothing different from the past, in terms of since its establishment. It is something that successive governments have done in the past in providing incentives to the manufacturing sector of Trinidad and Tobago, and even the service providers in the energy sector and so on.

4.00 p.m.

So, from that point of view, the policy direction articulated, Madam Deputy Speaker, for the medium-term, is expected to lead to an economic system that is resistant or that will be resistant to sudden or, what we would call extreme fluctuations, and one that will endure and rapidly rebound from economic challenges, adversity or shocks.

Madam Deputy Speaker, with emphasis on innovation and entrepreneurship, as it has been clearly stated here this afternoon by my colleague, the creation of what I would term “competitive advantages” based on our unique culture and creativity will certainly “enhancen” our ability to withstand—[*Interruption*]

Dr. Browne: What?

Mrs. Thomas: “Enhancen.”

Hon. R. Indarsingh: “Enhancen”—[*Laughter*—withstand external shocks and also minimize potential economic losses. At the end of the day, from an economic point of view, this particular initiative must be seen as important from the point of view of being the backbone of the economy.

Madam Deputy Speaker, this provides the country [*Continuous crosstalk*] with two major benefits, namely a cheaper product to the local consumer, and secondly, the product is more competitive from a local point of view, a regional and international point of view, because, as I said, and we all know, from the point of view of no customs duties being applied or being paid, and it is, as I said, an incentive to the manufacturing sector—a sector that continues to play a very critical role in the resurgence of the economy of Trinidad and Tobago.

So, therefore this is something that will continue to have what I would call a measure that will continue to have what is termed to be rigorous evaluation by the Ministry of Trade, Industry and Investment before the application is approved, and, of course, the exemptions are monitored or the exemptions are administered by the Customs and Excise Division. So this is the importance of this particular Motion this afternoon in relation to the economy of Trinidad and Tobago and how it stands to be of critical benefit to the manufacturing sector, not only from the point of view of trade and investment but providing employment for the nationals of Trinidad and Tobago as we collectively continue to build a better society.

Madam Deputy Speaker, I support this particular measure and call upon all Members of this House to support this initiative here this afternoon. [*Desk thumping*]

Madam Deputy Speaker: Member for St. Joseph.

Mr. Terrence Deyalsingh (*St. Joseph*): Thank you, Madam Deputy Speaker, for helping me make a short intervention in this Motion.

Hon. Member: Short. [*Desk thumping*]

Mr. T. Deyalsingh: I would not read the entire Motion but it is basically to deal with the Customs Act.

Dr. Moonilal: “Where is yuh balisier tie?”

Mr. T. Deyalsingh: This is the second opportunity I have had to speak after the Member for Couva South—[*Interruption*]

Dr. Browne: “Hmmm.”

Mr. T. Deyalsingh:—and also the second opportunity I have to correct him.

Miss Ramdial: What?

Mr. T. Deyalsingh: Because it is the UNC’s—[*Interruption*]

Dr. Browne: School him!

Mr. T. Deyalsingh:—method of keeping their core base to their bosom that they keep re-defining history and misinterpreting facts.

Miss Mc Donald: That is right. [*Desk thumping*]

Hon. Member: Well said!

Mr. T. Deyalsingh: The first time I had to do it was regarding education amongst the East Indians. Today, I will tackle him head-on as far as Caroni (1975) Limited is concerned—[*Interruption*]

Hon. Member: Yes!

Miss Mc Donald: Lovely!

Mr. T. Deyalsingh: Because he spent a lot of time—[*Interruption*]

Dr. Browne: Deal with him!

Mr. T. Deyalsingh:—talking about Caroni (1975) Limited.

Hon. Member: Tell him every time, what it is. [*Continuous crosstalk*]

Mr. T. Deyalsingh: And to use his own phrase, he will be schooled today.

Miss Mc Donald: That is right.

Mr. T. Deyalsingh: He will be schooled!

Mr. Indarsingh: It was the only agro-based company in Trinidad and Tobago.

Dr. Moonilal: “Ah brief contribution!”

Mr. T. Deyalsingh: It is a pity that capital punishment or corporal punishment is no longer available in schools. [*Laughter*]

Miss Ramdial: What?

Mr. T. Deyalsingh: Because this schooling that he needs today—
[*Interruption*]

Mr. Indarsingh: “Yuh threatening meh?”

Mr. T. Deyalsingh:—really deserves—[*Interruption*]

Dr. Browne: Kamla take it—[*Inaudible*]

Mr. T. Deyalsingh:—something more than my voice.

Hon. Member: Oh my God! [*Continuous crosstalk*]

Mr. T. Deyalsingh: Let me put it on record, Madam Deputy Speaker, that the closure of Caroni (1975) Limited was brought about by several factors. One, the unavailability of—[*Interruption*]

Hon. Member: Listen and learn! [*Crosstalk*]

Mr. T. Deyalsingh:—markets to the United Kingdom and Europe, preferential rates. Would the hon. Member agree with that? That was one of the reasons. Once the Lomé Convention came to an end, we no longer had preferential prices, they were no longer going to allow us the subsidies. Two, our acreage is unsuitable for mechanization. So once the manual labour component of reaping sugar cane became uneconomic, we could not rely on mechanization because the plains in Central Trinidad are undulating plains, hilly plains, where you could not use the harvesters. That is two.

Mr. Indarsingh: The plains—[*Inaudible*]

Mr. T. Deyalsingh: Three, I urge the Member for Couva South to pay attention to the Parliament Channel when they have their feature on Mr. Basdeo Panday.

Mr. Indarsingh: “Eh-huh.” What he said?

Mr. T. Deyalsingh: It was Mr. Basdeo Panday on the Parliament Channel—
[*Interruption*]

Dr. Browne: His guru!

Mr. T. Deyalsingh:—your guru—who said that it was his intention to migrate the children of sugar workers away from sugar cane.

Miss Mc Donald: “Ah ha!” [*Desk thumping*]

Mr. T. Deyalsingh: It was his intention—[*Interruption*]

Dr. Browne: Talk to Bas!

Mr. T. Deyalsingh:—to have the children of the sugar industry become doctors and lawyers, so where was the labour going to come from, hon. Member for Couva South? [*Desk thumping*]

Mrs. Mc Intosh: Lovely! Preach.

Mr. T. Deyalsingh: Where was the labour going to come from? You tell me. [*Crosstalk*]

Fourthly: is it that we, as East Indians, want to reap sugar cane all the days of our lives? Do we not need—[*Continuous crosstalk*]

Dr. Browne: Argue with Panday!

Mr. T. Deyalsingh: Do we not need to become doctors and lawyers and parliamentarians? [*Continuous crosstalk*]

Mr. Roberts: 36(1). Thank you.

Miss Mc Donald: It was raised by the Member for Couva South.

Dr. Moonilal: He dealt with it and he moved on! This is—[*Inaudible*]

Miss Mc Donald: And he is responding.

Mr. Roberts: Boringly!

Madam Deputy Speaker: Members, Members, please, sustain. Member for St. Joseph, you may continue.

Miss Mc Donald: Thank you. [*Desk thumping*]

Mr. T. Deyalsingh: Thank you.

Dr. Browne: “Give but yuh cannot take.” [*Continuous crosstalk*]

Mr. T. Deyalsingh: I lived opposite a Caroni field in Caroni—[*Interruption*]

Dr. Browne: You opened up the debate, Member for Couva South.

Mr. T. Deyalsingh: You have opened this up.

Miss Mc Donald: Exactly!

Mr. T. Deyalsingh: I lived opposite a Caroni field—[*Interruption*]

Madam Deputy Speaker: Address the Chair, Member for St. Joseph.

Dr. Browne: Teach him a lesson here today.

Mr. T. Deyalsingh: I saw sugar cane workers going to work three and four in the morning returning at six o'clock blackened with soot. S-o-o-t.

Mrs. Mc Intosh: Soot, soot.

Mr. T. Deyalsingh: Soot. [*Laughter*] Is that what we want for our children in 2013?

Dr. Gopeesingh: What is that soot?

Hon. Member: Soot not suit.

Mr. T. Deyalsingh: Is that what we want? [*Crosstalk*]

Mr. Roberts: "Suit is whey yuh wearing."

Mr. T. Deyalsingh: Do not the descendants of our Indian indentured labourers deserve a better life? Do they not deserve to come to Trinidad and become doctors and lawyers and to drive Porsches—[*Interruption*]

Hon. Member: Yes.

Mr. T. Deyalsingh:—and to become medical doctors and to become professors and to become lawyers and become a Minister of Sport?

Hon. Member: Pharmacist.

Mr. T. Deyalsingh: But—[*Interruption*]

Mr. Roberts: "And ah pharmacist."

Dr. Gopeesingh: "Ah good pharmacist."

Mr. Roberts: "Ah good one."

Mr. T. Deyalsingh: But the crux of the matter is this—[*Interruption*]

Mr. Roberts: "Yuh going back dey just now."

Miss Mc Donald: Oh God, please. [*Laughter*]

Mr. T. Deyalsingh:—this tendency to re-define history and blame the PNM for the closure of Caroni (1975) Limited—[*Interruption*] [*Desk thumping*]

Mr. Roberts: "But is all yuh close it up."

Mr. T. Deyalsingh:—is totally debunked—[*Interruption*]

Miss Mc Donald: That is right.

Mr. T. Deyalsingh:—when one reads an article on October 06, 2007 highlighted:

Anand Ramlogan’s speech at a COP rally.

Madam Deputy Speaker, if you would allow me:—[*Interruption*]

Hon. Member: “And I will tell yuh why too.”

Mr. T. Deyalsingh:

The UNC had a chance and blew it. The destruction of Caroni is painful but the truth is Panday assisted in the destruction of Caroni [*Desk thumping*] by failing to strengthen and restructure it when he was in power.

Hon. Member: Yes.

Miss Mc Donald: Stop blaming the PNM.

Mr. T. Deyalsingh: That is the current Attorney General of Trinidad and Tobago speaking in 2000 and—and I will repeat this, Madam Deputy Speaker.

Miss Mc Donald: Yes, repeat it.

Mrs. Mc Intosh: Repeat it!

Mr. T. Deyalsingh: Because this revisionism needs to stop on Caroni (1975) Limited.

Miss Mc Donald: Yes.

Mrs. Mc Intosh: Good!

Mr. T. Deyalsingh: I will repeat it. This is Anand Ramlogan, October 06, 2007:

The destruction of Caroni is painful but the truth is Panday assisted in the destruction of Caroni by failing to strengthen and restructure it when he was in power.

Member for Couva South.

Mr. Roberts: Who did he assist?

Mrs. Mc Intosh: Listen and learn. [*Continuous crosstalk and interruption*]

Madam Deputy Speaker: Members.

Mr. T. Deyalsingh: That is the truth about sugar cane in Trinidad and Tobago.

Dr. Browne: “Is not we say that.”

Mr. T. Deyalsingh: It is uneconomical—[*Interruption*]

Dr. Browne: “Is yuh all say that.” [*Continuous crosstalk*]

Mr. T. Deyalsingh:—because of acreage size. It is uneconomical because of the undulating nature of the land.

Miss Mc Donald: Madam Deputy Speaker, I rise on 40(a), (b) and (c). I would like to hear my Member speak, please.

Madam Deputy Speaker: Members, it has become a little bit disturbing and annoying in the sense of hearing voices from both sides when I am unable to hear the speaker.

So please, I want to ask you to allow the Member for St. Joseph to speak in silence. You may continue, Member.

Mr. T. Deyalsingh: The truth hurts.

Mr. Roberts: The lies hurt more.

Mr. T. Deyalsingh: According to Mr. Anand Ramlogan, it is Mr. Basdeo Panday [*Desk thumping*] who wrecked the sugar industry, who closed Caroni (1975) Limited, not the PNM.

Dr. Browne: Panday—[*Inaudible*]

Mr. T. Deyalsingh: Once favourable terms—[*Interruption*]

Mr. Indarsingh: Who was the Prime Minister? [*Crosstalk*]

Mr. T. Deyalsingh:—were taken away from us from the European markets, we had no access, hon. Member for Couva South, so I have debunked that theory. Thank you.

Madam Deputy Speaker—[*Interruption*]

Mr. Roberts: Self-praise!

Mr. T. Deyalsingh:—I now turn to schooling the hon. Minister of Trade, Industry and Investment. He spoke about no trade policy in the interregnum between the 1990s and this Government in power.

Dr. Browne: “Yuh might ha tuh jail him before”—[*Inaudible*]

Mr. T. Deyalsingh:—but yet he spoke about, in his presentation, about opportunities in Central America, South America and Latin America. It may have

Customs Act
[MR. DEYALSINGH]

Friday, January 17, 2014

been the time when the hon. Member was living in London. Just because he did not know of the policy—[*Interruption*]

Dr. Browne: Life in London, boy, life in London.

Mr. T. Deyalsingh:—does not mean that one did not exist.

Hon. Member: Exactly!

Mr. T. Deyalsingh: This Government has to thank former Minister of Trade and Industry, now deceased, Mr. Ken Valley—[*Interruption*]

Hon. Members: Yes, man. [*Desk thumping*]

Mr. T. Deyalsingh:—for opening up trade to South America and Latin America.

Dr. Browne: Exactly! Plenty movement—[*Inaudible*]

Mr. T. Deyalsingh:—and you are reaping the rewards of Ken Valley’s work.

Hon. Member: Yes.

Mr. T. Deyalsingh: That is policy.

Mr. Imbert: That is true.

Mr. T. Deyalsingh: That is policy. May his soul rest in peace.

Dr. Browne: “Under ah PNM administration.”

Mr. Roberts: “And dai why all yuh fire him.”

Miss Mc Intosh: Lovely!

Mr. T. Deyalsingh: Two, the hon. Minister of Trade, Industry and Investment spoke about Scotia Bank and Royal Bank doing their backend processing here. That was as a direct result of trade policy formulated and executed—and I feel very constrained to say my colleague from San Fernando East because he is my senior, but it was Mr. Patrick Manning, under whose tenure, this entire Waterfront complex [*Desk thumping*] which included the international financial sector was conceived.

Dr. Browne: “Give him ah lecture.”

Mr. Roberts: Bring back Calder Hart then? [*Laughter*]

Dr. Moonilal: “Without ah balisier tie.”

Mr. T. Deyalsingh: You are reaping the rewards today—[*Interruption*]

Dr. Browne: Yes and trying to boast.

Mr. T. Deyalsingh:—of policy back then. [*Desk thumping*] So the interregnum the hon. Minister of Trade, Industry and Investment speaks about had a trade policy.

Dr. Moonilal: Rao, Rao, Rao!

Mr. T. Deyalsingh: Let us deal with that.

Mr. Robert: “Rah, rah, rah!”

Mr. T. Deyalsingh: The Magdalena Hotel which the Minister of Trade, Industry and Investment is now speaking so glowingly of—[*Interruption*]

Miss Hospedales: “Eh-heh!” Tell us, tell us!

Mr. T. Deyalsingh: When the Magdalena Hotel was being built and constructed, you heard all sorts of objections and criticisms from the other side when they were in Opposition.

Miss Hospedales: But now they love it.

Mr. T. Deyalsingh: Now, today, Madam Deputy Speaker, the Magdalena is bringing in foreign exchange.

Dr. Browne: Just like the Hyatt.

Mr. T. Deyalsingh: Absolutely amazing!

Dr. Browne: “Hanging up dey picture in the Hyatt now.”

Mr. T. Deyalsingh: The hon. Minister of Trade, Industry and Investment spoke about the maritime sector.

Dr. Browne: Shameless!

Mr. T. Deyalsingh: You inherited the UTT campus in Chaguaramas. [*Desk thumping*] That was part of the diversification under the esteemed leadership of Mr. Patrick Manning, Member for San Fernando East. UTT! [*Crosstalk*] What was germane to having that UTT campus in Chaguaramas, it was supposed to become a focal point for the diversification into the maritime industry—training, repairs and coupled with that, for the Minister of Trade, Industry and Investment, was the OPVs which were supposed to be an integral part of that training and development of the maritime sector and diversification of the economy.

So all of this UNC revisionism has to be debunked, but it falls to me, I welcome the opportunity.

Hon. Member: Lovely!

Dr. Browne: “Yuh could deal with them; do not be shy.”

Hon. Member: You did well! [*Crosstalk and laughter*]

Dr. Moonilal: He did very well, man.

Hon. Member: Very well!

Dr. Moonilal: [*Inaudible*]

Mr. T. Deyalsingh: Madam Deputy Speaker, when one reads something called the *Medium-Term Policy Framework 2011-2014* that this Government put out—I have referred to it before as a flight of fancy.

Mr. Manning: “Ooooooh!”

Mr. T. Deyalsingh: Total flight of fancy!

Mr. Manning: Poor approach!

Mr. T. Deyalsingh: And many of the tax exemptions we seek today, Madam Deputy Speaker, under the headings of Schedule 3 of the Customs Act which deals with—[*Interruption*]

Dr. Moonilal: Member, Member.

Mr. T. Deyalsingh: Sorry.

4.15 p.m.

ARRANGEMENT OF BUSINESS

Madam Deputy Speaker: Hon. Members, earlier I indicated that we will revert to the business of item, which was “Announcement by the Speaker”. I now seek your leave to revert to this item of business.

Assent indicated.

CONDOLENCES

(MR. KARL HUDSON-PHILLIPS, QC)

Madam Deputy Speaker: Hon. Members, it is with a marked degree of sadness that I am to inform this House of the passing of one of our most distinguished legal minds, and former Member of Parliament, Mr. Karl Terrence Hudson-Phillips, QC, who departed this earth on Wednesday, January 15, 2014. At this time, I call on Members to pay their respective tribute. Member for Tabaquite. [*Desk thumping*]

Dr. Moonilal: Deputy Leader of the ONR. [*Laughter*]

Hon. Dr. Suruj Rambachan: Thank you, Madam Deputy Speaker. Madam Deputy Speaker, I am extremely full of gratitude this afternoon to be given this opportunity to express deepest condolences, on behalf of the Government and people of Trinidad and Tobago, to the family of the late Karl Hudson-Phillips. I also do so, Madam Deputy Speaker, on behalf of myself, my wife Nandini—my family.

Karl Hudson-Phillips, QC brought me into the political arena in 1980 as a Deputy Political Leader of the ONR and remained a friend for 34 years. The headlines of today's three newspapers are symbolic of the larger than life personality, who graced us with his presence for close to 81 years. What is astonishing is that in the commentaries of his life thus far, citizens have pointed to him being a man who sacrificed ambition on the altar of principles.

If there is one person, in my view, whom I know in my living history, who closed the gap between word and deed, between promise and delivery, it was Karl Hudson-Phillips, QC. Rare are persons who put principles above all else in the conduct of their personal and professional lives. Some may say that it is because of this that he never became a prime minister or a president, both of which I assure you, Madam Deputy Speaker, would have been offices he would have served with dignity and with a leadership style befitting the office.

Because of his penchant for principles, he was able to convince over 91,000 persons to remove themselves from the trap of the quagmire of tribal politics and to cross into an era where they were convinced that it was important that if the nation was to progress, that voting on issues will be more important.

Dr. Browne: Like Jack?

Hon. Dr. S. Rambachan: The political legacy of Karl Hudson-Phillips, QC is not only in the fact that he refused to sign an undated letter of resignation, but that 34 years ago he was able to convince people to stand for what was right, following in his own footsteps. He, in my view, stirred the minds of our people about change, and about putting the interest of country first. He may have lost an election in 1981, subject as he was then, to the "ah fraid Karl campaign", which, if properly analysed, might one day lead to the conclusion that it was a convenient excuse on the part of many to maintain the then status quo, though that status quo worked against the national interest.

Condolences

[HON. S. RAMBACHAN]

Friday, January 17, 2014

Karl was always a selfless individual, politically and professionally. Politically, it was manifested in the negotiations for leadership of the NAR in 1986, where he sacrificed his own personal ambitions so that the country could move forward under new leadership. Again, a rarity in politics; but by doing what he did, he strengthened the vision that national unity, as a goal, is achievable. Subsequent political developments have supported this.

Karl Hudson-Phillips, QC, was a genuine human being. He made the problems of his friends his problems, but never failed to give advice, whether it was positive or negative, but his advice was always aimed at helping the person to be a better human being. At times, this would cause him to be brutally honest, which some people may not appreciate—or may not have appreciated—but such is the style of a man who stands on principles.

This country will do well to examine Karl's short, but significant political life, and to seek to find out how it affected the development of a more politically mature national mind. As a professional, he always strived for excellence. Average performance was not part of his lifestyle or his vocabulary. Instead, timeliness and responsiveness were two of his most cherished values.

He gave respect to all, and though he was one of the region's and the world's most successful attorneys, reaching the position of a Judge at the ICC, he never lost touch with fellow citizens from all walks of life. Today, as I read the accolades that are being showered upon him, even by the man on the street, I am left to wonder whether they were really afraid of Karl or whether they were afraid of what he stood for and what he upheld throughout his career—the vision of a society based on law and order and with regard to the dignity for fellow human beings.

It was not a surprise therefore, when he was called upon, by the President of the United Nations Human Rights Council, to head a panel of experts to investigate and determine whether Israel's Gaza flotilla raid, in May 2010, breached International Law. And it will be really great to read that report and, as well, the commentary on that report.

In this context, Karl Hudson-Phillips, QC, despite the brutal nature of politics in Trinidad, never encouraged revengeful politics. He used to say, as he said to me very often: "We will have our day in court". For those who knew him, he was indeed a loving and compassionate human being. At an official level, his country has honoured him with the highest—The Order of the Republic of Trinidad and Tobago.

His fellow citizens will honour him for years, and years to come, by taking from his life, those lessons and experiences that enhance principle-centred living and making these a part of our daily life behaviours. On a personal level, I owe a tremendous debt of gratitude to Mr. Hudson-Phillips, QC, for the boost he gave to me in my political career at age 31.

We have lost a good son of the soil. May his soul find an eternal resting place in the home of The Lord and may his good work and good name continue to inspire the nation of Trinidad and Tobago and peoples everywhere. Thank you, Madam Deputy Speaker. [*Desk thumping*]

Madam Deputy Speaker: Member for Diego Martin North/East. [*Desk thumping*]

Mr. Colm Imbert (*Diego Martin North/East*): Thank you, Madam Deputy Speaker. Madam Deputy Speaker, when one looks at the life of Karl Hudson-Phillips, QC, he, in fact, is a living example of somebody who came out of politics and did exceedingly well. In fact, he is an example to all of us. We may very well come out of politics and we would do as well as Karl Hudson-Phillips, QC.

Some of you may not know that he represented my seat, the constituency of Diego Martin East, and although he left that seat in 1976—he served for two terms, 1966—1976—I recall when I was first elected as the Member of Parliament for Diego Martin East, some of the party activists had many an anecdote and a fond memory of Karl Hudson-Phillips, QC, when he was their parliamentary representative.

He was appointed, or elected, or made a Queen's Counsel at the age of 37, which was a remarkable feat for someone coming from Trinidad and Tobago. He graduated, he was called to the Bar in 1959 and in 1970 he was made a Queen's Counsel after just 11 years. And Madam Deputy Speaker, the criteria for becoming a Queen's Counsel in those days, the criteria were very stringent. So it is a tribute to the excellence of the man, that he could have reached the highest level in the legal profession in just 11 years, at the age of 37.

We all know about his political history, the fact that he fell out with Dr. Eric Williams. He left the PNM. He formed the Organization for National Reconstruction, was unsuccessful in the 1981 election. I am told he incurred tremendous personal expense fighting the 1981 election but he rebounded and was able to take on some very lucrative and very important briefs throughout the Caribbean.

Condolences
[MR. IMBERT]

Friday, January 17, 2014

He was the Prosecutor in the Grenada Maurice Bishop murder trial. In Trinidad, he was the Prosecutor or he acted on behalf of the prosecution in the Dole Chadee trial. And some people may also not know that as Attorney General, and it is alleged, without the permission of Dr. Eric Williams, he prosecuted Abdul Malik—the famous murder trial of Abdul Malik. And he took it all the way to the Privy Council and won. So that was the measure of the man. Three famous cases—the Abdul Malik case, the Maurice Bishop case—murder trial, the Dole Chadee trial and numerous others.

As he continued in life, he seemed to have endless energy. He became President of the Law Association at a very advanced age. You heard the Minister of Works and Infrastructure speak about the fact that as recently as 2010, this would have been at the age of 77, he was appointed to head a panel of experts to investigate human rights abuses in Israel.

So that is to tell you the measure of the man. At age 77, he was still highly regarded and sought out as a distinguished international legal luminary. He was among the first judges in the International Criminal Court. He was elected for a nine-year term in the first panel of judges of the International Criminal Court, not too long ago, Madam Deputy Speaker.

I have a personal experience with him. When I was Minister of Science, Technology and Tertiary Education, it was customary for the Government to make recommendations for persons who they would wish to nominate to receive an Honorary Doctorate. And I telephoned Mr. Hudson-Phillips, QC—this would be about 10 years ago—and I told him that the Government wished to nominate him for the Degree of an Honorary Doctorate of Laws at the University of the West Indies, and so humble was the man, he said: “I have received so many honours and accolades in my life, it is okay”. That is the humility of the man. That is the kind of man that Karl Hudson-Phillips was.

The legal fraternity and country has lost one of its leading lights and on behalf of the People’s National Movement, and on my own behalf, I wish to express our deepest condolences to his family. May he rest in peace. Thank you. [*Desk thumping*]

Madam Deputy Speaker: Hon. Members, this Chair also wishes to join with the sentiments expressed by Members in celebrating the life of an eminent son of our soil, whose passing has already been recorded and noted across the Caribbean and wider society.

Condolences

Friday, January 17, 2014

Members who have spoken, have brought his memories alive in this House, recounting his services as a Member to this honourable House and our country's Attorney General from 1969 to 1973.

The House also noted that his extensive practice at the Bar was nothing short of exemplary. His passing is one that would be mourned, not only by those who knew him, but certainly also by those who knew of him.

Hon. Members, I have directed the Clerk of the House to convey, on our behalf, our condolences to the family of Mr. Karl Terrence Hudson-Phillips, QC. Shall we please stand to observe a minute of silence in memory of our late Karl Hudson-Phillips, QC.

[The House of Representatives stood]

Madam Deputy Speaker: From God we came and unto Him is our eventual return. May the soul of Karl Terrence Hudson-Phillips, QC, rest in peace. You may have your seats.

Hon. Members, it is 4.30 p.m. and it is a good time for us to have some tea. This House is now suspended to 5.00 p.m.

4. 30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

**CUSTOMS ACT
(EXEMPTION FROM IMPORT DUTIES)**

Madam Deputy Speaker: Member for St. Joseph.

Mr. T. Deyalsingh: Thank you, Madam Deputy Speaker. Now that we have all been appropriately fed and watered, we can resume the debate. Thank you very much.

Madam Deputy Speaker, when the hon. Minister of Trade, Industry and Investment and Minister in the Ministry of Finance and the Economy was piloting the Motion he used language such as competitiveness, diversification, trade policy, expand market access, and so on and many of these terms could be found in a document called the *Medium Term Policy Framework 2011—2014*. That document, together with what the hon. Minister said in piloting his Motion, when the Minister spoke about competitiveness, one of the critical areas—and I am sure the hon. Minister of Trade, Industry and Investment and Minister in the Ministry of Finance and the Economy will agree with me—is minimizing the additions to the cost of production. The more we can minimize cost of production, the better it is.

The problem I am about to describe did not start in 2013, 2014, 2012, 2011 or 2010. It started some time ago but the point is, when they were campaigning they had the solutions. And Madam Deputy Speaker, when you speak to manufacturers and businessmen today they would tell you one of their biggest overheads, which makes them uncompetitive, is the cost of security and to protect themselves against crime. It is a problem which the PNM had, admittedly, but it is a problem which this Government said they had the solution for. The question is, where have we gone with crime? We are now in a more murderous state than we ever had in the last four years.

We also talk about agriculture, and both the Minister, Sen. Bharath and the Member for Couva South, spoke about agriculture. And again, the *Medium Term Policy Framework* speaks about agriculture. Bear in mind, that *Medium Term Policy Framework*, the years quoted are 2011—2014. We are now in 2014. So you would expect that many of the landmarks would have been achieved or are close to being achieved. Many of the landmarks are within sight.

And let us take agriculture, because we spoke about agriculture and one of the headings is agriculture, because we are considering duty exemptions in the Third Schedule to the Customs Act for:

- (a) approved agriculture livestock, forestry and fisheries

So let us deal with agriculture. In 2010, agriculture accounted for 0.4 per cent of GDP. So we are going to grant exemptions, which we have no problem with. The question is: what benchmark did this Government set for themselves, in terms of agriculture? And the benchmark they set for themselves is this, that agriculture will contribute, not 0.4 per cent but 4 per cent to GDP by 2014—4 per cent.

Question, in 2014—if the hon. Minister in his winding up can tell us— how close are we to that benchmark of 4 per cent? Being a former Minister of Agriculture, he would have passed on his agricultural policies to the new Minister. How is that Ministry achieving its own stated benchmark of 4 per cent contribution to GDP by 2014?

It speaks about creating a food-secure nation. The hon. Minister for Couva South spoke about that. How secure is our food supply today? I ask. And some of the challenges to agriculture are these: poor agricultural practices and low levels of technology use. So I am assuming we are importing duty-free items, which may have a technological base; inadequate infrastructure and delays in regularization. I think some of the issues to regularization may have been achieved Question, these challenges which existed in 2011, do they still exist in

2014? which is their own benchmark because agriculture is not going to be contributing anywhere near to 4 per cent of GDP, as stated in the *Medium Term Policy Framework* by 2014. So if the hon. Minister, in his wind up, could tell the country, as of now, January 2014, what percentage contribution to GDP is agriculture actually making?

Madam Deputy Speaker, one of the approved headings has to do with sports tourism—sports and sports tourism. Let us deal with tourism. We heard about tourism. I am hoping that the hon. Minister of Tourism, the Member for Fyzabad, should be making a significant contribution in this debate; a significant contribution. He contributes vociferously while we are debating. He makes excellent contributions while I am speaking or anyone from the Opposition Bench is speaking. His contributions are sterling when we are speaking. I want to put the hon. Member for Fyzabad on notice that he has a duty to talk to this country about tourism, as it applies to what we are debating here today [*Desk thumping*] because one of the heads is actually tourism.

And we spoke about Tobago. I think the Minister of Trade, Industry and Investment and Minister in the Ministry of Finance and the Economy spoke about Tobago and I want to know what is the Government's plan to deal with Tobago. Madam Deputy Speaker, if you allow me to quote from the *Business Guardian*, Friday, January 17 and this is today. Today is Friday, January 17 and the headline is this:

“Tobago hoteliers say banks not giving loans”

If you will permit me. They want loans to assist in the hotel industry and it says here:

“In June 2013, Prime Minister Kamla Persad-Bissessar”—the hon. Prime Minister of Trinidad and Tobago—“announced the Tourism Development plan to rescue failing tourism projects in Tobago.”

I want to hear from my Minister of Tourism, because one of these heads is to extend the duty-free concession to approved hotels. I want to know. What is going on with tourism in Tobago? Because the occupancy rate, according to this article, is now 35 per cent and it said that they are struggling to survive.

So the hon. Minister of Trade, Industry and Investment and Minister in the Ministry of Finance was speaking about from red tape to red carpet. For the Tobago hoteliers, it is from red tape to red carpet to red ink. They are in deficit; red ink throughout Tobago. So from red tape to red carpet to red ink and I want to

Customs Act
[MR. DEYALSINGH]

Friday, January 17, 2014

hear from my Minister of Tourism, the hon. Member for Fyzabad—to make a sterling contribution on his own legs and not while I am speaking, not when the Member for Port of South is speaking, not when the Member for Diego Martin North/East is speaking. Let him come to the Parliament and tell us what is going on with tourism in Trinidad and Tobago.

If we are dealing with sports tourism, Madam Deputy Speaker, in my constituency of St. Joseph, I have a particular concern and I would admit I raised it with the hon. Minister of Sport today, the Member for D’Abadie/O’Meara. If we are concerned about sport tourism, bringing down teams, I have a particular problem with a cricket ground in Boundary Road, the Caterson Ground. That ground was used frequently by the Government for the St. Joseph by-election.

Now, Madam Deputy Speaker, we are talking about sports tourism and that ground has been left in a state of utter and total disrepair. They brought in heavy equipment onto the ground. They put up lights for the by-election but that ground is one of the few grounds outside the Queen’s Park Oval that has a proper turf wicket; an excellent turf wicket. And one of the associate members of that ground is a former West Indies spinner. I would not call his name because I do not have the permission to call his name. But the lights were erected for the by-election. The ground was damaged to bring in heavy equipment, to have a stage and thousands of people trampling the ground. The cricket season is upon us, February. The ground is now unplayable.

Making matters worse, Madam Deputy Speaker, the drains constructed on the perimeter of the grounds have pieces of steel sticking out. “So you know, Madam Deputy Speaker, in cricket, when you down by the boundary you slide and thing right and try to take a catch, jump over the boundary.” The Trinidad and Tobago Cricket Board of Control has deemed that that ground is unsafe because a fielder could impale himself on the steel sticking out at the boundary for the drainage. So Madam Deputy Speaker, I know the Minister of Sport will do his best. I wrote him today to have that ground rehabilitated as soon as possible. So I am making an appeal, on behalf of the El Socorro Youth Movement, please have that ground brought back to its pristine condition.

Madam Deputy Speaker, Sen. Bharath spoke about flooding and getting water to go the way it should go. Madam Deputy Speaker, it is a well-known fact that we have a significant flooding problem in Trinidad and Tobago. The Minister spoke about aggregate. You need blocks to build schools, hospitals, all of these things. I want to address and respond to the Minister’s contribution about flooding and getting water to flow where you want it to flow.

In my constituency, I have serious flooding problems from East Grove, Ramgoolie Trace and Valsayn North. I have flooding problems in Farm Road. I have flooding problems along the Eastern Main Road. I have flooding problems in Mount Lambert, especially Second Avenue, Mount Lambert, where residents call it “Flood Lambert”. [Laughter] I have serious flooding problems in Aranguez.

I would like the assistance that the Minister of Trade, Industry and Investment and Minister in the Ministry of Finance and the Economy spoke about in having my flooding problems alleviated from the east of the constituency in Valsayn, East Grove, Ramgoolie Trace, Eastern Main Road, to the west of the constituency in Mount Lambert and Aranguez. We need to get those cylinders below the highway cleaned, so the water from north Aranguez can flow into south Aranguez and eventually into the swamp.

We need to have Mount Lambert cleaned up so that they do not flood out with seven feet of flooding. So I am hoping that all the blocks and aggregate that will go in to some of these construction projects can be used to alleviate flooding in my constituency.

Mr. Indarsingh: Certainly.

Mr. T. Deyalsingh: Thank you very much.

Madam Deputy Speaker, under the Third Schedule of this Customs Act that we are amending to further grant duty-free access to certain industries, under the Third Schedule, Part C, we deal with mining and with mining comes the whole energy industry and both speakers before me, the hon. Minister of Trade, Industry and Investment and Minister in the Ministry of Finance and the Economy spoke at length about energy and it was touched on by the Member for Couva South. Question: if we are to be competitive and as the Minister of Trade, Industry and Investment and Minister in the Ministry of Finance and the Economy said, attract all this direct investment, could the Minister of Trade, Industry and Investment and Minister in the Ministry of Finance and the Economy, in his wind up speak about how much FDI, foreign direct investment, has flowed into Trinidad since 2010?

The one bright spot on the horizon is the Mitsubishi/Neal and Massy deal. Outside of that, we have lost the SABIC deal and we have lost the Shaner opportunity to become a world leader in gas. That opportunity has gone to the Ghanaians. Shaner got absolutely fed up with this Government in 2010 and their slothfulness in dealing with them.

Customs Act
[MR. DEYALSINGH]

Friday, January 17, 2014

5.15 p.m.

Madam Deputy Speaker, if we are serious about energy, if we are serious about extending this duty-free concession to companies like Petrotrin, Trinmar, National Quarries, then we also have to hold them to account, and the question is: who is holding Petrotrin to account for one, no significant rise in oil production; and two, not protecting their assets which is a major cause of these oil spills. And three, Petrotrin is now going to be a lag on the Treasury, because again, Madam Deputy Speaker, I refer to an article in the *Daily Express*, today, Friday, January 17, because Petrotrin is going to be a major beneficiary of the extension of these duty-free concessions. The article goes like this, the headline:

“Petrotrin suffers loss for 2013”

And I am just quoting here:

“Ramnarine said”—that is the hon. Minister of Energy and Energy Affairs—
“said Petrotrin was scheduled to make”—a—“loss even before the series of
oil spills...”

So Petrotrin is catering for a loss, but hear what the loss is being blamed on. You know before it was common to blame the PNM for everything, but now in 2014, they can no longer blame the PNM.

Mr. Indarsingh: Why?

Mr. T. Deyalsingh: Hear what they are blaming it on now.

Miss Mc Donald: Lovely! Lovely!

Mrs. Mc Intosh: “Give dem.”

Mr. T. Deyalsingh:

“He said there has been a ‘literal collapse in the refinery margin’ because the United States market has been flooded with shale gas and shale oil.”

It was not me, blame the United States, now. Madam Vice-President—
[*Interruption*]

Madam Deputy Speaker: Madam Deputy Speaker.

Mr. T. Deyalsingh: Madam Deputy Speaker, I am sorry. I apologize. These duty free concessions are meant to benefit the citizens of Trinidad and Tobago, this is an ongoing thing. We have done this in the past, but it is incomprehensible in 2014 for a Minister of Energy and Energy Affairs to blame the conditions in

the United States, for Petrotrin's loss because it is no longer fashionable after four years in power to blame the PNM. That held currency in 2010, it held some currency in 2011, the population started to get fed up of it in 2012, and now they are totally disgusted about hearing: blame the PNM. We are now blaming the United States. This leads me to ask, this shale oil and shale gas phenomena were predicted many years ago. What was the Ministry of Energy and Energy Affairs doing from 2010 to now? What were they doing to mitigate this?

Miss Hospedales: "Sleeping at de wheel."

Mr. T. Deyalsingh: The question is absolutely nothing. Absolutely nothing.

Mrs. Mc Intosh: "Ponging de PNM."

Mr. T. Deyalsingh: But you will "pong de PNM".

Mrs. Mc Intosh: That is right. That is all he was doing.

Mr. T. Deyalsingh: And, Madam Deputy Speaker, [*Crosstalk*] if we are to extend these duty-free concessions, when one reads this publication from:

"TTEITI Trinidad and Tobago Extractive Industries Transparency Initiative
Report 2010-11

MAKING SENSE OF T&T'S ENERY DOLLARS"

Because the hon. Minister of Trade, Industry and Investment spoke at length about energy. When one peruses this, you will see all the graphs that indicate production levels are not going up, they are not even flat, they are not even plateaued, but every single indicator is going down, some precipitously, some slowly:

"PRODUCTION"

On page 25 of that report, 2010, 2011, 2012, downward decline. When one looks on page 28:

"NATURAL GAS PRODUCTION"

"MIDSTREAM NATURAL GAS"—production.

We peaked in 2010 at "4,500 MMSCF/D". This country produces 4.5. It is going down, 2010, 2011, 2012. When one looks at: "Petrochemical Exports", Madam Deputy Speaker, same story. This is not pretty reading for an industry that contributes 40 per cent of GDP to Trinidad and Tobago. Where is the Minister of Energy and Energy Affairs in all of this? Just like the Minister of Tourism, he will

Customs Act
[MR. DEYALSINGH]

Friday, January 17, 2014

not speak on tourism. The Minister of Energy and Energy Affairs is silent, and in this case, Madam Deputy Speaker, silence is not golden.

Mrs. Mc Intosh: Lovely.

Mr. T. Deyalsingh: This silence is not golden. This pall of silence needs to be punctuated by Ministers' statements being held accountable for these declines.

Madam Deputy Speaker, we spoke here today a lot about quarrying, and one of the heads to continue the duty-free exemptions under the Third Schedule part (c), is:

“Approved Mining Purposes in Part A, subheading IV;”

This deals with mining again, and the hon. Minister of Trade, Industry and Investment was at length to speak about aggregate being used in blocks, and how we do not know that aggregate is being used in blocks to make churches and schools and whatever, being very—let us forget that.

Question: we are granting the extension of these duty free exemptions, and one of the state corporations that will benefit is this corrupt state organization called National Quarries; totally corrupt. The CEO had to be fired, the Chairman had to be fired, an entire Board had to be fired. Under the cover of darkness, they would have imported a particular piece of machinery with the existing duty-free exemptions last year, but you know what, Madam Deputy Speaker? A second piece came in, found in the hands of Gopaul & Company. Are our duty-free exemptions going into the hands of their financiers? That was a big scandal, which led directly to the firing of the CEO, the Chairman and the entire Board. There are questions to be answered, just like with Petrotrin, just like with tourism. There are questions to be answered about National Quarries; serious questions to be answered.

Also, quarrying is a multibillion-dollar business in Trinidad, and I would like to hear the hon. Minister of Trade, Industry and Investment tell us today, as was reported last year, is it, in fact, true that two Ministers were butting heads over the sale of our assets, example, Scott's Quarry? What is going on with Scott's Quarry? It was reported that particular Ministers wanted the sale of Scott's Quarry to go to particular individuals, could we hear a statement today about what is going on with Scott's Quarry? What is going on with National Quarries?

Hon. Member: “It in de *Sunshine*.”

Mr. Roberts: It was reported where?

Mr. Warner: In the *Sunshine*.

Mr. T. Deyalsingh: All the newspapers. [*Crosstalk*] “Ah doh think de *Sunshine*”, Mr. Warner, was around then. [*Laughter*]

Mr. Warner: I know.

Hon. Member: Say which paper.

Mr. T. Deyalsingh: *Express*, *Guardian*, call it up.

Hon. Member: *Sunshine*.

Mr. T. Deyalsingh: Madam Deputy Speaker, the Minister of Trade, Industry and Investment spoke about aggregate being used in blocks to build things. I just want to put on record that I want some of that aggregate to be used in blocks and the foundation for the St. Joseph Police Station.

Mr. Warner: “Ah, yeah, yeah.”

Mr. T. Deyalsingh: My understanding is that the tenders have been received, they are to be evaluated in January, and construction to begin in May. During the St. Joseph by-election, I prosecuted the case for the rebuilding of the St. Joseph Police Station, which was stopped by this Government in 2010. So I will be holding this Government to account—[*Interruption*]

Mr. Indarsingh: Magistrate.

Mr. T. Deyalsingh:—for the St. Joseph Police Station to be rebuilt.

Hon. Member: Magistrate.

Mr. T. Deyalsingh: Another issue I will be prosecuting—and yes, you can joke about it. [*Desk thumping and crosstalk*] Another—“prosecute” is not a term used only by lawyers. Anybody can prosecute or advocate an issue. I can use the word advocate, if that will make it easier.

Hon. Members: That is a better word.

Mr. T. Deyalsingh: “Advocate.” Thank you, Minister of Sport. Thank you Member for D’Abadie/O’Meara. I will advocate a particular issue for aggregate, and this has to do with the St. Joseph Convent Girls’ Primary School, which the hon. Minister of Education is well aware of, and he has given me the assurance that once we find alternative accommodation, that school will be rebuilt, and I thank him for that.

Dr. Gopeesingh: Since Minister Volney was there—[*Interruption*]

Mr. T. Deyalsingh: I know. I know, but that school really needs—[*Interruption*]

Dr. Gopeesingh: It is in a bad way.

Mr. T. Deyalsingh:—that St. Joseph Convent Girls' Primary School is really past its due date, and I am working with the principal to find alternate accommodation. If you can help me with alternate accommodation—
[*Interruption*]

Dr. Gopeesingh: Just half of the school, now we could build.

Mr. T. Deyalsingh: Right. Great. So again, the aggregate will come in handy in the St. Joseph constituency. So I thank you for that.

So, Madam Deputy Speaker, question: that medium-term policy framework spoke about 100 per cent increase in non-energy exports by 2014. So this is diversification which the hon. Minister advocated for. So I will stop using the word “prosecute”, he advocated for the diversification of the economy. Could the hon. Minister, in his wrap up tell us, we are now in January 2014, has this self-imposed benchmark of 100 per cent increase in non-energy exports as found in the medium-term policy framework, written by your senatorial colleague Dr. Bhoendradatt Tewarie, how close are we in January 2014 to that? Are we at 80 per cent, 90 per cent? Where are we? Tell us.

Madam Deputy Speaker, the hon. Minister of Trade, Industry and Investment when he was piloting his Motion, told us about our rankings on various things and it sounds good and—[*Interruption*] sorry?

Mr. Cadiz: Various indices.

Mr. T. Deyalsingh: Various indices. Thank you very much. Whatever the hon. Minister has achieved, I congratulate him. I really do. If it is that clearing a container is going to be a matter of minutes or a day or hours, Minister, I congratulate you. If it is ASYCUDA is working well, I congratulate you. If it is you are saying that our ability to sign and consummate contracts are now better, I congratulate you because you deserve the congratulations, we are here as citizens of Trinidad and Tobago. But could the Minister of Trade, Industry and Investment explain to us, unless my information is dead wrong, why is it we have fallen precipitously in the Global Competitiveness Index? Under your administration, hon. Minister, sorry, under the administration of which you are a part, we have fallen from 81 in 2010/2011, Minister, to 84, but the precipitous fall; we are now 92. What is the reason for that downward decline in our—as far as the Global Competitiveness Index is concerned?

Because that speaks to us not being competitive. That speaks to some fundamental problem that the same investors we wish to woo and consummate

deals with, they are going to find certain problems here. Could the hon. Minister tell us, what is the fate of the Investment Promotion Bill? Is it before the LRC? Is it with the Law Commission? Has it gone to Cabinet? Is it being drafted? This was one of the pillars that that medium-term policy framework was built around, to promote investment, and I think it is a laudable goal. But what I am saying, Madam Deputy Speaker, that medium-term policy framework which I described was “a flight of fancy”, is simply a wish list put out back in 2011, on which very few of the benchmarks have been achieved.

The Investment Promotions Bill was spoken about in that document. Could we have from the Minister of Trade, Industry and Investment an update? Could we have from the Minister of Trade, Industry and Investment because if we are speaking competitiveness and factories and energy and mining and hotels, one of the most crucial inputs into all those industries is water; is water. Remember Mr. Panday said: water for all by what? Twenty what? I forgot the term, but that same medium-term policy framework, Madam Deputy Speaker, speaks about a 24-hour a day supply of water, four days a week to all customers by 2015. So we are 11 months away from that benchmark.

5.30 p.m.

Could someone tell us how far away we are from that benchmark of 24 hours a day, four days a week, to all customers? How far are we away from universal metering, and achievement of financial sustainability at WASA? Remember this was their target for 2014, Madam Deputy Speaker, and guess what, Madam Deputy Speaker? We are, in fact, in 2014, albeit at the beginning, so I would expect that some of those benchmarks, we are close to achieving or have been achieved.

So, Madam Deputy Speaker, I have posed some questions, I am hoping that the Minister of Tourism is going to make a statement on the state of tourism, especially in Tobago. I want to hear from him, not when I am debating. I want to hear him on his legs. I want to hear the Minister of Tourism. He cannot escape this; he cannot hide from this; he cannot run from this. I want to hear something about National Quarries. The Government cannot run from the corruption at National Quarries; the Government cannot run from the incompetence of Petrotrin, and with those very few words, Madam Deputy Speaker, I thank you. [*Desk thumping*]

Miss Mc Donald: Lovely! Lovely!

Madam Deputy Speaker: Minister of Trade, Industry and Investment. [*Desk thumping*]

The Minister of Trade, Industry and Investment and Minister in the Ministry of Finance and the Economy (Sen. The Hon. Vasant Bharath): Thank you, Madam Deputy Speaker. Madam Deputy Speaker, a lot of issues have been raised, first of all, by the Member for Arouca/Maloney and, subsequently, by the Member for St. Joseph, and I will try to address as many of them as I possibly can, hopefully, to the satisfaction of Members on the other side.

The first issue raised by the Member for Arouca/Maloney, Madam Deputy Speaker, was the issue of the manufacturing sector. She spoke about the fact that the sector had been in decline and that, essentially, the Government of the day, the People's Partnership Government, had failed—as she put it—in doing really very much about the manufacturing sector. Well, you know, she had a colleague in the previous government who would always say that facts do not lie. Am I correct? [*Crosstalk*] But, similar, I guess. [*Crosstalk*] What was the word? [*Crosstalk*] Anyway, words to that effect, Madam Deputy Speaker.

Dr. Gopeesingh: Facts are stubborn and they do not go away.

Mr. Deyalsingh: Facts are stubborn things.

Dr. Gopeesingh:—and they do not go away.

Sen. The Hon. V. Bharath: Madam Deputy Speaker, in the *Review of the Economy 2013*—Appendix 1 of this *Review of the Economy 2013*, if one were to look at the gross domestic product of Trinidad and Tobago at constant prices, which is the only true measurement of any economic indicator with regard to revenues, I will read out from 2009 what the manufacturing output was as far as GDP was concerned: 2009, \$7,770,000—sorry \$770 million; 2010, \$7,861.9 million; 2011, \$7,775,050,000; 2012, \$7,746,050,000 and in 2013, \$8,222,600,000. [*Desk thumping*]

Mr. Roberts: Those are facts.

Sen. The Hon. V. Bharath: Now, actually, I would have stated in my presentation that the manufacturing sector has seen a significant increase in 2013 over previous years of 6.1 per cent, and the manufacturing sector was now seen to be extremely buoyant but, more importantly, Madam Deputy Speaker, we have got to understand where we have come from to have arrived at 6.1 per cent. We must understand that in 2010, when the People's Partnership came into office, this Government or this country, for the first time in 17 years, under the regime of the People's National Movement, had suffered negative growth—[*Interruption*]

Dr. Browne: Seventeen years!

Sen. The Hon. V. Bharath: Seventeen years—for the first time this country had suffered negative growth under the People’s National Movement—[*Crosstalk*]—who would have been in office for the previous nine years?

Dr. Browne: Where did you get 17 years from?

Sen. The Hon. V. Bharath: From 1993—2010, in 2010 was the first time this country suffered negative growth of 4 per cent.

Mr. Roberts: Forget him “nah”, he understanding English—[*Interruption*]

Sen. The Hon. V. Bharath:—under the People’s National Movement. [*Crosstalk*] I am stating the fact from where we came, from whence we came—a 4 per cent negative growth in 2010. For the first time in 17 years this country suffered negative growth.

In fact, Madam Deputy Speaker, inflation was raging at 16 per cent in July of 2010 when this Government took office; took over from them. It was the frightened lot across there that jumped ship and called an election halfway through their term—not for the first time, I might remind you, Madam Deputy Speaker. When they got into trouble, they did not know what to do. They washed their hands of it and they jumped overboard.

Mr. Roberts: Thank God!

Sen. The Hon. V. Bharath: Madam Deputy Speaker, those are the conditions that prevailed when this Government came into office. To have achieved a growth in the manufacturing sector some short three years later is an absolute miracle, if I may say so myself [*Desk thumping*] and, therefore, Madam Deputy Speaker, you know, the facts are there. The facts are stubborn things. That is right; facts are stubborn things and they would not go away. These are the facts as we see them before us.

So when we talk about the manufacturing sector—[*Crosstalk*]—no, no, I attributed it—I publicly attributed it to him. [*Laughter*] You would not “ketch” me in that. [*Laughter*] So that is the situation with the manufacturing and poised, I may say, Madam Deputy Speaker, to have ever increasing growth because of the new markets that this Government is creating in countries abroad.

As I said, we signed the European Partnership Agreement which will give us access to 500 million people and, for the first time, signed also a services agreement which will impact directly on many of our artistes for the first time—musicians, fashion designers, many people in the cultural industry sector. We

have a services agreement with the European Partnership Agreement with the European Union. We are also attempting to do the same thing with the Canadians in signing the Canada-Caricom arrangement which we hope should be completed by June 2014.

Another point that was raised was the issue of clearing bureaucracy. Well, I think I have dealt with that significantly in terms of our ease of doing business, and the fact that we have moved, as I said, from 43 days to three days as far as opening a business. We are moving rapidly from approximately 19 days for clearing a container to less than three days. We are hoping to do it within 24 hours by the time all the measures are passed, Madam Deputy Speaker, and we are hopeful that by the middle of this year, that will actually be a reality.

One of the things that was also mentioned was the number of persons, citizens, who have been absorbed by URP and CEPEP. I want to remind all of us here that coming out of a deep recession where there is very little work available because there is very little productive activity taking place, you have got to find a way to put people back to work, at least temporarily. Those were the avenues that we have used, CEPEP and URP, to put people back to work so as not to create any social backlash in the country.

We are now looking through the diversification of the economy to create productive, long-term sustainable jobs for our people, and we will move them out of URP and CEPEP through training, appropriate training programmes, as we did and as we have done with agriculture, but a lot of people are not interested in agricultural work these days, so we have to find other ways to be in a position to put them into productive employment, and so that is part of the diversification process.

When I spoke about the port in La Brea, that port, that transshipment facility and that dry-docking facility, will create over 3,000 jobs, Madam Deputy Speaker, over the next five years; 3,000 well-paid jobs, skilled jobs, that we could put our people back into productive long-term employment.

The Member for Arouca/Maloney spoke about the inefficiencies in the port, yes there are inefficiencies in the port, but we are addressing them, but it is incorrect to say that there is only one crane. There are several cranes: there are five ship-to-shore cranes; there are four gantry cranes; there is one mobile crane. At Point Lisas there are two gantry cranes and two mobile cranes. So it is incorrect to say there is only one crane.

I know that—[*Interruption*—]—I am about to make the point—at times, there have been problems, mechanical problems, with those cranes but we are working

assiduously to try to get them back up and running as quickly as possible. In fact, some of them are quite old. Some of them are over 30 years old as you would appreciate. And, of course, with the introduction of the scanners and the merging of the ASYCUDA and the SEW window—the single electronic window—we expect the processing of documentation to speed up significantly.

Also the Member for Arouca/Maloney talked about the agriculture sector, and the fact that we did not care, and the fact that agriculture was in demise. Let me read, again, from the *Review of the Economy*. And, Madam Deputy Speaker, just in the event that people think I am making this up, it is directly out of this book here, the same book that the Member was reading from. I am not sure if she is reading it upside down or not [*Laughter*] but, anyway, the agriculture sector—this is the overview on agriculture:

“The agricultural sector is expected to register a strong performance in calendar 2013 with growth of 5.1 percent.”

Hon. Member: Wow!

Sen. The Hon. V. Bharath: Strong growth, 2013, with growth of 5.1 per cent. This is the first time, Madam Deputy Speaker, that the agricultural sector has actually grown.

Hon. Member: What!

Sen. The Hon. V. Bharath: It is actually also the first time that inflation due to food has dropped to below 10 per cent—9.6 per cent—for the first time in 20 years. [*Crosstalk*] Your records will show it. For the first time in 20 years, we have food inflation down below 10 per cent at 9.6 per cent, Madam Deputy Speaker.

But, you know, what is important? What is important? If one were to look and to actually read properly the food action plan for 2012—2015—and I know the document intimately—you will see that what we have attempted to do is to move away from imported foods and to grow more local foods; foods like cassava, sweet potato and so on. Let me tell you what this document says about those items. Madam Deputy Speaker, it says:

“Root Crops

Cassava production increased by 15.2 percent to 239,032 kilogrammes in the October 2012 to March 2013...”—[*Interruption*]

Mr. Roberts: To what? What the Member for Arouca/Maloney saying?

Hon. Member: “Oh my goodness!”

Sen. The Hon. V. Bharath:—15.2 per cent increase in the production of cassava.

Hon. Member: It is economical.

Hon. Member: Say that!

Sen. The Hon. V. Bharath: Madam Deputy Speaker, let me tell you what it says about sweet potato because sweet potatoes we found, when we did our studies, were far more nutritious than cherry potatoes or whatever she was talking about, which probably very, very, very few people in Trinidad and Tobago eat, but many people eat sweet potato, and we are encouraging it because it is far more nutritious. It is a—*[Interruption]*

Dr. Gopeesingh: Polysaccharide.

Sen. The Hon. V. Bharath: That is correct, polysaccharide. Thank you, Dr. Gopeesingh. It is a far more complex carbohydrate. That is the important thing. Listen to what it says about sweet potato, Madam Deputy Speaker. It says:

“Sweet potato production also rose more sharply, by 58.7 percent to 632,060 kilogrammes, in the 2012/2013 period...” *[Crosstalk]*

Mr. Roberts: So what was Arouca/Maloney reading out?

5.45 p.m.

Sen. The Hon. V. Bharath: Madam Deputy Speaker, I will tell you.

Hon. Member: Thank you.

Sen. The Hon. V. Bharath: The Member also talked—and, you know, I am being very generous “eh”, as *[Laughter]* I know the Member—*[Interruption]*

Mr. Roberts: Yes. Be generous.

Sen. The Hon. V. Bharath:—for Arouca/Maloney from another place a long time ago and we are friends, and I am—*[Interruption]*

Mr. Roberts: Be generous.

Sen. The Hon. V. Bharath:—being *[Crosstalk]* very gentle and gentle. *[Desk thumping]*

Hon. Member: He is not going to demolish you.

Hon. Member: Control yourself. Control yourself.

Sen. The Hon. V. Bharath: Madam Deputy Speaker, she talked about chicken, and she talked about the rise of imported chicken. Let me tell you what the document says about chicken for the period 2012/2013:

“Broiler production”—meaning home-grown chicken—“increased by 92.4 percent”—[*Interruption*]

Hon. Member: Wow!

Hon. Member: What!

Sen. The Hon. V. Bharath: Right.

“to 33.3 million kilogrammes in 2012/2013,”

Okay.

“from 17.3 million kilogrammes one year earlier.”

This is the important part, Madam Deputy Speaker:

“The local poultry industry continued to face increased competition from imported chicken. This is largely due”—[*Interruption*]

Miss Hospedales: Well it was imported chicken I was talking about.

Sen. The Hon. V. Bharath: Correct.

“This is largely due”—

And you have just put your foot in your mouth.

“This is largely due to the removal of the import surcharge in 2007,”

Hon. Member: Wow!

Hon. Member: What!

Sen. The Hon. V. Bharath: So it was in 2007, [*Crosstalk and laughter*] that Government, their Government removed the protection that the local broiler manufacture producers had to allow the imported chicken to come in. [*Interruption*]

Hon. Member: “Ah!”

Hon. Member: Wow! [*Crosstalk*]

Sen. The Hon. V. Bharath: 2007. [*Interruption*]

Hon. Member: For their friends in KFC.

Hon. Member: Now we know.

Hon. Member: We have to build it back.

Hon. Member: Facts. Facts “eh”.

Hon. Member: “Eh he.”

Sen. The Hon. V. Bharath:

“However, in March 2013, Government,”—which is this Government—“agreed to reintroduce the import surcharge at a rate of 15 percent on imported chicken.”—precisely to protect the local producers. [*Desk thumping*] It is them. It is they who are responsible. We are now reversing that trend to ensure that we do not [*Crosstalk*] encourage imported chickens into Trinidad—[*Interruption*]

Hon. Member: We sacrifice.

Sen. The Hon. V. Bharath:—and it is because—[*Interruption*]

Hon. Member: Yes.

Sen. The Hon. V. Bharath:—the broiler producers [*Crosstalk*] came to us almost cap in hand suggesting that the imported chicken coming in, via the door that was opened by the PNM Government, [*Crosstalk*] by removing the duties—[*Interruption*]

Hon. Member: PNM chicken.

Sen. The Hon. V. Bharath:—had left them almost defenceless. In March 2013, thanks to the People’s Partnership Government, [*Desk thumping*] we have now stepped in to protect 20,000 jobs of those people in that sector.

Hon. Member: Home-grown.

Hon. Member: Put the marijuana in the chicken.

Hon. Member: What?

Hon. Member: Dumping.

Sen. The Hon. V. Bharath: So I hope that addresses that particular aspect, Madam Deputy Speaker. But let me also address the issue that she spoke about with regard to tourism arrivals, which as she claimed was on the decline and this Government was doing nothing about it.

Let me read also from this document again, Madam Deputy Speaker. You know, the surprising thing is this is written in English, [*Laughter*] and it is available publicly. [*Interruption*]

Mr. Roberts: I thought you were being nice. Unbelievable. *[Laughter]*

Sen. The Hon. V. Bharath: So let me read what it says about tourism. *[Interruption]*

Hon. Member: Read the whole thing.

Sen. The Hon. V. Bharath: It said:

“The total number of persons visiting Trinidad and Tobago by air and cruise grew moderately between 2008 and 2012, from 481,784 persons to 503,958 persons, a rise of 4.6 percent.”

Hon. Member: Wow!

Sen. The Hon. V. Bharath: That is what it says about tourism, Madam Deputy Speaker. I will tell you also; because of course we have arrival of tourists via the leisure marine sector, which is the yachting sector. Let me tell you what it says about yachting. It says:

“The number of yachts visiting Trinidad and Tobago increased for a third consecutive year to 1,471 vessels in 2012, a 15.7 percent increase”—*[Crosstalk]*—“from the 1,271 vessels which anchored in 2011.”

Dr. Browne: Four per cent increase?

Sen. The Hon. V. Bharath:

“The greatest number of yachts”—

Four per cent increase, yes. When others—*[Interruption]*

Hon. Member: After the—*[Inaudible]*

Sen. The Hon. V. Bharath: Absolutely.

Hon. Member: All right. Brilliant.

Sen. The Hon. V. Bharath:

“The greatest number of yachts arrived in April 2012...,which was 44.9 percent higher than the year before.”

Mr. Roberts: What!

Sen. The Hon. V. Bharath: So, Madam Deputy Speaker, all of the assertions made by the Member for Arouca—*[Interruption]*

Hon. Member: Some.

Sen. The Hon. V. Bharath: All. All of the assertions made by the Member for Arouca/Maloney—[*Interruption*]

Mr. Roberts: All.

Hon. Member: All wrong.

Sen. The Hon. V. Bharath:—are based [*Crosstalk*] on false premise. [*Laughter*] I am trying to be as kind as I can. [*Interruption*]

Mr. Roberts: She reads better in—[*Inaudible*]

Miss Hospedales: Talk about the Caribbean tourism.

Sen. The Hon. V. Bharath: And I also want to just reinforce that the Scandinavian tourists are not locals. [*Desk thumping and laughter*] Just to reinforce that matter.

Hon. Member: Oh my God.

Sen. The Hon. V. Bharath: No, it was a question that was asked, so I want to make sure I cover, comprehensively, all the points that have been made, lest I be accused of omitting any information that would be required. [*Crosstalk*] And also she talked about illegal quarrying. [*Interruption*]

Miss Hospedales: That is why—[*Inaudible*]

Sen. The Hon. V. Bharath: Yes, I want to remind you where illegal quarrying started, and to whom these quarries were almost gifted, so that they could carry on this activity in, not even in the dead of night but in plain daylight, and no one could stop them at the time.

This Government has now seized 15 trucks and instigated several raids with regard to illegal quarrying. In the last Budget, Madam Deputy Speaker, the Minister of Finance and the Economy put in place significantly increased penalties from \$200,000 to \$500,000 for first offences, and \$300,000 to \$700,000 upon conviction for second offences, and, of course, one of the reasons that led to illegal quarrying was—the then PNM Government removed the requirement for a CEC, and that is what created the problems in 2005. CEC requirements were removed.

We are now looking to put those requirements back in place, and to ensure that there are more stringent measures with regard to quarrying in Trinidad and Tobago. [*Interruption*]

Dr. Gopeesingh: That was done by Lenny Saith. Lenny Saith did that in 2005 to facilitate his friends.

Sen. The Hon. V. Bharath: Madam Deputy Speaker, I wanted to address some of the issues raised by my colleague, formerly from the Upper House, from the other place and now seem to be enjoying—[*Interruption*]

Hon. Member: Temporarily.

Mr. Deyalsingh: Be gentle.

Sen. The Hon. V. Bharath:—his time in the Lower House. [*Interruption*]

Hon. Member: Temporarily. [*Laughter*]

Sen. The Hon. V. Bharath: His opening salvo, or one of his opening salvos, other than the Caroni issue, was with regard to the trade policy [*Crosstalk*] that he claimed authorship and ownership on behalf of the PNM Government, because, apparently, he said it was their policy that was carried on from 2001 that resulted in these buildings and trade policies, and so on.

And I also want to reinforce—

Mr. Roberts: “Yuh doh watch TV.”

Sen. The Hon. V. Bharath:—and reiterate to the Member for Arouca/Maloney, who asserted that she hoped that we had not thrown away or discarded any of the work from the previous policy. Well I want to assure you, and assure this honourable House, we did not discard any of the work from the previous policy, because the previous policy was the last policy which was by the UNC Government, Madam Deputy Speaker. The PNM Government did not have a policy. [*Interruption*]

Mr. Roberts: Oooo!

Sen. The Hon. V. Bharath: When the Member for St. Joseph stood up and claimed authorship and ownership [*Laughter*] of the last trade policy, I am not certain if he was a Member of the UNC at the time, [*Desk thumping*] because the last policy was for the period 1997—2001 written by the UNC Government—[*Interruption*]

Mr. Roberts: “What school yuh in?”

Sen. The Hon. V. Bharath:—and there was none from 2001, whilst the PNM was in Government there was no policy.

So Minister Valley was probably following [*Crosstalk*] the policy set out in this document, [*Desk thumping*] in determining—in putting together the policy that they adopted for the ten years. [*Interruption*]

Mr. Roberts: You have been schooled.

Hon. Member: St. Joseph.

Sen. The Hon. V. Bharath: So consider yourself—[*Laughter*] [*Interruption*]

Mr. Deyalsingh: Homework punishment. [*Laughter*]

Mr. Roberts: “And yuh know people wouda believe he, yuh know.”

Hon. Member: Yes. “People wouda believe him.”

Hon. Member: That they had a policy.

Sen. The Hon. V. Bharath: I want to also remind the hon. Minister—
[*Interruption*]

Mr. Deyalsingh: No! No! No! No! No!

Sen. The Hon. V. Bharath: The hon. Member. I am sorry.

I want to also remind the hon. Member for St. Joseph that buildings do not make an industry. [*Crosstalk*] Putting up buildings, Madam Deputy Speaker, and flying all over the world, which I remember the then Minister of Finance doing, accompanied on a couple of occasions by the then Prime Minister, to places like Dubai and so on, coming back to Trinidad and reporting that they had—
[*Interruption*]

Hon. Member: [*Inaudible*]

Sen. The Hon. V. Bharath : Yeah. Coming back and reporting that they had garnered several high-profile tenants who they could not disclose for manning these buildings. Nothing came of it. [*Interruption*]

Dr. Browne: We are in the building.

Sen. The Hon. V. Bharath: Absolutely. We are talking about—[*Interruption*]

Dr. Browne: [*Inaudible*]—in the savannah or what?

Sen. The Hon. V. Bharath: No! No! No! No! Hold on. No. The Member was talking about the International Financial Centre and the development of the financial services. Not a single client came into Trinidad and Tobago and did any business in Trinidad and Tobago under the PNM. [*Interruption*]

Dr. Browne: That is not true.

Sen. The Hon. V. Bharath: It is a fact. That is a complete and total fact. We brought the first clients into the International Financial Centre—[*Desk thumping*]*—*this Government.

As a matter of fact, Madam Deputy Speaker, after RBTT and Scotiabank, the third client, both of whom we signed last year, the third client is Pan American Life Insurance Group who bought Algico. We signed a Memorandum of Understanding with them last year, and only three weeks ago I signed a Memorandum of Understanding with one of the largest business processing outsourcing companies in the world, to put down a pilot project for 51 people, and if it is successful, there will be several hundred people in phase two of that project. This is the Government that did it, not a single, [*Desk thumping*] not a stroke came from all of the trips and all of the big buildings that they put up.

So I want to just remind the hon. Minister, [*sic*] [*Crosstalk*] a building does not make an industry. Okay. [*Desk thumping*] It requires more than that. [*Interruption*]

Hon. Member: I agree. Take that.

Sen. The Hon. V. Bharath: And then he also went on to speak about the Magdalena, and the fact that, you know, that was their policy, and why I am talking about a Scandinavian and this and that and the other—[*Interruption*]

Hon. Member: Correct him.

Sen. The Hon. V. Bharath:—but you see maybe he does not know the history of the Magdalena. Clearly he does not. No, I would not say maybe, clearly he does not, because I suspect that if he knew he would not have said what he did. [*Interruption*]

Hon. Member: That is right.

Mr. Roberts: He would not have made his *faux pas*. [*Crosstalk*]

Dr. Moonilal: Adesh Nanan—[*Inaudible*]

Sen. The Hon. V. Bharath: Madam Deputy Speaker, the history of the Magdalena is that it was partly state-owned, partly owned by the Hilton and partly owned by the company Tobago Plantations. They ran into financial difficulty, and the then Government purchased the Magdalena for \$1, but inherited debts of \$120 million. Those were the debts they inherited.

You know what they then did, Madam Deputy Speaker? They closed the hotel down for three years. For three years, at a cost of security of \$50,000 a month to

Customs Act
[SEN. THE HON. V. BHARATH]

Friday, January 17, 2014

secure the premises, they closed it and shut it down to a point where it deteriorated, to a point where when we came into office we had to make a decision whether to knock it down, leave it as it was as another white elephant, like the Brian Lara Stadium, unfortunately, and others, or to bite the bullet for the good of Trinidad and Tobago and spend the money to refurbish it.

It is this Government that spent \$160 million [*Desk thumping*] to refurbish the Magdalena, [*Crosstalk*] to allow the tourists who are coming in from—the local Scandinavian tourists—[*Laughter*] to come here to play golf—[*Interruption*]

Mr. Roberts: The local Scandinavian.

Hon. Member: And they play golf in Tobago.

Sen. The Hon. V. Bharath:—right, to play golf in Tobago. [*Interruption*]

Hon. Member That is right.

Sen. The Hon. V. Bharath: Okay. It had nothing to do with them, absolutely nothing.

So claiming ownership of something that they had no part—in fact, [*Crosstalk*] the part that they played in it, they ran it into the ground. That was the part that they played in it. And let me tell you something, claiming again ownership when in fact the entire project was conceptualized in 1998 under the UNC Government. [*Desk thumping*]

Anyway, one of the issues I want to deal with is crime, and let me say this, Madam Deputy Speaker; we are all very concerned about the levels of crime. I do not think that anyone in this country can be happy about the state of crime, the state of criminality, the state of siege that we have found ourselves under. And that is it; we are under siege from the criminals in Trinidad and Tobago, but as the Member said, this just did not start. It just did not start last month, or last year or the year before.

6.00 p.m.

Miss Mc Donald: “Eh heh when it started?”

Sen. The Hon V. Bharath: I will tell you when it started. [*Interruption*] Again, figures and facts do not lie. If one were to look at the history of the murder rates in Trinidad and Tobago, and when you start to look as to when it started to rise, you will see that it coincides with a PNM term.

Hon. Member: Yes!

Sen. The Hon. V. Bharath: It is very coincidental, and it not just coincides, but it increases over the period of time. [*Crosstalk*]

Hon. Member: When did it start to fall?

Sen. The Hon V. Bharath: In 2001, the murder rate in Trinidad and Tobago was 171—in 2001, 151, I am sorry; in 2002, 171; in 2003, 229; in 2004, 260; in 2005, 386; in 2006, 387; in 2007, 395; in 2008, 550; in 2009, 509; in 2010, 485—when this Government came into office; we reduced. [*Crosstalk*] In 2011, 354—starting to go down; 2012, 383; in 2013—okay, it is gone up to 407. [*Crosstalk*]

Hon. Member: “Okay, it is gone up?” [*Crosstalk*] “You blaming the PNM?”

Sen. The Hon V. Bharath: But the fact is—[*Crosstalk*]—no, I am looking—it has come down from a high of 550.

Hon. Member: No, no, no! [*Crosstalk*]

Sen. The Hon. V. Bharath: Yes, when we came into office. At the end of the day, Madam Deputy Speaker, we find crime to be abhorrent. The murder rate is unacceptable; we understand that. But at the end of the day, is it reasonable to expect that what is almost ingrained as a direct result of the culture that they created, be reversed in three years. [*Desk thumping*] It is not possible. No reasonable person can expect that within three years we would have reversed a trend that they had started to create. [*Crosstalk*]

Dr. Browne: “Why it going back up now?”

Mr. Deyalsingh: You have a 90-day crime plan in your manifesto!

Sen. The Hon. V. Bharath: Madam Deputy Speaker, we are working aggressively. We understand that crime and criminality will ultimately affect investment in Trinidad and Tobago, and we have got to make sure that we do everything. I assure you that we are doing everything to ensure that we bring the crime rate and particularly the murder rate down.

The last issue I want to discuss, Madam Deputy Speaker, is the issue of shale gas, because again, the Member for St. Joseph talked about the fact that we had not put our house in order since 2010 to compensate for the increase in production of shale gas in the United States and elsewhere, and really, it is because of that, that we find ourselves in a position where we are now blaming the United States. We are not blaming the United States

Mr. Deyalsingh: That is what Ramnarine said!

Sen. The Hon V. Bharath: What we are essentially saying is that we are being realistic as to where the issues and the problems lie. We have found ourselves in a position, and we are not running from it. We are saying these are the reasons. The reasons are because we have significant competition from shale oil and shale gas out of the United States. The East African Coast has large discoveries of oil also, and we have got to now start determining another course of action as to what we are likely to do. Is it that we are going to give up refining altogether? Is it that we are going to find other avenues or other opportunities?

But the way the Member put it across, one would have thought that shale gas was discovered in 2010. It was not. Shale gas has been around for eighty or ninety or one hundred years. It was around when they were in office. It was around for successive PNM Governments—*[Interruption]*

Mr. Roberts: When he was born. *[Laughter]*

Sen. The Hon V. Bharath: —and they did absolutely nothing. We have now found ourselves three years into our Government, into a position where we realize and we recognize that we have a potential threat, a real threat, on the international horizon with regard to a product that we manufacture here in Trinidad and Tobago, and we are going to take the necessary steps. The Minister of Energy and Energy Affairs was very forthcoming, unlike many other Ministers of the past. He was forthcoming in his views that, look, this is the reality, these are the problems and this is how we are going to address these problems, but be aware that we have this issue. And we have now got to make some serious decisions with regard to that.

I hope that I have put to rest most of—or many of, the issues that were raised—many of the relevant issues, I may say—that may have been raised. The others that were not so relevant I chose not to answer at this stage, Madam Deputy Speaker.

Sen. Deyalsingh: Tourism! Tourism!

Sen. The Hon V. Bharath: I think I addressed the issue of tourism in terms of arrivals in Tobago. Oh, yes, sorry. Madam Deputy Speaker, I forgot. There was one issue that the Member for St. Joseph raised when he talked about the Tobago hoteliers saying banks were not giving them loans. I just want to correct one thing. They were not suggesting that the occupancy rate today is 35 per cent. I will just read for you. It says:

The Government plan came at a time after the economic downturn where the hotel occupancy rate was 35 per cent and hotels were struggling to survive.

So that was about two years ago. Let me also say to you that the Government has in place, as I mentioned earlier on, the Trinidad and Tobago Hotel and Guest House Room Stock Upgrade Incentive which gives \$15,000 per room to Tobago hoteliers and \$12,500 to Trinidad hoteliers, and to date there have been 21 applications received for 922 rooms for that allowance, 14 of which have been approved, which encompasses 477 rooms altogether, Madam Deputy Speaker.

With regard to the Tobago Tourism Development Fund, which this Government has set aside \$100 million towards, there is \$60 million that has been set aside for eligible applicants who are being considered at this point in time. The Exim Bank has already approved 14 applicants to the tune of \$26.23 million, and there are nine other letters of undertaking in the amount of \$16.166 million. So an average of \$43 million out of that \$100 million has already been committed to hoteliers in Tobago out of these funds, in addition to, as I mentioned, the over 21 applications received and 14 approved for the Trinidad and Tobago Hotel and Guest House Room Stock Incentive.

Madam Deputy Speaker, with those few words, I beg to move. Thank you.

Question put and agreed to.

“Resolved:

That the House of Representatives, in accordance with and subject to the provisions of section 56 of the Customs Act, exempt from import duties of customs the classes of goods imported or entered for use in Trinidad and Tobago for the respective purposes set out in the List of Conditional Duty Exemptions in the Third Schedule to the Customs Act for:

- A. Approved agriculture, livestock, forestry and fisheries in Part A, subheading II;
- B. Approved Hotels in Part A, subheading III;
- C. Approved Mining Purposes in Part A, subheading IV; and
- D. Other Approved Purposes in Part A, subheading V, from the date of publication to December 31, 2015.” *[Interruption and crosstalk]*

LIBEL AND DEFAMATION (AMDT.) BILL, 2013

The Attorney General (Sen. The Hon. Anand Ramlogan SC): Thank you very much, Madam Deputy Speaker.

I beg to move:

That a Bill to amend the Libel and Defamation Act, Chap.11:16 to abolish malicious, defamatory libel, be now read a second time.

Libel and Defamation (Amdt.) Bill
[SEN. THE HON. A. RAMLOGAN SC]

Friday, January 17, 2014

It was in 1845, Ordinance No. 11, a law respecting defamatory words and libel was enacted. At that time, the Governor was Sir Henry MacLeod. I do not know if it is perhaps any relation to the Member for Pointe-a-Pierre. [Laughter] He was an Irishman. The first thing he had done upon his arrival to this part of the world was to abolish the Spanish laws, the retention of which had been agreed upon by Abercromby and Governor Chacon at the capitulation in 1797. The abolition of the Spanish laws meant the abolition of the Cabildo system of governance, and it prompted the introduction of the town councils for Port of Spain and San Fernando, the constitutional forerunner to what is today the city council and city corporation system.

It was under the governorship of Sir MacLeod that this law was enacted in the year 1845. Today, 169 years later—169 years later—we have come to Parliament for the very first time to remove malicious, defamatory libel—169 years after it was enacted in our laws.

To give you a feel for the prevailing political and social environment at the material time, permit me to quote from *Accounts and Papers of the Colonies*, the Harvard College Library during the period January 26—June 22, 1841. The records reveal that a copy of a despatch from Lord John Russell to Governor Light, Downing Street, March 29, 1841, and I quote:

“I have received Sir Henry MacLeod’s Despatch, No 7, of the 23rd January” transmitting “an Ordinance passed by the Court of Policy of British Guiana to regulate and encourage immigration into that colony, and a Bill, which was read a first time, to raise a loan for that purpose.

Although I have not seen any reason sufficient to induce me to recommend to the Queen the disallowance of the Immigration Ordinance, I am inclined to think that it may be amended; and I shall shortly instruct you as to the views of Her Majesty’s Government on this subject

The proposal for a loan should not receive any sanction from yourself for the present. In my view the measure is of very doubtful policy, and nothing but extraordinary circumstances can warrant it.

We must bear in mind that the fewer the debates in the Combined Court, and the less collision on topics of difference, the better will be the prospect of quiet and prosperity.”

Madam Deputy Speaker, the last part is relevant to today’s modern constitutional democracy that we have:

“...the fewer the debates in the Combined Court, and the less collision on topics of difference, the better will be the prospect of quiet and prosperity.”

At the time this law was enacted, on the heels of the abolition of slavery in 1838, the new world order, emerging as it was, thought that the less dissension and the less divergence of public opinion there was, the better the chance for prosperity in her Majesty’s colonies, and that is the time at which this law was enacted, to quell any form of rebellion, any form of dissension by a free media, at a time when Britain was trying to manage the empire and to try and manage the colonies to keep the untouchables, the subhuman forms of life: the ex-slaves, the people who were not white and the people with whom they were not familiar, after the discovery of the new world. That was the time those laws were passed.

Madam Deputy Speaker, today, we live in a constitutional democracy, and that essentially means that the Constitution of this country, as a Republican State, is the highest and most supreme law of the land. That Constitution has at its very core fundamental human rights which are set out in section IV, and further and better particularized in section V of the Constitution, and they form the basis of a social pact by which the State guarantees to each and every citizen of this country, certain enshrined fundamental human rights and freedoms, and that forms the basis of the sacred pact between the State and its citizens.

6.15 p.m.

Amongst those constitutional rights, Madam Deputy Speaker, we will find the right to freedom of the press; the right to freedom of expression, and most uniquely, the right to freedom of political expression.

Madam Deputy Speaker, in Trinidad and Tobago, unlike most countries in the Commonwealth, the framers of our Constitution were very careful when they were negotiating the pact at Marlborough House Constitutional Conference, to set forth a charter that will form a bedrock for a functioning and maturing democratic society. And as part of that pact, they were very careful to not just set out a right to freedom of expression, which we have in most Constitutions in the free world, but they went further to set forth a discrete and independent right to freedom of political expression.

Why would the forefathers of our Constitution have felt it necessary to set out a separate right to freedom of political expression when they had already put a general right to freedom of expression? In most countries the right to freedom of expression in its generic and omnibus language encompasses the right to freedom of political expression. It is subsumed under it, it is a subset right. But in our country, having regard to a peculiar political history, it was felt that the right to

Libel and Defamation (Amdt.) Bill
[SEN. THE HON. A. RAMLOGAN SC]

Friday, January 17, 2014

freedom of political expression, Dr. Capildeo felt that it should be a special, separate, discrete right and hence we have two rights of freedom of expression; a generic freedom of expression right and a discrete and separate, self-standing right to freedom of political expression.

Those two rights, Madam Deputy Speaker, are now ably assisted by a third and together they form the tripod in our Constitution that gives voice to the people, and the third right in that tripod is the right to freedom of the press.

Madam Deputy Speaker, these three rights impact significantly on the three organs of Government. It impacts on the way we do business and it impacts on the dynamics and fluidity of our politics in this country. It underpins and forms the undercurrent beneath the ebb and flow of judicial and social and political activism and it charts a way forward in these choppy waters as we go forward in our society.

Madam Deputy Speaker, there has not been for almost 170 years any amendment to this law and to this section that deals with malicious criminal defamation. In other words, members of the media would have had this offence hanging like a sword of Damocles over their head for over 170 years in Trinidad and Tobago. It was in 2012 the International Press Institute, which is an international organization comprising a global network of editors, publishers, media executives and leading journalists in the world, that come together to seek the welfare and betterment of journalists and their right to freedom, the right to freely practise their profession., visited Trinidad and Tobago and the Government, led by the hon. Prime Minister, Kamla Persad-Bissessar, proudly hosted the World Congress of the International Press Institute right here in Port of Spain, Trinidad. There were over 200 delegates from all over the world attending that conference, and as Attorney General I was privileged to participate and attend that conference. The theme for that year was “Media in a Changing World, a 360 Degree Perspective.”

Madam Deputy Speaker, at that function, the hon. Prime Minister, in delivering the feature address gave a public commitment on behalf of the Government, after she sat in the audience and listened attentively to the address delivered by journalists and the executive members of IPI, who spoke at the beginning about their colleagues who were in prison awaiting trial in countries all over the world; about their colleagues who were shot, maimed, injured for freely and fearlessly practising the profession of journalism, and spoke about their colleagues who had died in pursuit of the truth, in pursuit of a story, so that the nation and the world at large could know what is really taking place.

Having listened to those contributions and those statements, the hon. Prime Minister felt moved to give a policy commitment publicly on behalf of the People's Partnership Government, that we will, in fact, bring a law to abolish criminal libel, and we have done so in fulfillment of that commitment given by the hon. Prime Minister to the International Press Institute in June 2012. [*Desk thumping*]

Madam Deputy Speaker, further to that public announcement, I led a delegation on behalf of the Government and we commenced meetings in Trinidad and Tobago and at those meetings the most important item for discussion was the abolition of malicious criminal defamation. The importance of it was underscored by the delegation from IPI, having regard to their experiences internationally, when one considered the problems faced by journalists where Governments would use that particular offence to manipulate and to undermine the free press in those countries, and by threatening to have them charged, hauled before the courts and prosecuted, and even, indeed, sentenced and jailed.

The discussions, Madam Deputy Speaker, spanned several months as we went back and forth in terms of the drafting, trying to find common ground and find consensus and compromise, and also as well, most importantly, to include important stakeholder consultation with the media in Trinidad and Tobago. And to that end I would like to pay tribute to the former president of the Trinidad and Tobago Publishers and Broadcasters Association, Miss Kiran Maharaj, who was instrumental in the process of those negotiations and discussions and who was always a livewire during our meetings. Without her, I dare say, we would not be here today with the kind of consensus that we were able to achieve, and I pay tribute to her.

Madam Deputy Speaker, what is defamation? Defamation is committed when a defendant publishes to a third person, words on a matter containing an untrue imputation against the reputation of the claimant. And what do we mean by something that is defamatory or false? It is something that would tend to lower the claimant in the eyes and estimation of right-thinking members of society. In other words, the man on the street would think less of you because of what the other person published about you, provided it is false. Would that statement tend to cause others to shun or avoid the claimant? Would it tend to expose the claimant to hatred, contempt or ridicule? Those are some of the factors and the tests that one would apply in a court of law to determine whether or not the tort of defamation was in fact committed.

Libel and Defamation (Amdt.) Bill
[SEN. THE HON. A. RAMLOGAN SC]

Friday, January 17, 2014

Now, the element of malice, which is required in this particular section, section 9, which we are here to repeal, reads as follows:

“If any person maliciously publishes any defamatory libel, upon conviction thereof he is liable to pay a fine and to imprisonment for one year.”

Now, the publication of that libel can have severe consequences on both sides, and that is why we have opted to retain one section in the law and to abolish one, and we are abolishing the one in respect of which it is easier to secure a conviction. So, the one that would have been of major concern or more important concern to the press and the media we are abolishing that, because that is the one that was flagged by the International Press Institute as being offensive and obnoxious to the practice of free journalism.

Now, the use of the word “maliciously”—malice is something that can be inferred from the circumstances of the publication and the fact of the publication of a false statement. But a journalist who is in a rush, given the competition in the media, a journalist who is in a rush and may not have intentionally and maliciously published it, could nevertheless arguably be found guilty because the malice is inferred from all the circumstances, including the fact of defamatory publication itself. So, it is a rather serious matter and a charge under section 9, can have a most chilling and crippling effect on the media.

Now, Madam Deputy Speaker, I mentioned before that we intend to retain section 8, and I say this for those who have expressed concern that we are perhaps whittling away some protection that would have been enjoyed by those, particularly, in public life, but even those in private life, and, to that I say, if the press or the media maliciously publishes any defamatory libel knowing same to be false, which is section 8, that would remain a criminal offence. So, if they publish it knowing it to be false, that will, in fact, remain an offence. What we are removing, however, is section 9, which is wider and perhaps easier to shape an offence—[*Interruption*]

Hon. Member: To poor judgement.

Sen. The Hon. A. Ramlogan SC:—and have a prosecution.

Madam Deputy Speaker, I think by retaining that section we strike the right balance, because the press and the media have an awesome power and must, with that awesome power must come awesome responsibility. A press that has an agenda of any kind can also be inimical to the very democracy that it is meant to protect and serve. It can block dissenting voices, it can shape news agenda, shape

culture, change perceptions, it can massage public opinion, it can influence the public psyche, it wields an enormous power over the citizenry. But most importantly on the other side, it is a potent antidote to the dominance of big business and Government, and it has the potential to be an important check and balance in our democracy if it is used properly and responsibly.

Madam Deputy Speaker, section 8, which we will retain, has two hurdles, and that is why it is the more difficult of the two offences to secure a conviction, and we are retaining the more difficult one. The easier one, which is of the major concern, we are here to abolish. The difference is sections 8 and 9—*[Interruption]*—if one were to examine sections 8 and 9, one would find that though they are similarly worded, section 8 requires that you actually know the matter to be false. The material difference between sections 8 and 9 is that the prosecution under section 8 needs to prove two elements of mens rea; namely, malice and knowledge; while under section 9 of the Act, the prosecution need only prove one element which is the element of malice.

Now, I think whilst we are doing this, it would be prudent to say a word about the responsibility of the media, because this is not to be interpreted as an opening of the back door or a relaxing of the restraint that would apply on the civil side. Citizens would still be entitled to sue as they normally do for defamation in the civil courts and they would be entitled to damages for compensation if they prove their case. That is not being interfered with at all. It was, indeed, Malcolm X who said that:

“The media’s the most powerful entity on earth. They have the power to make the innocent guilty and to make the guilty innocent, and that’s power. Because they control the minds of the masses.”

Madam Deputy Speaker, this section 9, has a most deleterious effect on the free media. It can impede and hinder freedom of the press and freedom of expression in no small way. Indeed, in looking at it, one has to see how it has been used and abused in other countries in the world and take it in the context of our international obligations as a country.

Trinidad and Tobago, Madam Deputy Speaker, as you know, we are a party to several international United Nations conventions. Article 19 of the Universal Declaration on Human Rights states as follows:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

6.30 p.m.

That is enshrined in the Universal Declaration of Human Rights. It is not just a right to hold opinions without interference, it is a right to seek an opinion; it is a right to receive an opinion and it is a right to impart information and ideas. All of that—those are the bundles of rights that comprise the Declaration of Human Rights in Article 19 of the United Nations Universal Declaration of Human Rights. On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights and, of course, Trinidad and Tobago gained admission to the United Nations on the 18th of September, 1962.

Madam Deputy Speaker, the Universal Declaration of Human Rights was buttressed by the International Covenant on Civil and Political Rights, and Article 19 of the ICCPR states as follows:

- “1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; (and) this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of rights provided for...carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order...or of public health or morals.”

Trinidad and Tobago became a party to this convention on the 21st of December 1978, which was adopted by the United Nations on the 16th of December, 1966 in the United Nations Resolution 2200.

Madam Deputy Speaker, I say this to demonstrate the fact that Trinidad and Tobago, post-independence, we created for this country international standards and benchmarks by which our laws were meant to be judged. We created an international, legitimate expectation by virtue of becoming a signatory to these conventions that our laws would be in conformity with those international treaty obligations.

Madam Deputy Speaker, in journalism, it is said there is always a tension between getting it first and getting it right, and that tension between those two poles sits a journalist on the desk typing away, trying to get it out. It is said by Henry Grunwald, the former managing editor of *Time* magazine:

“Journalism can never be silent: that is its greatest virtue and its greatest fault. It must speak, and speak immediately, while the echoes of wonder, the claims of triumph and the signs of horror are still in the air.”

Madam Deputy Speaker, the horror, the joy, the excitement, the wonder, but most importantly, the truth, it is the pursuit of truth, that is of paramount importance by the media, and that is why it has been dubbed the fourth estate in most constitutional democracies.

It is a natural audit and check and balance on the exercise of public power and it is a hallmark feature of a robust and thriving democracy that is based on the principle of separation of powers. Indeed, the media, as a vibrant and free media, is the grease that makes the wheel of democracy spin in the right direction.

Madam Deputy Speaker, it was former Speaker, Edmund Burke, who said in his book, *On Heroes, Hero Worship, and the Heroic in History*, 1841—former Speaker Carlyle wrote:

“Burke said there were Three Estates in Parliament; but in the Reporters’ Gallery yonder, there sat a Fourth Estate more important far than they all.”

So in other words, the Speaker was, in fact, recognizing in the very Parliament that the fourth estate sat where the media sits and they were far more important than those who actually sat and debated law because what they say about what we say, would reach a far wider audience than when we speak.

Prof. Simeon McIntosh, former Dean of the Law Faculty of the University of the West Indies, Cave Hill Campus in Barbados, whom I had the pleasure to be a student of, was very passionate about the subject, and Prof. McIntosh considered it one of the basic liberties of a free society. He said:

“...the moral and political criticism of public officials is a fundamental right of democratic citizenship; and that restrictions on this fundamental right tended to encroach upon core free speech interests because they usurp the more abstract right of a sovereign people to make independent judgments in terms of public standards of critical discourse essential to the exercise of their moral powers.”

Libel and Defamation (Amdt.) Bill
[SEN. THE HON. A. RAMLOGAN SC]

Friday, January 17, 2014

I think what Prof. Simeon McIntosh was alluding to is the fact that the media has a duty to educate, illuminate, disseminate, but most importantly, it has a responsibility to inform and influence public opinion. It allows society to make an informed judgment, a reasoned and informed judgment on any matter that is in the public domain. The media, of course, therefore, strengthens a functioning democratic society and allows it to mature.

I want to pay tribute to the hon. Prime Minister, the Member of Parliament for Siparia, for having the political courage and conviction to bring this Bill before the Parliament [*Desk thumping*] in the short space of time that we have been in office. Over 169 years have elapsed and no government has dared to interfere with this law because they would have rather that it remain there as a deterrent and chilling effect on the practice of journalism so that people can be told that if you step on the wrong toes, then you can pay a dear price.

I believe it was the decision of the Prime Minister to abolish this law that prompted the International Association of Political Consultants to award her the medal for democracy in November of 2013. Madam Deputy Speaker, and whilst, for example, former recipients, George Bush, President of the United States of America, former President Bill Clinton and former Prime Minister of Great Britain, Margaret Thatcher and, of course, the late Nelson Mandela, are the esteemed former recipients with whom the Prime Minister now shares this honour, Trinidad and Tobago must be proud of the fact that we have a Prime Minister [*Desk thumping*] that can join such an elite international club and be respected the world over.

In her acceptance speech, the hon. Prime Minister, Kamla Persad-Bissessar, said, and I quote:

“This is a deeply profound moment in the history of our nation. It is a day when our combined dedication to defending and strengthening liberties and freedoms is given global prominence, allowing us the chance to showcase how harmony in diversity can become a reality.”

Madam Deputy Speaker, the hon. Prime Minister has been at the forefront of championing and defending a free press in Trinidad and Tobago. We have had our skirmishes; we have had our arguments. That tension is always there. It is a healthy and necessary tension for a vibrant and robust democracy. But the one thing that has characterized the political career of the Prime Minister of this country is that she has never once gotten into a dog fight with the media to the point where anyone has had the cause to launch any kind of attacks. We have never initiated any form of prosecution and we have never crossed the line.

Madam Deputy Speaker, it is as a result of this commitment to strengthen the democratic process in Trinidad and Tobago that this amendment has been forged. Indeed, around the world it is one of the surest indicators of a thriving democracy that there is a strong, free and liberal press and conversely, one of the surest indicators of a dictatorial government when there is a law that can be used to suppress, intimidate, harass and restrict press freedom.

Permit me, Madam Deputy Speaker, to highlight a few examples of countries in the world that have retained this very law that we are about to abolish, and I will come to show you what they have done with it. There are several countries which possess in their laws, defamation and libel criminal offences, laws which protect government officials and public figures from defamation, and some countries contain specific protection for the state, state symbol and government institutions, where they are merged with the political party that governs at any point in time, so that there is no separation of the state. The state is but a political alter ego of the elected government, or in some cases a military government.

In the United States of America, reputedly the world's leading democracy, the federal law contains no criminal law legislation for criminal libel, but at the state level there are 17 states and two territories that retain criminal libel laws on their books. In the past 10 years, 16 individuals were found guilty, with nine being convicted to face prison sentences, whilst others received fines and community service.

In Canada, defamation as a tort, does not infringe the freedom of expression guaranteed under the Canadian Charter of Rights and Freedoms, but defamatory libel is equally valid as a criminal offence under the criminal code. If you are found guilty it is an indictable offence and it is liable to imprisonment for a term not exceeding two years.

In Germany, it is a criminal offence, it has been open to large judicial abuse and it has been used to keep the free press under control and, most importantly, used against political opponents. What is shocking is that the number of cases investigated for defamation in Germany as at 2009, were over 200 cases being investigated, with an average of 120 cases per year being investigated.

Australia has maintained its criminal libel legislation and that law states:

“A person commits an offence if they falsely publish something that is defamatory about another person without having any regard to whether it is true or false.”

Libel and Defamation (Amdt.) Bill
[SEN. THE HON. A. RAMLOGAN SC]

Friday, January 17, 2014

Section 529 of the Crimes Act of New South Wales, 1900, makes it an offence of criminal defamation if:

“A person...without lawful excuse, publishes matter defamatory of another living person...

Knowing”—it—“to be false, and

with intent to cause serious harm to the victim or any other person or being reckless as to whether such harm”—has been—“caused”—or not.

Madam Deputy Speaker, coming closer to home, we have the country of Grenada. Grenada is the first country in the Caribbean to decriminalize defamation through the repeal of section 252 which regulated a negligent and intentional libel. Prison terms of up to six months and two years respectively, was the penalty. Seditious libel, however, remains part of its law under section 237, and it can result in a two-year term of imprisonment.

In 1999, George Worme, the editor of *Grenada Today* was arrested and charged in Grenada of criminal libel after he wrote an editorial accusing Prime Minister Keith Mitchell of bribery. That case had reached the Privy Council and the Judicial Committee held that it was a reasonable restriction on the freedom of expression guarantees. In 1998, journalist Stanley Charles, seditious libel charges were brought against that journalist in Grenada and the IPI has been campaigning for them to remove that crime.

In Jamaica in 2013, the Defamation Bill in Jamaica fully abolished the offence of criminal defamation and it has now been replaced with the Libel and Slander Act of 1851—sorry, the Defamation Act, 2013.

Now, Madam Deputy Speaker, I wish to just briefly take you through some examples internationally to show how this law that we are about to remove from our books has been misused and abused against the media in countries around the world.

6.45 p.m.

In Angola, 11 lawsuits were brought against a renowned investigative journalist, Rafael Marques de Morais. He is one of the most prominent investigative journalists known the world over for his path-breaking stories, and he is a respected anti-corruption campaigner. He exposed a wide and a number of high-level corruption cases and human rights violations in his blog, and pursued

sensitive investigations into human rights violations in Angola's diamond mining industry.

The Deputy Africa Director at Human Rights Watch said and I quote:

“Angola has found its criminal defamation laws”—to be—“very useful to squelch reports about corruption and human rights violations...Angola should be investigating”—whether—“these reports of serious human rights violations”—are true—“instead of trying to silence the bearers of bad news.”

The book written by Mr. Rafael contains over 100 cases of serious human rights violations by military personnel and private security guards in Angola's diamond rich region in the London north area.

In 2013, he attended a Criminal Investigation and Action Conference in Luanda, Angola's capital, and 10 new lawsuits were brought. Neither he nor his lawyer were allowed to view the papers or review the full indictments or files of evidence related to any of those lawsuits, and the plaintiffs are several high-ranking Angolan generals including three former chiefs of staff of the Angolan armed forces. Defamation is therefore a criminal offence under Angolan law, and in recent times a number of journalists have been prosecuted for criminal defamation in lawsuits brought by several senior Government officials.

I take you next to the Philippines. The United Nations Human Rights Commission has ruled that the Philippines laws are incomparable with Article 19, paragraph 3, of the International Covenant on Civil and Political Rights on freedom of expression. In that case brought by broadcaster Alex Adonis, the United Nations Human Rights Commission had to adjudicate on whether a dramatized newspaper report of a congressman, Nograles, who was allegedly seen running naked in a hotel when caught in bed by the husband of the woman with whom he was said to be having an affair and with whom he had spent the night, was in fact a correct use of the privilege given to journalists.

The evidence was sufficient to prove the author's guilt beyond the reasonable doubt for a malicious arbitrary, abusive and irresponsible act for maligning the honour, reputation and good name of Congressman Nograles. That was the finding in the courts. After serving two years in prison, the broadcaster questioned the compatibility of the law of criminal libel with the right to freedom of expression under Article 19 of the International Covenant on Civil and Political Rights.

Libel and Defamation (Amdt.) Bill
[SEN. THE HON. A. RAMLOGAN SC]

Friday, January 17, 2014

Mr. Adonis argued that the sanction for imprisonment for libel failed to meet the standard of necessity and reasonableness, and that there were other means of protection that would be available. The United Nations ruled:

“Defamation laws should not...stifle freedom of expression...Penal defamation laws should include the defense of truth...in comments about public figures, consideration should be given to avoiding penalties or otherwise rendering untrue statements that have been published in error but without malice. In any event, a public interest in the subject matter of the criticism should be recognized as a defense.

State parties should’—therefore—‘consider the decriminalization of libel...

The Committee ordered the Philippine government to ‘provide (Adonis) with an effective remedy, including adequate compensation for’—the—‘time served in prison,’—and—‘The State’—was—‘under’—an—‘obligation to take steps to’—ensure—‘that similar violations’—did not occur—‘in the future’.”

So the United Nations Human Rights Commission, they gave a public hint to the international community that countries with this law should take a strong stand in support of a free and fair media and seek to repeal it, which is what we are doing. So what we are doing is not only endorsed by the highest International Human Rights Body, the United Nations Commission on Human Rights, but it is also consistent with our international treaty obligations in accordance with the International Covenant on Civil and Political Rights.

Madam Deputy Speaker, in Thailand, they used the 2007 Computer Crime Act to get at journalists and to charge and prosecute them, when in fact they published a story about human trafficking for profit concerning both people who had fled persecution in Burma and entered Thai waters. The Thai naval authorities took great umbrage and offence and they in fact sued under this offence.

The Republic of Congo, the Regulatory Board which is the High Council on Freedom of Communication, suspended three private weeklies from circulation for nine months because they dared to publish articles concerning public figures. The 11 members of the council were, of course, hand-picked by the very President of the country and they found that the article that was the subject matter of the complaint was insulting to the National Police Corps, defamation, manipulation of opinion, publication of misinformation and accusations without

proof, as a result of which, they charged them and prosecuted them. And, all of this simply arose because they had written a piece that was critical about the President's son.

In Peru, two Peruvian journalists who reported on Government corruption were convicted of criminal defamation, fined and handed suspended jail sentences in two cases in October 2013—just a couple months ago.

Madam Deputy Speaker, the issue we are about is not an abstract, abstruse or theoretical one, but one that is very much alive, real and practical. It has been used as a weapon by oppressive regimes the world over to silence and undermine the free and fearless independent media. The Government is therefore proud to be bringing this path-breaking legislation at a time when there is a need for a healthy, free and fearless media in Trinidad and Tobago and the world over.

Global statistics show that crimes against journalists are on the rise, Madam Deputy Speaker. Reporters Without Borders indicated in their 2012 reports: 89 journalists were killed, 38 journalists were kidnapped, 879 journalists arrested, 1,993 journalists were physically attacked or threatened, 47 citizen journalists were killed—these are citizen journalists, not qualified or working in a media house. But in addition to the 89 killed, 47 citizen journalists were killed—144 bloggers arrested. So Madam Deputy Speaker, it is with a sense of political—
[*Interruption*]

Madam Deputy Speaker: Hon. Members, the speaking time of the hon. Attorney General has expired.

Motion made: That the hon. Member's speaking time be extended by 30 minutes. [*Dr. T. Gopeesingh*]

Question put and agreed to.

Madam Deputy Speaker: Member, you may continue. [*Desk thumping*]

Sen. The Hon. A. Ramlogan, SC: Thank you very much, Madam Deputy Speaker. It is against that backdrop where the media workers and media practitioners have come under direct threat in countries the world over, that the removal of this offence sends the right signal about Trinidad and Tobago's commitment to a free, fair and robust media. It is in alignment with the international trend in other countries, and it guarantees and ensures that the kind of intrusions and oppressive restrictions we have seen occur in other countries will not occur in Trinidad and Tobago.

Now, Trinidad and Tobago enjoys a relatively good track record with respect to the right to publish freely and the right of the media in the Constitution. There have been a couple cases; in fact, there was one case which was brought when we had the restrictions on foreign exchange. And that case, their newsprint was a very cleverly and innovatively crafted case because the Government was controlling foreign exchange and it was controlling the amount of foreign exchange it was releasing to a particular newspaper, and the newspaper therefore could not publish a sufficient quantity that would allow it to maintain its economic profit margin. So that it was affecting the very economic sustainability and viability of the newspaper by controlling the amount of foreign exchange it was releasing to it so that it could not import the ink that was necessary for the printing press to print the newspaper.

A case was brought at the High Court. It was successful. It was overturned by the Court of Appeal, but Mr. Justice of Appeal Ibrahim, who sat in that matter in the Court of Appeal said and I quote:

I must pose this question: why is freedom of the press set forth as a fundamental right when freedom of expression is set out in an earlier subsection? The answer must be that it has an interpretation exclusive to itself, inclusive no doubt of the freedom of thought and expression. It follows that there must be no discrimination with respect to the freedom. It has to be distinguished so that individuals who have the right must be set apart from other persons.

In other words, he was saying that the right to freedom of the press was inextricably intertwined with the right to freedom of thought and freedom of expression, because what would be the point in having the right to think freely if you did not have the right to express your thoughts freely, and the media is the medium by which one would articulate those thoughts and share them with the general public.

Of course, we had the most important case that concerned the violation of the right to freedom of expression, was the case of the Maha Sabha radio licence. In that case in the judgment given by the Judicial Committee of Her Majesty's Privy Council on July 04, 2006, they found that the then Government acted in the most pernicious and malicious manner possible to deny a radio licence to the Sanatan Dharma Maha Sabha in circumstances where the Privy Council felt sufficiently moved to include additional release under the Constitution to include quite separate and apart from the declaratory relief that there was discrimination, it went on to include that there was a breach of their right to freedom of expression.

Madam Deputy Speaker, that case remains a stain on Trinidad and Tobago's otherwise proud reputation as a country that respects the right of the media to freely exercise and ply its trade. But what was perhaps most disturbing in that case, is the fact that the Privy Council ruled that the then Government had twice misled the courts in our country and it has said that:

The courts were allowed to operate under a misapprehension on two occasions.

And the reason for that was simply to starve the case of evidence to prevent the Maha Sabha from getting a radio licence at a time when they felt, perhaps, that the Maha Sabha might be an independent voice and one that would be opposed to some of their policies and programmes. Much more will be said about this by my colleague, the distinguished Member of Parliament for Caroni East, I am sure, later on—[*Interruption*]

Dr. Browne: Not in this Bill.

Sen. The Hon. A. Ramlogan SC:—when he rises to contribute in this debate. [*Laughter*]

Madam Deputy Speaker, [*Crosstalk*] whilst we—a word about the need for there to be some responsibility on the part of the press. We have had in the United Kingdom, Madam Deputy Speaker, the Rupert Murdoch fiasco. What the Rupert Murdoch fiasco with the phone hacking scandal showed, is that for the press to be truly free in a democracy, it must also keep itself free of ties and investments in the press with any degree of political ambition. That was important because the phone hacking scandal in the United Kingdom revealed that the press was not as free and as independent as the British citizenry thought because, in fact, there was a puppet master and strings were attached to political figures, and ultimately there was in fact a press that was operating with a political agenda. In fact, there were some who were even operating, not with a political agenda but with a political vendetta.

7.00 p.m.

Madam Deputy Speaker, I say that because in Trinidad and Tobago, whilst no government has moved to charge a journalist under this law, the fact of the matter is there have, in fact, been some grossly, irresponsible and false reporting. Thankfully, the press has, in fact, been self-regulating and it has been able to respond and rise to the occasion to publish corrections, to publish the truth, and for that, we must compliment the press, because that is the hallmark of a free and

Libel and Defamation (Amdt.) Bill
[SEN. THE HON. A. RAMLOGAN SC]

Friday, January 17, 2014

independent press that operates in a professional manner with an awareness of its responsibility and its own power.

Madam Deputy Speaker, inasmuch as we compliment the Government, past and present, for not laying a charge under this section to prosecute any journalist, we must equally recognize the professional responsibility and standard of the media, because, in many countries, the media can take a hardline position and they can beat up on you until they completely bury you. In Trinidad and Tobago, we have had a very mature relationship, and my experience has been, generally, if you communicate with the media and you let them know that you have a particular problem with a story, then they would be more than happy to publish your side. Although you might be anxious, although you might be distressed by something they have said, at the end of the day, it is as much their right to publish what they have published about you as it is your right to defend and protect your reputation by suing, if necessary, in the courts.

In *The Leveson Inquiry*, Lord Bingham, former Lord Chief Justice, said and I quote:

“The proper functioning of a modern participatory democracy requires...the media”—to—“be free, active, professional and inquiring. For this reason the courts, here and elsewhere, have recognised the cardinal importance of press freedom and the need for any restriction on that freedom to be proportionate and no more than...necessary to promote the legitimate object of”—that—“restriction.”

Madam Deputy Speaker, the quality of that freedom requires consideration.

“...as Lord Bingham indicates, freedom has many components and is rarely in a democracy absolute or paramount, if only because democracy may itself be thought of as a system for reconciling competing freedoms. Equally, a press that is free and nothing else will not necessarily enhance democracy.”

The Libel and Defamation (Amdt.) Bill, 2013, which is before us, is a most important and significant step in the right direction towards advancing and bettering the relationship between the other three estates and that of the media. I urge those on the opposite side, our colleagues on the Opposition Bench, to support us in this measure; support us because it is the right thing to do, and support us because we have already subscribed to the United Nations principles and our international treaty obligations require nothing less in this regard.

Madam Deputy Speaker, this Government is very proud to be associated with this particular legislative measure because history will record that it was the

Kamla Persad-Bissessar regime, after a short three years in office, that had to come after 169 years to abolish malicious criminal defamation, and for that, history will look very favourably upon her leadership and the leadership provided by this Government.

As was said by Voltaire:

“I do not agree with what you have to say, but I’ll defend to...death your right to say it.”

I beg to move. I thank you. [*Desk thumping*]

Question proposed.

Madam Deputy Speaker: Members, before I ask the next speaker to take the floor, this House is suspended for the next 10 minutes.

7.04 p.m.: *Sitting suspended.*

7.15 p.m.: *Sitting resumed.*

Madam Deputy Speaker: Hon. Member for Diego Martin North/East.

Mr. Colm Imbert (*Diego Martin North/East*): Thank you, Madam Deputy Speaker. During the presentation of the Attorney General, one could be forgiven in coming to the conclusion that he had shares in a newspaper.

Hon. Member: Boy! [*Laughter*]

Mr. Warner: *Sunshine.*

Mr. C. Imbert: No, you own the *Sunshine*. [*Laughter*] I will come to you in a little while. One could be forgiven for assuming that the Attorney General had shares, ownership, of a newspaper, because there was very little balance in his presentation.

Dr. Browne: Correct!

Mr. C. Imbert: He argued the point from the perspective of the media—
[*Interruption*]

Miss Mc Donald: That is right.

Mr. C. Imbert:—and not from the persons who are defamed—[*Interruption*]

Hon. Member: Trying to win the—[*Inaudible*]

Mr. C. Imbert:—such as Members of this honourable House—[*Interruption*]

Hon. Member: Even the members of the public.

Mr. C. Imbert:—and members of the public, yes—private citizens.

Miss Mc Donald: Private citizens.

Mr. C. Imbert: In any discussion of this issue—[*Interruption*]

Hon. Member: The Attorney General!

Mr. C. Imbert:—one must have balance. [*Desk thumping*] It is all very well to quote from statements made by the International Press Institute and other organizations that seek the interest of journalists and so on. They have a job to do. But, when one is dealing with something like this which fundamentally affects the jobs and the lives of Members of this honourable House—[*Interruption*]

Hon. Member: And the citizens!

Mr. C. Imbert:—and the private citizens, there is a need for balance.

Hon. Member: Correct!

Mr. C. Imbert: And in all the court decisions on this matter, the Judiciary is always called upon to strike a balance—[*Interruption*]

Miss Mc Donald: That is right.

Mr. C. Imbert:—between the rights of the individual—[*Interruption*]

Miss Mc Donald: That is right.

Mr. C. Imbert:—and freedom of expression and freedom of the press and so on. In the Attorney General’s presentation, he did not look at all or minimally skirted the damage that can be done to people by malicious publications.

So, it falls to me to put some of the current learning, some of the current authorities and some of the current decisions into the record, and I will start, Madam Deputy Speaker, with a Privy Council decision which was rendered in 2004, and this deals with a case that he mentioned in passing. This is the case of *George Worme and Grenada Today Limited v. The Commissioner of Police* from The Court of Appeal of Grenada. The facts of this case are as follows—I am reading from the decision delivered by Lord Rodger of Earlsferry:

“In 1999 the first appellant, Mr. George Worme, was the editor of the weekly newspaper ‘Grenada Today’ which was published by the second appellant, Grenada Today Ltd. The issue dated 17 September 1999 included a letter signed ‘The People’s Man’ and addressed to the”—then—“Prime Minister

(Dr...Mitchell). It was printed under the heading ‘Doc, stop playing politics’. The letter was critical of the Prime Minister’s attitude towards teachers’ pay. It included this sentence:

‘During the election campaign you spent million of dollars to bribe’—the— ‘people to vote for you and your party, disregarding what the law says governing the electoral process.’

Following publication of the letter”—[*Crosstalk*]—“Mr. Worme was invited”—[*Laughter*]—“to attend”—[*Interruption*]

Dr. Moonilal: “What ah dey?”

Mr. C. Imbert: [*Laughter*] “I will tell yuh”—“at the Central Division of the Criminal Investigation Department of the Royal Grenada Police. [*Continuous crosstalk*]

Sen. Ramlogan SC: Is he related to you?

Dr. Browne: “It ah UNC across there?”

Mr. C. Imbert: Come on, this is a serious matter.

Dr. Moonilal: “Well, that is yuh brother, based on other facts today.” [*Laughter*]

Mr. C. Imbert:

“He went there on 21 September, accompanied by his lawyer. The police put a number of written questions to him about Grenada Today...and about the letter. He answered the questions and was not arrested or charged.

In the next issue”—one week later—“published on 24 September 1999, Grenada Today reprinted the letter preceded by these words:

‘The letter which angered Prime Minister Mitchell and forced him to attempt to use law enforcement officers...to try and ‘silence’ the GRENADA TODAY newspaper.’”

And he repeated these words:

“During the election campaign you spent million of dollars to bribe people to vote for you...disregarding what the law says governing the electoral process.”

So, the *Grenada Today* was prosecuted; Mr. Worme was prosecuted. The matter went all the way to the Privy Council. In his defence, Mr. Worme and the

Libel and Defamation (Amdt.) Bill
[MR. IMBERT]

Friday, January 17, 2014

newspaper—in their defence, they argued that the law of criminal libel or the laws that criminalized libel in Grenada were unconstitutional. That was their defence, that in the Constitution of Grenada, they were entitled to freedom of expression, and therefore the very existence of a criminal offence on the statute books that criminalized freedom of expression was unconstitutional.

I will go to the end of the decision, but what was very, very important was the commentary of the Privy Council on the whole question of reputation. I am surprised that Members opposite who have certainly, in the last three and a half years, expressed their anger at things that have been published in the newspapers, expressed their rage, have criticized the media, have accused the media of having vendettas and conspiracies and so on—[*Crosstalk*] I will read from utterances from the Members opposite.

Hon. Member: Excellent!

Mr. C. Imbert: I am surprised that hon. Members feel this way. This is how you feel! You feel that there are elements in the media who are deliberately seeking to assassinate the character of Members of the Government and so on, and you have expressed your outrage at this.

Sen. Ramlogan SC: You have to be bigger than that, man.

Mr. C. Imbert: It has nothing to do with being bigger or smaller. [*Crosstalk*]

Hon. Member: The Prime Minister—[*Inaudible*]

Mr. C. Imbert: What we are looking at here, Madam Deputy Speaker, is criminal libel: should it be a crime?

Now, let us look at what the Privy Council had to say and let us go to it:

“For present purposes,”—I am reading from paragraph 42 of the judgment—“the crime of intentional libel, as interpreted by the Board,”—this is the Privy Council—“is committed where a defendant publishes any false defamatory matter, imputing to another person a crime or misconduct in any public office, with the intention of damaging the reputation of that...person, in circumstances where the jury”—and in several jurisdictions, this is trial by jury—would—“consider that the publication was not for the public benefit. The intention to damage the other person’s reputation is important. The law rightly attaches a high value to a person’s reputation not only for that”—person’s—“sake but also in the wider interests of the public.”

It goes on to quote Lord Nicholls of Birkenhead:

“Reputation is an integral and important part of the dignity of the individual. It...forms the basis of many decisions in a democratic society which are fundamental...its well-being: whom to employ...”—whom to—“work for, whom to promote, whom to do business with...”—who—“to vote for. Once besmirched by an unfounded allegation in a national newspaper, a reputation can be damaged forever, especially if there is no opportunity to vindicate one’s reputation.”

These are not my words, this is the decision of the Privy Council.

7.25 p.m.

“When this happens, society as well as the individual is the loser. For it should not be supposed that protection of reputation is a matter of importance only to the...individual and his family. Protection of reputation is conducive to the public good. Protection of reputation is conducive to the public good. It is in the public interest that the reputation of public figures should not be debased falsely. In the political field, in order to make an informed choice, the electorate needs to be able to identify the good as well as the bad. Consistently with these considerations, human rights conventions recognise that freedom of expression is not an absolute right. Its exercise may be subject to such restrictions as are prescribed by law and are necessary in a democratic society for the protection of the reputation of others.”

And now they go on to give the main judgment.

“The protection of good reputation is conducive to the public good. It is also in the public interest that the reputation of public figures should not be debased...”

Hon. Member: Should not be what?

Mr. C. Imbert: Debased.

“...falsely. Their Lordships are therefore satisfied that the objective of an offence that catches those who attack a person’s reputation by accusing him, falsely, of crime or misconduct in public office is sufficiently important to justify limiting the right to freedom of expression.”

So what are they saying? They are saying that this should be a crime. They are not saying—this is the Privy Council looking at the whole question of the constitutional right of freedom of expression, and saying that the objective of an

Libel and Defamation (Amdt.) Bill
[MR. IMBERT]

Friday, January 17, 2014

offence that catches those who attack a person's reputation by accusing him, falsely, of crime or misconduct in public office is sufficiently important to justify limiting the right to freedom of expression.

“Moreover, the offence is rationally connected to that objective and is limited to situations where the publication was not for the public benefit.”

And this is important. If, for example, Madam Deputy Speaker, hypothetically, a newspaper was to publish an article alleging that a Cabinet Minister in a country had engaged in sex with a prostitute—hypothetically—that publication could do tremendous damage—[*Interruption*]

Miss Mc Donald: That is right.

Mr. C. Imbert:—to that particular public official, Madam Deputy Speaker.

Hon. Member: That is an example?

Mr. C. Imbert: I am just giving that as an example.

Hon. Member: I was wondering why you are going there? [*Inaudible*]

Mr. C. Imbert: “We coming to that.” We are coming to that.

“Moreover, the offence is rationally connected to...”—the—“...objective...” of catching people who attack a person's reputation falsely “...and is limited to...”—a situation—“...where the publication was not for the public benefit.”

What public benefit is there of falsely accusing—? The Attorney General himself gave an example of a case where a congressman or some public official was accused of running naked through some hotel and engaging in uncontrolled sex with someone, in some hotel room. And it proved to be false. What is in the public interest in publishing a false story like that, about a politician?

“Of course, the tort of libel provides a civil remedy...but this no more shows that...”—the—“...crime of intentional libel is unnecessary than the existence of the tort of conversion shows that a crime of theft is unnecessary.”

The point they were making—if there are civil actions and civil remedies, that does not make the point that criminal remedies are unnecessary.

And this is another important point.

“...the law of criminal libel...”—the fact that—“...the law of criminal libel has not been invoked in recent years does not show that it is not needed. After

all, prosecutions are in one sense a sign not of the success of a law, but of its failure to prevent the conduct in question.

In *R v Lucas* [1998]...the Supreme Court of Canada, rejected a similar argument against the constitutionality of the crime of defamatory libel in the Canadian Criminal Code:..."

Talking now about *Grenada Today* and so on—

"55. The appellants argued...the provisions cannot be an effective way of achieving the objective. They contended that this was apparent from the fact that criminal prosecutions for defamation are rare in comparison to civil suits. However, it has been held that '[t]he paucity of prosecutions does not necessarily reflect on the seriousness of the problem', rather it might be affected by a *number* of factors such as the priority which is given to enforcement by the police...the infrequency of prosecutions does not render them unconstitutional..."

And this is another important point.

"I agree that the small number of prosecutions...may well be due to its effectiveness in deterring the publication of defamatory libel ..."

The mere fact that, on our books at this point in time, there is the offence of defamatory libel, which is punishable by a fine and/or a jail term, it fits this. The fact that there have been almost no prosecutions in our jurisdiction "may well be due to its effectiveness in deterring the publication of defamatory libel ...".

I ask again—I ask hon. Members opposite, for persons who have, from time to time, felt very aggrieved at things that are published in the newspapers, why do you want to remove one of the few areas of protection for public figures, from our law? This is why I said there was very little balance in the AG's presentation. And I am not saying this in a bad way. I understand the thrust of his argument. He came to make the case, unfortunately, for the International Press Institute because that is what they say, if you read, that is what they are saying. All of those examples they give them but the fact is that we must be very careful in this Parliament about what we do because once it is done, it is almost impossible to reverse it. I cannot see a future Parliament, if we tamper with this legislation in this way, coming back to Parliament to put it back and, therefore, I am asking the Government to pause. And I am going to suggest an amendment to the legislation.

Now, let us move on.

Libel and Defamation (Amdt.) Bill
[MR. IMBERT]

Friday, January 17, 2014

“In my view, section 300...”

This is the section of the Criminal Code of Grenada that deals with criminal libel.

“...is rationally connected to the legislative objective of protecting the reputation of individuals.

For much the same reasons as the Supreme Court,...”—of Canada—their Lordships reject...”—the—“...argument for saying that the crime of intentional libel is not reasonably required in Grenada. Looking at the position overall, they are satisfied that it is indeed...required to protect people's reputations and does not go further than is necessary to accomplish that objective.

Nor can the Board say that such a crime”—the crime of libel—“is not reasonably justifiable in a democratic society.”

And that is why no newspaper has ever mounted a section 13 challenge against the crime of defamatory libel; because they knew this is what would come at them. This is the Privy Council saying that as far as they are concerned, they do not agree that the crime of criminal libel is not reasonably justifiable in a democratic society. And this binds us; this Privy Council decision binds us. So they go on to say:

“...criminal libel, in one form or another,...”—can be—“...found in...”—laws—“...of many democratic societies,...”—and accordingly—“...it can be...regarded as a justifiable part of the law of the democratic society in Grenada.”

And basically, that was the decision.

The burden of proof fell to the newspaper to prove that what they had published was true. And it is interesting that they made the point that, in their defence, the newspaper did not even bother to attempt to prove that what they had published was true. They produced no evidence. They produced no arguments whatsoever, to prove that the allegation they had made—that the then Prime Minister of Grenada had spent millions of dollars to bribe voters in breach of the law, they did not even identify which area of law he had breached. They made that point.

So it fell now to the newspaper to prove that what they had said was true and, of course, since they had produced no evidence, they lost the case. So that is the case of *George Worme and Grenada Today Limited v the Commissioner of Police*

in Grenada. And that is a Privy Council decision which has not—the Privy Council has not revisited that matter, as far as I am aware.

Now, let us go back to what the Attorney General is telling us. He says our law of libel is 168 years old. I did some calculations on it. It worked out at 168—169. And it was enacted in response to the situation at the time in 1845. And it was enacted then to quell any form of rebellion or disorder in the colony. If one took that on its own, on the face of it, what the Attorney General was telling us was that this law is antiquated and that it has no place in a modern society. This is a 2004 decision. I am going on, it is okay, you do not worry, this is a 2004 decision.

The point that was being looked at there is not the question of what the law should be. The question was: Is the law of criminal malicious defamation unconstitutional? That is the point, because you see the Attorney General has said that in our Constitution, in sections 4 and 5, we have rights such as freedom of the press, freedom of expression, freedom of political expression. This case speaks directly to that because this was the newspaper in Grenada using their own constitutional protection of freedom of expression to challenge the constitutionality of the laws of criminal libel.

So again, notwithstanding the fact that we have these things in our Constitution, the courts have recognized there are limits. And you must place limits, and you must place limits on freedom of expression, otherwise it will be a complete free-for-all.

I would also refer, Madam Deputy Speaker, to a publication in the *International Journal of Communications Law and Policy*, published in the summer of 2011—not very long ago, two and a half years ago—which made the point—they did a survey of the status of criminal libel throughout the world, and they made the point that at the time they did their studies, 158, out of 168 countries surveyed, still had criminal defamation laws of some kind. One hundred and fifty-eight out of 168 still had criminal defamation laws of some kind. This is a 2011 article, Madam Deputy Speaker.

Hon. Member: Which [*Inaudible*]

Mr. C. Imbert: I cannot tell you. I cannot tell you that but I am going to give you—Madam Deputy Speaker, I have had a question across the floor. I have some information here on what pertains in various countries around the world. I can go in alphabetical order.

Libel and Defamation (Amdt.) Bill
[MR. IMBERT]

Friday, January 17, 2014

“Asia...”

I am starting with the countries in the various regions. Well, I am starting with Asia.

Hon. Member: Continent.

Mr. C. Imbert: Countries in—“Yeah, is awright.” Azerbaijan:

“In Azerbaijan, the crime of defamation...may result in a fine of up to 500 times the amount of minimum salaries, public work for 240 hours, correctional work for up to one year, or imprisonment of up to six months.”

“...China criminalizes defamation.”

Republic of Taiwan criminalizes defamation.

India—in India—

“The punishment for defamation is...simple imprisonment for up to two years...” with or without a fine.

In Korea, the punishment for defamation—

“...imprisonment with or without prison labour for not more than 3 years or by a fine not exceeding 20 million won.”

And then it goes on to give even more severe crimes:

“Any person who has defamed any other person by alleging openly false facts via information and communications networks...shall be subject to imprisonment with prison labor for not more than 7 years or...”—a fine of 50 million won. That is about US\$50,000.

Soviet Union—well, the former Soviet Union—libels are a criminal offence even though that was not a free society.

In the Philippines, you have the Revised Penal Code of the Philippines where—

“Libel is defined as ‘public and malicious imputation of a crime, or...a vice or defect, real, or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt of...natural or juridical person, or to blacken the memory of one who is dead’.” And that is in tandem with “...*The Cybercrime Prevention Act of 2012.*”

This is as recently as just less than two years ago.

“In 2012, the Philippines enacted Republic Act, 10175 titled *The Cybercrime Prevention Act of 2012*.

And it “...provides that libel is criminally punishable...”.

It goes on to talk about libel in cyberspace.

7.40 p.m.

“...electronic libel is punishable with imprisonment for”—“6 years...up to 12 years.”—between six and 12 years. So that is—[*Interruption*] Philippines.

Dr. Gopeesingh: “But ours punishable.”

Mr. C. Imbert: I am just telling you. I am talking about the current law in the world. Europe, Albania—according to the Criminal Code of Albania defamation is a crime. It can lead to a fine of up to six months imprisonment; Austria—in Austria the crime of defamation is in Article 111 of the Criminal Code; Belgium—in Belgium crimes against honour are in their Belgian Penal Code. The penalty is between eight days and one year imprisonment, plus a fine. The penalty is doubled when the motivation of the crime of libel—and this is important, they look at the motive—“is hatred, contempt or hostility of a person due to his or her...race, color of skin, ancestry, national origin or ethnicity...gender, sexual orientation, marital status, place of birth, age...philosophical or religious belief...” et cetera, et, cetera, “political beliefs”—and when the motivation for the crime of libel is one of these things, the fine is doubled. That is in Belgium.

Dr. Gopeesingh: Minister [*sic*] would you give way for just a—

Mr. C. Imbert: Sure man, sure, sure.

Dr. Gopeesingh: In those that you are quoting there, was there any differentiation on the two aspects between eight and nine; eight has knowingly and falsely and nine just has a fine for it and a jail sentence as well on nine.

Mr. C. Imbert: I will explain that. I will explain why we have to be very careful about tampering with nine in a little while. Let me just deal with, let me just put into the record what the situation is in the world.

In Bulgaria, defamation was formerly a criminal offence but no longer has a penalty of imprisonment attached to it. “In Croatia the crime of insult prescribes a penalty of up to three months in prison...” The Czech Republic, “Penalties may reach a maximum prison term of one year”. In Denmark—and I mean these are

Libel and Defamation (Amdt.) Bill

Friday, January 17, 2014

[MR. IMBERT]

developed societies. We are not just talking about countries that have a poor human rights record. We are talking about highly-developed western societies.

“In Denmark libel is a crime as defined by Article 267 of the Danish Criminal Code, with a penalty of up to six months in prison or a fine, with proceedings initiated by the victim. In addition, Article 266 prescribes a maximum prison term of two years in the case of public defamation aimed at a group of persons because of their race, colour, national...origin, religion”, et cetera.

“In Finland, defamation is a crime...with a penalty...of up to six months or a fine. When the defamation occurs in public, the crime is ‘aggravated defamation’ with a maximum punishment of two years in prison.”

In Germany there is no distinction between libel and slander and there are several different offences within the German statutes: defamation of character, defamation with deliberate untruths, political defamation, denigration of a deceased person and so on and so on and so on.

In Greece the maximum prison term for defamation is five years. The crime of insult may lead up to one year in prison. In Ireland individuals are protected under the Irish Defamation Act. In Italy there are several different crimes against something that they call honour.

“The crime of injury refers to offending one’s honour and is punished with up to six months in prison.”

In Norway—and I want Members to listen to the countries I am calling here: Denmark, Germany, Italy, Finland, Norway. These are not countries—*[Interruption]*

Dr. Ramadharsingh: Azerbaijan.

Mr. C. Imbert: Well, I called those as well. I am showing you the wide breadth of the whole thing. But the point of this particular list is that it is not confined to emerging democracies.

Miss Mc Donald: That is right.

Mr. C. Imbert: It is also well entrenched in western democracies that have been in existence for hundreds of years—*[Interruption]*

Dr. Browne: The press is flourishing in—*[Inaudible]*

Mr. C. Imbert:—where you have a healthy respect for freedom rights and a healthy and vibrant media. In Norway defamation is a crime punished with

imprisonment of up to six months. In Poland defamation is a crime. The maximum prison term is three years. In Portugal defamation is punishable with up to six months.

“In Spain, the crime of calumny consists of offending one’s reputation...with reckless contempt for the truth. Penalties for cases with publicity are imprisonment from six months to two years.”

In Sweden the criminal offence of denigration is in the criminal code. The penalty is a fine.

“In Switzerland, the crime of calumny is punished with a maximum term of three years in prison.”

Calumny is insult. It is just a fancy word for insulting, defaming and damaging somebody’s honour and somebody’s reputation.

Miss Mc Donald: Which you all are guilty of.

Hon. Member: No, no, no.

Mr. C. Imbert: So, Madam Deputy Speaker, I have read out all these countries—[*Interruption*]

Mrs. Mc Intosh: Calumny.

Mr. C. Imbert:—to—and throughout South America as well, libel is a criminal offence. In fact, there is a case in Ecuador right now where the publishers of a newspaper were jailed for three years and the newspaper was fined \$40 million and that is not a misprint, \$40 million.

Dr. Browne: That is plenty money in Ecuador.

Mr. C. Imbert: US dollars. So the point that I am making, Madam Deputy Speaker, is that we have to be very careful. You look around the world there have to be good reasons why Italy, Germany, France, Spain, Denmark, Finland, Norway and all these, most, nearly all of South America why do they preserve the crime of criminal libel on their books? It has to be a good reason why, at the time of the publication of that 2011 article, 158 out of a 168 countries still had laws of criminal libel on their books.

And I would now—[*Interruption*]

Dr. Browne: Civilized countries.

Mr. C. Imbert:—very briefly refer to expressions of anger by the current administration—[*Interruption*]

Dr. Browne: This is a good thing.

Mr. C. Imbert: In—when was this—[*Interruption*] of course I will do it—March of 2013, this article states the Trinidad and Tobago Prime Minister attacked ““rogue elements”” in the country’s media and Prime Minister Bissessar stated—[*Interruption*]

Mr. Deyalsingh: “Aaaah.”

Mr. C. Imbert:—that ““some so-called media professionals are not being fair to this government and are not reporting on the achievements and successes of the government.’ The Prime Minister also implied that the Media Association of Trinidad and Tobago...prioritised defending journalists’ rights over ensuring truthful reporting.”

So there were sufficiently egregious or offensive reports in the media for the Prime Minister to claim there were rogue elements in the media as recently as March 2013, Madam Deputy Speaker.

Then we had the case of the former Minister of Communications, Minister Jamal Mohammed—[*Interruption*]

Dr. Browne: Oh dear!

Mr. C. Imbert:—who sent an email to the TV6 Head of News, Dominic Kalipersad—[*Interruption*]

Dr. Browne: Where is he now?

Mr. C. Imbert:—stating that TV6 and the *Express* were biased in their reporting and were in cahoots with the Opposition PNM to destabilize the Kamla Persad-Bissessar-led People’s Partnership Government. [*Interruption*] You could say that you know, but the point I am making to you is that Members opposite have felt sufficiently offended and aggrieved by what has been published, to express their outrage.

We have a letter from the Minister of Local Government, Dr. Rambachan to the International—former Minister of Local Government—Press Institute. When was this? April 2013.

Mrs. Mc Intosh: “A-a-,de odda day.”

Mr. C. Imbert: “Within the past few months a number of press reports on members of Government have gone unsubstantiated.

Mrs. Mc Intosh: Oh Lord!

Mr. C. Imbert: “In the most recent case of Member of Parliament Anil Roberts who is also Minister of Sport, the press reported that he was sent to the Integrity Commission...Despite the Integrity Commission refuting what the press said, there has been no retraction. Is it that the media should be given absolute freedom without responsibility for the truth?”

Hon. Member: What?

Mr. C. Imbert: And he goes on. He is complaining to the International Press Institute. Now I am not—the point I am making—[*Interruption*]

Dr. Rambachan: That is what the stand is.

Mr. C. Imbert:—taking issue with the letter. The Minister obviously felt justified in writing this letter.

Dr. Rambachan: Of course, I did.

Madam Deputy Speaker: At this time I would allow for a procedural Motion by the Leader of the House.

PROCEDURAL MOTION

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Madam Deputy Speaker, in accordance with Standing Order 10(11), I beg to move that the House continue to sit to facilitate the debate of the second reading of the Bill under consideration.

Question put and agreed to.

LIBEL AND DEFAMATION (AMDT.) BILL, 2013

Mr. C. Imbert: Thank you, Madam Deputy Speaker. I have been asked by the former Minister of Local Government to read the whole letter. “But ah cyah read de whole letter” what I will do is read some of the salient elements.

“In Trinidad and Tobago there are three daily newspapers, two weeklies...37 radio stations...None of these have ever been shut down by this Government. All of these radio stations...”all, and he said 37 radio stations “eh”. This is the Minister talking.

“All of these radio stations...”

That means all 37.

Libel and Defamation (Amdt.) Bill
[MR. IMBERT]

Friday, January 17, 2014

“carry very harsh and hard hitting talk shows which are often very critical and tough on the Government.”

Mrs. Mc Intosh: Sat station too?

Mr. C. Imbert: “He say all.”

Dr. Browne: Sat and all.

Mr. C. Imbert: “The rights of those who own the stations as well as...the talk show hosts and those who call into the stations have never been challenged. Even the President of your local chapter in Trinidad...is associated with a TV station and several radio stations, one of which,... carries a talk show which at times”—is very—“critical of the Government.”

Dr. Browne: Crime Watch? [*Laughter*]

Mr. C. Imbert: “Further the TV station with which he is associated has at least two programmes which at times contain material critical of the Government. Whenever mention is made of the media by a politician, the first response is to say...the media is being attacked.”

I am sure they will attack me “and all” for reading out the Privy Council judgment “but I ain fraid dat. I ain fraid dat at all” because truth is a defence. I just—the point I am making, Madam Deputy Speaker. I do not think I need to read anymore from that letter—[*Interruption*] no from that letter. I have plenty more.

Dr. Moonilal: Do not elaborate. We get the point.

Mr. C. Imbert: No, you have not gotten the point.

Dr. Moonilal: What?

Mr. C. Imbert: You have not gotten the point.

Dr. Moonilal: I give you back the point.

Mr. C. Imbert: You have not gotten the point.

Dr. Moonilal: I give you back the point.

Mr. C. Imbert: “MATT condemns online video attack on journalist
The Media Association of Trinidad and Tobago...”

This is the *Express* of November 13. This is just two months ago.

Dr. Browne: You are waxing warm.

Mr. C. Imbert: “The Media Association condemns in the strongest possible terms any attempt to discredit, humiliate and besmirch the character of journalists...”

It is in that context the association views with great concern the recent online video that denigrates Miss...Javeed an investigative reporter attached to the Trinidad Express.”

Dr. Moonilal: What they did there?

Mr. C. Imbert: Hmm.

Dr. Moonilal: What is that about? I do not know.

Mr. C. Imbert: “Yuh doh know what it is about? Doh try dat.”

Dr. Moonilal: I do not follow those types of things.

Mr. C. Imbert: “Yuh doh follow those types of things?” Yes, I suggest you check the webpage of one of the most distinguished Members of your administration, through you, Madam Deputy Speaker. You may see the video posted there and certain angry statements about the particular journalist. The point I am making, that persons felt sufficiently aggrieved to go on the attack against that particular journalist.

Now we have an article from the *Guardian*.

“Warner under...attack”

Mr. Warner: What?

Mr. C. Imbert: “Warner under fire for attack on journalists”

Mr. Warner: “*Sunshine* was not there yet?”

Mr. C. Imbert: No, no, no.

“National Security Minister Jack Warner has been condemned for his verbal attack on the media. Warner, chairman of the...(UNC), ...warned that all journalists with ‘an axe to grind’ against the Government should first be beyond reproach themselves.”

Mr. Warner: “Umm”, lovely.

Mr. C. Imbert: ““If you are going to attempt to expose people then be”—beyond—“reproach,”” [*Interruption*]

Mr. Warner: Correct, correct.

Mr. C. Imbert: “Warner said, adding he was noticing a ‘most deceitful’ trend where reporters use their positions to ‘push an agenda’” [*Interruption*]

Mr. Warner: Very correct.

Mr. C. Imbert:—“and felt the media were ‘compliant’ with the Opposition” PNM.

Mr. Warner: That was then.

Mrs. Mc Intosh: Yesterday was yesterday.

Mr. Warner: Yesterday was yesterday.

7.55 p.m.

The point I am making, Madam Deputy Speaker—I said before, that hypothetically a newspaper could publish an article saying a Cabinet Minister is in the habit of purchasing services from prostitutes. Hypothetically, a newspaper could publish an article saying that Cabinet Ministers are in a conspiracy in some country to kill a journalist. [*Laughter*]

Dr. Browne: Or a [*Inaudible*] in a meeting.

Mr. C. Imbert: No, they could do this.

Hon. Member: Ask Rowley.

Mr. C. Imbert: They could do this.

Hon. Ramlogan SC: Fabricate Indians and them.

Hon. Member: Ask Rowley.

Mr. C. Imbert: No, the point I am making is that you have to be careful about what you are doing.

Hon. Member: Together with friends.

Mr. C. Imbert: This is a very serious matter, it is not something we need to rush into. While the press has a point, we too must look after ourselves. The press in some country could write that an Attorney General has imported two Mercedes Benz.

Hon. Ramlogan SC: Luxury Range Rovers.

Mr. C. Imbert: Or Range Rovers. Yes, thank you—[*Interruption*]

Hon. Ramlogan SC: “Say de right thing nah man. Wha’m to you?”

Mr. C. Imbert:—unlawfully, they could do that, and the public could form an impression that that Attorney General is a crook in that hypothetical country.

Hon. Minister: Azerbaijan.

Mr. C. Imbert: It could be. Could be Azerbaijan, who knows.

Hon. Ramlogan SC: “Dey could do worse and say ah related to another Member of Parliament from Diego Martin.”

Hon. Member: “Whey yuh talking ’bout *baigan*?”

Mr. C. Imbert: In addition—[*Interruption*]

Hon. Member: “Talking ’bout *baigan*.”

Mr. C. Imbert:—no, the point is, Madam Deputy Speaker—[*Interruption*]

Hon. Member: “You still ha de \$10 million in de Cayman Islands.”

Hon. Member: “What wrong wid dat?”

Mr. C. Imbert: Look at that, [*Laughter*] “Ah wish. Ah wish. Ah wish.”

Hon. Member: “How much million?”

Mr. C. Imbert: I wish. I wish, Madam Deputy Speaker. [*Crosstalk*] You know, they could talk about Members of a Government purchasing mansions in a certain part of a country with cash.

Hon. Members: Yeah.

Mr. C. Imbert: Walking into real estate agents’ offices with “ah suitcase” with \$5 million and buying houses; cash transactions. [*Crosstalk*] They could talk about Government Ministers opening their trunks and exposing a million dollars in cash that they just got from a contractor; “is \$5 million?” [*Laughter*] “I doh keep up with these stories”, you all are laughing at these things—[*Interruption*]

Hon. Member: [*Inaudible*]—to parliamentarians. [*Interruption*]

Mr. C. Imbert: You all are laughing at these things.

Hon. Member: You too, your colleague and you.

Mr. C. Imbert: I am not laughing. The press could say that a Minister owns six houses, that he acquired unlawfully.

Hon. Member: He does.

Mr. C. Imbert: So the point is, the law of criminal libel is there for a purpose.

Hon. Member: “Pay Elias he money, nah [*Laughter*] before de appeal court.”

Mr. C. Imbert: You see—[*Interruption*]

Hon. Member: No, “dat is wat dey say, yuh know. Dey say somebody owe Elias money.”

Mr. C. Imbert: Now, Madam Deputy Speaker, let us look at it from the position of individuals, I have only looked at it from the position of Ministers of Government, but I mean, the fact that criminal libel is an offence, that malicious defamatory libel is an offence. The Privy Council in the Grenada case, in the *Grenada Today* case, made the very important point, that the fact that there have been few, if any prosecutions for criminal libel, may not necessarily be a demonstration of the law is unnecessary. In fact, it may be a demonstration that the effectiveness of the law as a deterrent. Because I can assure you that at this point in time, newspaper owners and so on, think twice before they go out of their way to defame someone, because they could face “ah prosecution, ah charge” of defamatory libel. We are being asked now to take that out, and it is now necessary to take a look at what is the difference between section 8 and section 9 of the law. I think that is very important to get an understanding as to what this Parliament is being asked to do.

Miss Mc Donald: Nice, school “dem on dat”. Educate them on “dat”. [*Laughter*]

Mr. C. Imbert: Now, the fact is, Madam Deputy Speaker, it is very clear, the differences between—I will find it—the differences between section 8 and section 9 are very, very clear. In fact, it is just a few words.

Section 8:

“If any person maliciously publishes any defamatory libel, knowing the same to be false, he is liable on conviction to imprisonment for two years and to pay such fine as the Court directs.”

So in the offence created by section 8 of our Libel and Defamation Act, you must know that what you are publishing is false. And if you know that what you are publishing is false, and it is defamatory, and it is libellous, then you could be convicted and imprisoned for up to two years.

Section 9—[*Interruption*]

Madam Deputy Speaker: Hon. Member. Hon. Members, the speaking time of the Member for Diego Martin North/East has expired.

Mr. C. Imbert: I will be finished soon.

Motion made: That the hon. Member's speaking time be extended by 30 minutes. [*Mr. N. Hypolite*]

Question put and agreed to.

Madam Deputy Speaker: Member, you may continue. [*Desk thumping*]

Mr. C. Imbert: Section 9:

“If any person maliciously publishes any defamatory libel,”—so it is exactly the same first sentence as section 8—“upon conviction thereof he is liable to pay a fine and to imprisonment for one year.”

The only difference between section 8 and section 9 are the words “knowing the same to be false” and the penalty is different. The penalty for the section 8 offence is two years, and the penalty for the section 9 offence is one year.

Now what is the difference? [*Interruption*] It is the whole concept of recklessness.

Miss Mc Donald: That is right.

Mr. C. Imbert: Recklessness—[*Interruption*]

Miss Mc Donald: Reckless disregard for the—[*Inaudible*]

Mr. C. Imbert:—malice, spite, ill will. Now, I think it is necessary—[*Interruption*]—pardon? Yeah, I think it is necessary to just look at some definitions of what constitutes libel, and I have a definition here:

“to publish in print”—and let me just say, Madam Deputy Speaker, slander is speech; libel is publication. So we are talking about newspapers here.

“to publish in print writing or broadcast,”—so it includes the electronic media—“through radio, television or film, an untruth about another which will do harm to that person or his...reputation, by tending to bring the target into ridicule, hatred...”—[*Interruption*]

Madam Deputy Speaker, “ah know dey”—[*Interruption*]

Madam Deputy Speaker: Members, please.

Mr. C. Imbert:—“ah know it is interesting to dem but dey disturbing me.”

Hon. Member: The real debate is on.

Mr. C. Imbert: Disturbing me. Yes, I know you all are talking about all the problems you all have had with journalists, [*Laughter*] but I would like to hear about that in the debate; not across the floor.

Hon. Member: I will tell you next week. [*Laughter*]

Mr. C. Imbert: No problem.

“to publish in print”—“tending to bring the target into ridicule, hatred, scorn or contempt...Libel is the written or broadcast form of defamation, distinguished from slander, which is oral defamation.”

The—“Publication need only be to one person, but it must be a statement which claims to be fact...”— rather than—“opinion. While it is sometimes said”—and this is the important distinction—“that the person making the libelous statement must have been intentional and malicious”—in actuality—“it need only be obvious that the statement would do harm and is untrue.”

So if, for example, a newspaper received a report about a Member of this Government—accusing the Member of all sorts of misconduct and unlawful activities, they would know that if they published that story and it is not true, it could cause untold harm to the reputation of that person. So it is what is published, it is the content. You can publish something which is trivial. You could say, for example, that a Cabinet Minister is foolish—[*Interruption*]

Hon. Member: Or he has a—[*Inaudible*]

Mr. C. Imbert: Whatever, whatever word you want to apply, but that is not libellous, that is considered to be so trivial, that it is irrelevant. But if you said something else about a Cabinet Minister, that he is a crook, he is a thief, he is a sexual predator, whatever, that would cause untold harm to the reputation of the person. That is where all that needs to be obvious is that the statement would do harm and it is untrue. That is it, and that is the distinction between section 8 and section 9. Section 8, you publish something that will do tremendous harm to someone knowing it is not true.

Miss Mc Donald: That is right.

Mr. C. Imbert: Section 9, you publish something knowing that if it is not true, it will do tremendous harm. In other words, you do not bother to check anything, they just come and they give you that, and you just publish that. Then you come afterwards and you say fair comment. I acted in good faith. I thought it was true, and so on. That is the distinction between section 8 and section 9.

Miss Mc Donald: Yeah.

Mr. C. Imbert: Now, you have to understand it is very, very difficult to prove knowledge.

Miss Mc Donald: Exactly.

Mr. C. Imbert: How are you going to prove—*[Interruption]*

Miss Mc Donald: Because it is the state of one's mind.

Mr. C. Imbert:—that the reporter or the editor knew that what they were publishing was false? How are you going to prove that? I have not come across any cases where—maybe one or two, where that has been proven all over the world; there may be just one or two. How do you prove that the person knew?

Miss Mc Donald: That is right.

Mr. C. Imbert: The only way that could happen is if you bring a barrage of witnesses from the newsroom to say: I told the person it was not true. I produced evidence to them to tell them it was not true, and they still went ahead and did it, and even then, it is a difficult threshold. So section 8 is really “ah non-sense”.

Miss Mc Donald: That is right.

Mr. C. Imbert: It is really “ah non-sense”.

Hon. Ramlogan SC: “So abolish dat one too, den?”

Mr. C. Imbert: No, leave it right “dey”. But, I mean you may find a situation where you may find—because you see, there are powerful private-sector figures who own newspapers.

Hon. Member: Yes.

Mr. C. Imbert: I notice the hon. Member for Chaguanas West—*[Interruption]*

Hon. Ramlogan SC: Ohhhhh!

Mr. C. Imbert: No, no, this is a serious thing you know. You all are playing with a serious thing here you know.

Hon. Member: They are international crooks.

Mr. C. Imbert: I notice that the hon. Member for Chaguanas West has left. Now, as far as I am aware, I am protected by privilege by what I say inside of here and I am not being reckless, the Member for Chaguanas West owns a

Libel and Defamation (Amdt.) Bill
[MR. IMBERT]

Friday, January 17, 2014

newspaper or has control over the ownership of a newspaper; as far I know. I have arrived at that conclusion because he said so. [Laughter]

Hon. Ramlogan SC: A very powerful deduction. [Laughter]

Mr. C. Imbert: But the point is—[Interruption]

Hon. Ramlogan SC: Excellent intuition, man.

Mr. C. Imbert:—not only that, I mean, he writes an editorial in the newspapers and all that sort of thing. He launched the newspaper—[Interruption]

Dr. Browne: And they praise him routinely.

Mr. C. Imbert:—and yes, the newspapers compliments him. [Laughter]

Dr. Browne: The best evidence.

Mr. C. Imbert: The fact of the matter is, Madam Deputy Speaker, let us talk about the innocent victim in the society. Let us forget public figures. Wealthy individuals can carry out a vendetta against private citizens, against private companies—[Interruption]

Miss Mc Donald: Yes.

Mr. C. Imbert:—once this crime of defamatory libel is removed from the books.

Miss Mc Donald: That is right.

Mr. C. Imbert: The largest judgment that I am aware of—let us come to that question of suing—I believe is in the case of *Rahael v TNT News Centre Limited*.

Hon. Ramlogan SC: “Nah”, Rajnie Ramlakhan.

Mr. C. Imbert: Okay. The one I am aware of is the *Rahael v TNT News Centre Limited* where Justice Carol Gobin awarded John Rahael, former Minister, the sum of \$400,000 in damages. I am not aware there have been—you know, awards higher than that.

Hon. Member: No, that is the biggest.

Mr. C. Imbert: I think that is the biggest—[Interruption]

Hon. Member: There is no more than 40.

Mr. C. Imbert:—as far as I know. Now, for somebody who is reputed for a person—hypothetical now, let us move away from the Member for Chaguanas West. Let us take a wealthy individual whose net worth is \$200 million, who has businesses that are generating \$10 million a month, or \$5 million a month, or whatever in earnings. For a person like that, it might be in their interest to publish a defamatory story about someone, being quite prepared to accept the award of \$400,000, being also prepared to take the person all the way to the Privy Council and drag it out eventually. A lot of people do not have the—allow me to use the colloquial expression here—a lot of people “doh have de belly” to take these matters all the way to the Privy Council, Madam Deputy Speaker.

Hon. Member: “Dey doh have de money.” Too expensive.

Mr. C. Imbert: “Dey doh have de money.” Agreed.

Miss Mc Donald: That is right.

Mr. C. Imbert: “Dey doh have de money” because legal fees in these defamation matters can be substantial.

Miss Mc Donald: That is right.

Mr. C. Imbert: A senior counsel might charge you \$300,000, then you have to pay the junior 60 per cent of that, and the instructing attorney 60 per cent of that. So you end up paying in the first instance, you might pay \$500,000 and then if it is on appeal, you might pay another \$300,000, and then going to the Privy Council, who knows what the cost would be.

8.10 p.m.

So a victim of a malicious publication—we are not talking here about a media house attacking a politician, I have moved away from that—I am talking about someone who wants to injure the reputation of a private individual—*[Interruption]*

Miss Mc Donald: That is right.

Mr. C. Imbert:—with whom they have a dispute, or they want to injure the reputation of a company that they see as a competitor. They may be very well prepared to take the bounce. At the end of the day, the civil damages may be \$400,000, 10 years later, and a lot of people will drop out—*[Crosstalk]*

Hon. Member: That is why you carry *Sunshine* to court every week.

Mr. C. Imbert:—a lot of people—no, the fact of the matter is a lot of people would drop out before that occurs, Madam Deputy Speaker, because no longer will there be a term of imprisonment attached to the publication of defamatory statements.

Miss Mc Donald: You have removed the deterrent.

Mr. C. Imbert: You have removed the deterrent.

Miss Mc Donald: That is right.

Mr. C. Imbert: So I cannot see how this is going to lead to a more responsible press because this is one of the arguments that have been presented, not by the Attorney General, but in the public domain. One of the arguments presented for decriminalizing libel is that it will make the press more responsible. Now, that is an oxymoron because if the offence of criminal libel is a deterrent, which is what the conclusion of the Privy Council came to, and it is a sensible conclusion, you will remove the deterrent? So that all that you have now is the offence of publishing something knowing that it is false—publishing something maliciously knowing it is false, as I said, impossible to prove, virtually impossible to prove, whereas previously you have this deterrent that if you publish it, you know it is going to hurt the person; you know it is going to assassinate their character, you still go ahead and publish it and it is proven to be false—then you could be subject to a prosecution, and we as a Parliament are going to take that out? I would like hon. Members opposite to think about this very carefully. Madam Deputy Speaker, how much time do I have?

Hon. Member: One minute!

Hon. Member: Two minutes!

Mr. C. Imbert: “Nah ah have plenty time.”

Hon. Member: Twenty minutes.

Mr. C. Imbert: Pardon?

Madam Deputy Speaker: You have 15 minutes again.

Mr. C. Imbert: Fifteen minutes? Thank you.

Hon. Member: Libellous! [*Laughter*]

Mr. C. Imbert: You know, Madam Deputy Speaker, a newspaper could print an article saying that a Cabinet Minister is involved with a member of the criminal underworld, a known kidnapper [*Laughter*] who has been incarcerated. [*Desk thumping*] No, Madam Deputy Speaker, this is hypothetical, hypothetically in a hypothetical country. [*Crosstalk*] There could be a known kidnapper called

Robocop [*Laughter*] who lived in the centre of a particular island, and a newspaper could publish an article saying, “A Cabinet Minister has been colluding and consorting with this criminal, and wha would people think? Wha would people think when these things are published?” And this is a serious thing because, Madam Deputy Speaker—[*Crosstalk*]—you see, “ah touch ah nerve, ah touch ah nerve” [*Crosstalk*] but the whole point is, I do not believe—[*Interruption*]

Dr. Gopeesingh: That is hypothetical.

Mr. C. Imbert:—that anybody on that side has been consorting and colluding with a known kidnapper, but somebody published that in the newspapers though. [*Crosstalk*] No, they did publish it, and I am giving examples. And, you see, they published that kind of thing while the deterrent is in place. So the protection of section 9 is there, and they are still publishing that. God knows what they will publish when the deterrent of section 9 comes out.

Hon. Member: Folly! Folly!

Hon. Member: So I am urging you to pause. “Ah mean”—[*Interruption*]

Miss Mc Donald: Pause for a cause.

Mr. C. Imbert: You know, I really would like Members to think, when one looks at a piece of legislation, what is in it for the ordinary man?

Dr. Browne: Treat it like the Tobago—[*Interruption*]

Mr. C. Imbert: What is the benefit to the ordinary man or even a public official or a private citizen with respect to this? Where is the benefit? As far as I am concerned, the only people who will benefit from this legislation are people who work for newspapers and owners of newspapers, and while their rights are important, our rights are important too—[*Interruption*]

Dr. Browne: Correct.

Mr. C. Imbert:—and you always have to balance. You look at all the judgments, and you will see that is what the judges are saying.

I now wish to refer, Madam Deputy Speaker, to a decision by the Supreme Court of Canada where they sum it up very, very, well. And this is *Morris Manning and the Church of Scientology of Toronto v Casey Hill*, and in this particular case there was an allegation of gross misconduct on the part of a state attorney and, Madam Deputy Speaker, the state attorney sued in his personal capacity—he did not sue on behalf of the department, the government department that he worked for, he sued in his personal capacity and he won the case.

The case was appealed all the way to the Supreme Court of Canada on the defence that it was unconstitutional. It is the same principle that criminal libel is wrong. It is against the Constitution of Canada because in Canada there is a constitutional right to freedom of expression, Madam Deputy Speaker.

Now, there are all sorts of passages in this judgment. On page 1175, for example, they speak about the reputation of the individual:

“The...value to be balanced in a defamation action is the protection of the reputation of the individual...much has...properly been said and written about the importance of freedom of expression”—A lot has been written about that and you would expect that because it is the press writing but—“little has been written of the importance of reputation. Yet, to most people, their good reputation is to be cherished above all. A good reputation is closely related to the innate worthiness and dignity of the individual. It is an attribute that must, just as much as freedom of expression, be protected by society’s laws.”

And this is the Supreme Court of Canada.

“Democracy has always recognized and cherished the fundamental importance of an individual. That importance must, in turn, be based upon the good repute of a person. It is that good repute which enhances an individual’s sense of worth and value. False allegations can so very quickly and completely destroy a good reputation. A reputation tarnished by libel can seldom regain its former luster. A democratic society, therefore, has an interest in ensuring that its members can enjoy and protect their good reputation so long as it is merited.”

Now, what is important about this case, at the beginning of the case, it was shown that the article published—the statements made by the Church of Scientology were false, and they kept making them and they made them throughout the case—they made them in the appeal court and they made them in the supreme—and, as a consequence, the claimant was awarded special damages. Because, they were so boldfaced, they made the allegation, it was shown to be false, and they keep making it all the way up, and they accepted that the allegation was false, and they made it again, just as the example I gave in the Grenada case. The newspaper published something, the police visit him and say, “Look, be careful”—publish it again. So in this particular case with the Church of Scientology, the church continued to publish the libel against the particular individual.

And, Madam Deputy Speaker, what the Attorney General is doing, wittingly or unwittingly, is instituting something in Trinidad and Tobago called “actual malice”—[*Interruption*]

Miss Mc Donald: That is right.

Mr. C. Imbert:—the actual malice rule and that is a United States principle. It is not followed anywhere else in the world; the whole question of actual malice. In the United States, it is almost impossible for a public figure to get compensation or satisfaction, you know. As a matter of fact, in the United States, you could parody and insult and accuse and make false allegations against public figures, and they have no redress. They are treated as a special class of persons, separate and apart from private citizens.

So whereas in the United States if you make a false allegation about a private citizen, that person can take you to court and can get substantial damages—in fact, I saw a case where somebody was awarded \$35 million in the United States in a libel case. A politician, it is almost impossible for a politician in the United States to win a libel case, and that is because of the peculiar construction of their laws. It is a rule called the actual malice rule which came in the 1960s in reaction to particular circumstances existing in America, at the time.

It was the time of segregation, and people were expressing strong opinions and the courts, at the time, felt that they should not suppress the right of the press to speak about the evils of discrimination and the evils of segregation. And even though what had been written by the *New York Times* at the time was false, they felt it was justified because of the atmosphere at that time of civil rights and segregation and, you know, that was the time of Martin Luther King and John F. Kennedy and so on, Madam Deputy Speaker. But the actual malice rule has been severely criticized since then, and what we are seeking to do, Madam Deputy Speaker, is to introduce the actual malice rule in Trinidad because section 8 is the actual malice rule—[*Interruption*]

Miss Mc Donald: That is it exactly.

Mr. C. Imbert:—where you have to prove that the person knew that what he was saying was false. It takes all protection away from public figures, Madam Deputy Speaker, in terms of defamatory libel. [*Crosstalk*] It is an impossibility. [*Crosstalk*]

Miss Mc Donald: Yeah.

Mr. C. Imbert: And, Madam Deputy Speaker, the court in Canada took a look at the actual malice rule around the world, made the statement that the courts in England have refused to adopt the actual malice rule; the courts in Australia have refused to adopt the actual malice rule, and it went on to look at the whole question as to whether criminal libel laws are justified in a society that has respect for the rights and freedoms of individuals and respect for freedom of expression, Madam Deputy Speaker, and in so doing, they had to look at malice, and malice is at the core of all of this.

Malice is understood in the popular sense as spite or ill will, and when you see the offence in our law where it speaks about malicious libel, they are talking about spite and ill will. So they are talking about the publication of something that obviously is going to injure somebody. You sit down there as a reporter, you have a story, it says terrible things about a public official; you know that if it is not true it will cause tremendous harm to that person, you still publish it. That is where the whole question of spite and ill will comes in, Madam Deputy Speaker, and the Supreme Court of Canada, in arriving at its conclusion, it concluded that there is a place in Canada for criminal libel laws, and they concluded that it was not unconstitutional; that you have to balance the rights of the individual against the rights of the newspaper to publish freely without oppression. And while I am on that—*[Interruption]*

Dr. Gopeesingh: You read all those pages?

Mr. C. Imbert: “Yeah ah read all of it.” *[Crosstalk]* Ah tell yuh, ah read everything.” It is hundreds of pages. But the thing is, Madam Deputy Speaker, I heard the Attorney General—before I finish—speak about places where journalists are killed. We have not killed any journalist in Trinidad and Tobago. I mean, it is all very well to talk about those countries, but that does not happen here.

Hon. Ramlogan SC: “Yuh forget yuh leader say we email to kill and ting, yuh know.”

Hon. Member: Oh what?

Hon. Ramlogan SC: We do not forget them.

Mr. C. Imbert: And, you see, Madam Deputy Speaker, the Attorney General is proving my point. Hypothetically if a publication was circulated which accused Cabinet Ministers of trying to assassinate a journalist—*[Interruption]*

Hon. Ramlogan SC: We must charge the journalist who print that—*[Interruption]*

Mr. C. Imbert: No.

Hon. Ramlogan SC: And the MP.

Mr. C. Imbert: The point is, Madam Deputy Speaker, you cannot feel good about that—*[Interruption]* Yeah I know—you cannot feel good about that. So I am asking the—you know, I am not getting into the merits or demerits of the whole thing, you know, because it could be true, but the fact is that if it is not true, you are not going to feel good about it.

Hon. Ramlogan SC: What should happen to the MP who fraudulently stated it in the first place?

Mr. C. Imbert: So, Madam Deputy Speaker—*[Interruption]*

Miss Mc Donald: That is not for we to decide, let the court decide that.

Mr. C. Imbert:—I do not think we should remove section 9 in its entirety. *[Crosstalk]* Unbalanced! Unbalanced! I think we could leave the fine, Madam Deputy Speaker, because it is the media house, and we could fashion it so that it makes it clear that it is the publisher—*[Interruption]*

Hon. Member: That they go to jail.

Mr. C. Imbert: No, not jail. It is the publisher that would be prosecuted and made to pay the fine. I think we could look at an amendment—*[Interruption]*

Hon. Ramlogan SC: What is the fine?

Mr. C. Imbert: Whatever it is. We can adjust that. I think we can look at section 9. We can remove the term of imprisonment from section 9, but leave it as a criminal offence; leave it as a criminal offence. *[Crosstalk]*

Hon. Ramlogan SC: What fine do you have in mind?

Mr. C. Imbert: I thought we were going to adjourn now and come back next week?

Hon. Ramlogan SC: You are making a suggestion, so—*[Interruption]*

Mr. C. Imbert: Madam Deputy Speaker, I am glad the Attorney General has asked me for this. I will reflect on that, and I am sure within the next half an hour or so or even less, I will be able to give him some figures. I will communicate with the Attorney General. I will give him that undertaking. I will even redraft section 9 to take into account the points I have made. So in order to go along—*[Interruption]*

Hon. Member: Send him an email.

Mr. C. Imbert: Yes, I will send him an email. [*Laughter and desk thumping*] In order to go along with this concept that it is so horrible to imprison journalists, let us leave the fine, and we can take out the imprisonment in section 9, and I will communicate further with the Attorney General on that. Thank you, Madam Deputy Speaker. [*Desk thumping*]

ADJOURNMENT

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Madam Deputy Speaker, I beg to move that this House do now adjourn to Friday, January 24, 2014. On that day, we will continue debate on the Bill before us, a Bill to amend the Libel and Defamation Act, Chap. 11:16. We will also begin debate on Bill No. 3 on the Order Paper, a Bill to amend the Judges Salaries and Pensions Act, Chap. 6:02.

Mr. Imbert: What about the MPs salary?

Hon. Dr. R. Moonilal: And, Madam Deputy Speaker—[*Interruption*]

Mr. Imbert: What about the MPs salary?

Hon. Dr. R. Moonilal:—we will also begin the debate on a Bill to amend the Motor Vehicles Insurance (Third-Party Risks) Act, Chap. 48:51.

Madam Deputy Speaker, by mutual agreement, the Opposition has agreed that next week, the fourth Friday of the month, we will continue with Government Business and I believe Friday, January 31, will be devoted to Private Members' Day. I beg to move

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.27 p.m.