

HOUSE OF REPRESENTATIVES*Friday, April 01, 2016*

The House met at 1.30 p.m.

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

Madam Speaker: Hon. Members, I have received communication from the following Members: the Member for Caroni East, Dr. Tim Gopeesingh MP, requesting leave of absence from sittings of the House during the period March 25, 2016 to April 02, 2016; the Member for Couva North, Ramona Ramdial MP, requesting leave of absence from sittings of the House during the period April 01, 2016 to April 08, 2016; the Member for Couva South, Rudranath Indarsingh MP, requesting leave of absence from today's sitting of the House; the Member for Port of Spain South, Marlene Mc Donald MP, requesting leave of absence from today's sitting of the House; and the Member for St. Augustine, Prakash Ramadhar MP, requesting leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**JOINT SELECT COMMITTEE
(APPOINTMENT OF)**

Madam Speaker: Hon. Members, I have received correspondence from the President of the Senate, dated March 23, 2016, on the Establishment of Joint Select Committee and Appointment of Members, and the letter reads:

“Honourable Bridgid Mary Annisette-George, MP
Speaker of the House...

Dear Madam Speaker

UNREVISED

Establishment of Joint Select Committee and Appointment of Members

Your letter dated March 15, 2016 on the subject at caption refers.

Please be informed that at a sitting held on Tuesday March 22, 2016 the Senate concurred with the House of Representatives in the establishment of a Joint Select Committee to consider and report on the Family and Children Division Bill, 2016.

The following Senators were appointed to serve on the Committee:

Mr. Michael Coppin

Mr. Hafeez Ali

Ms. Nadine Stewart

Ms. Khadijah Ameen

Ms. Melissa Ramkissoon

Accordingly, I request that you cause this matter to be brought to the attention of the House of Representatives at the earliest convenience.

Yours respectfully

Christine Kangaloo

President of the Senate”

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on Financial Statements of the Mayor’s Fund of the Chaguanas Borough Corporation for the year ended September 30, 2010. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on Financial Statements of the Mayor’s Fund of the Chaguanas Borough Corporation for the year ended September 30, 2011. [*Hon. C. Imbert*]
- 3.

UNREVISED

Report of the Auditor General of the Republic of Trinidad and Tobago on Financial Statements of the Mayor's Fund of the Chaguanas Borough Corporation for the year ended September 30, 2012. [*Hon. C. Imbert*]

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

4. Audited Financial Statements of Caribbean Airlines Limited for the year ended December 31, 2012. [*Hon. C. Imbert*]

5. Audited Financial Statements of the National Commission for Self-Help Limited for the financial year ended September 30, 2014. [*Hon. C. Imbert*]

Papers 4 and 5 to be referred to the Public Accounts (Enterprises) Committee.

6. Annual Report and Financial Statement of the Children's Authority of Trinidad and Tobago for the year ending September 30, 2015. [*The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy)*]

URGENT QUESTIONS

Recent Instances of Death by Drowning (Sufficiency of Lifeguard Personnel)

Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*): To the hon. Minister of National Security: In light of several recent instances of death by drowning across the country, could the Minister indicate whether there are sufficient lifeguard personnel attached to the various beaches throughout Trinidad and Tobago?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Madam Speaker. Yes, there are sufficient lifeguards to man the beaches in Trinidad and Tobago. There are nine manned beaches in Trinidad numbering about 121 lifeguards as follows: Maracas-Tyrico, 25; Las Cuevas, 15; Toco, the lighthouse area, 10; Salybia, 10; Manzanilla, 10; Mayaro, 30; Quinam,

seven; Los Iros, seven; Vessigny, seven; and 40 in Tobago. [*Desk thumping*]

Mrs. Newallo-Hosein: Thank you, Madam Speaker. To the hon. Minister of National Security, how many lifeguards were present at all the beaches? Were they all on duty?

Hon. Maj. Gen. E. Dillon: Madam Speaker, I am unable to answer that at this point in time. We will defer to a later time.

High Food Import Bill (Immediate Steps to Reduce)

Mr. Rushton Paray (Mayaro): To the hon. Minister of Agriculture, Land and Fisheries: In light of rising food prices facing consumers, could the Minister state what immediate steps the Government intends to take to reduce the country's relatively high food import bill?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Madam Speaker. The Ministry's approach to the country's food import bill is as follows: First, the Ministry has convened a working group to monitor and review the annual food import bill, firstly to identify the components of that food import bill, and secondly, to identify those areas in which the country can produce and offer local alternatives to the consumer. This working group comprises representatives of the Ministry of Agriculture, Land and Fisheries; the Ministry of Trade and Industry; the Central Statistical Office; NAMDEVCO; and the Food and Agriculture Organization.

It should be noted, Madam Speaker, that this appointment of the working group received commendation in a *Guardian* newspaper editorial of February 20, 2015 as one of the most action-oriented decisions taken in tackling the food import bill. Accordingly, the Ministry's strategy in line with the policy framework set out in

the PNM's 2015 manifesto, which is now a policy document, is to target the 11.8 per cent of the food import bill for which the Ministry has direct responsibility. A very tangible product of the Government's policy is the reintroduction of locally produced rice on the local supermarket shelves. This initiative marks the return of local rice for human consumption, and is consistent with the Government's policy for the rice sector.

Madam Speaker, on that note, today the Ministry is ready to settle the previous administration's failure to pay local rice farmers dating back to January 2015. [*Desk thumping*] This payment would go a long way towards rebuilding the trust between the farmers and the Government.

Secondly, Madam Speaker, the approach of the Government is to put the country's food producers in a position to compete with imports. This requires a broad range of policy positions outlined in the 2015 manifesto, each of which has already been actioned by the Ministry. These include the establishment of the unified structure and governance arrangements for both the Ministry and state agencies—[*Interruption*]

Madam Speaker: Minister, I regret your time has expired.

Sen. The Hon. C. Rambharat: Thank you, Madam Speaker.

Mrs. Newallo-Hosein: Thank you, Madam Speaker. To the hon. Minister of Agriculture, Land and Fisheries, can the Minister state whether improving access roads would be a part of those steps to improve the conditions of the farmer?

Sen. The Hon. C. Rambharat: Thank you, Madam Speaker. The improvement of access roads forms part of the policy framework of the Government in dealing with the series of things we have to do for local food production.

ORAL ANSWERS TO QUESTIONS**Three-year Contracts for CEPEP Contractors
(Details of)**

61. Dr. Roodal Moonilal (*Oropouche East*) on behalf of Miss Ramona Ramdial (*Couva North*) asked the hon. Minister of Public Utilities:

With respect to the three (3) year contracts (2015-2018) for contractors under the Community Based Environmental Protection and Enhancement Programme (CEPEP), can the Minister indicate:

- a) whether there has been a decision by the Government to terminate these contracts before their expiry date; and
- b) if the answer to part (a) is in the affirmative, state the rationale for this decision?

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Madam Speaker, the Community-Based Environmental Protection and Enhancement Programme cost taxpayers \$606 million in 2015. This was more than double the annual cost of the programme under the previous PNM administration of 2002 to 2010. The allocation for this year, 2016, was initially kept at the same level as 2015. However, in view of the present difficult economic circumstances, the Government has taken a decision to review the expenditure on CEPEP and to critically examine the performance, focus, output and efficiency of the programme. On completion of this review, which is expected to be completed by the end of April 2016, a decision will be taken on the way forward.

It should be emphasized that the original intent of the programme, as conceptualized by the PNM in 2002, was to protect and conserve the environment, and develop entrepreneurial capacity amongst local contractors resident in the

communities. CEPEP was thus conceptualized as a community incubator facility for small fledgling local contractors rather than as a permanent source of state-funded employment. Thank you, Madam Speaker. [*Desk thumping*]

Mrs. Newallo-Hosein: Thank you, hon. Speaker. To the hon. Minister, would the Minister state whether with the increase and the rise of Zika in our country, would it be prudent to reduce the CEPEP gangs at this time?

Hon. C. Robinson-Regis: Madam Speaker, we have not said that we are reducing the CEPEP gangs. We have said that the programme is under review because from 2010 to 2015 the programme lost its way, and consequently we are reviewing the programme. [*Desk thumping*]

Dr. Moonilal: Madam Speaker, a supplemental question, but since I heard about losing its way—the real Minister in charge of CEPEP has joined us, albeit late, I would like to pose a question to the person who answered or the Minister with responsibility, I do not know. But, given the answer, is it therefore correct to state that in the coming months contractors attached to CEPEP, although in possession of contracts, legally binding contracts would be terminated. And secondly, could the Minister, either of them—

Madam Speaker: Member, I will allow you one question at a time.

Dr. Moonilal: Sure.

Hon. C. Robinson-Regis: Madam Speaker, given the fact that all Members of the Cabinet are well aware of what is happening in each other's portfolio, [*Desk thumping*] I repeat that this CEPEP matter is under review.

Dr. Moonilal: Supplemental to any Member of the Cabinet who is all aware of what is going on. Could you indicate, also, given this review, the role of the Sir

Arthur Lok Jack Graduate School of Business at this time in CEPEP? Anybody could answer.

Madam Speaker: Member, I would not allow that as a supplemental question.

Dr. Moonilal: Could the Member indicate whether or not it is the intention of CEPEP to establish 39 offices across this country for the conduct of CEPEP business per constituency?

1.45 p.m.

Hon. C. Robinson-Regis: Madam Speaker, I repeat, this matter is under review, and as usual, the Member is putting out all kinds of strange information into the public domain. I repeat, the matter is under review. [*Desk thumping*]

Housing Development Corporation's Policy (Provision of Mortgages for Staff)

73. Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of Housing and Urban Development:

Could the Minister state the Housing Development Corporation's policy with respect to the provision of mortgages for its employees and senior management?

The Minister of Housing and Urban Development (Hon. Randall Mitchell): Madam Speaker, the Housing Development Corporation does not have a policy with respect to the provision of mortgages for its employees and senior management.

Landslips in Princes Town (Details of)

71. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Works and Transport:

Could the Minister state the plans to address the landslips in the constituency

of Princes Town?

The Minister of Works and Transport (Hon. Fitzgerald Hinds): Thank you, Madam Speaker. Madam Speaker, according to the last condition survey which was conducted in 2015, there are approximately 480 landslips of varying extent and condition along the 2,265 kilometres of roads which are the responsibility of the Ministry of Works and Transport.

Of this total, there are approximately 40 landslips within the boundaries of the Constituency of Princes Town. The estimated cost of repair to all landslips on the roadways of Trinidad and Tobago that are the responsibility of the Ministry of Works and Transport is approximately TT \$500 million of which the total cost of repairing the landslips in Princes Town is approximately \$40 million.

In view of the current difficult economic circumstances in the country, the Ministry of Works and Transport is in the process of prioritizing road repair works, including landslip repairs, so that the most critical works can be identified and addressed in the shortest possible time. It is expected that this process will be completed within the next month.

In this context, the repair of landslips within the constituency of Princes Town and all other areas of Trinidad and Tobago will be undertaken in the shortest possible time, and of course, Madam Speaker, as soon as the funds become available. I thank you. [*Desk thumping*]

Mr. Padarath: Madam Speaker, through you to the hon. Minister. Hon. Minister, can you indicate whether or not the Sisters Road and Gobin Village in Princes Town will be considered as priority seeing that those two areas are unpassable with having five landslips on Sisters Road?

Hon. F. Hinds: I have difficulty understanding the question. The word, “unpassable” troubles me. But, Madam Speaker, I have just made it very clear that

we are looking at the landslips in Princes Town, in particular, and we are prioritizing on the basis of expert advice and we will treat with them in the shortest possible time. [*Desk thumping*]

**GTL Bond
(Status of Debt Owed)**

75. Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*) asked the hon. Minister of Energy and Energy Industries:

Could the Minister state:

- (a) the total debt owed as a result of the GTL Bond; and
- (b) the measures which are being put in place by the Government and PETROTRIN to honour that debt that will mature in 2019?

The Minister of Energy and Energy Industries (Hon. Nicole Olivierre): Thank you, Madam Speaker. I wish to inform this honourable House that Petrotrin did not issue a bond to finance the GTL project. A bank loan was arranged by Credit Suisse Securities (USA) LLC on January 12, 2007 for US \$125 million for this project and this loan was repaid on July 8, 2009. Thank you.

**Cocoa and Coffee Board
(Appointment of)**

76. Mr. Rushton Paray (*Mayaro*) asked the hon. Minister of Agriculture, Land and Fisheries:

Could the Minister state when the Cocoa and Coffee Board will be appointed?

The Minister of Agriculture, Land and Fisheries (Sen. the Hon. Clarence Rambharat): Thank you, Madam Speaker. Madam Speaker, despite objections from Members on this side, the Cocoa and Coffee Industry Act, Chap. 64:20, was repealed by the previous administration in April 2014 by way of Act No. 4 of 2014, the Finance Act 2014.

Madam Speaker, the Cocoa and Coffee Industry Board thus went out of existence in that year, 2014, which brought an abrupt end to the 52-year old mechanism for the State's involvement in the buying/selling and export of cocoa and coffee beans. Accordingly, Madam Speaker, this question is misconceived. There is no legal framework for the appointment of a Cocoa and Coffee Industry Board in this country.

Hon. Members: Ohhh.

**Princes Town & Penal/Debe Regional Corporation Buildings
(Status of Construction)**

77. Dr. Surujrattan Rambachan (*Tabaquite*) asked the hon. Minister of Rural Development and Local Government:

Could the Minister provide the status of the construction of the Princes Town and Penal/Debe Regional Corporation buildings?

The Minister of Rural Development and Local Government (Sen. the Hon. Franklin Khan): Thank you very much, Madam Speaker. Madam Speaker, as I stated in this House on March 18, 2016 in answering a similar question with regard to the Princes Town Regional Corporation Headquarters, the Ministry of Rural Development and Local Government is currently in a reform process to restructure and decentralize the local government system.

Accordingly, the Ministry is in the process of reviewing the construction of administrative buildings in all corporations in the context of the new mandate which will be given to municipal corporations, an expanded mandate, may I add. A priority listing will then be determined. Therefore, a decision on the commencement of the construction of the Princes Town and Penal/Debe Regional Corporation buildings will therefore be subject to the review process and obviously to the availability of funds. [*Desk thumping*]

Mr. Padarath: Madam Speaker, through you to the hon. Minister. Would the

hon. Minister indicate whether or not he is aware that statutory meetings have been halted at the Princes Town Regional Corporation due to the facilities there being in the condition that it is presently, which is uninhabitable?

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

**Sexual Offenders Registry
(Establishment of)**

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

Given the recent reports of sexual abuse against children, can the Minister indicate whether a Sexual Offenders Registry has been established?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Madam Speaker. The registry for sex offenders was established on December 22, 2015 by the Trinidad and Tobago Police Service. [*Desk thumping*] This electronic registry is intended to maintain a report of the particulars of sex offenders who have been mandated by the court to give notification. This information will be maintained in a station Sex Offender Register to be accessed by authorized officers and investigators in the Trinidad and Tobago Police Service, only.

Currently, the Trinidad and Tobago Police Service is engaged in a training and sensitization exercise with respect to the operation of the electronic registry and matters of accessibility, as well as restructuring staff arrangements to facilitate its requirements. Full implementation of the sexual offenders registry and accompanying station sex offenders registrar across all nine divisions will be implemented by June 2016.

Dr. Khan: Just a supplemental, hon. Minister. If it is only to be accessed by the authorities, would it not be better to have public access to get—to allow the protection of children?

Hon. Maj. Gen. E. Dillon: Madam Speaker, I believe it is designed for police information only and not for the public.

**Sexual Abuse Against Children
(Programmes to Mitigate)**

79. Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Prime Minister:

In light of recent reports of sexual abuse against children, could the Minister state the programmes that have been implemented by his Ministry to educate parents/guardians on:

- (a) signs of sexual abuse; and
- (b) measures to mitigate the likelihood of sexual abuse?

The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy): Thank you, Madam Speaker. For fiscal year 2016, the Office of the Prime Minister, Gender and Child Affairs proposes to adopt a social and behavioural change communication approach to promote child rights and reinforce behaviours that protect children. Initiatives to address child sexual abuse are conducted by two implementing arms of the Office of the Prime Minister: the Children's Authority of Trinidad and Tobago, a statutory body under the purview of the Office of the Prime Minister, and the Gender and Child Affairs portfolio of the Office of the Prime Minister.

The Children's Authority: The Children's Authority is working towards recognizing child sexual abuse as the highest category of abuse meted out to children. As such, they have implemented a number of measures. Number one, for those who have experienced sexual abuse or those who are deemed at risk of abuse, the authority provides protective measures in the following ways: family counselling sessions; preventative literature, during the course of investigation a report of abuse, parents are advised of the signs of abuse and how to protect children against sexual abuse and the safety plans for their children, which

includes, changes in the child's behaviour and the emergency response team operates on a 24-hour basis and responds to reports, allegations or sexual abuse almost immediately.

In terms of the Office of the Prime Minister, Gender and Child Affairs Division, we are currently in production of airing a number of sensitization measures. For the month of April we would have launched the child abuse and prevention month. Today, we launched an initiative in collaboration with the West Indies Cricket Board where we are training coaches to recognize signs of child sexual abuse and empower them to go out in the communities to work on that. In terms of our Fair Play Workshops, Madam Speaker, that was launched today and also we have a number of activities that are on board.

Dr. Khan: Thank you, hon. Minister. Just a supplemental. What are the Ministry's programmes to deal with the high incidence of childhood sexual abuse in the households? There has been a high incident reported by the social workers in the Ministry of Education. Are there any programmes in that manner?

Hon. A. Webster-Roy: Thank you, Madam Speaker. In terms of dealing with abuse in the household, we are taking a whole of government approach where we collaborate with different government agencies [*Desk thumping*] and Ministries. As I would have mentioned previously, we already have a number of sensitization campaigns going on targeting parents as well as children so that they will understand the signs of sexual abuse and we will be able to actually assess the services to help mitigate this incident.

**Aedes Aegypti Mosquito
(Details of Pesticides Used)**

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

Could the Minister state:

- (a) the pesticides used in the eradication of the *Aedes Aegypti* Mosquito;

- (b) the concentrations of each pesticide; and
- (c) the active chemical ingredients of each pesticide?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Madam Speaker. Madam Speaker, with the agreement of the Minister, I have to explain seven chemicals and three parts for each one.

Dr. Khan: Why not.

Hon. T. Deyalsingh: Would you allow me to deal with each chemical and the three parts for easier reading, Madam Speaker?

Madam Speaker: Member, once you stick within the time.

Hon. T. Deyalsingh: Thank you.

Name of Pesticide	Active Chemical	Concentration used in field work
Aquatain AMF	Poly/dimethyl siloxane	1 ml per square metre of water surface.
Propoxur 20 per cent Emulsifiable Concentrate	2-ISO/propoxy phenyl methyl carbonate	Diluted in a ratio of 6 ounces to 1 gallon of water.
Alpha Cypermethrin	A racemic mixture of (S)- α -cyano-3-phenoxybenzyl-(1R,3R)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropane-carboxylate and (R)- α -cyano-3-phenoxybenzyl-(1S,3S)-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropane-carboxylate	Diluted in a ratio of 1 ounce to 1 gallon of water.
Name of Pesticide	Active Chemical	Concentration used in field work

Malathion 96% Technical Grade	S-1,2-bis(ethoxy-carbonyl)ethyl O,O-dimethyl phosphorodithioate	Aerosolised into concentration and dispersed at 112 to 693 grams active ingredient per hectare.
Bactivec	Thuringiensis israelensis	Application dose is determined by several factors: larvae density, stage of development, volume of vegetation, water exchange rates and presence of water current.
Griselesf	This is made up of spores and toxic crystals of Bacillus sphaericus	Application dose is determined by several factors: larvae density, stage of development, surface area of water, water exchange rates and presence of water current.
Larvicidal oil	Mineral oil	Dependant on the surface area of the water body being treated, water currents and rate of water exchange.

Dr. Khan: Supplemental question. You have answered question (b) and (c) but not (a). [*Laughter*]

Hon. T. Deyalsingh: I answered all parts of the questions. [*Desk thumping*]

Dr. Khan: Thank you very much for that comprehensive answer. I would just like to find out, now that those are the pesticides that are going to be used for the *Aedes aegypti* and Zika attacks, now that a 30-year-old pregnant woman has now been found with Zika, what is the Ministry's policy on pregnancy and Zika?

Madam Speaker: Member for Barataria/San Juan, I would not allow that as a

supplemental question.

WRITTEN ANSWER TO QUESTION

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

There is one question on the Order Paper for written answer and the answer is available.

Retrieval of Recoverable Stranded Natural Gas (Stakeholder Discussions)

65. Dr. Bhoendradatt Tewarie (*Caroni Central*) asked the hon. Minister of Energy and Energy Affairs:

Could the Minister indicate:

- a) whether any stakeholder discussions have taken place between the Government and energy-related enterprises for the retrieval of recoverable, stranded natural gas;
- b) if the answer to (a) is in the affirmative, what was the outcome of these discussions?

Vide end of sitting for written answer.

STATEMENTS BY MINISTERS

Children's Authority of Trinidad and Tobago (Annual Report)

Madam Speaker: Minister of State in the Office of the Prime Minister. [*Desk thumping*]

The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy): Thank you, Madam Speaker. It is indeed a great honour and a privilege to make a statement on the annual report of the Children's Authority for the period ending September 30, 2015 in this august Chamber.

The report which outlines the achievements and challenges of the Authority in seeking to fulfil its mandate is divided into several sections, critical

among them is the situational analysis. This section contains preliminary data for the period May 18, 2015 to September 30, 2015, which confirms that child abuse is an acute problem. The Authority received 6,570 calls and reports from the public, of which 2,019 were cases in need of care and protection and required investigation. This data highlights that:

- The majority of children (43.6%) in need of care and protection are between the ages of 10 to 15 years old, while 22 per cent belong to the 10-13 age range and 21.6 per cent of the children belong to the 14-15 age range.
- The report reveals that the areas of San Juan/Laventille, Tunapuna/Piarco and Couva/Tabaquite/Talparo returned higher numbers of reports than any other administrative district.
- While there were various types of abuse to children reported, almost a quarter (22.5%) of all reports were allegations of sexual abuse against children.

In order to treat with this situation the Authority has implemented the following:

- The establishment of the emergency response team to respond to the volume of cases of children who were reported to be in imminent danger and needed swift and effective intervention.
- Establishment of an investigations unit to substantiate claims or allegations of abuse emerging from reports.
- Establishment of assessment centres, both in the north and south where medical examinations, diagnostic assessments and treatment plans can be formulated for children in need of care and protection.

The Authority has encountered a few challenges which must be addressed in order for it to deliver its mandate more efficiently, including human and other financial resources.

Madam Speaker, in order to build awareness and further deepen its services, the Authority is pursuing several strategies, including:

- A wide range of education and awareness programmes for persons attending to children's needs on a daily basis;
- Meaningful collaboration with partner agencies in the delivery of family and children's services;
- Advancing the stakeholder engagement process through the execution of various memoranda of understanding with a view to the effective roll-out of the National Protocol on reporting and investigating instances of neglect and abuse;
- Fine-tuning the existing internal systems to allow for more ready responses;
- Enhancing the services related to foster care and adoption.

The Office of the Prime Minister has reviewed the report with a view to identifying areas which can guide the current and future development and/or enhancement of existing policy and strategy. While some data is provided on several areas, critical disaggregated information related to the service delivery of the Authority must be available. The Office of the Prime Minister proposes to continue its collaboration with the Authority to address these gaps in data-gathering and reporting. Such collaboration will improve the service delivery and guide the policy and strategic direction for the care and protection of our children, indeed the future leaders of tomorrow.

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

Madam Speaker: The Minister in the Ministry of the Attorney General and Legal Affairs and the Office of the Prime Minister. [*Desk thumping*]

**Highway to Point Fortin
(Details of Award of Contract)**

The Minister in the Ministry of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Madam Speaker, I have been authorized by the Cabinet to make the following statement on the highway to Point Fortin.

Madam Speaker, the process for the construction of this highway was initiated by the previous PNM Government, through the invitation of tenders in early 2010. However, although tenders were received in April 2010, the contract was not awarded by the PNM prior to the May 24th general election since the bids received were significantly higher than the engineer's estimate of TT \$3.6 billion. However, on March 04, 2011, the former government, through NIDCO, awarded a design/build contract to a Brazilian firm, Construtora OAS SA ("OAS") for the lump sum of approximately TT \$5.2 billion, or \$1.6 billion more than the engineer's estimate. This contract was governed by the FIDIC Yellow Book.

A major benefit of utilising FIDIC terms and conditions is that the terms and conditions are standard and internationally recognized. A party should only, with very good reason, amend the standard terms and conditions of FIDIC. Despite this, the former government changed the standard and accepted advance payment term from 10 per cent to 20 per cent. This upward amendment resulted in OAS receiving approximately TT \$856 million, as opposed to TT \$428 million as an advance.

Another major issue at inception was that all payments made to OAS for activities under the Letter of Intent, which totalled TT \$236.4 million,

should have been deducted from the advance payment. However, these sums were not deducted. So even before construction began, the former Government provided OAS with over TT \$1 billion of taxpayers' funds. This project should have been completed in March 2015. It was a 4-year contract to provide a 4-lane divided highway with full grade-separated interchanges. It included eight such interchanges as well as eight river bridges. It is still far from completion.

Madam Speaker, rather than utilize low interest rate funding for this billion dollar project from a multilateral lending agency, such as the IDB, the former Government paid OAS and others, via cash transfers from the Ministry of Finance, up to 2014, putting a strain on the country's available cash. Five years later, over TT \$5 billion have been spent with only 49 per cent of the construction being completed by OAS; this, despite the UNC government telling the population over and over that it was on budget and on time.

In fact, the contract was in trouble from the start and OAS began to run into serious difficulties early in 2015. They defaulted on paying subcontractors and were late in paying workers. Their difficulties continued with worsening effect and they subsequently demobilized in December 2015, with the site being almost completely abandoned. They have not returned to work since then and there have been protests by workers for non-payment of salaries, lawsuits by third parties and repossession of their equipment.

Against this backdrop, OAS filed for judicial reorganisation in Brazil on March 31, 2015, whereby it sought bankruptcy protection. In law, and under the contract, OAS was considered to be bankrupt from March 31, 2015. By March 2015, therefore, the project was in dire difficulties. The former Government should have been pursuing ways and means to terminate the contract with OAS to

protect the public's interest. Under FIDIC there are various ways to terminate, with varying degrees of complication and potential litigation.

However, virtually all commercial contracts allow for automatic termination upon a party declaring bankruptcy. Under the FIDIC contract, the UNC Government could have, and should have, immediately invoked clause 15(2)(e) and terminated OAS on the ground that it was bankrupt. This is probably the simplest and least contentious form of termination under FIDIC and OAS would not have been able to make any justifiable claims against the Government for wrongful termination.

However, what we discovered upon review was that on September 4, 2015—that is the last working day before the general election of September 7, 2015—the UNC government, rather than use this opportunity to terminate the contract in a clean, cost-effective and non-contentious manner, secretly entered into a written agreement with OAS whereby the Government waived the ability to terminate the contract on the grounds of OAS' bankruptcy.

Hon. Member: Shame!

Hon. S. Young: Instead, on September 04, 2015 the UNC Government reaffirmed, in writing, their desire to keep a company that was bankrupt in Brazil, as their preferred contractor for the Point Fortin Highway. This was done against the advice of NIDCO's consultants.

On September 04, 2015 the former Government entered into a written agreement with OAS called Contract Addendum No. 2 whereby they expressly recognized that OAS was bankrupt, and stated that they could invoke clause 15(2)(e) of the FIDIC contract immediately terminating the contract. However, despite this, they proceeded secretly to give up this right of termination and waived all claims against OAS, thus releasing and discharging OAS from any liability to

Trinidad and Tobago. This action by the UNC Government, the day before a general election, requires an immediate investigation. They must now account to the population and explain [*Desk thumping*] why is it that they threw away the cleanest and most cost-effective and simplest opportunity to have terminated OAS.

Additionally, Madam Speaker, they also removed from OAS' responsibility substantial sections of the highway, with an intention to award the construction of these parts of the highway to other contactors, at an additional cost to the taxpayer. They removed 26 per cent of the highway works, worth \$1.5 billion, from OAS' contract, but surprisingly, still agreed to pay OAS \$5 billion for the reduced scope of works that remained with OAS. They also agreed to a new completion date of May 28, 2016, one year after the original completion date.

To summarize, on September 04, 2015, when OAS was in bankruptcy, and was experiencing severe difficulty in meeting its obligations to local suppliers, subcontractors and its workers, rather than terminate OAS, the former Government agreed to allow OAS to continue with the contract, for roughly the same sum they were originally contracted for, that is, \$5 billion. The UNC Government went further and burdened taxpayers with the additional expenses of over \$2 billion to pay new contractors to complete the portion of the highway excised from OAS' contract.

Further, in a curious attempt at what they have described as value engineering, they also removed four interchanges and replaced them with roundabouts and reduced four lanes to two lanes on the Siparia to Mon Desir segment of the highway. So whilst the value of the product was being significantly reduced by the removal of interchanges and lanes, the costs were escalating. The estimated cost to complete the highway is now in excess of \$8 billion.

Because this decision to waive the right to terminate a bankrupt contractor is so blatantly wrong, it is the Government's intention to request that the Integrity Commission investigate this travesty as there appears to be a breach of section 24 of the Integrity in Public Life Act, as persons performing their functions and administering public resources for which they were responsible, did not do so in a cost-effective or efficient manner. In fact, on the face of it, Contract Addendum No. 2 has the distinguishing features of a conspiracy which may require the attention of the law enforcement agencies. [*Desk thumping*]

In the interim, this Government is working towards the most cost effective solution to complete the highway in the shortest possible time frame and we are also exploring all legal options available with respect to OAS and this contract.

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

2.15 p.m.

STRATEGIC SERVICES AGENCY (AMDT.) BILL, 2016

[Second Day]

Order read for resuming adjourned debate on question [March 18, 2016]:

That the Bill be now read a second time.

Question again proposed.

The Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you, Madam Speaker. Members of the House, listening public, we are here today to debate a simple but important piece of legislation aimed at providing an essential tool in the fight against crime. We are here today to continue the debate on the Strategic Services Agency (Amdt.) Bill, 2016. The proposed amendments to the SSA Act do not by any stretch of the imagination require any special majority and to suggest otherwise is quite frankly dishonest.

I wholeheartedly endorse what the hon. Attorney General has said from time to time in this Parliament, that we should not politicize crime. I was very disappointed to see the Opposition doing exactly that yesterday and using sensational language by the absent hon. Member for Siparia—using sensational language yesterday which could only be utilized to scare the population—language such as “deadly Molotov cocktail” for the simplest forms of amendment to necessary legislation. Madam Speaker, respectfully, this is irresponsible and misleading.

The issue of crime has been a leading point of concern for the citizens of Trinidad and Tobago for many years. This Government is not one that will bury its head in the sand nor are we afraid to tackle issues head on and frontally. One of the most important components in the fight against crime is the ability to gather and utilize intelligence. Without intelligence in today’s world, your fight against the scourge of crime is going to be ineffective.

Madam Speaker, within the past couple weeks, we have seen what has taken place in Brussels and Pakistan on an international scale. We have listened to and read international news reports referring to the need to gather intelligence; and the only way to fight the scourge of crime, including corruption and terrorism, is through the gathering of intelligence, and this Government is committed to providing the law enforcement agencies with this necessary tool—that is, one, gathering intelligence. The Government’s policy is that the SSA, the Strategic Services Agency, is best positioned to be the intelligence agency for the Republic of Trinidad and Tobago. We are not here to tolerate corruption. We will not permit corruption and the elements of crime to take our country.

In fact, Madam Speaker, recently, I was fortunate enough to go to the United

Kingdom at an invitation that was presented to our Prime Minister by the Prime Minister of the United Kingdom, David Cameron, asking our Prime Minister to participate in an international summit in May aimed at fighting corruption internationally. And in attending the proprietary meetings for this conference on a world stage that included G7, G8 and G20 leaders in the fight against corruption, it was emphasized at that forum, once again, of the need to gather intelligence, and the only way to successfully combat both corruption and crime is through the gathering of intelligence. So we say here to the public of Trinidad and Tobago that what we are trying to achieve by the broadening of the powers of SSA is meant directly to affect those and only those who are engaging in serious criminal activity. [*Desk thumping*]

Having said that, Madam Speaker, if I may be permitted to turn to the Bill and to remind the public of Trinidad and Tobago what exactly is sought to be achieved by these simple amendments. It is to expand the remit of the Strategic Services Agency to include broader law enforcement coordination and the intelligence function. What we have done is we have expanded the remit and the definition of serious crime and by this expansion, we expand the functions of the SSA who would now be empowered and charged with the responsibility to deal with matters relating to the prevention of serious crime, including, amongst other things, aspects relating to its detection and prevention, coordination of crime prevention operations, the development of strategic intelligence, policy formulation advice, deepening of domestic and international cooperation, information sharing, negotiating foreign technical assistance, capacity building through specialized training, facilitating international cooperation.

This would be an appropriate point to pause, Madam Speaker, and to remind

all those listening that every sophisticated country in the world has an intelligence-gathering arm. Every sophisticated country in the world, which is what we are aspiring to be, must necessitate, as part of its arsenal in the fight against crime, a proper intelligence-gathering body. And I repeat, Madam Speaker, that it is only those who are engaged in serious criminal offences and offences against citizens of Trinidad and Tobago and international citizens, need to be fearful of the expansion of the role of the SSA. [*Desk thumping*]

In fact, Madam Speaker, it is quite noteworthy that those making the most noise may have personal fear for the expanded role of serious crime. Clause 3 of the Bill amends section 2 importantly with the definition of “serious crime” which will now include—and these are the offences that the SSA is now going to be charged with the responsibility of looking into and gathering intelligence with respect to these offences of:

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

I pause on that latter point of crimes which carry a penalty of not less than five years’ imprisonment. We have heard what fell from the lips of the hon. Leader of the Opposition with respect to this part of serious crimes and it is something under our active review, but I challenge any Member on the opposite

side or any right-thinking citizen of Trinidad and Tobago to say why these serious listed crimes should not be covered by an intelligence-gathering body. [*Desk thumping*]

Madam Speaker, what is sought to be done is to give the SSA this broad and expanded role and to allow it now to gather the intelligence and to maintain databases of persons involved in serious crime. We on this side have listened to the contributions of those opposite and I think it would be remiss of me not to point out to those opposite some of the concerns they have raised are misplaced. For example, one of the concerns raised is with respect to the interception of communications; and what was not told to the public is that one of the first pieces of legislation piloted by the then Prime Minister—now Leader of the Opposition, the Member for Siparia—in 2010 was an Act called the Interception of Communications Act that actually took effect on December 17, 2010 and the then Opposition, which we were at the time, and throughout our term as Opposition acted responsibly and always supported any legislation that would redound for the benefit of the citizens of Trinidad and Tobago.

So, one of the first pieces of legislation piloted by the other side which this side, then in Opposition, supported was the Interception of Communications Act. This Act is an important one and it actually alleviates the concerns raised by those on the other side with respect to interception. This Act is:

“An Act to provide for and about the interception of communications, the acquisition and disclosure of data relating to communications, the acquisition of the means by which electronic data protected by encryption or passwords may be decrypted or accessed and other related matters”

What we were not told with this Act—the Interception of Communications Act

that took effect, as I said, in December 2010—is that there are only three categories of persons who are authorized to intercept communications: the Chief of Defence Staff, the Commissioner of Police or the Director of the SSA. So it was already piloted by those opposite. It was already foreseen by those opposite that the SSA should have the ability to intercept communications and specifically gave the SSA and the Director of the SSA the power and the ability to intercept communications. [*Interruption*] But today, as I am reminded by the hon. Attorney General, they are shouting from the tops of the hills that it is a draconian piece of legislation, a Molotov cocktail, the simplest form of amendment which is done to make an effective crime-fighting agency to assist every law-abiding citizen of Trinidad and Tobago.

Interestingly, under the Interception of Communications Act, and I think I should refer to section 6 which deals with the prohibition of interception and it states:

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

So, in 2010, we supported legislation designed solely and specifically to prevent against the ills that are now being thrown from the lips of the Opposition. There is already legislation that is in place piloted by you that governs and protects against these ills. In fact, when you look at section 6(2), it clearly sets out circumstances in which there can be interception. So this legislation already sets out in the clearest possible expressed terms the occasions whereby interception of

communication would be deemed to be legal. Anything falling outside of that, Madam Speaker, members of the public, would be illegal and is prohibited.

First point:

“Notwithstanding any...law, a person does not commit an offence under this section if—

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

The legislation already provides for persons who want to intercept communications to go before a High Court judge, not a magistrate, but a puisne judge of the High Court to seek an order and a warrant which is limited to 90 days as a maximum in the first instance. This is legislation that was designed specifically to provide the protection to allow the SSA to intercept communications for the purposes of intelligence gathering.

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

(i) in the interest of national security;”

That cannot be argued with. Or:

“(ii) for the prevention or detection of an offence for which the penalty on conviction is imprisonment for ten years or more, and includes an offence where death, imprisonment for the remainder of a person’s natural life or life imprisonment is the penalty fixed by law;”

It also allows an authorized officer to intercept communication:

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

Madam Speaker, this is legislation piloted by the other side. That is as broad as a clause one can get. So persons who are authorized—and it is limited, who is authorized to intercept, who is an authorized officer, either the Chief of Defence

Staff, the Commissioner of Police or the Director of the SSA, they are allowed to intercept for the purpose of safeguarding the economic well-being of the State.

2.30 p.m.

So to sit here today and to sit here on the last occasion and to hear what was being said yesterday is simply irresponsible and misleading, with the greatest of respect. [*Desk thumping*] Because, Madam Speaker, those on the other side already provided under their hand for a broad category of intercepting of communications.

The fourth category authorized is for the purposes of giving effect to the provisions of any international mutual assistance agreement. Madam Speaker, a person going for a warrant, or an authorized officer must have reasonable grounds for believing that the person to whom or by whom the communication is transmitted consents to interception. The communication is intercepted as an ordinary incident in the course of employment in the provision of telecommunication service.

Madam Speaker, the point is that section 6 of the Interception of Communications Act sets out in the clearest possible language the protections that are already enacted in law for the last five years for instances such as those that are now being cried for by the other side.

So, as I am reminded, to say that the Director of the SSA is now getting a power for the first time, as has fallen from the lips of the other side, is completely wrong. The attempt to scare the population and to create an issue and aura of fear is simply a disappointing one and one that will not be encouraged by this side. This Government is intent on taking the fight against crime to those who commit serious offences—[*Desk thumping*—and in providing the law enforcement

agencies, through the SSA with the ability to gather intelligence.

Another issue that was raised by the other side is to whom this intelligence and the intercepted communications would go. But again, section 14 of the Interception of Communications Act deals with this. It is the confidentiality of intercepted communication and provides it being a criminal offence if anyone who is unauthorized to have intercepted communication comes to be in possession of such communication.

You go on, in this Act, Madam Speaker, to section 20. One of the other issues raised by the other side was: what would happen with respect to the intercepted communications? Where would it be kept? Where would it be housed? For how long would it be kept? For how long would it be housed? These questions falling their lips as though it was the first time it was being considered or thought about. However, section 20 of their Act, supported by us as we were then responsible and continue to be responsible, putting the citizens of Trinidad and Tobago at the forefront and first in our minds, section 20 of the Interception of Communications Act deals specifically with the destruction of records. Section 20(1) says:

“An authorized officer shall ensure that any record of information obtained from the interception of communications in pursuance of section 8 or 11 that is not related to the objective of the interception is destroyed immediately.”

So any intercepted intelligence that is not covered by a warrant must, by law, be destroyed immediately.

Subsection (2):

“An authorized...”

[*Interruption*] This was your legislation.

“An authorized officer shall ensure that any record of information obtained from the interception of communication in pursuance of section 8 or 11, being information that relates...”—

[*Interruption*] Madam, I believe that the Member for Caroni Central has something. I will give way.

Dr. Tewarie: I was just asking the question across the floor that you are reading from the interception Bill, which in fact is law in Trinidad and Tobago and you now are expanding the reach of the SSA and are you justifying it in a certain way. I am asking the question: how is this entire matter—you were raising the issue of destruction of records—monitored? I am just asking.

Hon. S. Young: Much obliged. Madam Speaker, as I set out, at the outset, this has been the law of Trinidad and Tobago for over five years. [*Desk thumping*] This is the applicable law of Trinidad and Tobago for five years, as with many other crimes because these make the lack of destruction of the records, criminal acts. So as with all other crimes, the law enforcement agencies are the ones charged with the responsibility for ensuring that the act that you set out is in fact carried out.

Dr. Tewarie: Would you give way? The reason I am asking is because you have new legislation, which is connected to this one. Where is the protection in the new legislation? That is what I am asking.

Hon. S. Young: Madam Speaker, the protection, there is no new legislation that is broadening the ability to intercept. So this is the Act. This is the law of Trinidad and Tobago that deals with interception. I am sure you will have your time.

As we go on at section 20 dealing with the destruction of records, we note at subsection (4) that:

“Where a warrant issued in accordance with section 11 is revoked or ceases to have effect, any record of information obtained from the interception of communications in pursuance of the warrant shall be destroyed immediately.”

So Madam Speaker, the simple point is that this fear that they are trying to create of the retaining of records that are illegally intercepted communications is already provided for in law, has been provided for in law for the last five years and even goes so far as to state on more than one occasion, Madam Speaker, that if you come to have intercepted communication that is outside the scope of the warrant or outside the scope of what you are authorized to be intercepting, it must be destroyed immediately. And it says at subsection (5) that:

“An authorized officer who intercepts a communication in pursuance of section 6(2)(b) shall ensure that any record information obtained from the interception that is not related to the objective of the interception is destroyed immediately.”

Now the protocol that my colleague on the other side was asking about for the destruction, is found at subsection (6) where it says:

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

So they are the persons charged with the responsibility of destroying the records once they fall outside of the ambit. The Commissioner of Police, the Chief of Defence Staff and the Director of the Strategic Services Agency, and where the Commissioner of Police considers it appropriate, they may seek the advice of the Director of Public Prosecutions (DPP), prior to the destruction of any records.

Subsection (7):

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

So any person who is found with hand with intercepted communication, they are not authorized to have, or outside of the remit of the warrant or that should have been immediately destroyed is liable to be committed for seven years and liable to a fine of \$500,000, Madam Speaker. So it is important that the members of the public know that there are already protocols in place, via a piece of legislation that has been enacted for the last five years to protect against illegal interception and the illegal recording of intercepted communications, and there are also protocols with respect to the destruction of these intercepted communications.

It is also noteworthy, Madam Speaker, respectfully, under section 23(4) that creates offences:

“A person who intentionally has in his possession communications intercepted under this Act and who is not authorized to have such communications commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for two years.”

So this piece of legislation covers, captures and should alleviate all of the concerns that we heard being raised by the Leader of the Opposition, with respect to protocols relating to the interception of communications.

Subsection (5) of clause 23 says:

“A person who intentionally has in his possession communications intercepted under this Act and who is not authorized to have such communications and who discloses such communications commits an

offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for three years.”

The law has provided the offences for those who are unauthorized and who are found with intercepted communications in an unauthorized manner.

We were also asked, Madam Speaker, about who it is that they will answer questions to, or who is going to supervise and how can we supervise the maintenance of records and the destruction of records. Section 24 of this Act provides that:

“The Minister shall, will within three months, after the end of each year, in relation to the operation of the Act in the immediately preceding year, prepare a report relating to—”

and it sets out a number of areas that he must prepare a report that is then laid in Parliament. So the answer is, there is parliamentary oversight, with respect to the interception of communications. Importantly, at subclause (n) is:

“any other matter he considers necessary.”

This is the catch-all clause that deals with any interception that may take place outside of the remit of a warrant; that the Minister of National Security will ask for the information with respect to this limited category of intercepted communications.

So Madam Speaker, the short, simple point is there is no need for the public of Trinidad and Tobago and the citizens of Trinidad and Tobago to be fearful of any cocktail, Molotov or otherwise, due to the proposed amendments to the SSA legislation. What is being done by a responsible Government who are concerned for the citizens of Trinidad and Tobago is providing a dedicated intelligent service with the ability to broaden its powers and scope and to intercept communications,

with respect to serious crimes.

I took the time earlier, Madam Speaker, to go through each of the identifiable offences which we consider to be serious crimes and I challenge anyone on the other side or otherwise to say why those identified serious crimes should not be monitored by the SSA.

As I said earlier, sophisticated countries such as the United States have the CIA, the FBI. United Kingdom has MI6; they have MI5. Every sophisticated country has an intelligence-gathering service and we should not try to fetter the arms of the law enforcement through the use of fear mongering. [*Desk thumping*]

It is also a noteworthy and important point to be made that the SSA, Madam Speaker, is to be audited annually and is subject annually to the Auditor General. So when one goes to section 10 of the parent legislation, the SSA Act, you see that section 10(3):

“The accounts of the Agency shall be audited by the Auditor General annually or by an auditor authorised by him for such purpose.”

Subsection (4) of section 10:

“...the Minister shall ensure that the audited statement of accounts and report are laid in Parliament within one month thereafter, or if Parliament is not in session, within one month after the commencement of the next sitting.”

Subsection (5):

“In addition to the annual audit, the Auditor General may, at any time, audit the accounts and examine the records of financial transactions of the Agency and shall forthwith draw to the attention of the Director and Minister any irregularities disclosed by such audit an examination, which, in the opinion

of the Auditor General, are of sufficient importance to be so reported.”

2.45 p.m.

There is oversight. The oversight starts with the Auditor General and ends with us here in Parliament. We have the ability, the power, and we are charged with the responsibility of ensuring that the SSA functions in the way that the legislation intended it to, and we have that opportunity on an annual basis to call them and to bring them before the parliamentary committees, and to ask any questions we wish. So there is no—once again we are being misled or there is an attempt; we are not being misled. There is an attempt to mislead the population—
[*Interruption*]

Madam Speaker: Hon. Member, your 30 minutes have expired. You are entitled to an additional 15 minutes, do you wish to avail yourself of that?

Hon. S. Young: Thank you very much, Madam Speaker, I do. [*Desk thumping*]

So to complete that point, Madam Speaker, there is oversight. The oversight lies firstly with the Auditor General, and, secondly, with us here as the parliamentarians. Section 13 of the SSA, parent legislation Act, says:

“The Minister shall cause to be laid in Parliament an annual report on the operations of the Agency within one month after he has received it, or if Parliament is not then in session, within one month after the commencement of the next session.”

So, Madam Speaker, I re-emphasize that it is the policy of this Government to outfit the law enforcement agencies with the necessary resources to fight corruption and crime, and to do their jobs properly which would redound to the benefit of the citizens of Trinidad and Tobago.

It is our respectful view, Madam Speaker, that the minimal amendments

being proposed to the parent SSA Act in this 2016 Bill help this organization to achieve what is needed at this time in a world that is changing on a daily basis, and where, in order to fight and to stay ahead of the criminal elements, there must be a proper intelligence-gathering organization. Not one that is fettered, we must always be fearful when persons are attempting to fetter the ability of law enforcement agencies to do their job properly. With those few words, Madam Speaker, I thank you for the opportunity to contribute. [*Desk thumping*]

Madam Speaker: Member for Chaguanas West. [*Desk thumping*]

Mr. Ganga Singh (*Chaguanas West*): Thank you very much, Madam Speaker. I want to thank the hon. Member for Port of Spain North/St. Ann's West on his contribution, but, Madam Speaker, it appears to me that when the hon. Member, the hon. Minister, is talking about the fettering of the intelligence agencies and looking upon the Interception of Communications Act, 2010, as the panacea for all interception, he perhaps had political amnesia when he forgot what happened [*Desk thumping*] and what precipitated that Act.

You see, Madam Speaker, this is a Minister who finds himself at WASA at the time of a fire. [*Desk thumping*] I want to quote from a statement made by a WASA employee on Monday, January 11:

At about 6.00 a.m. I received news that the fire on the second floor reignited but was quickly put out by the fire services. I proceeded to work at around 8.15 a.m. and proceeded to head towards the lobby of the head office complex where I continued to supervise the moving operations of furniture and documents to various location destinations. While supervising the proceedings, I noticed the acting CEO, Mr. Dion Abdool, together with the Chairman of the Board of Directors, Mr. Romney Thomas, and Mr. Stuart Young, Minister in the Office of

the Attorney General, exiting the lobby.

Mr. Young: We know who start the fire. [*Laughter*]

Mr. G. Singh: Well, perhaps you may know and you should take it to the Legal Affairs, but I also know whose recommendation of—whose influence in the process that is contaminating the process of investigation. You see, the Minister comes here and plays Pontius Pilate. [*Desk thumping*] The hon. Minister comes here and talks about—[*Interruption*—The hon. Minister takes an approach—[*Interruption*]

Mr. Al-Rawi: Madam Speaker, 48(6).

Madam Speaker: Member, I am sure you could find another way to bring your point across.

Mr. G. Singh: Madam Speaker, I am just dealing with the issue. Okay, very well, Madam Speaker, but the point I am making is that this Minister finds himself in an arena in which he has no business, portfolio business. [*Desk thumping*]

Madam Speaker: Member, I have warned you with respect to the point you are making. I just ask you to withdraw that statement and please proceed. Can you withdraw it?

Mr. G. Singh: Thank you very much. Madam Speaker, the hon. Attorney General—[*Interruption*]

Madam Speaker: Do I take it that it is withdrawn?—the statement. I asked you to withdraw that statement.

Mr. G. Singh: What statement, Madam Speaker?

Madam Speaker: The statement with respect to the Minister finding himself in a place he should not be.

Mr. G. Singh: It is true. Madam Speaker, it is—[*Crosstalk*]

Madam Speaker: Members, I have already made a ruling. Member, I expect you to do the honourable thing and you can then after proceed.

Mr. G. Singh: Hon. Speaker, if the Minister was not there he should say so.

Madam Speaker: Member, I have said I expect you to do the honourable thing and withdraw the statement. You can proceed thereafter.

Mr. G. Singh: Madam Speaker, I withdraw the fact—the statement that the Minister was there, but he was in fact there. You cannot change that fact.

Mr. Al-Rawi: Madam Speaker, 48(6).

Madam Speaker: Hon. Member for San Fernando West, I have ruled that the matter, the statement made by the Member offends the rule, I have asked him to withdraw it. I expect that it is withdrawn. And, Member, therefore having ruled that, and if you have done the honourable thing and abided, I would expect there would be no further comment.

Mr. G. Singh: Madam Speaker, I will say nothing about the fireman Minister.

Mr. Al-Rawi: 48(6)—come on, man—and 48(4).

Madam Speaker: Hon. Member for Chaguanas West, again, and this is the last time I am going to warn you, having withdrawn the statement I do not expect any comment that really takes away from the effect of the withdrawal. So, again, I will ask you to withdraw that statement about the fireman Minister because it is based in a certain context. If you withdraw it you can thereafter proceed.

Mr. G. Singh: Very well, Madam Speaker. Madam Speaker, the—[*Interruption*]

Madam Speaker: It is withdrawn?

Mr. G. Singh: Yes, Madam. [*Crosstalk*]

Madam Speaker, the Member for Port of Spain North/St. Ann's West carried on the same approach with which the hon. Attorney General took in piloting the

Bill. The hon. Attorney General, in his usual dandified and disarming fashion, proceeded to point to the brevity, to the brevity of the amendments before us that it proposes five short clauses to amend three particular sections 3, 6 and 9 of the parent Act, the SSA of 1995. The hon. Attorney General pointed out that this Bill now inter-articulated directly with 11 pieces of legislation.

He further indicated that the purpose of this amending Bill is intelligence gathering only and operationality is never a feature, because to do so will bring it afoul of Lord Diplock's dicta in various cases where the Executive seeks to provide an army to suppress democracy. That the SSA structure allows for parliamentary scrutiny and that the Auditor General reports on the SSA, as tabled in Parliament: matters echoed by the hon. Member for Port of Spain North/St. Ann's West. Madam Speaker, I am very happy for the April showers today. You know, the flora and the fauna, and the fires on the hills will really no longer be taking place, but we are very happy for April showers today.

Madam Speaker, the hon. Attorney General, in piloting the Bill, spoke of the coordination of the various agencies, and perhaps at page 44 of the *Hansard* he indicated, March 18, and I quote, Madam Speaker:

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

Madam Speaker, this Attorney General needs to take a reality check, because you

have to appreciate, to look at the chronology of the emergence of security apparatus and security intelligence-gathering apparatus, and institutions in this country to appreciate that there has been, and the likelihood of continued executive interference in the operation of strategic services agencies. [*Desk thumping*]

You see, Madam Speaker, this country has witnessed the contamination of the SSA over the period of time, [*Desk thumping*] and political contamination across the divide over the years of Government in this country. Madam Speaker, it is said that if you forget the past you are condemned to repeat it. So I will cursorily, Madam Speaker, bring about, seek to portray a chronology of the evolution of intelligence agencies in Trinidad and Tobago, and seek to put it in an institutional framework and demonstrate the systemic risks associated with the SSA in its current form. You see, notwithstanding what the hon. Minister, Member for Port of Spain North/St. Ann's West indicated, you see, anybody is subject to the Interception of Communications Act. It could be CEPEP, they would be subject to the Interception of Communications Act, and that, therefore, whilst the Director of the SSA is one of the three authorized officers, we will demonstrate the fact of the matter that there is political interference in the operations of the SSA over its history. [*Desk thumping*]

Madam Speaker, in 1964 you had Special Branch; in 1992, the OSS, a forerunner to the SSA; in 1994, SIA, and all these are formed by Cabinet Notes; 1995 was the first piece of legislation dealing with security agencies in this country. You see, Madam Speaker, the Strategic Services Agency Act was passed in 1995, Act 24 of 1995. The Act was consequentially amended during the Fifth Parliament, when you had the Mutual Assistance in Criminal Matters was passed.

3.00 p.m.

The SSA needed a small change to harmonize it with the mutual assistance in criminal matters. Madam Speaker, the debates in Senate dealing with that during the initial passage of the SSA Act makes it clear that the purpose of the SSA Act was to create a body focused on drug trafficking to coordinate efforts to prevent and prosecute drug trafficking cases with international bodies. The SSA expanded the powers of the OSS and was based on significant consultations with international bodies.

During the debate of the SSA, Madam Speaker, the Opposition was concerned that the Act would be used improperly or as a tool of political persecution. The Opposition suggested that perhaps a parliamentary committee should be formed to deal with issues of appointment, promotion and discipline; such a committee could potentially be used to curb any excesses within the agency. The Opposition was concerned that the Director of the SSA was to be chosen without consultation with the Opposition Bench.

That concern of political interference, that the security agency would become a political tool, was prophetic because it happened subsequently. [*Desk thumping*]

Madam Speaker, Private Members' Motions in 1997 moved by the hon. Member for Diego Martin West, as he was then in Opposition, dealing with the whole question of spying on the PNM and he brought a Private Members' Motion and this is what the hon. Member for Diego Martin West had to say, talking about security agencies. You see, it is good—where you sit determines your consciousness. Now that he is Prime Minister I want to remind him of the utterances that he made. Friday, March 07, 1997, and I quote at page 835 of the *Hansard*, hon. Member for Diego Martin West Keith Rowley:

“Many countries, whether it is in Africa, Asia, the Soviet Union, Latin America or the Caribbean, have come to grief on this plank of abuse and misuse of security services. The worst kind of human rights abuse in the world has taken place in countries where the security services have not been confined to their proper function, as outlined in the Intelligence Services Act from which I quoted under the British system. Abuse of a country’s security service has led to serious pain and heartache across the world. We are now in a position to examine our behaviour in this country and take stock before it is too late.”

Hon. Member: Who say that?

Mr. G. Singh: This is Keith Rowley’s statement.

“To ensure that we are not viewed as another Latin American banana republic, run by well-suited demagogues, we have to be careful.”

I agree with that. I agree with those sentiments, but this is where the opportunity lies to put in the necessary safeguards to protect that 1997. [*Desk thumping*]

Dr. Rowley: What happened in 2010?

Mr. G. Singh: No. No. No. We are coming to that. “Ah” going through the process. I am coming to that. At page 837:

“We created, after proper investigation, an organization called Security Intelligence Agency. That civilian agency was meant to provide that body of information, all in the context of the guidelines laid down by this Intelligence Service Act,…”

This Intelligence Service Act that the hon. Prime Minister now spoke about in 1997 is the British Intelligence Service Act.

“Heading that agency was one of our distinguished sons, a gentleman of

whom we could all be proud, the only general who served in our army, General Ralph Brown, who had the distinction of standing between insurgents and our future in our moment of need. When all the dust had been cleared from that and we reviewed our security system, we put him in charge of the Security Intelligence Agency and the next thing we knew, before the Government had comfortably occupied...”—its office—“...in the Twin Towers, General Brown was humiliatingly dismissed from office.”

So there was a change in administration. There was a change in the head of the SIA. This is the same SIA we will come to and the same SIA that was illegally tapping people all over this country. [*Desk thumping*]

And I want to take the position that the hon. Member for Diego Martin West took in 1997. And I quote at page 842 of the *Hansard*, Madam Speaker.

“I want the Government to assure this honourable House that it has no intention of abusing our security services. I want the Government to comfort the national community that there are guidelines in place and insofar as those guidelines might be insufficient, they would be improved and brought up-to-date, to be worthy of a modern democratic state. I want the Government to go further and commit itself to bringing, and at the earliest opportunity, legislation of the type that I have mentioned earlier.”—that is the British legislation. “Mr. Speaker, it was not brought by previous governments, but we survived with an element of comfort...”

I want to ask the hon. Attorney General where are the regulations? You know, I heard him throughout his tenure in the Senate, in other place, Madam Speaker, talking about that the “devil is in the details” and you must provide the regulations because the Act is merely an exoskeleton, and it is the regulations that

is important. Where are the regulations now that you are seeking to extend the ambit of the SSA, Madam Speaker? It is wholly untenable for us to have to deal with this legislation when there are no guidelines and regulations. [*Desk thumping*] Madam Speaker, I continue. So there are no regulations. We are asked—or it says only five clauses, three sections amending.

Now, you see, on that occasion also in 1997, the Leader of the then Opposition spoke—the Leader of the Opposition spoke and this is what Mr. Manning at page 861 of the *Hansard* of Friday, March 07, 1997 said:

“Mr. Speaker, the intelligence services in the United Kingdom are services that operate under certain traditions. In Trinidad and Tobago, those traditions do not exist. That is”—the essential— “point that I am trying to make.”

And Mr. Manning goes on to indicate, and I read from a paragraph on page 866 of the same *Hansard*. Mr. Manning indicated:

“I ask the Government: Are the telephones of politicians in this country being tapped? Is the answer yes or no? We want a clear statement. I ask a second question of the Government of Trinidad and Tobago: Are politicians of this country being followed in the conduct of their normal affairs? The third question is: Are the offices of Members of Parliament and politicians of this country bugged by security forces of Trinidad and Tobago? I ask those questions for direct answers from...the other side, so that they can satisfy the national community, and us, that the country’s security arrangements are not being used in a manner”—that—“is prejudicial to the fundamental rights and freedoms guaranteed”—by—“every citizen under the Constitution...”—of this country.

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This is Mr. Manning in 1997. We ask the same question of this Government today and they should answer. [*Desk thumping*] Madam Speaker, so you understand the contextual frame. This is 1997.

Hon. Member: Sadiq Baksh.

Mr. G. Singh: “Yuh know.” Madam Speaker, as I continue the chronology: 2003, the Special Anti-Crime Unit was approved in 2003 and became effective in 2004. The creation of the Special Anti-Crime Unit is well known by all those. And this is what the then President of the Law Association had to say with respect to the Anti-Crime Unit, Dana Seetahal.

“There is no legal authority for the creation of a single unit that comprises members of the Police Service, Defence Force, and civilians.

Since SAUTT is not accountable to any law enforcement organization, as it fails to report to either the heads of Police Service or the Defence Force, it may in some ways be considered a law unto itself.”

Madam Speaker, so that was SAUTT, lacking a legal basis.

In 2009, Major General Cameron Ross provided a report; the hon. Member for Diego Martin West was a Member of the Parliament then, Member of the Cabinet then. The recommendation of Cameron Ross, as the Member for Point Fortin indicated to the Manning administration, was that the SSA and the SIA should be amalgamated into a single entity. 2010, Madam Speaker, 2010.

“Gibbs catches spies

...uncovers illegal tapping of phones, monitoring of text messages and e-mails”

Hon. Member: When.

Mr. G. Singh: This is the *Express* of November 10, 2010. Madam Speaker,

[*Crosstalk*] I will deal with that.

“An early-morning...raid, ordered by the Police Commissioner Dwayne Gibbs, on a secret snooping agency within the National Security Ministry has brought to light an extensive list, including Prime Minister Kamla Persad-Bissessar and private citizens, whose phone calls, text messages and e-mails have been monitored over five years.” [*Desk thumping*]

That would be 2005 to 2010.

“Special Branch and Anti-Corruption Investigation Bureau officers, who locked down the St. Vincent Street, Port of Spain, offices of the Security Intelligence Agency...at 6 a.m. on October 23, also found \$5.9 million in a fireproof safe and a stash of firearms.

In a shock response to the discovery of an elaborately equipped and well-funded ‘intercept suite’ within the SIA, the People’s Partnership administration, as disclosed in Government documents made available for a viewing yesterday...”

—and they have done—

- “▪ fired Nigel Clement, director of both the Strategic Services Agency and the SIA
- retained two Canadian technology security experts to sweep for further evidence of the tapping of phone, text and e-mail messages, and to develop a secure communications network for use by the Prime Minister and top officials
- began a review and reorganization of State security apparatus to discover exactly which agencies are doing what and to clarify their lines of reporting...”

And this is how the intercept in communication came about.

Dr. Rowley: When they hired Resmi.

Mr. G. Singh: Madam Speaker, [*Crosstalk*] Yeah. You think I will leave out anything. I am not like you. So that the Interception in Communications Act came about in 2010 and that is what the hon. Member spoke about.

And then, Madam Speaker, of course, you had the fiasco over Resmi Ramnarine, [*Desk thumping*] the fiasco. And the hon. Member for Siparia has indicated that it was a mistake and she took full responsibility. [*Desk thumping*] But it is interesting that nobody took responsibility for Nigel Clement and his spying over five years. [*Desk thumping*]

3.15 p.m.

You see, the fact of the matter is, Madam Speaker, that no side can claim to be paragons of virtue when dealing with political interference in the security fountain intelligence force of this country. [*Desk thumping*] You know, Madam Speaker, so, the intercept that came about, then you have subsequently the Data Protection Act of 2011—[*Interruption*] Madam Speaker, you know, I do not want to get engage in the Deputy Speaker, but, he should know better than that—so, out of that came about the report to bring about the National Intelligence Agency, the NIA, and that therein a steering committee was appointed, including several persons in order to bring about the NIA. And, in 2014, to move quickly, Madam Speaker, you have the National Operations Centre which coordinated—another one by virtue of Cabinet decision—the various arms of the State in order to bring about the coordinating mechanism. But, you know, the more things change the more it remains the same. [*Desk thumping*]

So, the hon. Member for Diego Martin West complained about the firing of

General Ralph Brown. Of course, when he became Prime Minister, what happens?

What happens? I go to the *Guardian* of the 16th of the 12th 2015:

“SSA managers fired over ‘loss of trust’, ‘misconduct’

Dillon: Restructuring exercise at intelligence agency...

THE firing of two senior managers at the Strategic Services Agency (SSA) was based on a loss of trust and confidence in one and misconduct by another, their termination letters have stated.”

—and so on, Madam Speaker. And then you have the *Express* of the 19th of the 12th 2015:

“SSA gets new Director

Colonel George Robinson has been appointed head of the Strategic Services Agency (SSA).”

So that prior to Colonel George Robinson, I think you had officer Bisnath Maharaj.

So, he was off, when Colonel Ralph Brown was removed, it became an issue.

Hon. Member: Who removed Ralph Brown?

Mr. G. Singh: Who removed the Bisnath Maharaj? So, you understand, Madam Speaker, the dynamics that take place in the context of that. And then, subsequently, you have now a new SSA head and you have an expansion of the remit of the SSA.

Madam Speaker, sometimes, I mean maybe I am not in the military arena, but if you have a civilian intelligence gathering agency, what is the role of a military officer occupying the head of that department?

Madam Speaker: Hon. Member, your 30 minutes speaking time are up. You are entitled to 15 more minutes, do you intend to avail yourself of it?

Mr. G. Singh: Thank you, Madam Speaker.

Madam Speaker: You may continue.

Mr. G. Singh: Can I get some injury time? Madam Speaker, from that brief chronology of the security intelligence evolution of the security intelligence apparatus in Trinidad and Tobago, it is clear that there has been executive, in other words, political interference across the board in the operations of the SSA. That is fact. It is established empirical fact.

You know, Madam Speaker, Lord Acton said many years ago, and a venerable statement it is:

Power corrupts; “and absolute power corrupts absolutely.”

So, throughout the history of the SSA/SIA/SAUTT, there has been political interference and political contamination of the security intelligence agencies. This Bill before us, the SSA amendment, provides no systemic change. In fact, the hon. Member for Port of Spain North/St. Ann’s West is happy. He is saying that there is no change. What he is seeking to do is to impose at a wider ambit. So, there is no systemic change. So, you are seeing the history of political interference; you are seeing the history of political contamination; you are seeing it as an institution that is toxic; politically toxic, because of the interference, and yet you seek to widen the embrace and ambit of that organization. [*Desk thumping*] Banana republic, banana republic. The hon. Member for Diego Martin West talked about a banana republic in 1997. That is what is going to happen unless you put the necessary strictures and safeguards in place.

Madam Speaker, this is not a well thought-out policy. This is not a well thought-out policy. It is not a policy that is in the public interest. It is an attack on the citizens’ right to privacy and the security of the persons. [*Desk thumping*] Madam Speaker, the SSA had a core mandate to deal with drug trafficking and

offences associated with that. It has a clearly defined international mandate. It therefore should be a stand-alone. Now that we have provided the coast guard with the capacity to interdict drug smugglers as they come over the period of time, and the hon. Minister of National Security has indicated that they are catching the smugglers by virtue with the new ships. In fact, the head of coast guard said there is some 800 per cent increase in the ability to catch smugglers—800 per cent.
[*Interruption*]

So that, therefore—[*Interruption*]—“yuh doh even be here to answer a question, stay quiet”, Madam Speaker, through you. [*Laughter*] The expanded remit of the SSA could be counterproductive because if it is that you are now going to put all this 40-something additional offences, and I want to say this, “eh”, Madam Speaker, we have no problem participating in this process. What we are saying consistently, look, there is need for safeguards. The history of this, as indicated, that there is political interference. And, I am surprised of the hon. Attorney General, a widely read man, I find it that he fell short. How come he came here with half-baked legislation? Because, you see, Madam Speaker, when you look at the country report of Trinidad and Tobago done by the International Narcotics Control Strategy Report for 2016, this is what they had to say at page 3:

“T&T has made considerable accomplishments in the fight against illegal narcotics in 2015, including the extradition of a major drug trafficker.

The report shows an increase in the amount of drugs seized by law enforcement officers in 2015, over the previous year.

It states: ‘Robust interdiction efforts in 2015 resulted in an increased overall volume of drug seizures.’—and so on.

So, what it says, Madam Speaker, that you are taking away the core

competence, adding or, and that therefore you may run the risk of interfering with drug interdiction efforts to that. Run the risk.

Madam Speaker, you see, the point is that if the hon. Attorney General had done his work, he would see that there is legislation in First World countries. I think the hon. Member for Port of Spain North/St. Ann's West, indicated that we want to have a First World intelligence gathering body. The hon. Member for Point Fortin in his contribution indicated, that it is based on the best practices of the Canadians, the Israelis, the United States and UK. All the First World countries intelligence gathering arms have safeguards. [*Desk thumping*] Safeguards across the board, and they would not tolerate that level of political interference.

Madam Speaker, if one were to only look cursorily at the Canadian legislation, the Canadian Security Intelligence Service Act, you would see that throughout this Act, that you have the opportunity to provide the necessary safeguards—and that is all that we are saying. We are supportive of the expansion, but there is need for safeguards. For example, in our legislation it says, look, the director after consultation with the Minister. The director takes directions from the Minister. In the Canadian legislation, they put the necessary controls, that the director—the Minister may issue directions, but he has to put those directions in writing. [*Desk thumping*]

Since 1999 when I piloted the Postal Corporation Act, that you have to put it in writing to the board. So, if in an in-noxious organization, like TTPost, that the Minister has to put his general and specific directions in writing—and I am sure the Member for D'Adabie/O'Meara is not even aware of that. You have to take the opportunity to improve the legislation, having regard to the interference

previously. So, put it in writing, and they also have another check. They have a review committee, and that review committee is provided with a copy of that direction right away, forthwith. So, why do you not adopt that simple measure? It will help to allay and alleviate fears with respect to political interference. The consultation and the direction will not be a wink and a nod. It will be formalized and it will be based to a review committee.

So, Madam Speaker, these are some of the simple things, my other colleagues would deal—and then there is judicial control in the system. There is judicial control in the Canadian system. So, I know that the hon. Attorney General, why would you not want to put the directions in writing? Why? That is a simple—tell me if it is not so. It is simple. So, the ministerial directions, you see, Madam Speaker, the culture of the security intelligence agencies is a culture of political interference, and that therefore if we want to change the culture in this country, we must put the necessary safeguards in place. [*Desk thumping*] Judicial control to a review committee, put the necessary—and not allow the Minister to be in total control, and that therefore the director becomes a ventriloquist dummy. He carries out the wishes of the Minister without question, because he does not have tenure; the manner in which he is appointed requires clear criteria. That too must be dealt with. These are but simple things to help change the culture of abuse.

But now you understand, Madam Speaker, the hon. Member for Diego Martin West is the jockey on the saddle, and he is pointing the horse in the same direction he complained about. Same thing. So, that therefore, the contamination of the process. You know, Madam Speaker, in a book entitled *Culture Matters* by Samuel Huntington, he indicated, and I quote, and he quoted Daniel Patrick Moynihan, and I quote:

“The central conservative truth is that it is culture, not politics, that determines the success of a society. The central liberal truth is that politics can change a culture and save it from itself.”

I would repeat that:

“The central conservative truth is that it is culture, not politics, that determines the success of a society. The central liberal truth is that politics can change a culture and save it from itself.”

There is need for political intervention here today [*Desk thumping*] to save security agencies from political interference, and it takes leadership to do that. You cannot now come and say it is business as usual and that we are in charge and therefore we now will take the role of the abusers of the political process of the SSA. That we are now the abusers. That is not right. That is not appropriate in a society for it to grow, otherwise we remain mired in the mud every five years, and we will go through the same thing as we have been going through since the 1990s on this issue.

3.30 p.m.

So there is need for leadership, leadership to bring about a change in the way we approach. What the Opposition is asking for and the Opposition is supportive of the expanded remit, but, there is need for safeguards. Make sure that the director is insulated, make sure there is a review, whatever form it may take and ensure that there is insulation from the politicians of the operations of the SSA. That, in the current form, is not what is happening, Madam Speaker. In the current form, you will perpetuate the abuse. In the current form you will have a continuation of what transpired in 1997, what transpired in 2005—2010 and subsequent to that.

So what we are saying, there is need for a change in the approach if we are going to carry this society institutionally forward. We have to deal with the systemic risks, the chronology of events point that there are institutional and systemic risks associated in the current architecture of the SSA and we have to change that and the opportunity exists. This is the first time since 1995, legislation of this nature is coming before the Parliament. There is need for us to act. You cannot say what obtained in 1995 is relevant in our society today. [*Desk thumping*] The technology has changed, the people.

So therefore, Madam Speaker, what we are saying, we are supportive of this legislation but there is need to protect the society from the rights being trammled and trampled upon and that therefore we make no accusation. What we are saying, that there is need to bring about change in the approach in order to change the culture of the intelligence institutional apparatus in Trinidad and Tobago and, Madam Speaker, we in the Opposition suggest that the best place to do this is before a Joint Select Committee [*Desk thumping*] so that the country will have the opportunity to participate. Thank you, Madam Speaker.

The Minister of Public Utilities (Hon. Brig. Gen. Ancil Antoine): Thank you, Madam Speaker, for the opportunity to contribute to this debate on this Bill, an amendment to the Strategic Services Agency Act, Chap.15:06, by expanding the functions of the Strategic Services Agency. My colleagues on this side of this honourable Chamber who spoke before me have articulated a wide range of sentiments regarding the amendment to this Bill. It is my intention through you, Madam Speaker, is not only to articulate support for this amendment but to also vividly illustrate the critical need for this measure to be adopted at this time.

The Member for Chaguanas West, in his contribution was critical of a

number of my colleagues in my previous incarnation, as well as the Member for Naparima on the last occasion. In that instance, when the name of Colonel Robinson was mentioned there were snide remarks about him being a combat engineer. And I would like my colleagues on the other side to know that we owe a lot internationally to combat engineers and the work they did over the centuries.

It was the combat engineers of the Roman Empire that laid the infrastructure for the road system in Europe. And it was also the combat engineers after the end of World War II who laid the road infrastructure here in Trinidad. When we travel to Wallerfield and Chaguaramas and we comment, and I see my colleague here, the Minister of Works and Transport smiling. When we look at the road infrastructure that has stood the test of time we see it as the work of the combat engineers. So do not just comment on Colonel Robinson as a combat engineer. Check his resume, you will see he also has a training in intelligence as well, and during my contribution I shall comment on the way we are loosely using the word information and the word intelligence, because I see the Member for Chaguanas West has returned. We use—my colleagues on the other side tend to use a lot of misinformation and in dealing with information I shall touch on the fact that outside there in our society there is a lot of information.

And I want to quote from the *Trinidad Guardian* to show you how they use misinformation. And I am quoting from the *Trinidad Guardian*, Wednesday, August, 5, 2015. It said:

“Former director of the Strategic Services Agency (SSA) Nigel Clement is set to receive a million dollar compensation package from the State for being wrongfully dismissed after serving in the post for nine months.

Clement, whose appointment was revoked in November 2010 with over two years left on his contract, was given a default judgment after the State failed to enter a defence in his lawsuit for wrongful dismissal and breach of contract.”

Not only did the state dismiss him, but they did not have the guts, they did not have the “cahones”—[*Interruption*]

Hon. Member: Fortitude.

Hon. Brig. Gen. A. Antoine: Fortitude—thank you very much, to contest and defend it in court, but he speaks in terms Nigel Clement as though he did something wrong. And he tried to implicate the Commissioner of Police, Gibbs, in the matter saying, that it was Gibbs who went and arrested and do this, all these sort of things—[*Interruption*]

Mr. Singh: Thank you, Member. Thank you for giving way. I just wanted to merely indicate to you that I was reading from a newspaper report and that therefore there is no attempt by me to implicate anyone.

Hon. Brig. Gen. A. Antoine: Thank you very much and that is the point I want to make in terms of information and intelligence. The difference between information and intelligence.

There is a lot of information out there. I can go into my village, into my constituency and I can get a lot of information. If you listen to i95.5 FM you will get a lot of information, on the talk shows. The rum shops. You know the information. My wife said when she goes to the hairdresser, “Ohhh, she gets a lot of information about everybody business all about the place”. And the fact is that information of itself, there is nothing that the security forces can do except be overloaded with a lot of information. A lot of this information is misinformation.

A lot of it is sometimes put there, deliberately to mislead people as possibly happened in terms of the dismissal of people in the past and so forth. But what we need and what this Bill that my colleague is putting forward, is to take all this information out there, the information, you know, on everybody, the drug pushers, you go into any area and they will tell you who is the drug pusher, they will tell you who is the gang leaders, who is involved in this and who is involved in that. What this Bill seeks to do is to take all that information and carry it through a process and turn it into intelligence. [*Desk thumping*]

You see, intelligence is a product of a process that begins with information. And it does not end there. When the experts, and that is why we need people like Colonel Robinson in charge of the SSA. [*Desk thumping*] When the experts take this information and process it and analysis it, you then have a product call intelligence. But it does not end there. They now have to take this product and give it back to the practitioners in the field for them to go out there and verify it, because intelligence itself unverified is hit and miss. It is when this product is verified in the field by the practitioners, and it is not the SSA doing that, it is the practitioners in the field, it comes back as sound intelligence, intelligence that has been verified and tested in the field. It is then that the practitioners can go and carry out the necessary work involving intelligence.

And my colleague, the Member for Toco/Sangre Grande pointed to it when she spoke of intelligence-led policing. That is the policing we want to do in the future, policing that is backed up by sound intelligence. And that is when we can have arrest with the evidence that can lead to conviction, but this is not to be done by the practitioner, the analysis at the SSA, this is to be done by the people in the field. And as somebody who in my previous incarnation had to depend on

intelligence, you are in seventh heaven when the experts can give you sound intelligence in which to work on. And that is what this Bill seeks to do.

This Bill looks to bring all of the different areas into one common area that people can work with. You see, here in Trinidad—and my colleague, the Member of Chaguanas West went through his version, because I have to say his version, Madam Speaker, of how this whole process came about back in 1964 as the case, coming up to the present time. And as my colleague, the lecturer in history will tell you, that there are all different version of history that, you know, people can follow. And following his version you will end up with a certain outcome. And if I was to give you my version you will end up with another outcome.

But when in 1995, the SSA was created, the intention was to have an office where centralizing information would facilitate detection, prevention of illicit traffic in narcotic drugs, psychotropic substances, et cetera, et cetera, et cetera. But given Trinidad and Tobago what we have happening over the years is a lot of stove piping and chimney effect, where the different intelligence agencies held on to whatever intelligence they could develop or process from the information and it was not shared. So the other aspect of intelligence gathering, is intelligence sharing, and this is where I have to thank my colleague for bringing this piece of legislation [*Desk thumping*] because that is what it seeks. It seeks to allow the various intelligence agencies to share intelligence, all for the benefit of the citizens of Trinidad and Tobago. [*Desk thumping*]

You see, over the years, and that is why I say the history might be a little different depending on who is looking at the history, what we had coming about is a number of intelligence agencies. We started with the special branch as he said in 1964—actually it was in 1962, the special branch came from the British colonial

past.

3.45 p.m.

And over the years, in 1970, after the intelligence failure in 1970, a defence force intelligence unit was created, and over the years we have had police intelligence, customs, prisons, all these different intelligence groupings and agencies working by themselves and not sharing the intelligence with each other. As a result, we had other intelligence failures, like in 1990—a massive intelligence failure—that saw some of the MPs in this Parliament come under threat. One even lost his life. And that is because of intelligence failure, a lack of the intelligence agencies within Trinidad and Tobago sharing the intelligence.

That is why by 1995—and you mentioned General Browne—it was felt necessary to have one body that looks after the processing of the information, the creation of the intelligence and sharing that intelligence with the practitioners. And it was flawed, and my colleague from San Fernando and my colleague from Port of Spain realized that we needed to fix it and this is why the amendment to this Act came about, so that we can fix the problem. So now when the intelligence comes from the field—including the misinformation we get from time to time from some well-intentioned people who have a different agenda and seek to score points here and points there, whether it is political points or otherwise—they can process it and they can share it amongst the practitioners.

So we are thankful, and I speak on behalf of the—in saying “we”—the amount of people out there who are looking after the interests of the citizens of Trinidad and Tobago. We are thankful that the Government is

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coming to the understanding that they need to have an entity that can take care of all the information, including the misinformation. Because, as the Member for Chaguanas West pointed out, things have changed over the years. The landscape has changed, and as my colleague from Point Fortin clearly points out, we have to change the architecture to deal with the changing landscape. [*Desk thumping*]

We are now faced with terrorism, cybercrimes, increasing incidence of gun use, technology-enabled crime, and as a result we have to move into the 21st Century in the way we do business. And the major metropolitan countries already have the mechanism whereby different groupings within the intelligence community work together for the good of the citizens of the country; and the SSA is the instrument in Trinidad and Tobago that will bring about this change.

If we are to successfully uphold the rule of law in Trinidad and Tobago and to protect our citizens and our national interests we need to be cognizant of the new developments and be prepared to adapt our methodologies and practices to ensure that the law enforcement organizations remain effective and relevant, and the way to do that is to have an agency backed by law that can bring all the intelligence agencies together and produce that product, that the practitioners in the field can deal with.

Madam Speaker, it is against this background that the proposed amendments are being proposed for the legal framework for the SSA. Broadening the remit of the SSA to have responsibility for all types of serious crime will enable the agency to manage all crime types in relation to the potential damage in our national security system. So you see, customs

cannot escape, military intelligence cannot escape the SSA, neither can the police because they all have to feed the information into the agency which will then process the information and give it back to the practitioner.

So it is not the SSA that will be involved in the groundwork that my colleagues on the other side seem to be afraid of. That is not the remit and that is not the role of the SSA. That is the role of the law enforcement agencies and the military practitioners on the ground. The SSA would be there to pull the information out of the people who have the information in the society, process it, produce a product that they can give back to the practitioners to verify it—because there will always be flaws in any product—and when it is verified, then—and it comes back—then they have the intelligence that we can go ahead and gather the necessary evidence in terms of law enforcement that can see an increase in the detection of crime and criminals.

And it does not just rely on in terms of the man in the street. It goes in terms of money laundering as well. So all of those people who are out there in society who believe that they are untouchable because the mechanism is not there, the SSA, with the amendment that is being put forward with this legislation, will enable us to reach further afield and touch people who believe that they cannot be touched at this point in time. [*Desk thumping*]

So, Madam Speaker, there is a clear distinction between information, information gathering, the processing of intelligence and intelligence sharing, and whatever you do, the future of Trinidad and Tobago resides in an agency that can put all the perspectives together and give to the people in

the field the tools necessary for them to do the job that needs to be done at this point in time.

So, Madam Speaker, I am happy when I realize that the people on the other side of this honourable House are sometimes uneasy when we place professionals in charge of agencies and entities that would be able to give us a product that we can use, or the nation can use, for the benefit of the citizens. I am thankful that my colleagues on this side saw it fit to amend this SSA Act so that the practitioners in the field would be able to get a product that they can use. Intelligence sharing is the way forward for law enforcement as it leads, as I mentioned and was mentioned by my colleague from Toco/Sangre Grande, to intelligence-led policing that would assist this nation in moving forward in dealing with all the various situations that would be before them in the future.

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

Madam Speaker: Member for Mayaro. [*Desk thumping*]

Mr. Rushton Paray (Mayaro): Thank you, Madam Speaker. Madam Speaker, as I stand here today to join in this debate on the Strategic Services Agency (Amdt.) Bill, 2016, let me state from the onset that I, and so too, many of my colleagues on this side, will give unequivocal support to any measure, to any amendment that will improve the capacity and capability of law enforcement agencies in developing a more holistic intelligence-led operation in this country in the fight against crime and to, in effect, battle the continuing haemorrhage on the psyche of our nation.

As many of my colleagues have spoken on the issues of law, constitutional challenges, lack of parliamentary oversight, et cetera, I wish to

present my argument this evening on firstly, governments in general—not the present Government, but governments over the years—in their failure to lead our law enforcement agencies in a strategic manner in dealing with the issues of crime in this country. And secondly, I want to discuss a bit in terms of the impact of this legislation on privacy and its impact on our people nationally and our international reputation, and lastly, to present some of my own views on a way forward.

This is a debate where the politics must be left out and the issues raised because these amendments in law will affect every citizen of Trinidad and Tobago. Madam Speaker, it is my humble view that we must first take a quick look back at the original mandate of the Strategic Services Agency as enacted and established by Act No. 24 of 1995 and in a brief view, take a look at where we are today. This approach will help us in determining whether the SSA has been effective and progressive in the discharge of its function up to today.

Madam Speaker, as a Parliament, we must ask ourselves the following questions: what strategic intelligence and recommendations have been submitted to the Government on the formation of policy in relation to counter-narcotic matters since its inception in 1995? How effective has the SSA been in providing intelligence and analytical support to the appropriate operational and intelligent arms of other law enforcement agencies? Have they assisted in identifying sophisticated drug-related criminal activities and those who engage in it in any tangible way? Where are progress reports, Madam Speaker, on the SSA in assisting the efforts of law enforcement on identifying individuals and organizations involved in the drug trade thus far?

I ask again: how will the amendment which seeks to expand the remit of the SSA by including a broader scope, bolster the overall impact of law enforcement on a whole? I ask also: is it the view of the Government that by broadening the scope and function of the SSA under clause 3 of the Bill to include an expansive definition of serious crimes—will this lead to an increase in detection, prosecution and conviction of offenders under this remit?

Madam Speaker, the time has come for us as legislators and servants of the people to do a comprehensive SWOT analysis and review the effectiveness, efficiency and the impact of legislation already on our books. These include the Interception of Communications Act, 2010, Proceeds of Crime Act, Mutual Assistance in Criminal Matters Act, anti-gang legislation, Anti-Terrorism Act, et cetera. We must review, as a Parliament, the effectiveness against the numerous and costly anti-crime intelligence-driven units and apparatus of law enforcement, the high-priced consultations, consultancies and other dossier of reports to determine whether we are digging ourselves deeper into consistent failure and losing the battle against the criminal tsunami and drug mafia.

4.00 p.m.

Madam Speaker, the Trinidad and Tobago Police Service alone has countless specialized units including the anti-gang unit, Crime and Problem Analysis unit, Counter Trafficking Unit, Organized Crime, Narcotics and Firearm Bureau, criminal intelligence unit, Inter Agency Task Force and the list can go on and on. The Defence Force, as my colleague from D'Abadie/O'Meara discussed about the ability of the Defence Force who have their own intelligence unit,

Special Forces, anti-terrorism unit, and there are other bodies that are embedded in customs, the coast guard, air guard and more lately, the newest unit of them all, the Financial Intelligence Unit, which all support the work of law enforcement in terms of data analysis on suspicious activities and suspicious transaction.

So the overarching question remains: how is the data on this intelligence gathering quantified and qualified? How substantive and cohesive is the coordination amongst these arms of law enforcement? In fact, just expanding the remits of the SSA to include the definition of “serious crime” is like saying we are giving you more responsibilities but the other arms will continue what they are doing. To me, Madam Speaker, that does not make sense.

Madam Speaker, in Trinidad and Tobago, I am of the view that we suffer from failure of processes. Our processes engaged to make things happen in this country, they are not working. As a businessman, I have always held the view that businesses will survive weak people but will not survive a weak process. We can change a weak person every Monday morning but if you put a strong person in a weak process, he too will fail. The hon. Attorney General speaks about the proliferation of information silos of the various agencies which is a primary cause for our weakening intelligence systems. What if we kept the silos and changed the relationship processes between the silos? What if we employed better information technology management tools to better provide analytics on the silos that are already in existence?

Madam Speaker, I come from an IT background primarily in the energy sector. I have seen data analytical tools used to connect hundreds of databases worldwide to present management reports, production reports, health and safety reports to name a few. All these reports are done via analytics utilizing thousands

of servers, hundreds of thousands of desktops worldwide on corporate networks. It is either we are employing the wrong technology or employing the wrong people.

As the amendment proposes to broaden the scope of the SSA to deal with serious crimes, I have a few more questions that I would like to ask this Parliament. Are we seeking to establish clear-cut policies, strategies and targets across the board to deal with the vexing issue of pathetically low detection rates of serious crimes, especially homicide and the conviction prosecution rates? Let us say over a two-year period. Do we need to also conduct a thorough performance appraisal of the staff of the existing SSA, and other highly sophisticated intelligence units, to determine whether there is continuous focus, competencies and confidentiality from each member, not necessarily in a witch-hunting manner? What exactly are the established methodologies, criteria and prerequisites for the recruitment of members of the SSA?

Madam Speaker, why every time a head or a director is removed, as most of our colleagues spoke earlier on about the “wish wash swish swap” every time an administration change, a head changes. But why when the director changes from these agencies, it is deemed restructuring but there are no assurances given for improved successes? There are no plans. Do we have the political will to depoliticize—as my colleague from Chaguanas West has alluded to—that we need to take the politics out of especially our security apparatus in moving our way forward towards our intelligence agencies? How much consideration, Madam Speaker, is given to reports such as the David Simmons commission on the enquiry into the 1990 attempted coup which emphatically spoke of glaring inconsistencies, lack of coordination, duplication of resources and other recurring lapses in our intelligence gathering and security apparatus of the State?

Madam Speaker, there must be one holistic and strategic security coordinating plan of all law enforcement, but I am not confident that the solution lies only with broadening the scope of the SSA. I do not believe anything will materialize if we continue to have so many security units duplicating and fighting for turf, as it was the case of the Special Anti-Crime Unit of Trinidad and Tobago which had a broad mandate of dealing with all serious crimes as what is now being proposed by the amendments for the SSA.

Madam Speaker, hundreds of millions of taxpayers' dollars have been wasted, expensive toys acquired, hefty salaries paid out and the SAUTT was never legitimized and after five years there was no significant dent in the raging violence and criminality which traumatized this country during the period 2004 to 2009. The operations of SAUTT was counter and parallel to the regular police service with no clear reporting mechanisms.

In an article published in the *Trinidad Express*, December 18, 2010 entitled "Gangs of T&T", political scientist Dr. Selwyn Ryan, who headed that study, linked gangs and politicians and he writes:

"Elements in Laventille, however, know how to play the political game, and always tend to put pressure on governments to increase allocations for work projects, particularly in the months prior to elections...Party and gang rivalry over job allocation, which sometimes resulted in inter-village feuds, gun battles, and fatalities, also occur quite frequently."

Madam Speaker, in that article, Prof. Ryan reminded the population that former Minister of National Security, Mr Martin Joseph, who is now deceased, gave some startling statistics back in 2005 when he declared at that time, there were 500 hard-core criminals, 86 criminal gangs, 18 crime hotspots and 1,800 gangsters in

Trinidad and Tobago. So I therefore pose the question now to this Parliament: what has changed since then? How many crime hotspots are there now? How many of these criminal gangs have been disbanded or dismantled? How many hard-core criminals have been convicted, prosecuted and taken off the streets?

We need to also look at the impact of the Citizen Security Programme which deals with crime reduction and intervention strategies in targeted crime hotspot areas. Do we have a status report as a Parliament on this programme after six or seven years? How is this programme being measured against all the work of law enforcement and the SSA? How are we going to be dealing with the role of customs and Immigration Division against a backdrop of thousands of illegal immigrants entering our shores? Do we need more intelligent databases to crack down on these unscrupulous and criminal activities which have direct links to drugs, firearms, trafficking and money laundering?

Madam Speaker, the amendment which is before us today, it seeks to include another component which would provide funding for the SSA in its reconstituted role with money seized under the Seized Assets Fund under section 58 of the Proceeds of Crime Act. I need to ask some more questions in this Parliament because there was no clear indication of the usage of this money, the volumes, what has been used before, how it has been used in the past. So I need to ask: what has been the allocation and expenditure, to this date, on the operational cost of the SSA? Is the Government seeking to increase the remuneration package for members of this particular unit or they are seeking to employ more people, expand the unit from where it is?

The question also begs: how successful has the SSA been in fulfilling its core mandate since its inception in 1995? Seeing that there is an attempt to dip

into the Seized Assets Fund of the Proceeds of Crime Act, what is the data on seizure and confiscation of ill-gotten assets through drug and money laundering, et cetera, by the State within the last 10 years? Maintenance on a database of serious crimes, how effective has that been in terms of the interface between the SSA and let us say the Financial Intelligence Unit? Madam Speaker, I chose to take such a wide berth in the discussion to establish to the citizens of this country the complexities of our law enforcement agencies and, perhaps, the fact that we are going to front-load the SSA with additional burdens and complexities without getting a hold on the existing units of law enforcement.

Madam Speaker, I wish also to touch a bit on the Bill with respect to privacy and as citizens of this country how the Bill impacts on our privacy. There is a fictitious American President named “Frank” Underwood in a Netflix series called House of Cards, and I am not sure if you are an avid watcher of television. But he is running for re-election to the US presidency and his democratic opponent has made a deal, in terms of the drama, with a private search engine to use analytics to target his voter base. President Underwood gets hold of that information and I would just like to quote from that particular episode where he is speaking to his Chief of Staff and he is saying to his Chief of Staff:

“Imagine a duel, Me and Conway.”

Conway is his democratic opponent.

“Now, Conway has a powerful gun, a search engine. ...it’s powerful because with...”

[*Interruption*] House of Cards. Now, Conway has a powerful gun, a search engine, so he is referring to the search engine as a powerful gun.

“And it’s powerful because...he can tell”—you—“what you think, what you

want, where you are and who you are. He can turn all those searches into votes, and that's enough bullets to kill by chances of winning. But"—president says—"I have an even bigger gun. It's called the NSA."

The National Security Agency.

"It's one of the perks of being president. That is, if the courts allow my surveillance request."

Madam Speaker, there are two messages for us here where art is imitating life. The protagonist in this story is viewing the search engine which, by the way, is a most intense form of corporate surveillance. It is a powerful gun. This gun has enough bullets for killing his chance of winning. The fictional president views the NSA, the National Security Agency, as a bigger gun.

Madam Speaker, we are expanding the remit of our SSA. In effect, we are creating a bigger gun. We have heard the expression that guns do not kill, people do. I therefore ask the question, of whose hands are we placing this bigger gun? We must never lose the fact that our SSA is a civilian agency operated by the State. This agency is now reporting to a political directorate, in effect through the Minister they report basically to the Cabinet. Are we asking our Parliament to place a bigger gun in the hands of our politicians? That is the question. This is, I think, where we, on this side, have the biggest challenge. We are saying that we as parties, as governments over the years, have made fundamental mistakes in dealing with our security agencies and we are saying we have the time—this legislation has come back in front of us since 1995, let us change it. Let us put the mechanism in place to prevent politicians—politicians here today, the ones five years from today and those 20 years down the road—from having access to a bigger gun in terms of what was explained in the fictional character.

4.15 p.m.

Madam Speaker, the fight against crime is out of control and we as a society, may be at a position, a place now, where we are ready to accept bitter medicine, but every medication brings to you a multitude of other problems. This is why I must join my colleagues on this side to demand that this Bill be sent to a joint select committee [*Desk thumping*] so that all the stakeholders can have an input and land us in a position where we will have societal acceptance.

Madam Speaker, a couple days ago I posted for comments on social media various issues that I thought were important to my constituents around the SSA legislation and I identified several topics of concern, much of which have already been expressed by presenters before. It was of great concern to me, the lack of commentary on that issue. There was also a great silence in the print and electronic media on the issue of the SSA amendments, so much so that at our press briefing yesterday reporters came armed to the teeth with every gadget you could think about and they only had two questions to ask. Something as critical as the rights to privacy and surveillance, and so on, and especially where it impacts journalists, I was amazed that there were only two questions. So we will see where that goes.

The question, Madam Speaker, that exposes itself for the debate outside of the Parliament is: what value we as a nation place on privacy? That is my thinking. There was a comment that “people who have no cocoa in the sun need not fear the legislation”. But the real issue in this SSA debate is not one of access to information or intelligence-gathering but really one of privacy, which impacts every citizen of this country. This legislation, this amendment, if left with very little checks and balances, can turn a well-intentioned crime-fighting tool into one

which has the potential to create some havoc and mayhem. As the saying goes, the road to hell is paved with good intentions.

Madam Speaker, as a society do we really know why uncontrolled surveillance or un-metered surveillance is bad and why we should constantly be wary of it, to the extent that the answer has something to do with privacy. Do we lack an understanding of what privacy is in the context and why does it matter? We have been able to live in a state of affairs largely because the threat of constant surveillance has been relegated to the realms of science fiction and failed totalitarian states that we would see on movies from time to time. We look at James Bond movies and the good guys always win.

Madam Speaker, if we as a Parliament in this country accept the changes request on this SSA legislation, these warnings will no longer be science fiction. The digital technologies that exist today have revolutionized the daily lives and it has also created minutely detailed records of all our lives in the most invasive way. The newest artillery for repressive regimes, as those found in the Middle East, allows authorities to intercept their citizens' emails, text messages, monitor Internet activity and locate political targets through cell phone technology, brandishing transcripts of personal communications and records of whereabouts. Officials in those states now routinely use that information to confront and arrest dissidents.

Madam Speaker, I described this to some of my constituents and their view was that this cannot happen here in Trinidad and Tobago. My response to that was on July 26, 1990, no one believed that there would have an attempted coup staged by Islamic militants. As my mother consistently reminds me "what eh pass yuh ain't miss yuh."

On March 25, 2015, an online article published by Privacy International,

Amnesty International, FIDH, French League for Human Rights, and Reporters without Borders became alarmed by the expansive surveillance powers to be granted to French intelligence agencies contained in a Bill which was put forward to the French Parliament.

Under that new law, Madam Speaker, French intelligence agencies would be empowered to hack into computers and devices and spy on the communications of everyone who makes contact with a person under suspicion, even if it is an incidental contact. That is dangerous in our context here. The new law would have enabled them to do this without having to obtain a judicial warrant.

Madam Speaker, Privacy International was of the view that the Bill places unprecedented power in the hands of the French Prime's Minister Office, empowering it to authorize all forms of surveillance without having to seek the authorization of the French courts. The organizations are calling for the French Parliament to give the Bill robust scrutiny in the coming weeks to ensure that French law complies with international human rights laws and standards of surveillance.

So, again, Madam Speaker, I want to just share with you quickly a couple comments coming out of the organizations based on what is happening in the French Parliament. Karim Lahidji, who is the FIDH President says, I am quoting him here, that very same article:

““We are highly concerned about the lack of judicial supervision over these provisions which gives the Government the power to authorise wide surveillance of any individual without any possibility to judicially challenge these measures. We are also concerned about the growing tendency to abuse anti-terrorism rhetoric to infringe...””—the liberties of its citizens.

This is something this is coming out. We are perilously moving close to keep saying that we are defending, we are protecting our State against terrorism and terrorism, and terrorism and what they are doing, we are hiding the fact that we can infringe on people's constitutional rights by using that argument.

“Joshua Franco Researcher of Technology and Human Rights at Amnesty International”—had this to say also, Madam Speaker:

“France cannot let the quest for security come at the cost of respecting the human rights to free expression and privacy. These broad and invasive surveillance powers would not be subject to meaningful oversight and may lead to people censoring themselves...”

Madam Speaker, the question now has to be: if we as a Parliament turn these proposed amendments into law, are infringing on international human rights laws and treaties?

Madam Speaker, there is also the possibility that in our security framework these may overrule privacy rights, which may be found to have inadequate data protection framework, which would challenge companies in Europe and North America for wanting to come to Trinidad and invest if they feel that their corporate data, the rights for privacy, may be infringed. This is yet another reason why I have to join my colleagues on this side to demand, politely that the Government send this amendment to a joint select committee so that all these issues can be ventilated by the necessary experts in human rights law and in privacy, to make sure that we are not shooting ourselves in the foot here in Trinidad and Tobago.

Madam Speaker, another important viewpoint is that our society may lack an understanding of why and when Government surveillance is useful and when it becomes harmful. Firstly, uncontrolled and unmeasured surveillance is harmful

because it suppresses the exercise of our civil liberties. Consider surveillance of people who are gathered in groups, they are thinking out aloud, reading and communicating with others in order to make up their minds on political and social issues.

Internet search engines can provide metadata of users' preferences and likes. Much of this data, Madam Speaker, is available for sale legally. The knowledge of State surveillance changes the way people study, they interact and even think. Debate in any society needs to be open enough to bring to the surface ideas that are wrong or even dangerous so that whatever comes out that is beneficial to society can be exposed and pursued for the greater good. Therefore, the creativity necessary for a technologically progressive society—*[Interruption]*

Madam Speaker: Hon. Member, your 30 minutes speaking time have expired. Do you intend to avail yourself of the additional 15 minutes?

Mr. R. Paray: Yes Ma'am.

Madam Speaker: Members, might I suggest that we take the suspension after the Member completes his contribution? You may proceed.

Mr. R. Paray: Thank you, Madam Speaker. Therefore, the creativity necessary for a technologically progressive society is therefore stifled and social stability is threatened as social problems may fester. Such intellectual surveillance is especially dangerous because it can cause people to refrain from experimenting with new controversial or even deviant ideas. Indeed, there may be even a threat to intellectual property rights in some instances, since privileged corporate data may become exposed due to wilful and malicious activities.

Madam Speaker, in wrapping up my very short contribution today, I want to make the following absolutely clear, those of us on this side fully support this Bill

as long as there are the adequate checks and balances put into the amendment [*Desk thumping*] to ensure that we do not make the same mistakes that we have made in the past.

I fully support the views expressed on this side, with respect to the Bill. I call on the hon. Attorney General and Minister of National Security to send the Bill to a joint select committee for further discussion.

I wish to lend my fullest support to the Minister of National Security when he says that crime is everybody's business and that we must come together with measures to prevent any further escalation.

In my respectful view, Madam Speaker, the Trinidad and Tobago Police Service has been the agency since inception to gather all information on persons involved in crime and criminal behaviour. With several challenges over the years, the TTPS still remains an independent and trustworthy organization capable of obtaining and storing sensitive information on all persons involved in the commission of crime. [*Desk thumping*]

With these few thoughts in mind that I have shared with everyone here in this Parliament, I do hope that the bits of insights, in terms of the impact on privacy, the impact on our international relations on human rights, these views must be considered in determining how do we go forward with the amendments in this legislation, for we as a country not to be shooting ourselves in the foot every time. So thank you very much, Madam Speaker. [*Desk thumping*]

ARRANGEMENT OF BUSINESS

The Minister of Planning and Development (Hon. Camille Robinson-Regis):
Thank you very much, Madam Speaker. In accordance with Standing Order 50(3), I beg to move that the debate on the Strategic Services Agency (Amdt.) Bill, 2016

be adjourned.

Question put and agreed to.

Madam Speaker: Hon. Members, may I seek your leave to revert to another item, an earlier item, on the agenda that is “Motions Relating to the Business or Sittings of the House and moved by a Minister”? Therefore, I now call upon the Leader of the House.

**JOINT SELECT COMMITTEE
 (Appointment to)**

Social Services and Public Administration

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly, Madam Speaker. Madam Speaker, I beg to move that Mr. Esmond Forde be appointed to serve on the Joint Select Committee on Social Services and Public Administration in lieu of Mr. Terrence Deyalsingh.

Question put and agreed to.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very much, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to April 08, 2016, at 1.30 p.m.

Hon. Member: What would we be doing?

Hon. C. Robinson-Regis: You would like to know the item?

Hon. Member: Yes.

Hon. C. Robinson-Regis: The notice has already gone out. We would be dealing with the Variation of Appropriation Bill, which will be moved by the Minister of Finance.

Madam Speaker: Hon. Members, before putting the question, I wish to remind Members that there will be a meeting of the Standing Finance Committee on

Adjournment

2016.04.01

Wednesday April 06, 2016, at 1.30 p.m., to consider the proposals for the variation of the 2016 appropriation.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.32 p.m.