

HOUSE OF REPRESENTATIVES*Friday, May 17, 2019*

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 Dr. Lackram Bodoë, MP, Member for Fyzabad, who has requested leave of absence for the period, May 17th to 28th, 2019, and from Mr. Barry Padarath, MP, Member for Princes Town, and Mr. Prakash Ramadhar, MP, Member for St. Augustine, and Mr. Stuart Young, MP, Member for Port of Spain North/St. Ann's West, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

PAPER LAID

White Paper on the Revised National Policy on Persons with Disabilities and Action Plan. [*The Minister of Social Development and Family Services (Hon. Cherrie-Ann Crichtlow-Cockburn)*]

URGENT QUESTIONS**Stabbing of School Teacher****(Upgrading Skills of Security Personnel)**

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. To the Minister of Education: Given the recent stabbing incident of a primary school teacher and the clear breach of protocol owing to poor training, could the Minister state what urgent measures are to be taken to upgrade the skills of security personnel in the nation's schools?

The Minister of Education (Hon. Anthony Garcia): [*Desk thumping*] Thank you

very much, Madam Speaker. Madam Speaker, the incident on record occurred at the St. Pius Boys RC School. An individual, known to one of the teachers, was allowed access to the school compound and attacked a teacher. Madam Speaker, the Ministry of Education considers the attack a grave assault on the education system.

In response, the Ministry has reviewed the security and entry protocols for St. Pius Boys RC School. The Ministry does have an entry protocol system and is currently investigating why the protocols were not followed. In the interim, a number of specific recommendations were made for St. Pius Boys RC School. This includes mandatory interrogation of all visitors by security, and security escorts for all visitors. The Ministry will also be holding discussions with the security provider, in this case, MTS, to review the training for all officers.

In addition, the services of the Student Support Services Division and the EAP, Employees Assistance Programme, have been made available to all teachers and students.

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Thank you, Madam Speaker. Minister, given the millions spent on security at schools annually, could the Minister state, what are the basic training requirements of security officers at these schools?

Madam Speaker: Minister of Education.

Hon. A. Garcia: Madam Speaker, in our school system, we have MTS as the major provider of security and maintenance services for the secondary schools. Some primary schools have availed themselves of the services of MTS, but most of the primary schools are serviced by individual security firms. Each firm is required to ensure that their employees undergo a rigid system of security preparation and therefore we have been assured that this has been followed in all cases. Thank you

very much.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Minister, could you advise this House if your Ministry is giving any due consideration with respect to upgrading the amount of security personnel in primary schools, for example, from one to two, depending on the number of gates and so on, in the respective schools?

Madam Speaker: Minister of Education.

Hon. A. Garcia: Thank you very much, Madam Speaker. The situation will be addressed as the need arises. As I have been stating publicly, we have protocols in place for entry and exit of personnel in our schools and in our estimation these are adequate. However, in some instances there will be breaches to these protocols and as a result there will be a need to review it. In the case of what has happened at the St. Pius Boys RC School, we are reviewing those protocols. Thank you very much.

Discovery of Automatic Rifles

(Measures to be taken at Ports)

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. To the Minister of National Security: Given the recent discovery of a quantity of automatic rifles by customs officers while conducting physical searches of barrels of foodstuff, could the Minister state what urgent measures are being taken including the operationalization of scanners at the ports to deal with this burning issue?

The Prime Minister and Acting Minister of National Security and Acting Minister of Communications (Hon. Dr. Keith Rowley): Madam Speaker, the recent find of importation of illegal firearms at the port was by the Customs and Excise Division, which is the entity charged with the legislative authority to search upon entry into Trinidad and Tobago, and in particular, legal ports of entry. So, Madam Speaker, the system worked. [*Desk thumping*]

Customs and Excise Division, Madam Speaker, as you would know is a department of the Ministry of Finance. Nevertheless, the Ministry of National Security has been encouraging all arms of law enforcement to work closer together on information sharing and operations. The Minister of National Security has held meetings related to improving border security. There is additional work to be done at legal ports of entry and the Ministry of National Security will continue to work with the Ministry of Finance, along with Customs and Excise on improving this, as we believe more and more can be done. The scanner at the port has been in operation for some time now. Thank you, Madam Speaker.

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Thank you, Prime Minister. Prime Minister, given the prevalence of guns and information that over 80 per cent the murders in Trinidad are gun related, would you not agree that the procedures and systems and protocols in place are not working and therefore we are at risk?

Madam Speaker: I will not allow that question.

Recent Helicopter Crash Landing

(Investigation of)

Mr. Rudranath Indarsingh (*Couva South*): Thank you. To the Minister of National Security: Could the Minister inform this House which Government entity has been officially commissioned to investigate the recent crash landing of the National Helicopter Services Limited at Windy Hill, Arouca and when will it complete its report?

The Prime Minister and Acting Minister of National Security and Acting Minister of Communications (Hon. Dr. Keith Rowley): Madam Speaker, I am sure the Member has asked this question just for the excuse to ask it. The Member must know that the authority for investigating this accident and any similar

accident involving an aircraft is the Civil Aviation Authority of Trinidad and Tobago and every Member of Parliament should know that and the Member knows that. And to ask now, Madam Speaker, as to when it would be completed is facetious, because this is an investigation that will be properly done under law and I can give you no indication as to how this will be done and the authority of the Civil Aviation Authority will not be usurped. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Prime Minister, could you inform this House whether the National Helicopter Services Limited and its pilot were certified to carry out of a law enforcement operation of this nature?

Hon. Dr. K. Rowley: Madam Speaker, since the question has been put, I have no such information and I will not attempt to answer it. I know what my expectations are and if the Member files that question with the appropriate notice then a proper answer can be given. But I will not be drawn into making a statement that I do not know the answer to.

Escape of Eight Prisoners

(Enquiry Into)

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Madam Speaker. To the Minister of National Security: Could the Minister inform this House whether he has commissioned an official enquiry into the escape of eight (8) prisoners from the Remand Section of the Golden Grove Prison, Arouca, and what are the terms of the enquiry?

The Prime Minister and Acting Minister of National Security and Acting Minister of Communications (Hon. Dr. Keith Rowley): Madam Speaker, the Trinidad and Tobago Prison Service has to provide the Permanent Secretary of the Ministry of National Security with a report on the escape of eight prisoners from

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the Golden Grove Prison at Arouca. A decision as to whether an enquiry is necessary will be made after this report is received and digested.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Prime Minister, could you inform this House if there was a full complement of prison officers on duty in relation to when this escape occurred?

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

Prisoner Escape

(Lack of Monitoring by Guards)

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. To the Minister of National Security: Given the reported statements by Prisons Commissioner Gerard Wilson that the prisoners who recently escaped from the Golden Grove Prison “scaled two perimeter fences and escaped”, could the Minister state why the perimeter of the prison is not being properly monitored and manned by prison guards?

The Prime Minister and Acting Minister of National Security and Acting Minister of Communications (Hon. Dr. Keith Rowley): Madam Speaker, the conclusion is not necessarily in keeping with the fact as initiated. The fact that there is a fence does not mean that fencing was the issue because, Madam Speaker, the UNC administration spent \$80million on a two-fence system surrounding no prison facility near the maximum security prison in 2014/2015 as a perimeter fence and that fence is still there as far as I am aware.

Madam Speaker, what we had expected was that that fence or a fence should have replaced the fence at the Golden Grove Prison at Arouca at much less cost. The Government is in the process of improving the Remand Prison at Golden Grove and has asked the prison authorities urgently to provide a relevant proposal on this matter of fencing to improve prison security.

Madam Speaker: Supplemental, Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker, to the Prime Minister. Prime Minister, if the two perimeter fences are not the issue as you just stated, what was the issue that eight prisoners were allowed to escape?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I have just indicated that there is a report to come and when that report comes we will be able to answer that question.

NALIS Memo

(Confirmation of Authenticity)

Ms. Ramona Ramdial (*Couva North*): Thank you, Madam Speaker. To the Minister of Communications: Could the Minister confirm whether the memo and its contents circulating to social media addressed to National Library and Information Systems Authority (NALIS) staff are authentic?

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, the memo from the Executive Director of NALIS was disturbing and immediately upon sight of same, the Minister of Communications requested that the Permanent Secretary at the Ministry of Communications make an official enquiry of the Executive Director as to its authenticity and the contents of same.

Neither the Permanent Secretary nor the Minister were apprised of any situation warranting this memo. The preliminary report that has been received suggests that this memo may have been ill advised and the Minister has requested the provision of documentation surrounding the existence of money which NALIS has in its possession which would negate the effect of the contents of the memo. It appears that the Executive Director was ill advised to author such a memo. Thank you, Madam Speaker.

Madam Speaker: Supplemental, Member for Couva North.

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Ms. Ramdial: Thank you, Madam Speaker. So Minister, can you confirm therefore that there are sufficient funds to purchase water and toilet paper for the staff at NALIS? [*Desk thumping*]

Madam Speaker: Minister of Communications.

Hon. C. Robinson-Regis: Madam Speaker, our information is that NALIS does have an account with \$26million—[*Crosstalk*—in it and as a consequence of that we find it quite curious that such a memo would have been authored and we are very concerned about that. We are trusting that it was not politically motivated, especially given the fact that our information is that the memo was also sent to Devant Maharaj. [*Crosstalk*]

Madam Speaker: Member for Couva North.

Security Breach During CSEC Exam

(Action Taken to Avoid)

Ms. Ramona Ramdial (*Couva North*): To the Minister of Education: In light of an examination security breach during a Caribbean Secondary Education Certificate exam at a secondary school, could the Minister state what action is being taken to avoid further examination breaches?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. Madam Speaker, a dedicated hotline has been set up at the Ministry of Education Examination Section where examination supervisors and coordinators can call for support on any examination related issue.

Two: Principals have been reminded to apprise students sitting the CSEC and the CAPE examinations of the need to adhere to the guidelines set for examinations by the Caribbean Examinations Council, that is, CXC.

Three: Examination coordinators have been requested to monitor centres closely to ensure strict adherence to exam protocols.

Four: Principals have been requested to monitor examination centres on a daily basis to ensure that exams are conducted in accordance with CXC prescriptions. Thank you very much.

Madam Speaker: Supplemental, Member for Couva North.

Ms. Ramdial: Thank you, Madam Speaker. Minister are there any innocent, uninvolved students who will be negatively affected from this examination breach?

Madam Speaker: Minister of Education.

Hon. A. Garcia: Madam Speaker, at this point an investigation is being conducted, both by the Ministry of Education and CXC and until those results are made available to us we are unable to provide any answer to that question. Thank you very much.

ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you, Madam Speaker. Madam Speaker, there are eight questions for oral answer. There are no written questions. We will be answering seven of the eight questions. We are asking for a deferral of two weeks regarding question No. 209.

Madam Speaker, if I may, we are also asking for a deferral of 208. We are ready with the answer, but the Member is not here and we would really prefer him to be here in order to answer any supplementals.

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper in the name of Mrs. Vidia Gayadeen-Gopeesingh (Oropouche West):

POS General Hospital Blood Bank

(Carnival Weekend Closure)

208. With regard to a report on March 21, 2019 indicating that a 72-year-old woman died at the Port of Spain General Hospital due to the closure of the

blood bank during Carnival weekend, could the hon. Minister of Health state the reasons for the closure of the blood bank?

Lack of Medical Services

(Infringement of Prisoner Rights)

- 209.** With regard to a social media video posted on March 21, 2019 that depicted an inmate claiming an infringement of basic human rights due to lack of medical services, could the Minister of National Security provide the reasons why medical services are not available in a timely manner?

Questions, by leave, deferred.

Illegal Firearms in Trinidad and Tobago

(Details of)

- 170. Mr. David Lee** (*Pointe-a-Pierre*) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of National Security: With regard to reports indicating that over 8,000 illegal firearms are in circulation within Trinidad and Tobago, could the Minister indicate:

- a) whether there is a relationship between the number of firearms seized and the number of murders committed utilizing same;
- b) the current complement of staff at the Trinidad & Tobago Forensic Science Centre to conduct ballistic testing; and
- c) the countries of origin of the illegal firearms which were seized?

The Prime Minister and Acting Minister of National Security and Acting Minister of Communications (Hon. Dr. Keith Rowley): Madam Speaker, according to information provided by officials of the Trinidad and Tobago Forensic Science Centre, no direct relationship has been established between the number of firearms seized and the number of murders committed.

With regard to Part (b) of the question, there are currently four scientific

officers assigned to conduct ballistic testing at the Forensic Science Centre.

Part (c), the Trinidad and Tobago Police Service has provided information on seized illegal firearms that were analyzed for country of origin for the period 2014 to 2018.

1.50 p.m.

Twenty-seven countries of origin were identified, and these are: Argentina, Austria, Belgium, Brazil, Canada, China, Colombia, Croatia, Czechoslovakia, Germany, Hungary, Israel, Italy, Philippines, Romania, Russia, Serbia and Montenegro, South Africa, Soviet Union, Spain, Switzerland, Turkey, United Arab Emirates, United Kingdom, United States of America, Venezuela and Yugoslavia.

It should be noted, Madam Speaker, that the tracing of seized illegal firearms to ascertain the country of origin has proven to be difficult for the following reasons:

1. Erased serial numbers or manufacturer markings;
2. gun dealers in the country of origin may be closed down or never registered the firearm; and
3. improper submission of firearms to the Trinidad and Tobago Forensic Science Centre. [*Desk thumping*]

Shortage of Skilled Labour

(Details of)

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

With regard to recent reports that there is a shortage of skilled labour, could the Minister provide the areas of skills shortage and the manpower requirements for each occupation?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. Madam Speaker, the Ministry of Education recognizes that in-

depth and comprehensive analyses are required to address reported shortages of skilled labour in Trinidad and Tobago. It is perhaps critical to firstly determine whether reported shortages are quantitative or qualitative in nature, that is, whether there is a numerical shortage in individuals needed with specific occupational areas, or whether there are deficiencies in the actual skills and competencies possessed by persons already employed in the current workforce. Such determination is no simple task, and the Ministry of Education continues to engage actively with other Ministries in the interrogation of the issue. While not representing all the existing shortages, the Ministry is cognizant of ongoing shortages in the manufacturing, creative, allied health and maritime sectors. The National Training Agency has completed vacancy surveys in several sectors, including the maritime sector and is in discussion with the Ministry of Trade and Industry to engage in a vacancy survey for the manufacturing sector.

Additionally, a collaborative approach for a comprehensive vacancy survey for Tobago is in train with the Tobago House of Assembly. Finally, a skills forecast assessment for the tourism sector is also planned for initiation in this fiscal year. Thank you very much.

Madam President: Supplemental? Member for Chaguanas East.

Mr. Karim: Thank you very much, Madam Speaker. Hon. Minister, could you indicate—since you said that the National Training Agency was responsible for the vacancy allocations, could you tell us when was the last labour market survey completed by the National Training Agency?

Madam President: Minister of Education.

Hon. A. Garcia: Madam Speaker, I am not too sure whether I heard the Member for Chaguanas East correctly. I never said that the National Training Agency is responsible for vacancy identification as such. What I said was that the National

Training Agency has completed vacancy surveys in several sectors, and therefore that question does not arise. Thank you very much.

Madam President: Supplemental, Member for Chaguanas East.

Mr. Karim: Hon. Minister, could you give us the date of that survey that was last completed?

Madam President: Minister of Education.

Hon. A. Garcia: Madam Speaker, unfortunately, I did not come prepared with such information. And, of course, if the goodly Member for Chaguanas East would like, I will be happy to provide it to him in writing. Thank you very much.

ECCE Centres Completed and Opened

(Details of)

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

With regard to the ECCE centres under construction in September 2015, could the Minister provide the number of ECCE centres completed and opened as at March 31, 2019?

The Minister of Education (Hon. Anthony Garcia): Madam Speaker, with regard to the ECCE centres under construction, in September 2015—let me repeat—under construction in September 2015, a total of 10 ECCE centres were completed and put into operation—a total of 10. Of these, nine had been prematurely handed over to the Ministry of Education in August 2015, just before the general election, and these did not have all the necessary statutory approvals, nor did they have other outline approvals. Under our tenure, Madam Speaker, eight of these ECCE centres were able to be properly operationalized—under our tenure. And these are: Caroni SDMS ECCE; Palmiste Government ECCE; Fyzabad Government ECCE, Cunjal Government ECCE; Warrenville T.I.A. ECCE; Ravine Sabre ECCE; Bejucal SDMS ECCE and St. Ann's Government ECCE. The La

Rafin Centre was opened a few months later in January 2016. The Ministry of Education had to resolve legal and other issues affecting the operation of the Arouca Pine Haven SDS centre which was subsequently opened in 2018. Thank you. [*Desk thumping*]

Madam Speaker: Member for Chaguanas East.

Mr. Karim: Thank you very much, Madam Speaker. Hon. Minister, could you indicate the reason why in September 2015, even though the Dass Trace Enterprise ECCE centre was reportedly 99 per cent completed, why after four years it had not been completed and operationalized?

Madam Speaker: Minister of Education.

Hon. A. Garcia: Madam Speaker, the information that is available to me now is that that centre, among other centres, did not have the requisite statutory approvals, and as a result they could not be opened. Thank you. [*Desk thumping*]

Madam Speaker: Supplemental? Member for Chaguanas East.

Mr. Karim: Thank you very much, Madam Speaker. Hon. Minister, could you say after four years and continuing, when do you expect the statutory approvals to be received?

Madam Speaker: Minister of Education.

Hon. A. Garcia: Madam President, at present we are working assiduously to ensure the sins of the past are rectified.

Hon. Members: Yeah. [*Desk thumping*]

Port of Spain to Havana Route

(Profits Made by Caribbean Airlines)

206. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of Finance:

Could the Minister state the total profits made by Caribbean Airlines Limited on the Port of Spain to Havana route since its commencement?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. The total operating profit made by Caribbean Airlines Limited on the Port of Spain to Havana route since its commencement under this Government in 2018 amounts to US \$944,484 or TT \$6.42 million profit made under this Government on that route. By comparison, the Port of Spain to London route which was commenced by the last Government lost US \$36,049,543 or TT—[*Crosstalk*]—or TT \$245 million over the period 2012 to 2016. [*Crosstalk*]

Dr. Rowley: Repeat the—“ah did not hear yuh”.

Hon. C. Imbert: Okay. By comparison, the Port of Spain to London route which was commenced by the last Government, lost US 36 million, 49,000—[*Crosstalk*] what is going on?

Madam Speaker: Member for Pointe-a-Pierre, as far as when a question is asked, the Member will answer the question as he sees fit. Member for Diego Martin North/East.

Hon. C. Imbert: I will have to start again. Madam Speaker, the total operating profit made by Caribbean Airlines on the Port of Spain to Havana route since its commencement under this Government in 2018 amounts to US \$944,484 or TT \$6.42 million in profits under this Government. By comparison, the Port of Spain to London route which was commenced by the last Government, lost US \$36,049,543 or TT \$245 million over the period 2012 to 2016. Indeed, Madam Speaker, over the period 2010 to 2015, under the last Government, Caribbean Airlines lost \$3.5 billion.

Hon. Members: Ohhhhhh! [*Crosstalk*]

Madam Speaker: Member of Chaguanas East, are you still asking question No.

185?

Mr. Karim: Yes.

Madam Speaker: Okay. I will allow you to ask it now.

**ECCE Centres
(Salary Payments)**

185. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Minister of Education:
Could the Minister provide the number of ECCE Centres that received salary payments from September 2015 to March 31, 2019?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. Madam Speaker, all ECCE centres, Government and Government-assisted, have received salary payments for the period September 2015 to March 31, 2019. These payments, in order, are as follows: In September 2015 to July 2016, 140 ECCE centres received payments. For the period September 2016 to July 2017, 137 ECCE centres received payments. For the period 2017 to July 2018, 138 centres—ECCE—received payments, and for the period September 2018 to March 2019, 139 ECCE centres received payments. Madam Speaker, the variation in the number of ECCE centres is as a result of the merger of existing centres, as well as the construction of new ones. Thank you very much. [*Desk thumping*]

**Trinidad and Tobago Fire Service
(Release of Funds)**

207. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of Finance:

With regard to a statement issued by the Chief Fire Officer on March 18, 2019 indicating that various stations are currently without fire appliances partly due to the lag in releases from the Ministry of Finance, could the

Minister indicate when funding will be released to the Trinidad and Tobago Fire Service?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. The Fire Services of Trinidad and Tobago has been allocated \$31 million under recurrent expenditure and \$7 million under capital expenditure in fiscal 2019, respectively, for the procurement or refurbishment of fire vehicles and equipment. As soon as the Ministry of Finance receives a request for these funds from the Permanent Secretary in the Ministry of National Security, the funds will be made available as a priority.

Madam Speaker: Supplemental? Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker. Am I to hear the Minister of Finance correct that the Chief Fire Officer or the Permanent Secretary has not asked for any funds for the financial year so far, of 2019?

Madam Speaker: Minister of Finance.

Hon. C. Imbert: No, you did not hear me correctly. Through you, Madam Speaker, I said as soon as the Permanent Secretary in the Ministry of National Security requests funds for this purpose, the funds would be made available as a priority.

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Is the Minister aware that our fire services are severely under-resourced such that an appliance in Princes Town will take two hours to reach to Marac when the benchmarks are five minutes?

Madam Speaker: Minister of Finance.

Hon. C. Imbert: Thank you, Madam Speaker. The \$7 million allocation to the fire service for capital and the \$31 million allocation for recurrent for fire vehicles is not to pull a fire truck out of a ditch. [*Desk thumping*] It is for the acquisition of

equipment. So the Ministry of Finance has allocated a total of \$38 million for fire vehicles and as soon as the Permanent Secretary in the Ministry of National Security requests the funds, they would be made available as a priority. [*Desk thumping*]

STATEMENT BY MINISTER

National Policy on Persons with Disabilities

The Minister of Social Development and Family Services (Hon. Cherrie-Ann Crichlow-Cockburn): Thank you, Madam Speaker. I have been authorized by the Cabinet to make the following statement: The National Policy on Persons with Disabilities is the result of a comprehensive, consultative and participatory process and is reflective of Trinidad and Tobago's commitment to the continuous enhancement of the well-being of persons with disabilities. It is also in keeping with our obligations under the United Nations Convention on the Rights of Persons with Disabilities, which was signed by Trinidad and Tobago in September 2007 and ratified in June 2015.

The Policy provides a comprehensive framework for achieving social inclusion and equality of opportunity of all persons with disabilities in Trinidad. It is of fundamental importance that particular attention is paid to this segment of our population, as failure to do so would mean exclusion of a significant portion of our national human resource asset. The 2011 Trinidad and Tobago Population on Housing Census indicated that there were approximately 52,244 persons with disabilities in Trinidad and Tobago. This represented a 14.8 per cent increase over the previous census. Given the trend, it can be reasonably concluded that over the eight years since the conduct of the last census, the population of persons with disabilities has increased. It means, therefore, Madam Speaker, that there exists among us a cohort of persons who, to a large extent, despite their disabilities, are

gifted with intellectual and other capabilities and capacities that, once given the opportunity, could participate meaningfully in every sphere of our national development.

The National Policy on Persons with Disabilities is rooted in the realization of that vision and to the notion of leaving no one behind as we journey towards the goal of developed country status. The policy is guided by the following principles: non-discrimination; accessibility; equality of opportunity; respect for differences and acceptance of persons with disabilities as part of human diversity and humanity; respect for inherent dignity; individual autonomy, including the freedom to make one's own choices and independence of person; equality between men and women; full and effective participation and inclusion in society; respect for the evolving capacities of children with disabilities and respect for the rights of children with disabilities to preserve their identities.

Accordingly, the objectives of the policy are to:

1. protect and promote the human rights of all persons with disabilities;
2. provide a framework that will guide the development of public policy to incorporate disability-related issues;
3. eliminate marginalization of, and the discrimination against, all persons with disabilities, ensuring effective access to justice;
4. empower persons with disabilities and their families to participate in discussions on the implementation of disability-related initiatives;
5. provide national direction for greater inclusion and participation of persons with disabilities in social, educational, cultural, economic and recreational aspects of society;
6. reinforce institutions and establish additional facilities to enhance

- provisions of services to persons with disabilities;
- 7. provide the atmosphere for the participation of persons with disabilities in the decision-making and implementation process; and
- 8. create a barrier-free environment to allow for independent functioning of persons with disabilities.

Madam Speaker, the national policy outlines a wide range of critical areas under which strategies would be implemented towards achieving the policy objectives.

Some of the major areas covered include:

- institutional arrangements and legislation;
- awareness raising;
- accessibility;
- education;
- work and employment;
- the needs of women and children with disabilities;
- health, habitation and rehabilitation.

Madam Speaker, the National Policy on Persons with Disabilities was finalized after several months of collaboration with our stakeholders, including the community of persons with disabilities, individuals and organizations that advocate for persons with disabilities in the civil society sector, the private sector and academics, Ministries and agencies.

I take this opportunity to express my sincerest gratitude to all who were involved in the drafting of the document, those who participated in the many consultations that were hosted by the Ministry and others who would have submitted their comments and recommendations on the Green Paper. Special thanks are extended to the committee headed by former Independent Senator, Mr.

Statement by Minister (cont'd)

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Hon. C. Crichlow-Cockburn (cont'd)

Ian Roach, which assisted with the revision of the policy following the receipt of comments from the public consultations.

We are now embarking on the critical implementation phase which would be interministerial and inter-sectoral. I therefore look forward to a similar kind of collaboration from our stakeholders which I am confident will be forthcoming, given the genuine interest we all have in advocating for persons with disabilities.

Madam Speaker, it is therefore my distinct honour to have made this statement on behalf of the Cabinet. Thank you. [*Desk thumping*]

Mrs. Newallo-Hosein: Madam Speaker, 24(4) please?

Madam Speaker: You may proceed.

Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*): Thank you. Hon. Minister, I would like to find out, you indicated in your statement that there is a process that you are going to have to eliminate the marginalization and to ensure participation. How does the Ministry plan to ensure that marginalization is eliminated from persons with disabilities and to ensure participation? And what about the National Centre for Persons with Disabilities in Carlsen Field—

Madam Speaker: Member, one question for elucidation. So which is the question? There is one question you are allowed for elucidation. Which one is it?

Mrs. Newallo-Hosein: The first one, the marginalization—how does the Ministry intend to eliminate marginalization.

Madam Speaker: Minister of Social Development and Family Services.

Hon. C. Crichlow-Cockburn: Madam Speaker, the intention is to amend legislation that may contain discriminatory provisions. We are also going to provide and implement new legislation that would ensure equality and recognition before the law. I would have also made reference to an awareness campaign. The

Statement by Minister (cont'd)
 Hon. C. Crichlow-Cockburn (cont'd)

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intention of that campaign is to build awareness among citizens within Trinidad and Tobago so that they could have a better appreciation for persons with disabilities and also learn how to best interact with those persons.

Madam Speaker, we will also be looking at the whole issue of education, where we are looking at the whole system of equality of opportunities and inclusion, and this is going to be from the early childhood to the tertiary level. So there are a number of objectives and plans within the policy that are going to treat with the issue raised by the Member for Cumuto/Manzanilla. I also wish to indicate, Madam Speaker, that after two years this Government has been able to get the necessary statutory approvals and the National Centre for Persons with Disabilities was formally re-commissioned in December 2018.

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

**MISCELLANEOUS PROVISIONS (PETROLEUM
 PRODUCTION LEVY AND SUBSIDY AND INCOME TAX)
 BILL, 2019**

Bill to amend the Petroleum Act, Chap. 62:01, the Petroleum Production Levy and Subsidy Act, Chap. 62:02 and the Income Tax Act, Chap. 75:01 [*The Minister of Finance*]; read the first time.

Police Service Commission

(Nomination of Mr. Roger Mark Kawalsingh)

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I beg to move the following Motion standing my name:

Whereas section 122(3) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 (“the Act”) provides that the President shall, after consultation with the Prime Minister and Leader of the Opposition nominate

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persons, who are qualified and experienced in the disciplines of law, finance, sociology or management, to be appointed as members of the Police Service Commission;

And whereas section 122(4) of the Act provides that the President shall issue a Notification in respect of each person nominated for appointment under subsection (3) and the Notification shall be subject to affirmative resolution of the House of Representatives;

And whereas the President has nominated Mr. Roger Mark Kawalsingh to be appointed as a member of the Police Service Commission;

And whereas the President has on the 4th day of April, 2019 made a Notification in respect of the nomination;

And whereas it is expedient to approve the Notification:

Be it resolved that the Notification of the nomination of Mr. Roger Mark Kawalsingh as a member of the Police Service Commission be approved.

Madam Speaker, Mr. Mark Roger Kawalsingh is before this House as submitted, as described, for consideration of this honourable House, an action of Her Excellency the President, who would have searched across the national population and would have selected a citizen in whom she would have been satisfied warrants this appointment to the Police Service Commission.

Mr. Roger Mark Kawalsingh would be widely known in the legal profession, a practitioner of some long standing. Those of us who do not practise in that profession may not know him, and therefore, Madam Speaker, it is incumbent upon me to say a few words of further identification of the nominee of Her Excellency the President.

Roger Mark Kawalsingh, I dare say of San Fernando, was born on

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December 26, 1967 and he is a father, married with three children. He obtained his primary education at Princes Town Presbyterian School between the years 1972 and 1979. He attended St. Stephen's College between the years 1979 and 1986 where he obtained his O and A level certificates. He later attended the University of the West Indies between 1987 and 1991 where he successfully completed first year in the Faculty of Arts and General Studies and then he transferred to the Faculty of Law in 1988. In 1991, he graduated from the Faculty of Law with a LLB Honours Degree. Between 1991 and 1993, he attended Sir Hugh Wooding Law School and in 1993 he graduated with the Legal Education Certificate.

Since then, Madam Speaker, he has been practising as an attorney-at-law. At present, Madam Speaker, he practises as an attorney-at-law continuously and served in a variety of chambers. He served in a chamber between 1993 and 1994, another one between 1995 and 2008. He was attorney with Hobson's as attorney-at-law and notary public, and in 2000, he became a partner of the well-known southern law firm of Hobson's. Madam Speaker, currently he practises as an attorney-at-law in the specialized area of civil and commercial litigation.

Hon. Members: Independent practice.

Hon. Dr. K. Rowley: In his own independent practice, I am advised. Madam Speaker, Mr. Kawalsingh is a member of a number of community organizations because, notwithstanding his busy and successful practice, he is engaged in other non-legal matters of community.

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He is a member of the following clubs: he is a member of the San Fernando Yacht Club, a member of the Pointe-a-Pierre Sports Club, a member of the Queen's Park Cricket Club, the St. Mary's Superstar Sports Club and the Trinidad

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and Tobago Lawyers Cricket team. He was formerly a director of the South West Regional Health Authority between 2000 and 2001 and the National Commission for Self-Help between 2009 and 2010. He was formerly a member of the Appeal Tribunal of the National Insurance Board of Trinidad and Tobago and he formerly served as an associate tutor at Hugh Wooding Law School. Presently, Madam Speaker, he is a committee member of the Disciplinary Committee of the Law Association of Trinidad and Tobago.

Madam Speaker, we have difficulty, from time to time, encouraging highly-qualified members of the national community to take up responsibility in the public service. Unfortunately, on many occasions, Madam Speaker, for one reason or the other, persons who are qualified and desirable, on being approached to serve on these various state agencies which, if they agree, bring them under the classification of persons in public life, usually I would say, not commonly, but usually decline the invitation to serve. And sometimes not without some persuasion, one might be able to get quality persons to serve in public life in Trinidad and Tobago.

This, Madam Speaker, is not a good thing. And therefore, when any individual, any citizen agrees to serve the public on boards, on authorities or in any way, in enquiries and commissions, it strengthens the country's ability to perform because these aspects of contribution by persons with expertise, persons of integrity, persons with the time to assist the public in the overall management of the State's affairs, when this happens, Madam Speaker, we should be pleased.

And on this occasion, Her Excellency the President, in discharge of her responsibility, having made the necessary checks, one would presume, and would have consulted, as I said, with the Head of the Government and the Head of the

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Opposition and I know from my own standing where I was at the Office of Prime Minister, on the basis of the qualification and stature of this individual, I would have concurred and listed no objection to this person who has served, as I described a while ago and who is willing to continue serving the public on this occasion as a member of the Police Service Commission. I am pleased, Madam Speaker, today, in this House, to commend Her Excellency's nominee to the House for affirmative action. Madam Speaker, I beg to move. [*Desk thumping*]

Question proposed.

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. We are here today to debate the nomination and approval of Mr. Roger Kawalsingh as a member of the Police Service Commission. We, on this side, we have examined his CV and note that he is an attorney-at-law for 26 years; studied at UWI, as the Prime Minister said, he was the class of 1991; completing his LLB and then further continued his studies at the Hugh Wooding Law School, the class of 1994, completing his Legal Certificate of Education.

We, on this side, wish to ask a number of pertinent questions as we represent the views of significant proportions of the population and we are asking the question: Why this nomination at this time? We are asking what is the urgency? Especially given the fact that the Police Service Commission, as constituted at present, can function effectively and it can do its job. The Public Service Commission Regulations state that a quorum consists of two persons not including the Secretary and decisions are [*Interruption*]*—the Police Service Commission—*and decisions are made on a majority vote. So a quorum is two and decisions are made on a quorum by majority vote. Therefore, the PSC, as currently constituted, is fully functional since four out of five positions are filled. Furthermore, these

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positions are filled by persons who satisfy the constitutional requirements under section 122 where persons appointed to the PSC, Police Service Commission should be and I quote:

“...qualified and experienced in the disciplines of law, finance, sociology or management...”

At present, on the Police Service Commission, we have a Chairman, Ms. Bliss Seepersad and she is significantly and eminently experienced in financial management. We have as a member, Mr. Martin Anthony George. He is an experienced lawyer and he also has significant management experience. We have Commodore Anthony Stafford Franklin. He is a member and he has a Diploma in International Humanitarian Law and significant management experience in the Coast Guard. And we also have Dr. Susan Craig-James and she has a Doctor of Philosophy in Sociology. So we have a functioning Police Service Commission with members that are eminently qualified based on the requirements of the Constitution.

So we are asking why the haste at this time? Do we not have a plethora of pressing issues that need urgent attention? And therefore, is the Government committed to the productive use of parliamentary time? And the question we would ask, the more important question is: Why are we not discussing the more important appointment of a Deputy Commissioner of Police given that the murder rate is now over 194 and that we need all hands on deck? So we are saying, if you want to deal with the Commission, deal with the appointment of the Deputy Commissioner of Police [*Desk thumping*] and that we say, in our view, is more important than an additional member to the Police Service Commission.

Madam Speaker: Member, I just want to caution you on not just relevance but it

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would appear to me that the question that you are asking really is flouting Standing Order 48(8) because what we are debating here is the notification of the President. And you know, I have sat and I have listened but it appears to me that what in essence we are doing is enquiring into the conduct of Her Excellency. I am not sure that that is permissible.

Mr. R. Charles: Madam Speaker, I will move on. The Order Paper talks about a debate in terms of the notification and I think that is all that I am doing and that is all, but I will be guided by you. I will just need to make one other statement and I think it is important.

Madam Speaker: Once the statement does not offend the Standing Orders and I have given you some guidance, there is no reason at all for me to intervene once you are within the Standing Orders.

Mr. R. Charles: Yeah. Madam Speaker, I am not in any way questioning Her Excellency, she did her work. She has done what is required by the Constitution, and all we are saying is that, given that she has done her work and that this Government is not doing its work, it appears as if the priorities of the Parliament are not—are skewed in the wrong direction. [*Desk thumping*] Absolutely no comment on Her Excellency. In fact, we commend her for this appointment.

Madam Speaker: But you see, the issue is not so much that, but if what you are querying is the reason why this notification has reached here for debate, in fact, I have seen it as if you are querying Her Excellency and that is why I have said that I have stood on Standing Order 48(8) and I have asked you to leave that and go on, please.

Mr. R. Charles: Madam Speaker, I would just like to ask who sets the priority for these appointments. Not the Government? Not the Parliament?

Mrs. Robinson-Regis: Madam Speaker, I will ask you again to give your reflections on 48(8) because I do believe that the Member for Naparima is persisting.

Madam Speaker: Member for Naparima, as I said, and I am firm in my view, that this notification is done by Her Excellency, it is set by Her Excellency here. Please move on.

Mr. R Charles: Madam Speaker, we note that consultations were done between Her Excellency the President on the one hand and the Prime Minister and the Leader of the Opposition on the other hand. Further information has come to hand since the consultation that having regard to all the circumstances that Mr. Kawalsingh is not a suitable member for the Police Service Commission. I am making this observation in the context of the axiom that justice must not only be done but it must manifestly appear to be done.

Mrs. Robinson-Regis: Madam Speaker, this is the President's notification. Again, I ask you to rule on 48(8).

Mrs. Persad-Bissessar SC: No, we are asked to approve it.

Madam Speaker: While it is the President's notification, I will allow the Member. He is not talking about the notification now, he is talking about the suitability, I will allow him.

Mr. R. Charles: Thank you, Madam Speaker. I am making this observation in the context of the axiom that justice must not only be done but it must manifestly appear to be done. [*Desk thumping*] In the circumstances where power is devolved upon a person to make critical appointments, there must not be one iota of doubt in the mind of the average citizen about that individual. That person must be above reproach, must be like Caesar's wife. [*Desk thumping*] That is what the framers of our Constitution envisaged and it is our job to raise the issues and raise our

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concerns on the floor.

Madam Speaker, it is important that our independent institutions like the Police Service Commission must function as they were intended to by the framers of our Constitution and we will make the argument why we are supporting the position that we are. Madam Speaker, independent institutions must be independent and there must be an arm's length relationship with the State—and I will go on to say why I am saying that—so that we will have the necessary objectivity, the necessary dispassion, the necessary detachment required in the circumstances as envisaged by the framers of our Constitution.

Madam Speaker, I am possessed of a High Court ruling, which is a public document, between Vincent Nelson, Queen's Counsel, as claimant and the hon. Attorney General of Trinidad and Tobago as defendant, in which Mr. Kawalsingh appeared on behalf of the claimant, the Queen's Counsel Vincent Nelson. He was instructed by Mr. J. Mohammed and they both appeared on behalf of Mr. Nelson. Now, nothing is wrong with that, Madam Speaker, nothing is wrong. Lawyers represent clients on a daily basis. That is their work, that is their job. But in our view, here is the mischief. Here is the mischief. Mr. Vincent Nelson had made a claim upon the State—and it is all here—for £1,500,000:

“...for the purpose of defending all appeals and included all expenses associated with the representation of the...”—Board of Inland Revenue—
“the fee on brief and all other work consequential to defending the appeal.”

So we are talking about TT \$10 million, significant sum by any judgment, anyone's imagination. We are further informed—and it is all here in the public record—that:

“the claimant had been paid on three invoices in the sum of £150,000 each

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leaving a balance...”—therefore leaving a balance of £1 million.

Madam Speaker: I have given you some breadth but unless you could quickly show what this has to do with what we are debating, I would ask you to move on. So quickly, quickly, quickly.

Mr. R. Charles: I will show why we have our concerns and it is important, I have to give the facts so that the population can judge our position. In doing so, I will just say that this is John Milton’s idea. Let ideas contend in the marketplace of ideas [*Desk thumping*] and the population could be trusted to know whether I am talking something that is unfair. If I am not allowed to state a position, the judgment they will make will be deficient by my input, by our input. [*Desk thumping*]

So, Madam Speaker, we are further told that the Attorney General informed the claimant:

“...that the Ministry was short of funds and so...there would be delay in payment.”

And I will quickly wind up. We are further informed that the AG agreed to meet the claimant to discuss the terms.

Madam Speaker: Is that in the judgment you are referring to?

Mr. R. Charles: Yes, I am quoting. I am quoting.

Madam Speaker: All right.

Mr. Al-Rawi: That is not in the judgment.

Mr. R. Charles: Madam, I am quoting.

Mr. Al-Rawi: From what?

Mr. R. Charles: From the judgment. We are further informed—and I quote, that the AG informed the claimant, quote:

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“...that the Ministry was short of funds so...there would be delay in payment.”

We are further informed that the AG agreed to meet the claimant to discuss payment of the balance. All this time, the claimant was advised by Mr. Roger Kawalsingh. You see, we know what we are talking about. You may disagree with our view but we have a view that is responsible, considered and well thought out.

Madam Speaker: Just leave me out of the debate, I have no view. My only view is what is guided by the Standing Orders. I have no view. Okay? So the “you”, I have no view.

Mr. R. Charles: All this time, Madam Speaker, the claimant was advised by Mr. Roger Kawalsingh. So discussions were held with Mr. Nelson, advised by Mr. Kawalsingh and all of a sudden, this QC who was suing the State for \$10 million withdraws his claim for that considerable sum on the advice, we presume, of Mr. Roger Kawalsingh.

Mrs. Robinson-Regis: Madam Speaker, I am raising Standing Order 49, please.

Madam Speaker: These are still live proceedings?

Mr. Al-Rawi: Yes, they are in a different form.

Mrs. Persad-Bissessar SC: Not at all.

Madam Speaker: Just one minute. AG. The matter was raised by Arouca/Maloney. Are these still live proceedings?

Mrs. Robinson-Regis: Madam Speaker, my understanding is that this matter is part of the subject of the ongoing criminal proceedings against Ramdeen and Ramlogan. [*Crosstalk*]

Mrs. Persad-Bissessar SC: How is the payment of \$10 million part of the proceedings?

Mr. Al-Rawi: They are. [*Continuous crosstalk*] It is a kickback.

Mrs. Persad-Bissessar SC: Withdrawn. The civil suit was withdrawn.

Madam Speaker: Okay, so that if the point of sub judice has been raised, Member, we understand how that rule works, I would not allow it.

Mr. R Charles: So, Madam Speaker, our concern is that there is a nexus [*Desk thumping*] and we are not casting aspersions, I am not saying anybody did anything wrong, but we are saying there is reason for a pause for us to consider whether the framers of the Constitution and the arm's length relationship with the Executive is being preserved. [*Desk thumping*] That is a legitimate question that any honest citizen of Trinidad and Tobago will be concerned with.

Mrs. Robinson-Regis: Madam Speaker, Standing Order 48(6) please.

Madam Speaker: Member for Naparima, I will allow you to go ahead.

Mrs. Persad-Bissessar SC: This is not about the charges.

Mr. R. Charles: As we said, we, on this side, are significantly concerned because we are approaching an election and we are concerned that the Government on the other side does not have any performance record to stand on [*Desk thumping*] and therefore as you get desperate, we have to look with a "cokey eye" on anything that is done. [*Crosstalk*]

Madam Speaker: All right, so Member for Moruga/Tableland and the Member for Couva South, I realize that you all continuously have a conversation but— [*Interruption*] Listen to me, I am standing. Please, if you all need to have a conversation across the floor, I will invite you all to go out, all right, but I would not allow this. Member for Naparima.

Mr. R. Charles: Thank you, Madam Speaker. You see our job is to be concerned. Our job is to look under the woodwork and to see what could be manifest in the decisions that are being made and that is the only job.

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We are concerned also, Madam Speaker, because just last week, the Prime Minister said, in the debate in the mid-year review, he talked about investigating all lawyers' fees between 2010 and 2015. That was stated in the records. And, Madam Speaker, I refer to the Trinidad and Tobago *Guardian* dated Friday October 26, 2012, in which—and I will quote. It says:

“Yvonne Baboobal”

She says:

“Jamaican lawyer Vincent Nelson, QC, will...”—be arriving—“in T&T tomorrow.”

Mrs. Robinson-Regis: Madam Speaker, Standing Order 49, please.

Madam Speaker: In terms of my original ruling, in terms of the sub judice, if this is at all related to the ongoing, I will not allow it. So I will give you a little room to see where this is going but please be guided by Standing Order 49.

Mr. R Charles: Madam Speaker, what are they frightened about? Why are you so nervous and panicky? [*Desk thumping*] All we are doing is asking questions to which we are entitled. Madam Speaker, it has nothing to do with the instant case. “Sometime I have tuh teach dem ah little law.” I am reading. [*Desk thumping*] Have to teach them! Madam Speaker:

“Jamaican lawyer...”

I am quoting from the *Guardian*:

“...Vincent Nelson, QC, will arrive in T&T tomorrow. Nelson is the newly-appointed lead counsel in the Ministry of Finance’s legal team at the Clico/HCU...”

Nothing absolutely to do with this case and therefore sub judice does not apply. I will teach you the law.

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“...Commission of Enquiry. Along with Jagdeo Singh and Roger Kawalsingh, he replaced fired attorneys Fyard Hosein, SC, and Michael Quamina.”

It means, Madam Speaker, if we have to take the Prime Minister at his word, that Mr. Kawalsingh is under investigation because he has been in receipt of fees, in the same fees that the Prime Minister referred to. [*Desk thumping*] We have to bring these things up.

Mrs. Robinson-Regis: Madam Speaker, Standing Order 41, Standing Order 48(1), Standing Order 49, Standing Order 48(6).

Madam Speaker: Okay so that, Member for Naparima, again, you made it in the context of what the Prime Minister said in terms of subject to—I am not though going to allow this if it at all has anything with matters that are before the court. Okay?

Dr. Khan: Madam Speaker 48—I mean, sorry, Standing Order 1.

Madam Speaker: Member, in terms of Standing Order 1, which is one of your favourite Standing Orders. [*Interruption*] Yes, I understand. [*Interruption*] I understand. But Member for Barataria/San Juan, I have ruled on Standing Order 49.

Mr. R. Charles: Madam Speaker, so the question I have directly to the Prime Minister, straight question: Is Mr. Roger Kawalsingh under investigation at all? [*Desk thumping*] I will give you way to tell me, give you way. And if you cannot answer, it is because in the context of what you have said, he must be one of the many lawyers that are being reviewed by your Government. So, Madam Speaker, we have to pause for a cause. [*Desk thumping*] The inconsistencies, the inability to answer a question. The constant, you know, “Standing Order, Standing Order,

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Standing Order”, like they do not want us to talk our view and let the population decide. [*Desk thumping*] Madam Speaker, I am not casting any aspersions on the President for whom I have utmost respect.

Madam Speaker: We passed that. Continue.

Mr. R Charles: No, no, no. No, I need to say it. Utmost respect. But the agenda of this House is not set by Her Excellency, it is set by this incompetent Government that we have sitting next door that is taking Trinidad and Tobago down the road to “Haitianization”. Madam Speaker, why are we not discussing—and we are on this side? Because we are concerned, and Madam Speaker, particularly with my good self. I am 70 years old, I do not have much time, the allotted time on this earth has been given to me. So the remaining time has to be used wisely and therefore, when you call me to Parliament, it must be to do the nation’s important business. [*Desk thumping*]

Madam Speaker, the question I ask is since they set the agenda and this came up, and I will say again, nothing to do—Her Excellency is doing her work efficiently, it is this Government not doing its work at all. So why are we not discussing a refugee policy based on international best practices that is humane and recognizes the limits of our absorptive capacity?

Madam Speaker: Member, that is not what we are discussing. Okay? What we are discussing is the notification of Her Excellency on the appointment of a specific person. Please limit your contribution to that.

Mr. R. Charles: Yeah. So, Madam Speaker, the question is that we, on this side, are being called upon today to support something which we do not believe or which we do not support and that is clear. The question is: Could we get an opportunity to state the diverse reasons why we do not support Mr. Kawalsingh,

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the nomination? And one of the reasons why we do not support it is because we are of the view—and I will be stopped but I will say it—that the shortcomings in the prison service deserve our immediate attention with eight prisoners on the escape.

Madam Speaker: I guess the statement you made shows a certain degree of impunity so I stand again and say I am not going to allow that. You are allowed to proceed once you abide by my ruling. The fact that you said that you know you will be stopped means that it is deliberate. Member for Naparima, I hope you are hearing me.

Mr. R. Charles: Yes, I am hearing you. I am hearing you loud and clear, Madam Speaker.

Madam Speaker: Very good.

Mr. R. Charles: So, Madam Speaker, we would have preferred that in the light of the information provided, the additional information provided, that we would have been able to pause for a cause and to review this nomination.

2.50 p.m.

We are also advised, and I want to ask the question. We are also advised that Mr. Kawalsingh enjoys a very close relationship with the Attorney General. And I am asking the question: Do you all share a close relationship, such that we on this side would have a concern that there may be not an arm's-length relationship between the Executive and the Police Service Commission? And I ask the question and I give you a minute to answer. Do you have a close relationship with the person in question?

So we move on, Madam Speaker. Mr. Kawalsingh was formerly a member of the law firm Hobsons. I think the Prime Minister referred to it. Right? And we understand that there were—we are asking, we are asking if, what were the

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circumstances in which he left the firm at Hobsons, the specific circumstances? You see, we have to be absolutely clear.

The Prime Minister says there are no persons and how it is difficult to get persons to come in. There are a number of people, a number of citizens, who want to nominate themselves and to serve the country. But Madam Speaker, they want to ensure, once the thing is clear, once the thing is clean and the process is transparent, absolutely transparent, they do not have a problem, Madam Speaker. So that we are just asking some questions and giving our concerns.

So, Madam Speaker, Madam Speaker, it brings no joy to object to any person. But our duty, our major responsibility, is to the people of Trinidad and Tobago to ensure that everyone who attains to high office, who achieves high office in Trinidad and Tobago must stand proper scrutiny; there is nothing wrong with scrutiny, Madam Speaker. If what we are saying is not true, the Government has an opportunity to rebut our point, our concerns about the case, our concerns about whether he is being investigated, our concerns about Hobsons, and they are supposed to bring it to our attention.

Our only concern at this time is that, given all the threats that are circulating around in our society that whatever happens, whatever happens, it will be consistent with the rule of law and consistent with the best possible best practices available globally, internationally and locally; nothing else. And we will do so without fear or favour, Madam Speaker, without fear or favour, despite ridicule and despite any kind of statements. So long as our conscience, we are clear, absolutely clear that we are serving the citizens of Trinidad and Tobago who demand the best.

So, Madam Speaker, I have given my views. We will not support this

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nomination and we leave it to the Government to refute the concerns which we have expressed, and with those views I take my seat. [*Desk thumping*]

The Prime Minister (Hon. Dr. Keith Rowley): [*Desk thumping*] Madam Speaker, I have been in this place, I have to admit, for decades, and I must say I am coming to the conclusion that the current crop of my colleagues have taken a turn in the road somewhere. They have taken a fork in the road that causes me to think, Madam Speaker, that it is not only the spinning of a wheel that makes no sense and makes one look entirely foolish, but it could also make you dangerous.

Madam Speaker, this matter before the House today is simple and straightforward. But I wish I could say that I am surprised at the contribution and the behaviour of the Member for Naparima, advised and egged on by his leader, the Member for Siparia. What has caused you, Madam Speaker, to rise so often on my colleague, to interject so often under the Standing Orders is to have prevented the Member for Naparima, upon coming into the Parliament with some totally unfounded conspiracy theory meant to undermine the State's prosecution of two members of the UNC who are engaged in the court charged for criminal conduct. [*Desk thumping*]

Mr. Lee: Madam Speaker, Standing Order 48(4), (1) and (6).

Madam Speaker: I overrule on all three.

Hon. Dr. K. Rowley: Madam Speaker, I trust that you will understand that using my own brain cells I have come to the conclusion that what the Member for Naparima tried to do today, which was truncated by the Standing Orders, is to put on the *Hansard* a defence for people who are charged before the criminal court. And the Parliament would have none of it. [*Desk thumping*]

Mr. Lee: Madam Speaker, Standing Order 48(6).

Madam Speaker: Overruled.

Hon. Dr. K. Rowley: Madam Speaker—

Mr. Charles: Go on the pavement with that.

Hon. Dr. K. Rowley: Madam Speaker, I kept my silence while Naparima spun his wheel and his tale. I seek your protection to put on the *Hansard*, undisturbed, the business of the people of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, I draw your attention to the country's Constitution, section 122, the Police Service Commission, and for the benefit of any citizen who might have heard the fulminations of Naparima who started his contribution with the amazing concern, because they always have concerns, his amazing concern, about the urgency of dealing with this matter. And then he descended into the folly of seeking to make a case that the Police Service Commission has four members and why does the President and the House need to put a fifth member on the Police Service Commission. In other words, we have enough members on the Police Service Commission, so who are these people, President or Government, wanting to add a fifth. And because that is happening, it is indication or proof of some conspiracy against his colleagues who are in front of the criminal court.

Madam Speaker, this is an insult to the Presidency and to the Government and the people of Trinidad and Tobago. [*Desk thumping*] And what is worse, Madam Speaker, is that, if he was acting on his own, one could have said it is his normal folly. But he was being prepared and presented and egged on by a former Prime Minister and the Leader of the Opposition in Siparia, who is sitting next to him. [*Desk thumping*]

Let me read for you why we are doing this. Let me read for the population why we are doing this. Our Constitution says, under 122:

“There shall be a Police Service Commission for Trinidad and Tobago

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which shall consist of a Chairman and four other members.”

Madam Speaker, it does not say if you have four members that that sentence is now null and void. He made the case, Naparima made the case this afternoon that, “You have four members on the Commission”. “So why are you coming here to waste Parliament’s time? Why are you not talking about water, and talking about escaped criminals, and the crashed helicopter? Why are you doing it?” And your answer is very simple: section 122 of the Constitution says that you shall have a chairman and four, and a chairman and four is five. So your argument about having four is a nonsense. [*Desk thumping*]

Madam Speaker, and it makes you wonder: Why would any sane and sober parliamentarian come here and make an issue that we are trying to have five members on the Commission, as against being contented with four? Madam Speaker, what is that? It was simply to be able to make a case that there is some kind of conspiracy with the appointment of Mr. Kawalsingh.

I want to draw to your attention, Madam Speaker, for what it is worth, because apparently that was then and now. Mr. Kawalsingh was a person who worked in chamber with the Leader of the Opposition. That is before the Parliament. None of them worked in chamber. But, of course, in spinning his tale this afternoon, he tried to deal with that. He said that something has happened since the Leader of the Opposition would have been consulted by the President on her intention to nominate Mr. Kawalsingh. Up until then he was okay. He was good to work in chambers with her. He remained Hobsons’ main advocate. That was okay.

When the President consulted, my advice is that my colleague from Siparia was very happy, and she gushed, “Finally one of us should be on the commission”.

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It was okay then. But something happened since then to have caused this reversal of position, Madam Speaker. And I dare say, in my own analysis, the only thing that has happened since then, is that Kawalsingh is Vincent Nelson's lawyer, and somehow this lawyer, who is the advocate for Mr. Nelson, and Nelson has turned state witness, and Ramlogan and his colleagues have been appointed and that is the whole matter before us today.

Madam Speaker: Prime Minister, no need to go any further with that.

Hon. Dr. K. Rowley: That is what has happened. That is what has changed the whole weather, the whole climate. Come out and say that. [*Desk thumping*] Madam Speaker, he put to me directly a question which I did not answer, which I will answer now. He put to me.

Mr. Lee: Madam Speaker, Standing Order 48(5).

Madam Speaker: The hon. Member.

Hon. Dr. K. Rowley: And the reason why—

Madam Speaker: The hon. Member. The hon. Member.

Hon. Dr. K. Rowley: Let me drink some water, Madam Speaker, before I choke on that. [*Laughter*] The hon. Member, in his spinning of his tale, put to me, whether I am aware that Kawalsingh is under investigation. Madam Speaker, what I said is that Her Excellency would have done, as we expect her to do, her thorough investigation of Mr. Kawalsingh. And I know of no situation where Mr. Kawalsingh is under any investigative process and not for any criminal matter and certainly not as he tried to imply that there is a basket of lawyers and he is part of the basket. I am not aware of that, Madam Speaker. If he is aware of that he should have said so. He had 45 minutes to tell us where Kawalsingh was under investigation and for what reason. He did not do that. He put a question to me.

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Madam Speaker, the level of nastiness that seems to be the hallmark [*Desk thumping*] and it is a standard that we must eschew. We must not encourage that standard, Madam Speaker. Madam Speaker, we have seen it before in this country, where a person of high quality has taken a position of integrity, a position that the country should be happy that individuals have taken that position. [*Desk thumping*] And what was the result for doing that? Fired from the Cabinet for not agreeing to lie.

Madam Speaker, Mr. Kawalsingh, as far as we are aware, a person whose integrity is beyond reproach, so much so, among his peers in the Law Association, he is a member of the Disciplinary Committee. But the minute a criminal matter comes out of the political management of the company and goes to the court, and he is the advocate and has been so for this person, all of a sudden, “Kawalsingh bad”. Yeah, I am advised, apparently his crime is because he is a clean, decent person. [*Desk thumping*] And let me tell you why I believe, Madam Speaker, why that assertion is true, because the Member for Naparima went on to say that every person who aspires to or attains high office in this country, and I want to quote him: “Everyone who achieves high office must be able to stand scrutiny”. Madam Speaker, who could argue with that? Who could argue with that?

But only last week, or is it this week, the same leader who is egging him on to make this quotation, “Everyone who achieves high office must be able to stand scrutiny”, unless, of course, you are to be a UNC Senator [*Desk thumping*] who has questions to answer. Madam Speaker, right—where was I standing? No, I was over there as a Government Backbencher. I was over there as a Government Backbencher, using my time in the Parliament to make the case for Caroni (1975) Limited workers who had lost all their money in Hindu Credit Union.

Mr. Lee: Madam Speaker, Standing Order 48(1), please, 48(1).

Madam Speaker: Prime Minister. [*Crosstalk*] Please proceed.

Hon. Dr. K. Rowley: It was in the Clico bailout debate, speaking as a Government Backbencher and saying, it is on *Hansard*, that as we bail out Clico we will have to also bail out the Hindu Credit Union members. And to see one of the major players of the Hindu Credit Union calamity who failed to turn up before a commission of enquiry is now appointed to the Parliament of Trinidad and Tobago by the Leader of Opposition. [*Desk thumping*] And in the very same week, you pick up Naparima's voice in the Parliament telling the country on *Hansard* that if you achieve office, high office as a Senator in this country, high office must be able to stand scrutiny. I trust that that appointment, that offensive appointment will subject itself to the standard set by Naparima.

Mr. Lee: Madam Speaker, 48(6), on the Senator, please. He is imputing improper motives.

Madam Speaker: Member for Pointe-a-Pierre, the Standing Order you are raising?

Mr. Lee: Standing Order 48(6), the Prime Minister is imputing improper motives on a Senator.

Madam Speaker: Please continue, Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, for the benefit of the public, I will continue to read section 122, so that members of the national community can protect themselves from the nastiness that is put on the parliamentary record today, all with a purpose which, Madam Speaker, we should all hope, fails. Subsection (2) of the Police Service Commission section:

“The members of the Police Service Commission shall be appointed by the President in accordance with this section.”

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(3) The President shall, after consultation with the Prime Minister and Leader of the Opposition nominate persons, who are qualified...in the disciplines...”

—that are outlined. And (4), Madam Speaker:

“The President shall issue a Notification in respect of each person nominated for appointment under subsection (3) and the Notification shall be subject to affirmative resolution of the House...”

Madam Speaker, subsection (4) calls us to this House to treat with that Notification of Her Excellency the President. Nothing else. We are here in compliance with the dictate of our Constitution. [*Desk thumping*]

Madam Speaker:

“(5) The President shall make an appointment under this section only after the House...has approved the Notification in respect of the relevant person.”

Let me repeat that, Madam Speaker:

“(5) The President shall make an appointment under this section only after the House...has approved the Notification in respect of the relevant person.”

So, Madam Speaker, the President having indicated her intention to make an appointment to fill a vacancy on the board of the Police Service Commission can only do so if we do what the Constitution says, which is to, by affirmative action, accept her nomination.

Madam Speaker, we are invited by the Opposition to not do that, because they do not understand the urgency. Madam Speaker, this matter came to this House on the 23rd of April. We are dealing with it—what is today's date?—on the 17th of May; a matter which was laid here on the 23rd of April, where an intention of the President to fill a vacancy on a service commission as important as the

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Police Service Commission. We dealt with other business of the House on numerous occasions and today we set aside time to deal with it, so that Her Excellency could make the appointment, and I have to sit here and listen to the fulmination and fabrications of a colleague from Naparima, asking us about what is the urgency, what is the urgency. What urgency, Madam Speaker? To use the term “urgency” on this matter is mischievous.

I notice he said that he swore on oath to act without fear or favour. He is favouring no one. He fears no one. But he has not said that he is to act without malice. He did not say that at all. [*Desk thumping*] He was very careful not to quote the rest of the oath, which is written there for a purpose for people like him, Madam Speaker, to act without malice or ill will.

Madam Speaker, today I can say that he who has eyes to see, let him see. And he who has ears to hear, let him hear. Madam Speaker, we have done this House, today, no favours in presenting to the people of Trinidad and Tobago as a place where decency always lives.

Madam Speaker, those of us on this side, those of us on this side, have no difficulty in accepting Her Excellency's nomination and complying with the Constitution of clearing the way for her to make an appointment to the Police Service Commission, and appointing to that Commission, according to my colleague from Naparima, a person whose only crime, whose only, the only thing that disqualifies him is that he is the lawyer of a citizen from another country who decided to come to Trinidad and Tobago to tell the truth and to tell the State the— [*Desk thumping*] The only thing that disqualifies Mr. Kawalsingh is that he is providing legal advocacy to a person who has turned state witness.

Madam Speaker, that should tell the people in this country—[*Interruption*]

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Madam Speaker, I would like to speak undisturbed from Naparima. That should tell this country what standards are being set by the UNC in Trinidad and Tobago, and to come into the Parliament and try to impose that standard on our people. [*Desk thumping*] If there is anyone that is disqualified from holding high office in this country, it is not Kawalsingh, it is all of them on the UNC, Madam Speaker. I beg to move.

Question put.

Mrs. Robinson-Regis: Division.

The House divided. Ayes 21

AYES

Robinson Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. C.

Garcia, Hon. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A. Gadsby-Dolly, Hon. Dr. N.

Mc Donald, Hon. M.

Francis, Hon. Dr. L.

Jennings-Smith, Mrs. G.

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Olivierre, Ms. N.

Antoine, Brig. Gen. A.

Leonce, A.

Smith, D.

Cuffie, M.

The following Members abstained: Mr. D. Lee;

Hon. Members: “Ohhh.” Shame on you.

Mrs. K. Persad-Bissessar SC: Abstain.

Hon. Members: Shame on you.

Mr. R. Charles: Abstain. [*Crosstalk*]

Madam Speaker: Members, Members. I will caution that the vote be taken in silence and I would advise Members to cast no remark on the votes. Continue.

Division continued.

The following Members abstained: Dr. S. Rambachan, Mr. F. Karim, Dr. B. Tewarie, Mr. R. Indarsingh, Dr. F. Khan, Mr. R. Paray, Ms. R. Ramdial; and Mr. G. Singh.

Question agreed to.

ADMINISTRATION OF JUSTICE (INDICTABLE PROCEEDINGS)

(AMDT.) (NO. 2) BILL, 2019

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Thank you Madam Speaker.

Madam Speaker, I beg to move:

That a Bill to amend the Administration of Justice (Indictable Proceedings) Act, 2011 (Act. No. 20 of 2011), be now read a second time.

Madam Speaker, it gives me great pleasure to come to perfect a critical piece of law designed to take our country out of the lurch of criminality, corruption,

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malfeasance and turpitude. These things resonate, Madam Speaker, in the environment of a criminal justice system, which has not been allowed to work at the pace at which other Commonwealth jurisdictions, and even civil law jurisdictions have managed to prosper.

For 26 years, Madam Speaker, government after government engaged in an exercise of perfection by way of pursuit for a legislative tool that could work to quicken the criminal justice system. Preliminary enquiries, Madam Speaker, is a phenomenon of law birthed in or around the year 1555, in the Marian statutes, taken through the colonial period, certainly coming forward in 1836, at the Prisoners' Counsel Act; 1848, the Indictable Offences Act; the Sir John Jervis Act.

Going through the inquisitorial approach, getting to the methodology, where then, in a society where few people were literate, in a society where murder and mayhem prevailed, in a society where there was no form of literacy matched with technology, there was a purpose designed to filter out cases, and that was called preliminary enquiries. Preliminary enquiries constructed a bifurcated purpose to say: allow someone who is charged with a serious offence, otherwise referred to as an indictable offence, the opportunity to know what the charge is and then secondly, the opportunity to test or probe the strength of the evidence as to whether a case ought to be allowed to continue or not.

In a society such as Trinidad and Tobago, preliminary enquiry, statistically in the courts of Trinidad and Tobago, finds a number which is beyond belief. For the period of nearly—the several years coming to July 31, 2018, I can tell you, Madam Speaker, that preliminary enquiries number, as at July 2018: 43,109 at the Magistrates' Court level.

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In that pack, there are statistical points of reference, which are material for consideration. In that 43,000 pot of preliminary enquiry matters, there are 151 of them which are over 14 years in age. There are 140 of them that are between 13 to 14 years; 120 between 12 to 13; 141 between 11 to 12; 267 between 10 to 11 years in antiquity. Nine to 10 years, 254; eight to nine years, 398; seven to eight years, 1,071; just to give a few.

In Trinidad and Tobago therefore, we have witnesses, judicial officers, prosecutors, virtual complainants, policemen, prisons, transportation, probation officers, doctors, medical personnel in the ancillary support services, all of them turning up for over 10 years successively, to find out if a case is going to happen by way of reference from the Magistrates' Court to the High Court. You see, that is what the Act in 1917, the preliminary enquiries parent Act caused. Under the preliminary enquiries legislation, and that is the 1917 Act, now 102 years old, we are chained to a system, of asking the Magistrates' Court to filter out cases, allow for witnesses to be examined and cross-examined, such that a magistrate will then decide whether there is enough evidence, sufficient evidence, to then say, go and have your trial in the High Court referred to as the Assizes.

That is the data in our country. That is what we are treating with in our country. How has that exercise of reform gone? In the period 1917 straight to date, we have had a number of amendments coming to the law. Certainly, Madam Speaker, in the period 2010—2015 then coming to 2017. Firstly under the UNC Government, we had the preliminary enquiries, Administration of Justice, (Indictable Proceedings) legislation—this is this Act No. 20 of 2011—happen.

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We then saw the proclamation of that law, in what is the greatest scandal of the history of Trinidad and Tobago, where section 34 of this law to cause consequences of the removal of cases from the system happened in our country. We saw that scandal happen in 2012. We saw the repeal of section 34 happen, and then we went in 2014 to throw away that purpose and to then add on to that, a different model of committal proceedings. And, Madam Speaker, that then left us in 2015 with three laws to treat with preliminary enquiries and how we were going to treat with that. One, the 1917 law; two, the 2011 law; three, the 2014 law.

We came into Government. We took the approach of enlarging the capacity of the DPP's constitutional power, providing for the procedural methodology of that under an expansive approach to section 90 of the Constitution, by saying, "Let the Office of the DPP decide whether a matter should go straight to the High Court by way of indictment, or be treated with as a summary matter in the Magistrates' Court". We went through a robust series of discussions, we had consultations, we retained attorneys-at-law, and in fact, we then prepared a significant amount of amendment to the law which we brought in 2017 which we were prepared to operationalize until it is that we went back to what is the quickest and easiest fit for operationalization.

It was at that point that, in consultation with the Judiciary, the DPP's Office and the Law Association, we took notice of the fact that Act No 20 of 2011, the Administration of Justice (Indictable Proceedings) Act, that that particular Act could have been operationalized, provided three things were done. One, the introduction of Criminal Procedure Rules, which we as a Government put into effect in April 2016. Two, by the creation of the posts of Criminal Masters, which

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we as a Government put into operation, firstly, under the Family and Children Division legislation; and secondly, under the criminal division and traffic courts, if I abbreviate the name of the Bill, now Act of Parliament where we created the concept of Masters of Court, who are called Criminal Masters.

And the third aspect was to ensure that the capacity for judicial enlargement would happen. And we are very pleased, in the Miscellaneous Provisions legislation which we have passed, in two successive rounds of law, that we have increased the numerical capacity of the Judiciary by 77 per cent, moving High Court judges from a capped number of 36 straight up to 64, and moving appellate capacity from 12 Court of Appeal judges to 15 Court of Appeal judges.

So having undertaken Criminal Procedure Rules, masters of court and judicial capacity and improvement of aspects of the running of the system, we were able instead to take the 2017 work which we developed, and which we sought to fine-tune in 2018 and pour it into a consideration of an amendment and retooling of Act No. 20 of 2011. We came to this Parliament, Madam Speaker, and just recently this year we then took the improvements to what was passed in 2011. We laid the legislation on the 9th of November, 2018, that was the first reading. We then took the second reading in this House on the 11th of January, 2019. We saw the Senate engage on the 15th of January, 2019 and then on the 29th of January, 2019 we perfected the Senate's debate. We came back to the House this year on the 30th of January, 2019. We did the Senate amendments on the 1st of February 2019, and we assented to the amendments which we caused to the 2011 law on the 13th of February, 2019.

Madam Speaker, in an attempt to cause the operationalization of law by way

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of proclamation of this law to abolish preliminary enquiries we did what this Government always does. We went back to the stakeholders, we went back to the Judiciary, we went back to other stakeholders and we said, “Do you have have any objections to this law as amended by this Government being proclaimed?” It was at that point that we received stakeholder feedback, and we had some very simple recommendations which the Government agreed ought to be put into the parent law by way of amendments and today we come with this Bill, this short 11-clause Bill, the content of which I will explain shortly, because upon passage of these amendments, should this House so desire, we will move swiftly to the full proclamation of Act No. 20 of 2011, that famous section 34 parent law by way of a full proclamation, not an obscene illogical proclamation of one self-serving clause that section 34 was, but instead by a proclamation of the entire law to cause the abolition of preliminary enquiries.

So let us get to what this Bill proposes. Madam Speaker, we received submissions which asked us to fine-tune a few basic concepts. The first concept that we were asked to look at, really, was the definitional concepts used in the legislation. Section 3 of the law treats with the definition of an “accused”, and “accused” was defined, and clause 4 treats with section 3 by way of proposed amendment. Clause 3 asks us to amend the definition of “accused”, to add the definition of accused to the concept of a person who is charged with an indictable offence, or a person against whom a complaint is made.

What became apparent by way of the submissions coming in preparation for proclamation was that persons may find themselves before a Master, under the Administration of Justice Act No. 20, 2011, or a magistrate in two capacities as the

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law contemplated, either by virtue of a summons or warrant. But the law inadvertently left out the particular circumstance where you may find yourself before the court by simply having been arrested and brought to court. In other words then, without a warrant or without a summons. Therefore, in clause 3 of the Bill we propose an amendment of the definition of the accused to say that it shall include a person who is charged with an indictable offence because, upon coming to the court by way of arrest without summons or without warrant, you are now the person charged with an indictable offence.

Madam Speaker, if we go to clause 4 of the Bill, we are proposing an amendment to section 4 of the Act. Section 4 of the Act is the application of the Act and in section 4 of the Act we say that the Act shall apply to proceedings which are instituted on or after the coming into force of the Act. But we very specifically treat with the circumstance of the Act applying to proceedings commenced prior to the proclamation of this Act. Why? Because, as I have put on to the record, 43,000 indictable cases are standing at the Magistracy as at the 2018 date.

In that context of 43,000 cases where we have indicated that there are hundreds of cases coming on to the thousands for cases over 10 years, some as old as over 14 years where witnesses, where complainants, where accused and judicial officers need to have some form of justice speak by way of acquittal or by way of charge leading to conviction. In those circumstances we have applied this law to treat with the matters that are currently in the system. And what we have said, Madam Speaker, by way of clause 4 is that we propose an amendment to section 4(2). In section 4(2), we are saying that subject to subsection (3) which we propose

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be added in, that if you have matters treating with existing preliminary enquires then the prosecutor or the accused, either party, may elect to have the case determined in accordance with this Act. In other words then either the prosecutor or the accused can say, let us skip the preliminary enquiry, let us skip 14 years of waiting, let us skip spending hundreds of thousands, or in some people's cases millions of dollars on preliminary enquiries and let us go directly to the Assizes to the High Court to see whether there is an acquittal or a conviction.

What we do, Madam Speaker, by adding in the amendments to subsection (2) is we treat with first of all a reference to a new clause 32A which we introduced by the clause—a section 32A, permit me. That section 32A basically is the process by which clause 11 recommends that you come before the court. Either you are before the magistrate, or you are before the Master, either you are brought on summons, you are brought on warrant, you are brought by way of arrest, or you are brought to the court by the DPP saying let us go directly, skip past a sufficiency hearing and let us go directly to the High Court.

In any one of those circumstances we thought it prudent by way of clause 11 to introduce a new section 32A which says how you will come to the court. And that is prescribed in the manner that clause 11 sets out and I will come to that in a while. But on clause 4 which treats with the amendment to section 4, we are saying in the latter part of the amendments that it is necessary to clarify the circumstance where you may have multiple accused and multiple accused who may also have multiple charges. And, therefore, when you are dealing with a joint trial, multiple accused or you are dealing with multiple charges we needed to harmonize what would happen prescriptively where some of the accused did not want to go for

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preliminary enquiry, skip going straight to the High Court, some would have feared their chances better under the old system. Some wanted the new system, or the circumstance where the prosecutor says, “Look I am going to proceed with this one with no preliminary enquiry, but another one in a different way.”

It was necessary to move out of the realm of speculation and instead to provide prescription and therefore, by causing an amendment to section 4 of the Act, by way of clause 4 we are inserting a new subsection (3), which essentially says that subsection (2), i.e., skipping past a preliminary enquiry for existing matters shall not apply in the case of a joint trial unless the prosecutor elects in respect of all of the accused, i.e., if you are taking one, take all. Or all of the accused elect under subsection (2), meaning all of the accused if they themselves want to say to the prosecutor, “We do not want a preliminary enquiry, we want to skip 14 years of wait, we want to go.” Well then, all of you must go.

We also provide for the circumstance where two or more charges are to be tried together, we say that the prosecutor must elect the same methodology in respect of all of the charges and, therefore, similarly the counterpart of that is that we ask for accused to do the same thing.

Madam Speaker, we then turn to the provisions of clause 5. Clause 5, proposes an amendment to section 6 of the Act. In section 6, we are causing a clarification. Under the Act, as assented to by this Government, we took an amendment, which is to be found at section 27 of this law. At section 27 of this law we had provided for the circumstances where the Director of Public Prosecutions had the option to prefer an indictment, skip past a preliminary enquiry if it was an existing one, or skip past a sufficiency hearing under the provisions and parts of

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this law, and automatically go for a trial at the High Court in very tailored circumstances.

Firstly, the close of an inquest in a coroner's matter, where the coroner had an opinion that that should happen. Secondly, where a co-accused is arrested before arraignment and the accused had already been—another accused has been, who is a co-accused in the dance already. Where the accused is charged with an offence involving serious or complex fraud where a magistrate or a Master in the course of a preliminary enquiry or a sufficiency hearing was physically or mentally infirm, resigns, retires, there was death or any other inability; and I will call that the Marcia Ayers-Caesar circumstance, i.e., where people run a trial just by way of delay and wait for the resignation or retirement or circumstances which are tantamount to the same situation. Where you can now say in those circumstances, which were not provided for in section 23(8) of the 1917 law, in those circumstances the DPP can have the power to skip past the preliminary enquiry or sufficiency hearing and go straight to the indictment.

But as that law was located in section 37 that law found itself proposing quite unfortunately that the DPP may have the power to ask for a sufficiency hearing in those circumstances. We therefore thought it more prudent to remove that terminology the exact wording, adjust it—adjust the chapeau but keep the exact wording of the rest, transpose it to section 6 where we have clause 5 causing the amendment, and in clause 5 now, in section 6 as is proposed to be amended. We are saying that, where a complaint in writing, the DPP may without prejudice to the generality send these same matters, coroner, complex fraud, circumstance of judge retiring, or any other cause, et cetera, directly to indictment, and therefore we

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make it clear now that there shall be, let me repeat, there shall be no sufficiency hearing.

Now, Madam Speaker, this allows for very important relief for the people of Trinidad and Tobago. This country is dealing at present under this Government with matters of serious and complex fraud of a type and calibre that has not been seen in this country. And this Government, therefore, proposes by this amendment from clause 5 to amend section 6 to give the people and the taxpayers of this country a fighting chance to allow justice to go to work. [*Desk thumping*] A fighting chance to allow the DPP the privilege which he has under section 90 of the Constitution anyway, the privilege of skipping past the utilization of close to billions of dollars of taxpaying dollars in preliminary enquiries that last 10 to 15 years long. Particularly for complex fraud, money laundering, abuse of public office, bribery and corruption charges, and this therefore is of general purport and benefit to the citizens of Trinidad and Tobago.

Madam Speaker, clause 6 proposes an amendment to section 8 of the Act. We are allowing by way of the insertion of a new subclause (7), for a person who is arrested and charged with an indictable offence to be brought as soon as it is practicable before a Master and if that is not possible before a magistrate. In other words, not only those persons who are brought before the court by summons and by warrant, but anybody who is arrested. That person who is arrested should also be brought immediately to the court in keeping with the concept of due process and rule of law by bringing that person either before a Master or before a magistrate. So that bail may be considered and the other procedural aspects and the enshrined rights can be exercised.

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Madam Speaker, in clause 7 we cause an amendment to 8A. We are, therefore, obliged having amended section 8 by clause 6, to put in the cross-referencing to the new subclause (7), that is 8(7) for the same purposes that I just described—that is, persons who are arrested without having come before the court by summons or warrant.

Madam Speaker, we turn next to the provisions of Clause 8. Clause 8 causes an amendment to section 19 of the Act. Section 19 falls under Part 3, sufficiency hearings. In section 19 we are making it abundantly clear by the amendments proposed by cause 8 that a sufficiency hearing shall be held by a Master to determine whether there is sufficient evidence to put the accused on trial for an indictment unless the DPP proffers and files an indictment under 6(2). In other words then we are making sure there is not an abuse of time. We are tying this into the DPP's power under section 90 of the Constitution and therefore find square proportionality. So we are making section 19 sufficiency hearings inapplicable to the circumstances that I have read out as we propose the amendment to section 6(2) of the parent law.

Madam Speaker, I turn next to the provisions of clause 5. I am just going to tack back to clause 5, and I want you to note that, of course, we have to amend section 27 of the Act. We are amending section 27 of the Act, Madam Speaker, by clause 9. But, I want to refer to clause 5 as well. Clause 9 causes the amendment to section 27 where we are removing the cross-references to subsections (2) and (3) only keeping subsection (20). It is in clause 27 as I said earlier that we are removing what was at 27(3); those are the circumstances, the coroner, the magistrate's retirement, complex fraud, et cetera. We move those back to section 6,

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so it is clause 9 that causes that cross-reference and ties into clause 5. But I want to point out, Madam Speaker, section 27(2) has a reference to a Schedule 6. Schedule 6 is what we say you cannot lose your matter for delay on. Let me put this on the record. Except in a case of any matter listed in Schedule 6, where the DPP does not proffer an indictment against the accused within 12 months of making an order to put the accused on trial, the accused may apply to a judge for a discharge.

Schedule 6 at present does not have white collar crimes in it. This Government will cause an amendment to Schedule 6 in the manner in which this law provides by way of the subsidiary legislative route. And as we consult upon the inclusion of white collar crimes, we are going to make sure that the spectre of section 34, that irreverent abuse of the Constitution of the Republic of Trinidad and Tobago by throwing out white collar crimes of national significance, in the manner in which it happened in 2012 under a previous government. We are making sure that by the amendment of the Schedule 6 that we will include white collar crimes to deal with corruption, money laundering, misbehaviour in public office.

All of those matters, Madam Speaker, complex fraud, those matters under this Government's hand will ensure that they cannot be thrown out on the ground of delay. Why? Because it is axiomatic that complex fraud is complex and therefore time consuming. And whilst we pay heavy compliment to the Commissioner of Police for introducing a prosecutorial unit at arm's length from any executive functionality by taking the Anti-Corruption Investigation Bureau as the TTPS did, by way of this Government removing it from the portfolio of the Attorney General. We are ensuring that there will be no get out of jail card, à la section 34 style by not having white collar crime in Schedule 6 [*Desk thumping*].

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So I note that for the record.

Madam Speaker, I turn next to clause 10. Clause 10 causes an amendment to section 29 of the parent law. We are seeking an amendment to subsection (6). Subsection (6) gave the wrong impression of the Parliament. It said:

“Depositions taken in proceedings instituted prior to the coming into force of this Act are permitted to be used at the sufficiency hearing, provided that the conditions in this section are satisfied.”

We believe that it should be sanitized because we have now said that you may have no sufficiency hearing at all, as section 6 has amended by clause 5 says. Therefore, we propose depositions taken, exhibits admitted in proceedings instituted prior to the coming into force of this Act shall be admissible as evidence at the trial of an accused. What does that mean?—complex fraud matters, matters in the system for over 14 years, no need to start afresh. No need to start de novo, “of new” as the expression in Latin means, because now your evidence admitted in those proceedings those preliminary enquiry proceedings, all 43,000 of them, you do not need to start again because all of that evidence having been admitted is transposed to the High Court.

Madam Speaker, I turn to the last clause, which is clause 11. Clause 11 asks for the introduction of a new section 32A; we, of course, cross-reference this in section 4. We amended section 4 by virtue of clause 4. In this new section 32A we are providing for the process by which an accused gets before a court. Firstly, subject to section 43, where the prosecutor or accused elects under 4(2) to have the case determined in accordance with this Act; that means you skip past preliminary enquiry, you then see, the magistrate shall order that the accused be brought as

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soon as practicable before a Master to be dealt with in accordance with Part 2. We then deal with the situation where a magistrate is involved in the mechanism and we prescribe the formula for the magistrate causing the appearance of the accused and manner in which the indictable offence ought to be tried by way of reference to the High Court.

3.50 p.m.

Then we deal with the process of filing. We ensure that the prescriptive methodology, how the notice is to be filed, where it is to be filed—in this instance the High Court—how it is to be served, who it is to be served upon, and then the copy of the proceedings and relevant matters being caused to be filed in the High Court; we provide for all of these things. Why, Madam Speaker? Because we are intent upon proclaiming the abolition of preliminary enquiries, so that Trinidad and Tobago can be satisfied that this Government is intent upon implementing the law, not just passing several iterations of paper law. This Government is intent that matters that are brought to the court shall be heard, Madam Speaker, and we shall do that by way of increased capacity; by way of rules of court; by way of management procedures of the court; by way of the bodies that we have associated to coordinate that; by way of supplementation of all of these services because, Madam Speaker, I come back to the submission of Pointe-a-Pierre.

Pointe-a-Pierre had a Freudian slip recently in this Parliament, in refusing to support a particular law which this Government was treating with, without dealing with the revival in any form or fashion, Pointe-a-Pierre said something that struck a chord in me. He said, “we are not supporting”—we the UNC, as I understood it—“the law being proposed by the Government because we finally see the pieces

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of the puzzle that the Attorney General and the Government are putting together”. We saw an echo of that today, in a different capacity, where there is a morbid sense of fear and panic in the breasts and chests of those opposite, and, Madam Speaker, I come back to the Shakespearean wisdom, “Thou doth protest too much”. “Methinks that thou doth protest too much.”

Madam Speaker, the law being of general purport, there is no element of “ad hominemism”, there is no element of targeting, despite the protestations of those opposite elsewhere. And, Madam Speaker, what is necessary for people in Trinidad and Tobago to understand is that the party is now over. It is time for justice to have a fighting chance, Madam Speaker. The methodology to cause that to happen, one of the pieces of the puzzle which caused Pointe-a-Pierre’s panic—

Mr. Lee: Me, panic?

Hon. F. Al-Rawi:—is certainly the proclamation of the abolition of preliminary enquiries. This law is legitimate, proportionate, necessary and long overdue and I beg to move. [*Desk thumping*]

Question proposed.

Mr. Ganga Singh (Chaguanas West): [*Desk thumping*] Thank you, Madam Speaker. Madam Speaker, I rise to make a short contribution on a Bill entitled, the Administration of Justice (Indictable Proceedings) (Amdt.) (No. 2) Bill, 2019. In the Explanatory Note it states:

“The Bill seeks to amend the Administration of Justice (Indictable Proceedings) Act, 2011 (Act No. 20 of 2011) (hereinafter referred to as “the Act”) which provides for the abolition of preliminary enquiries and for the holding of initial and sufficiency hearings by a Master of the High Court

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where a person is charged with an indictable offence.”

Madam Speaker, when the hon. Attorney General in his presentation indicated that this, the basis of this piece of legislation is really Act 20 of 2011, that Act, being the Act passed by the People’s Partnership Government under Kamla Persad-Bissessar, back in 2011. [*Desk thumping*] Madam Speaker, he went on to demonize section 34, but he will recall, the hon. Attorney General will recall, that we all voted, we all voted for that particular piece of legislation, and that therefore, I want to commend him to the scriptures, when Jesus said:

“Have you never read in the Scriptures: ‘The stone the builders rejected has become the cornerstone; the Lord has done this...’”

So, the cornerstone of this piece of legislation is really the basis of Act 20 of 2011. [*Desk thumping*]

Madam Speaker, and we must make the point that when matters were brought to the attention of the then People’s Partnership administration, that the Government of the day moved swiftly to act and as a result, no one escaped under that legislation. [*Desk thumping*] So, and it has been part of their campaign. The people spoke on that in 2015. Government is about choices moving forward, not the nostalgia of what the Attorney General speaks of.

Madam Speaker, we all recognize that the preliminary enquiry process, the removal of that is a laudable move. In fact, when one were to read the *Hansard* record of 2011, you will see that the PI, preliminary enquiry, was regarded as a nightmare in the justice system of this country, and there was a series of evils associated with the PI, the preliminary enquiry, Madam Speaker. In fact, when one were to read—as demonized as he is—Justice then, Volney, Minister of Justice,

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Justice Volney, will be very clear, the clarity with which he presented the evils associated with the PI—enquiry for corruption, bribery, the length associated with it, the sociological impact upon people, poor people, the economic impact upon poor people. All these matters were dealt with, and that therefore, it is laudable that the hon. Attorney General and this administration is continuing that, because this is what government is, a continuum of measures to improve the quality of life of the people.

Madam Speaker, as the hon. Attorney General indicated, the preliminary enquiry goes back to the days when the criminal justice system was in its infancy. There was no developed system of disclosure so that the PI functioned as the means whereby the accused person would be informed of the case he or she had to face, and also allow him to prepare for that case. The modern system of disclosure in criminal proceedings has now rendered the common law and the Criminal Procedure Rules, have all established the fully functional system of disclosure, so that an accused is entitled to be provided with all the material in possession of the State, well before the trial, thereby obviating the necessity for a long drawn-out preliminary enquiry.

Madam Speaker, there is case law that speaks to this. In *Ferguson v the Attorney General of Trinidad and Tobago*, then Chief Justice de la Bastide indicated that the role of a PI, it is an exercise in disclosure. In *Reyes v the AG*, Justice Kangeloo as he then was, the late Justice Kangeloo, laid down the rules for disclosure in criminal proceedings. In the matter of *Hilroy Humphreys v the Attorney General of Antigua and Barbuda* in 2008, Privy Council decision, Madam Speaker, deals with the issue of fair hearing, and I will come back to that case

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when we deal with the whole question of section 4(2), Madam Speaker. In that case—and I am reading from it, in that case the appellant Mr. Humphreys was charged with indictable offences at the time when preliminary enquiries were in existence under the law in Antigua and Barbuda. The law was later modified and “preliminary enquiries” was substituted by “committal proceedings”, similar to that which is being proposed in the Bill before this House. It provided that the magistrate would make the decision:

To put—“...the accused for trial or discharge him entirely on the basis of written witness statements and exhibits submitted by the prosecution and, if he chooses to submit them, by the accused”—as well. “There is no right to cross-examine or call...evidence.”

The new procedure applied to Mr. Humphreys’ case:

He—“...brought judicial review proceedings claiming that the abolition of the preliminary inquiry infringed his constitutional rights;”

Madam Speaker, the Privy Council held:

The—“...defendants in criminal proceedings) do not have a vested right to any particular procedure and there will generally be nothing unfair in applying whatever procedure is in force when the case comes to court.”

So that, what we will distinguish later on, Madam Speaker, when we deal with clause 4(2), the distinction between the case before the Privy Council and the matter before us, Madam Speaker.

The current legislation already stretches the resources of the DPP, and I will outline as I proceed, the role of the Magistracy; the issues surrounding the Magistracy; the role of the DPP; and the issues surrounding the DPP; and to

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demonstrate, Madam Speaker, that when you listen to the hon. Attorney General, it appears that there is a disease associated with this Government, that they deny reality and they look at things through rose-tinted lenses. [*Desk thumping*] Because if you listen to him, all is hunky-dory. Madam Speaker, when you look at what is happening in the Magistracy—so, the AG tells us the Government's side of the story. But let me tell you the people's side of the story.

Therefore, I want to start with one of the hon. Attorney General's favourite topics, the Magistracy; 149,000 cases before the Magistracy. You have a series of preliminary enquiries, how many thousands, 10 to 15 years, that whole period. We are not denying the data, we are not denying the data but the hon. Attorney General must tell us, with the last four years of this administration, how many cases have been removed from the Magistrates' Court as a result of the legislative action that he has taken? He must tell us that. So that, the reality, absolutely not one case has been impacted upon by the legislation that the Attorney General has moved over the last four years. [*Desk thumping*]

And the Attorney General likes to speak about this whole-of-government approach; whole-of-government approach. I think the Member for D'Abadie/O'Meara likes that approach too, whole-of-government. My colleague is smiling, the Member for Point Fortin, loves this whole-of-government approach, but when I looked at the *Express* newspaper yesterday, I saw a screaming headline, "fight over water between two Ministers of Government". So the whole-of-government approach spelt with a "w", became a "hole" of government—a hole in the Government's approach, spelt with an "h". [*Desk thumping*]

So the backlog has not seen—the backlog in the Magistrates' Court has not

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seen any improvement, and we will hear that the Judiciary will sing the same tune year in, year out. We will hear them singing “it coming”. “It coming”, but it will never reach. They will continue singing “it coming, it coming”, but what they do not realize, whilst they are singing, the population is singing another tune that “they are going, that they are going, and they are going very soon”. [*Desk thumping*] Madam Speaker—

Hon. Member: Going, going, gone.

Mr. G. Singh:—the Government has come with this piece of legislation today, that they tell us would clear the backlog in the Magistracy and will improve the administration of justice. I wonder if the hon. Attorney General does not think that the people of Princes Town who have not had a Magistrates’ Court in their magisterial district since the earthquake of last year, do not have an urgent need for a court, and that should be addressed before the passage of this legislation.

4.05 p.m.

Can you, Madam Speaker, imagine what it is like for a lady—can you imagine, Madam Speaker, for the poor people who have to wake up in the morning and travel to Rio Claro to access the court? That is, single mothers, victims of domestic violence, victims and witnesses of crime must travel to Rio Claro to get justice? But you see, Madam Speaker, this is not a priority for this Government, because there is no court in that area. They could remain without a court. They are not important, the rural communities. So that there is an element of rural neglect by the Government in dealing with this matter. [*Desk thumping*]

Madam Speaker, you know what is the most ironic thing about the situation with the Princes Town Magistrates’ Court, or the lack of a Princes Town

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Magistrates' Court? It is that the court that the residents of Princes Town have to go to in Rio Claro is structurally worse than the court in Princes Town that was damaged by the earthquake, and they are aware of that. So soon, Madam Speaker, the Rio Claro court will also be condemned and the residents of Princes Town and Rio Claro will have to go to Mayaro. You understand what you have to traverse? You understand the situation? So when you come here with your rose-tinted lenses as the Government, an affliction of the Government, to tell us all is well, it is clear that all is not well in these communities.

Madam Speaker, let me come closer to the area—so that is Rio Claro, Princes Town and Mayaro. What about San Fernando? This is within I think the AG's constituency. In the constituency of San Fernando West where the Attorney General is the representative, there has not been a proper functioning Magistrates' Court for the past three years. What you have operating, Madam Speaker, is a junior secondary Magistrates' Court—

Mrs. Persad-Bissessar SC: A shift.

Mr. G. Singh: Exactly. You have a shift system in place, and even in the education sector, long ago, the shift system was removed. But in the judicial sector, which is an anchor of this society, you have a shift system operating. My colleague, the Member for Oropouche West will attest to that fact, Madam Speaker. In this shift system, Madam Speaker, there is one set of magistrates working morning shift and there is another set of magistrates working the evening shift. The magistrates are occupying space in the High Court and taking up space that could properly be used for clearing the backlog in the High Court.

Madam Speaker, I want to take this opportunity to commend the hard-

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working magistrates and court staff who go diligently to work every day in very trying conditions for the sake of delivering justice, as best as they can, in the unhealthy, unspeakable, oppressive conditions that they are subjected to by this Government. [*Desk thumping*] Madam Speaker, these are practical realities. It has nothing to do with the legislation. So you find your comfort zone in legislation. There is a comfort zone in legislation that you provide, and we are not faulting that. What we are looking at is that you do not need more legislation to improve the criminal justice system. What we need to do is to resource the Magistracy, provide the court staff with the resources they need to turn the wheels of justice, [*Desk thumping*] modernize the system of justice and provide suitable working conditions and proper terms of employment and the wheels of justice will turn at a surprisingly quicker pace.

You know, Madam Speaker, and I will come later on, as they seek to now deal with the human resource issue in the Judiciary, I will talk about that also, because, you see, the legislation is the panacea for all the maladies affecting the Judiciary in the eyes, the rose-tinted lens, of the Government and, in particular, the hon. Attorney General. Madam Speaker, you see, the Government has had at its disposal, over the last four years, over \$200 billion and with spending that quantum of money they have not improved the justice system in Trinidad and Tobago. [*Desk thumping*]

So, Madam Speaker, I now turn to the DPP and the Office of the DPP because clauses 6, 9 and 32 of this Bill, it is the DPP's decision to activate those clauses. Madam Speaker, what is the state of the Office of the DPP? [*Desk thumping*] Let me tell you, Madam Speaker. The state of the most important office

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that has exclusive constitutional responsibility for the prosecution of criminal offences in our country, it is indeed a shame. At present, the DPP is squatting for an office in Port of Spain and San Fernando. For the past three years, we are told that the DPP is supposed to take up residence in the Gulf City Mall in San Fernando. The Office of the DPP has already taken up residence at the Gulf City Mall in Lowlands, Tobago. I understand, Madam Speaker, that another shopping mall in Port of Spain has been preferred by the Government for the Office of the DPP. So what you have is not prosecution. What you have is that at the Office of the DPP, instead of prosecution, you have mall shopping taking place. So you see, Madam Speaker, accommodation for the DPP is not a matter of improving the administration of justice. It is more a matter of where the allocation of rental accommodations are located? [*Desk thumping*] So that is physical infrastructure.

What about personnel? What about the personnel of the Office of the DPP? Whilst we seek to create legislation that provides significant amounts of power to the DPP—additional power and additional work—we are not concomitantly resourcing the Office of the DPP. Madam Speaker, what is the position with respect to staff? At present, the DPP has a complement staff of 126 on the establishment, and there are vacancies for over 70 attorneys-at-law in the Office of the DPP. [*Desk thumping*] The question we have to ask is: are we really serious about the implementation of this legislation? Madam Speaker, it concerns me as it concerns all right-thinking citizens in this country.

The hon. Prime Minister got up and talked about the Commission of Enquiry into Clico and the Commission of Enquiry into HCU, but that is a matter that is engaging the attention of the Office of the DPP for how many years. When is that

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going to fructify? And I choose my word carefully, Madam Speaker. *[Laughter]* When is that going to fructify in order for charges to be laid or charges not to be laid—either one, the Clico matter? And that, therefore, when you talk about—the hon. Attorney General spoke about complex fraud case. There is nothing so complex as that Clico matter that engaged the attention of the law agencies in this country. When are we going to find the satisfaction from the hundreds of millions of dollars for forensic experts, for lawyer fees, for attorneys' fees and for accounting fees? It is continuing.

Mrs. Persad-Bissessar SC: Where is the report?

Mr. G. Singh: And the question is: Where is the report? *[Desk thumping]* I think, Madam Speaker, there is need for the DPP, as a public official engaged by taxpayers of this country—we understand the independence of his constitutional remit, but there is a duty and an obligation on the DPP to inform the taxpayers of this country, what is the status of that matter—*[Desk thumping]*—the Clico matter and the HCU matter? *[Desk thumping]* *[Crosstalk]* I am coming to that.

But the cry of the DPP has always been the lack of personnel, the lack of resources associated with that. One way to stymie any kind of movement forward is to starve a department of the relevant resources, Madam Speaker. *[Desk thumping]* I make no insinuation or any kind of attack on anyone, but I do know if you are denied resources, then you cannot act. Your implementation and execution is simply not there. So it remains conceptually appropriate as the law allows, but the execution for action is simply non-existent, because you do not have the resources to implement. Madam Speaker, so that therefore what you have in the office at that state is that you need to resource the Office of the DPP, and you need

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to indicate that what are the needs, how you are fulfilling those needs and what is the timeline for us to get some action in that area, Madam Speaker.

So, Madam Speaker, when you now deal with the issue of Marcia Ayers-Caesar, there is litigation, Madam Speaker. The hon. Attorney General indicated that there is a particular clause that it deals with the Marcia Ayers-Caesar issue. That is clause 5 which amends section 6 and that is the Marcia Ayers-Caesar clause. Madam Speaker, in the High Court of Justice of Trinidad and Tobago, Civil Action 2017—“Claim No. (1) CV2017-03190” between the Attorney General of Trinidad and Tobago and Her Worship Maria Busby Earle-Caddle, Chief Magistrate (Acting) first defendant, Director of Public Prosecutions, second defendant, the Law Association of Trinidad and Tobago, the Criminal Bar Association, Ramchand Lutchmedial, Brian Seepersad (a minor by his friend Karen Mohammed), Desron Nero, Sayyid Obi Albert, Raymond Thomas, interested party. Madam Speaker, every element of the criminal justice system is engaged in this matter. And how did this matter arise, and what is the impact of that on the ordinary taxpayer of this country?

Madam Speaker, I read from the judgment, page 2 of 22, a few paragraphs: “Both these proceedings arose out of what can fairly be called the debacle which ensued following the appointment by the Judicial and Legal Services Commission of the former Chief Magistrate, Mrs. Marcia Ayers Caesar to the High Court on 16th April 2017 in the circumstances, of her having left fifty-three (53) part-heard matters behind. The common factual background as indicated in submissions in the Interpretation Application”—which the Attorney General sought before the court.

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“Background

1. On 12 April 2017, Mrs. Marcia Ayers Caesar was sworn in as a Puisne Judge of the High Court by His Excellency, the President of the Republic of Trinidad and Tobago. Prior thereto Mrs. Ayers-Caesar held the office of Chief Magistrate. There were fifty-three matters commenced but not completed before Chief Magistrate...as at 12 April 2017...
2. The Pending Matters comprise summary matters initiated under the Summary Courts...and indictable matters initiated under the Preliminary Inquiry (Indictable Offences), Act...which remained incomplete at various stages. Following Mrs. Ayers-Caesar appointment as a High Court Judge there was considerable public outcry in respect of the Pending Matters not having been concluded prior to her appointment...
4. On 1 June 2017 the Director of Public Prosecutions attended before Acting Chief Magistrate in the Pending Matters and, following this, wrote to the Honourable Chief Justice both as Chief Justice and as Chairman of the Judicial and Legal Services Commission, by letter dated 7 June 2017.”

Madam Speaker, and the letter is very crisp, and I merely move on to page 20 of 22 of the judgment, and this is what Justice Carol Gobin had to say:

“In the case of Mr. Charles the dire consequences of his matter being rendered abortive have been disclosed in his affidavit. He was charged for murder on December 5, 2010. He has been in custody since that date at the

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Royal Jail in Port of Spain. The conditions there were found by this Court almost one decade ago to be inhumane. There is no reason to believe that there has been any improvement in the conditions. The hearing of his Preliminary Inquiry finally began in January 2012 and spanned 5 years up until April 3, 2017 about two weeks before the elevation of the Chief Magistrate. There was no indication on that date that she would not be available thereafter. More than sixty witness statements had been received and several witnesses have been cross-examined on their statements. Mr. Charles paid one hundred and fifty thousand dollars for his legal representation over the period which he cannot recover. He will have to pay for representation for a new hearing. He has no means of raising further funds for his defence. That he should have to start over is oppressive.”

This is the ordinary man. This legislation is not going to help him now. This is paragraph 31. This is what the learned judge had to say, Madam Speaker:

“What has happened here is a travesty of Justice. The stain on the administration of justice will remain indelible long after the cries and protests of justifiably angry suffering prisoners have gone quiet and long after the families of victims who, too, have been waiting for justice to be done, resign themselves to further delay. It may go some small way to alleviating the pain and injustice of this on all sides if those responsible are held to account. Almost two years on since the Chief Magistrate’s elevation the initial shock and disbelief that this could have happened has dulled. But the ill effect on public confidence in the administration of justice and the institutions which allowed this to happen whether through lack of due

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diligence as suggested by the Law Association, or recklessness will persist. So far the financial cost to the taxpayer is limited to the costs of litigation in this and other cases which have been filed as a result of the colossal misstep.”

Madam Speaker, so when you understand the context that this legislation, all the ills associated with the PI, is demonstrated by this Marcia Ayers-Caesar matter outlined in Mr. Charles’ affidavit. So, the fact of the matter is what you have is a situation there where the preliminary enquiry continued. Fifty-three part-heard matters had to start from the very beginning, de novo, and that the people of this country suffered at the hands of this Government, the PNM administration. [*Desk thumping*]

Madam Speaker: Member for Chaguanas West, your original time is now expired. You have 15 more minutes to wrap up your contribution.

Mr. G. Singh: Thank you, Madam Speaker. Madam Speaker, so that all is not well in the Judiciary. All is not well in the Judiciary under the watch of this administration. So if that is at the level of the Magistracy, I now go on, Madam Speaker, to letters because, you see, this matter is dealing with the administration of justice. And this is March 29, 2019, a letter written by Justice Carol Gobin. This is what she had to say, writing to Christie Anne Morris-Alleyne:

“Dear Madam,

I have recently become aware of the proposed ‘reorganization of the Judiciary’ as part of our Criminal Justice Reform project.

I have also seen your media release dated 15th March 2019, and I have heard statements made by the President of the PSA on how these restructuring will

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affect Judiciary staff which appear to indicate very different views on the matter.

Judges have so far not been consulted as a group on the impact if any that the 'reorganization' is likely to have on our teams and consequently on our own operations.

I speak for my team members, when I say that they are extremely concerned about their future with the Judiciary as well as their individual job security. For my part, in the absence of full information I am becoming concerned...about the situation and any potential impact on my team.

For the past fifteen (15) years since my appointment I have been fortunate to have support staff who have competent, hardworking, and extremely loyal.”

Madam Speaker, and then she goes on to indicate that all is not well in the Judiciary. But, Madam Speaker, so that is at the level of the judges and this is under the watch of the Government, notwithstanding the separation of powers principle. That is one judge.

Another judge. In the public domain, Frank Seepersad, High Court judge, to the Chairman of the Judicial and Legal Service Commission:

“Dear Chief Justice,

I am aware that with the pending departures of Justices of Appeal Jamadar and Narine, appointments to the Court of Appeal would have to be made. In that regard, I am reminded of the detailed process which you outlined after the appointment of Jones JA. As per your previous representations a merit list is valid for one year...”

Mrs. Robinson-Regis: Would you like to give way?

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Mr. G. Singh: Sure.

Mrs. Robinson-Regis: Could I ask you what document you are quoting?

Mr. G. Singh: I indicated a letter.

Mrs. Robinson-Regis: I did not hear you.

Mr. G. Singh:—a letter written by Frank Seepersad, dated March 13, 2019, a judge. That is the unease. That is the fear. This is what they are complaining about. This is what their fear is about.

“To date however, I have not seen any advertisements with respect to the filling of vacancies in the Court of Appeal. It is my understanding that in the absence of a current and valid merit list, the process and method of appointment would require inter alia the effecting of advertisements, the attendance at interviews and the sitting of examinations including psychometric testing.

If my understanding is inaccurate and or if a new process to enable appointments is to be engaged, I ask that you please indicate same so that all interested persons can be furnished with the requisite information so as to enable them to apply for the office of the Judge of Court of Appeal, once advertised.

Yours faithfully,
Frank Seepersad”

So, Madam Speaker, there is a deep level of concern. At the level of Magistracy, we have seen where the Chief Magistrate was in hot water. We are seeing now where judges, they are not getting information. Things are happening around them. All is not well in the state of the Judiciary. [*Desk thumping*] So, Madam Speaker, but we move on, because it is not only there, Madam Speaker, this is unease. This

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is not only there. So this is what is happening with the administration of justice internally.

I want to read into the record, Madam Speaker, a letter written by the Rt. honourable Jeremy Hunt MP, and Jeremy Hunt is the British Foreign Secretary, Madam Speaker, and he is referring to:

“Peter Tatchell

Director of Peter Tatchell Foundation

Thank you for your email of 6 March to the Prime Minister concerning allegations of judicial corruption in the Republic of Trinidad and Tobago, the deaths of two Trinidad and Tobago nationals and the recent Humanitarian Protection granted to a Trinidad and Tobago national.”

And Jeremy Hunt indicated that:

“With respect to Mr. Dillian Johnson, the British Government does not routinely comment on individual asylum cases. However, as you are already aware, Mr. Johnson has been granted humanitarian protection by the UK and is therefore granted five years limited, unrestricted access to the labour market and can claim mainstream benefits.”

So what you have in this letter is that even at the level of the international community, eyes are on our Judiciary and all is not well, but we seek to hide behind the fig leaf that this legislation is a cure, that the malady would be cured by this piece of legislation. [*Desk thumping*]

Madam Speaker, it is my intention now to go and deal with clauses 4, 5, 6 and 7 of the legislation, but I think that the tea break is upon me, so I would rest until I return. [*Laughter*]

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Madam Speaker: You have about 15 more seconds. But might I ask if now is a convenient time that we—[*Crosstalk*]

Dr. Rowley: Yes. Yes. [*Crosstalk*]

Madam Speaker: Well, virtually. It is 4.30 p.m. Members. Member for Chaguanas West, you will have eight minutes and 17 seconds left after the tea break. This House is now suspended, we shall return at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker: As we resume, I recognize the Member for Chaguanas West. [*Desk thumping*] You have eight minutes and 25 seconds to conclude your discourse. Proceed. [*Desk thumping*]

Mr. G. Singh: Thank you, Mr. Deputy Speaker. Mr Deputy Speaker, I indicated that I will deal with certain clauses of the legislation prior to the tea break. First, I want to point to clause 6, there is no definition of what constitutes serious or complex fraud. This provision suffers from a lack of specificity and it is ambiguous on a generous interpretation. How could one possibly frame criminal sanction legislation with such ambiguity? This provision would clearly be susceptible to being struck down by the courts.

I now turn to clause 4, Mr. Deputy Speaker. Mr. Deputy Speaker, when you look at clause 4 either party can elect to proceed to go to the Master's level. So once the prosecutor elects to go to a pending matter, should not the accused be given a right to consent? Why should the prosecutor be given this power, Mr. Deputy Speaker? And when you look at the Bajan legislation which was recently passed, it applies to matters that have not yet started. If a matter was commenced

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under the old law, it is allowed to proceed in that matter. Where a matter has started, the accused person, not the prosecution, makes the application to the court. The court makes the decision whether the existing matter would continue under the Act, not the prosecution or the accused. It preserved the right of the court to make the decision.

So this is why a mature society, like Barbados, provides that, but in our situation it is either the accused or the prosecution that elects, and what happens in a situation like that, it is loaded in favour of the prosecution, Mr. Deputy Speaker. So what is questionable in those circumstances is the fairness of the process under section 4(2) by which this new regime is introduced, and the potential for undermining the accused's right to a fair trial, including fair pretrial proceedings. If both parties agree, Mr. Deputy Speaker, under the new law, so to speak, there would be no objection in principle, but where a unilateral election takes place it is almost certain to be the prosecution that makes that election. If the accused is content to proceed under the new regime the prosecution is hardly likely to object, because their task in securing the progress of the case to trial is much easier. To put it differently, it would never be unfair to the prosecution to offer a route to trial that is quicker rather than slower, and that involves less scrutiny of the case against the accused, not less.

Mr. Deputy Speaker, so the question of fairness of the unilateral election, provisions in section 4(2), is in reality a question about the fairness of allowing the prosecution to unilaterally opt into the new Act against the wishes of the accused. So that therefore the principle of fairness has practical implications for the unilateral election by the prosecution. Mr. Deputy Speaker, there is indeed an

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argument that allowing the prosecution to unilaterally terminate an ongoing preliminary enquiry is unfair to the accused. Mr. Deputy Speaker, by his own words the hon. Attorney General said that there were 43,000 preliminary enquiries as of July 2018. So, therefore, the accused has no say in the matter if the prosecution decides to take the matter to go to the Masters. And we agree, Mr. Deputy Speaker, that there is no right to a preliminary enquiry, but if the accused and prosecution have already embarked on a preliminary enquiry the accused has a legitimate expectation that the process will be permitted to continue to its conclusion and the evidence against him or her tested as envisaged under the old Act.

The longer the PI has unfolded, the stronger the complaint for unfairness, but there is an inherent unfairness in any case, where an ongoing preliminary enquiry is prematurely terminated at the unilateral election of the prosecution. Mr. Deputy Speaker, so matters will be going for years, and with this new law going to be proclaimed as quickly as the Attorney General indicated, then it will allow that to impact upon the accused. By allowing the prosecution to unilaterally opt into the new Act facilitates arbitrary prosecutorial decisions, Mr. Deputy Speaker. There will be a natural temptation for the prosecution to exercise their unilateral right of election in cases where they are concerned that the preliminary enquiry might result in the discharge of the accused. So that you can abandon the process, and we understand that there is no right to a preliminary enquiry, but what we see in this situation is that—to quote Lord Justice Fulford in the case of the serious fraud office against Evans, [2015] 1 WLR, in that case Lord Justice Fulford emphasized that granting voluntary Bills was an exceptional cost and that the prosecution

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should not be permitted to treat committal proceedings as a dummy run. If section 4(2) is brought into operation in its current form the prosecution would be entitled to opt out of ongoing preliminary enquiries as a matter of course, or worse still, to prevent the discharge of defendants from ongoing PI enquiries on a targeted arbitrary basis.

In other words, this provision is inimical to due—

Mr. Deputy Speaker: Member, you have two more minutes.

Mr. G. Singh:—process and undermines the fairness of criminal proceedings. For all these reasons there are strong arguments, Mr. Deputy Speaker, of a constitutional principle in this matter anchored in the accused's right to a fair trial and to due process for not permitting the prosecution a unilateral right of election under section 4(2). So, Mr. Deputy Speaker, the unilateral action and the power given to the prosecution in this matter, in my view, is contrary to the fundamental rights, section 4 and section 5 of the Constitution, and that therefore, I believe, that this is not good law before us. Whilst the principle of the elimination of PIs is a laudable objective, the reality is that it impinges in its current form on the right to a fair trial before the courts of Trinidad and Tobago. Mr. Deputy Speaker, I thank you with these few words. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Member for Laventille West. [*Desk thumping*]

The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I am very happy to have this opportunity to participate in this debate to amend the Administration of Justice (Indictable Proceedings) Act of 2011. Mr. Deputy

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Speaker, my colleague for Chaguanas West just concluded his contribution by suggesting to us that some thing or things about the measures in front of us this afternoon is inimical, a threat, an interference with the constitutional rights of the citizens. As all must observe, this Bill does not require any majority. We are of the view that it does not touch and affect people's constitutional rights in the way in which he has put it and therefore that has to be rejected. That is just another of the regular UNC story about good law and good law and good law, and it requires a majority, and so on. It was a feeble argument and it has to be rejected. The measures here today, Mr. Deputy Speaker, as you know, were—and it has been said before very briefly brought by his Government, and therefore they have no real reason to disagree with this. To listen to about constitutional talk today does not impress me.

It came from them, but, of course, it is now the law of Trinidad and Tobago. It is on the books and it has to be operationalized and this is why we are here today. It, and the way they corrupted it, led to one of the most sordid experiences and a great blemish to the reputation of Trinidad and Tobago, and, of course, the confidence of the citizenry in the system of justice. We really will take years to get over the events that transpired around this. But it takes us—we are here today to put in place systems to give effect to this law, and of course there is good reason for doing it.

It has been suggested by all, including the police, including the Judiciary, including my friend who just spoke, everyone would agree that the whole idea of removing the preliminary enquiry system—we call it PI but it is PE really, preliminary enquiry—it is really, Mr. Deputy Speaker, a good thing, and has been

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described as laudable even by my friend on the other side. Because it was fraught with delays, serious delays—you heard the statistics from my colleague, the Attorney General—and, of course, fraught with danger as well.

We have had examples of these delays, and I need not detain us with them, but at the level of the preliminary enquiry the task of the magistrate was to determine, not only to give the accused a chance to hear what is stacked up against him or her, but as well to determine whether a basic standard of evidence has been reached. They call it “prima facie”, meaning that on the face of it an offence has been committed, a person or persons has or have been identified with committing that offence, and that the ingredients of the offence have been established.

And if those are demonstrated at the level of the preliminary enquiry then it would be sent on indictment to the High Court; the Assizes, as we called it in the old days. Mr. Deputy Speaker, the trouble with this is that—as I said, it is fraught with delay and fraught with grave dangers along the way. The trouble with this is that you had to go through all the evidence, go through all this evidence in the court, almost like a full trial. So you ended up really having effectively two trials, one at the preliminary enquiry to deal with the prima facie case and then an indictment. It goes to the High Court, a full trial before a judge and jury in those circumstances.

But at the level of the preliminary enquiry the accused or the defendant, or through his lawyer, could make a no-case submission, and that was typically done on the *R v Galbraith* test, as all lawyers in practice would know, and that was a two-limb test. It is a long time I have not had to deal with it, but I dealt with it when I was in practice as well where the lawyer argued that there was not

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sufficient evidence to prove the ingredients of the offence, the elements that were necessary in the law in respect of that offence. There might not have been sufficient evidence to identify the particular person before the court with it. And the second limb of that test was whether, notwithstanding the fact that the ingredients were established, whether it was so weak, so tenuous that no right-thinking judicial officer should commit the person on that weak or tenuous evidence putting them at the risk of being convicted upon it. So it was that twin test known to us in Galbraith that was applied at this stage, and many cases passed that test and went on to indictment, and many of course failed on that hurdle.

Of course, in that system, you had all the adjournments over years. You had lawyers unable to attend today because they have other matters in the High Court, and the High Court took precedence. You had issues with legal aid, because we have a system of legal aid here where persons could have applied to the State for legal support. They will not hear a murder case unless the man is legally represented, just as they would hardly accept a guilty plea at that time. Well, today we have other arrangements in place. The police are with other matters elsewhere in the jurisdiction. Sometimes the prisoners are not brought to court for all kinds of administrative issues up there. So you had all of that, and then you had the danger that lurked. I remember dealing with a preliminary enquiry once, and once the accused—it was a double murder. I was there with now Senior Counsel Israel Khan, but he was not Senior Counsel at the time, and we were defending this fellow in a double murder that took place in the Santa Cruz area at the time. And when he listened to the evidence and saw that it was not looking like it was going in his favour—well, he got my attention and asked me—he had the temerity to ask

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me, Mr. Deputy Speaker, whether I would share with him the name and address of the prosecutor, the DPP officer.

That happened, and of course, as a good citizen, I did what had to be done to put an end to his dirty thoughts. But the point is—[*Interruption*] Oh, yes, they were dirty. They were dirty, “doh play no naive for me”. You all know what that means, good.

Hon. Member: No, I do not.

Hon. F. Hinds: Yeah. You know more. So we put an end to that, Mr. Deputy Speaker. We had cases, we had a high-profile case—I do not want to go into names—high profile, where, in my own terms, we lost our virginity in the business of criminal justice in this country when a high-profile matter, a file with the original documents went missing, and as a result the case fell and never made its way to the High Court. Justice was never dealt with. In another case, which, it developed in that time—this was the early '80s, I think, it was—where the main witness for the State lost his life and therefore could not be there to give evidence. Again, that matter fell.

It is with issues like that in mind that I make the submission that this system here was not only fraught with delays, it was fraught with danger. And then we saw a whole host of legislation, amendments to the very Indictable Offences (Preliminary Enquiry) Act, and many amendments to the Evidence Act, which works in articulation with the preliminary enquiries law to plug these dangerous loopholes, because criminals in this country felt that if you could eliminate the witness, either by killing him, by threatening him, and in some cases we had reports, and this should not surprise colleagues in this House, because in the United

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Kingdom there are lawyers who are blacklisted by the State. The minute they show up in defence of someone in a police station they are turned away, because they are known to the State to be a danger to the State and the administration of justice. And we have some in every jurisdiction, and I am sure Trinidad and Tobago too, because there was a time when this very preliminary enquiry Act was used to subvert the system of justice in this country.

There was a provision in it, and it has been corrected in the Evidence Act and in this particular Act, the 2011 Act, which we are amending today, it was corrected, because in those circumstances where depositions, which is what you call statements sworn to in the preliminary enquiry stage, when they were taken from witnesses, including state witnesses, and you are waiting seven and eight and 10 years for indictment in the High Court, in the intervening period a lot of dangerous and dirty things were done. It is suggested that there were those who went to that state witness. They would have gone first to the accused and say, “Well, look, if you make”—for an example—“\$500,000 available to me, the state witness will take 150, I will take 350, and we will give you a ticket to go to the United States and never show up here again”.

We have had many cases that fell and it was speculated among lawyers and among police circles, investigators, things like that have happened here, because the law at the time said, “If you the prosecution could not prove that the person was dead”—and, of course, the person is not dead so you “are not getting no death certificate. He just gone”. If you could not prove that you were too sick to travel—and how is the prosecution proving that? They do not even know where he is. “He just disappear”? And then they wait and when the matter is indicted and they come,

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they know the prosecution cannot prove those things, positively prove them, and the matter just fell, and “somebodies” are richer, but we as a society suffered another major loss, another blow to the confidence in the justice system. The victims, the family members go not having justice, and these are the kinds of things that provisions like we are dealing with today would resolve.

So, by way of amendment to the Evidence Act that was done in 2007 by a PNM Government in responding to the problem that I have just told you, Evidence Act working in articulation with the preliminary enquiry Act at section 15B, it says:

“In any criminal proceedings, evidence of criminal conduct which may be contained in a document may be admissible in evidence if the document—

- (a) is the best or only evidence of that conduct which is alleged by the prosecution; and
- (b) is obtained by or under the hand of the Attorney General in...Mutual Assistance in Criminal Matters”—and so on.

And 15C says:

(1) “Subject to subsection (2), a statement made by a person in a document shall be admissible in criminal proceedings as evidence of any fact of which direct oral evidence by him would be admissible if it is proved to the satisfaction of the Court that such person—

- (a) is deceased;
- (b) is unfit, by reason of his bodily or mental condition, to attend as a witness;

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(c) is outside of” the jurisdiction of “Trinidad and Tobago and it is not reasonably practicable to secure his attendance;”

In other words, the State must show that they made best efforts to bring him or get him here.

“(d) cannot be found after all reasonable steps have been taken to find him;”

So, again, you have to show now reasonable steps taken to find him, given its impossibility in some cases, or:

“(e) is kept away from the proceedings by threats of bodily harm and no reasonable steps can be taken to protect the person”...

In which case the statements can be used, and the law and the amendments go on. All of it intended to solve the problems that we discovered in this country and the measures before us today are designed to resolve some of those problems as well, not the least, delay in the courts.

As a matter of fact, Mr. Deputy Speaker, a son of Trinidad and Tobago, CLR James, told us that a sure-fire way, one of the best ways of knowing if a society that is in decay is when we are unable to find solutions to problems as they arise. So we are here today dealing with solutions to the problems. [*Interruption*] Mr. Deputy Speaker, I did not disturb my friend from Chaguanas West, and I know that he can find it in him sometimes to be courteous, and I trust he would allow me.

So, Mr. Deputy Speaker, we are seeking, by removing the possibility of delay and the dangers that fell with it, to quicken the pace of justice, as the hon. Attorney General told us. He did not tell you today, but indeed we have established the Criminal Division of the High Court. We have hired more judges, because I

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read the comments of the Judiciary. We had the comments of the Judiciary in preparation for bringing these measures, and the police. And the Judiciary, in letter dated the 28th of June, highlighted the need for more judges and more courts in anticipation that the backlog—because the DPP tells us that he has about 600 indictments to be filed, you know.

If he went ahead today and filed, all the bottleneck will move from one place to a next, and therefore we found it necessary and this is why we took an agreement from the UNC when we came to deliberate on this in 2011 that these things should be put in place before we give effect to this law. That was the understanding. So while we voted for it, we voted with nobility of purpose, nobility and good intention, but they corrupted it. They went behind the nation's back and they proclaimed aspects of it. And the laws we are bringing here today—the measures we bring here today are, if we remove the delay, for the benefit of every single citizen of Trinidad and Tobago, not for a handful of their friends, and that is the difference. So they took measures on that occasion, on independence night, to partly proclaim, what should have been good law, to free a few people, and we had to deal with it.

So we have dealt with these matters. The Attorney General told us about removing these traffic matters and the plea bargaining law, all of it which were either partly proclaimed or fully proclaimed, and we are moving on with those. As I told you, Mr. Deputy Speaker, we have another amendment to the Evidence Act all to provide for video evidence, and such matters, all with a view of quickening the process of criminal justice to make the system work better and therefore resolve the problems that we face.

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Not only Trinidad and Tobago is grappling with this, you know, other countries too. Canada, as a so-called developed country, they have a constitution too, a Charter of Rights, and 11(b) of that Charter in Canada talks about the right to a speedy trial; to paraphrase, a trial in reasonable time to get closer to where they are. And some time ago, in the case of *R. v Jordan*, the Supreme Court of Canada imposed itself on Canada. And in that matter where Jordan was charged for serious drug trafficking offences, they took something like 48 months in the criminal justice process to convict Jordan. He filed a petition and argued that his right to a reasonably quick trial was infringed, and the Supreme Court of Canada upheld his application and dismissed the conviction, and laid down two judges—two judges of that court, one, Mr. Moldova, Karakatsanis and Brown, two of them. They laid down some stipulations for the prosecution for the State arising out of Jordan and said criminal matters must be finished in 18 months, and if it is not finished in 18 months, concluded, there will be a presumption that the section 11, the Charter 11(b) right to a reasonably quick trial, a reasonable time would have been infringed. And they are proposing that the State pay costs and compensation to the person in those circumstances if it is found that there was a breach of those rights.

So, Canada is grappling with this issue. That is not the end of it, because there is strong argument in Canada that while the law imposed itself in that way there is a culture of delay in the courts, and that is what needs to be addressed. And this is why I commend these measures to the House, because the measures we have today, along with all the others that we have been identifying over the last few months, designed to quicken the justice process, is exactly what Canada is saying it needs now, not just a judicial pronouncement but actual activity on the ground, in

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the courts, in the rules of the courts, and all of that, to deal with the issue of delay, which is what we are doing. And I want to congratulate the Attorney General, who I joined, belatedly, as he has embarked on this work—

Hon. Member: Belatedly?

Hon. F. Hinds: Well, yes, because by the time I got there he had gotten a long way in dealing with this matter, and we are continuing that process. Barbados too, Mr. Deputy Speaker, is facing an issue with this. Recently in Barbados they amended their Constitution, a Bill entitled an Act to Amend the Constitution, section 49. And this was done in 2019, very, very recently, and they amended, as I say, as well, section 84 of the Constitution. And hear what this says, in section 3 of that provision—this is existing law in Barbados, eh:

“A Judge may be removed from office only

- (a) for inability to discharge the functions of his office (whether arising from inability of body or mind or any other cause);
- (b) for misbehaviour; or”

—and interestingly enough:

- (c) for delay of more than six months in delivering a judgment.”

Would you believe that?—because Barbados recognizes that importance of providing citizens with swift trials. We have had cases in this country—I do not wish to call a name—where a judge had a backlog of judgments for delivery for years. He resigned from the bench. He left and went abroad and would come intermittently to deliver judgments, seriously affecting people’s rights. But fortunately for Trinidad and Tobago, after all those years, this is now behind us. And I only just went to Canada and to Barbados just to indicate to the listeners, the

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citizens of this country, that what we are grappling with here is not unique to Trinidad and Tobago but we are seeing serious activity in this regard.

5.30 p.m.

Mr. Deputy Speaker, over the last 48 hours in this country, eight prisoners broke out of the prison, you heard some commentary on it today. A very unfortunate state of affairs, not unique to Trinidad and Tobago, but very unfortunate it happened. What was interesting is that for those—I think about two of them, who had an opportunity to communicate to the public, they argued that they did it, and I am not accepting it to be true, I do not think it is justified, and I am not supporting this in any way, but they positioned that it is the delay in their court process that prompted them to this.

I do not accept that, but I understand what is being said, and I only bring it here to our attention to demonstrate to us that we have to remove even the semblance of that kind of feeling. We need to get on with it and make the system swifter and better so that we will not have people trying to use the delays that now are inherent in the system, as excuses for that.

Another person told me forcefully some time ago, Mr. Deputy Speaker, that it is the failure of the State to provide justice, and justice on time that encourages people to take the law in their own hands. When I heard that argument, and when I heard it for the first time, it struck me, because even in the Bible, people need justice, and we have to do things. So I ask my friends on the other side, rather than being obstructionists in this and other matters, let us understand where we are in Trinidad and Tobago, and taking direction from CLR James, work together to bring solutions to our nation's problems, and that way, we will have a better

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Trinidad and Tobago. [*Desk thumping*] So you must support these measures, as we did, these measures in 2011. So, unbeknownst to us, you had a sinister purpose.

So, Mr. Deputy Speaker, *Pratt and Morgan*, a matter that came out of Jamaica, that lots of people would have commented upon, a brutal murder. I read the details of that case. But, the bottom line is, the Privy Council, which is the highest court for Jamaica, as indeed it is unfortunately for Trinidad and Tobago to this day—and I am taking the opportunity to say our Government fully supports the full jurisdiction of the Caribbean Court of Justice housed here in Port of Spain. But we get no energy from our friends, who at one time supported it, who negotiated to get it to be housed here in Trinidad and Tobago, fought very hard for it, but once things changed—and talking about change, earlier today Mr. Deputy Speaker, in this House, we learnt of a—they are telling us “about something change”, in a consultation with the President. I mean would like to—boy look, I would like to thank the Member for Diego Martin West for a very resonating presentation here today. [*Desk thumping*]

I know the man is a geologist, but it was a mix, I do not know how he as a geologist or so would describe it as a scientist, but it was a mix of an earthquake, tsunami, volcano, hurricane, tornado; it was a political mix, it blow the Member for Siparia away.

Hon Member: A tectonic shift.

Hon. F. Hinds: It was vicious, but it was founded on truth, because we heard about change. What change? You supported the nomination of someone in this society to serve the country, as we serve here as parliamentarians, people serve at different levels. What has changed? And if it changed, since you did that support,

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did you write Her Excellency? No, you come here today empty handed.

Mr. Lee: Deputy Speaker 48(1). We already debated that Motion earlier in the day. Irrelevance.

Hon. F. Hinds: I am flying past that. But the truth—

Mr. Deputy Speaker: Overruled.

Hon. F. Hinds: Ooh very, very nice. [*Laughter*] I thank you, for your wisdom, Mr. Deputy Speaker. Yes, yes yes. So, Mr Deputy Speaker, this is the kind of thing we are talking about. We have to approach this thing with spirit of nobility. This is the nation's business. This is no game. This is serious and they are paying attention to what we do and what we say. So I was quite pleased to see that concoction of natural forces in political garments blow the Member for Siparia away. It is wonderful and I would like to congratulate the Member for Diego Martin West. Would you join me. [*Desk thumping*].

I was telling you Mr. Deputy Speaker, about *Pratt and Morgan*. *Pratt and Morgan* was a horrible case out of Jamaica and it made its way on appeal, because the thing with even murderers, I practised in the criminal court, I defended many murder—many a person accused of murder, some we won, some we lost. I have had appeals, I have had appeals in murder cases and you know, Mr. Deputy Speaker, what I have noticed is that notwithstanding our views on the brutality and senselessness of the murder, the lack of compassion on the part of those who committed it, in some circumstances, when the time comes for the hangman to attend to it, they appeal all the way and cry out for life. It is a natural human phenomenon. Nobody wants to die.

So *Pratt and Morgan* made its way to the Privy Council in similar fashion

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and the Privy Council imposed as they did in *R v Jordan* from the Supreme Court of Canada, a five-year limit on us in this jurisdiction, largely the English-speaking Caribbean countries.

A five-year limit and to this day—so when this happened with *R v Jordan* with the 18 months, the Canadian Government, I understand, spent millions of dollars refurbishing the system very quickly to get more judges, more courts, more all of that, in order to deal with the impact of that 18 months' stipulation. And this is what the Attorney General and our department has been doing since we came into office. Not sitting down, not sleeping, not concocting clause 34, not trying to find ways to give away legal fees and find up instead of do so, do so, different. We spent our time getting the public work done.

So after all the years, since 1993 with *Pratt and Morgan*, we still have not been able to keep pace with five years as a limitation. So many persons are still coming into the system, they are still making their way through all the appeals to the Privy Council, still getting their petitions to the human rights bodies are they are entitled under the constitutional arrangements and before you know it, the five years as stipulated in *Pratt and Morgan* is gone. But if we remove the preliminary enquiry and as this law permits to go through a sufficiency hearing by a Master of the High Court, who by now has been recruited and is in office in place, then—*[Interruption]*—problem?—yes—then we would make a dent in that five years and we might have the opportunity, a fighting chance as the Attorney General told us to get swifter justice and therefore get people's cases heard.

Mr. Deputy Speaker: Hon. Member.

Hon. F. Hinds: Yes, Sir.

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Mr. Deputy Speaker: Your initial speaking time has elapsed, you have an additional 15 minutes. Do you care to avail yourself?

Hon. F. Hinds: Most certainly, Mr. Deputy Speaker.

Mr. Deputy Speaker: Kindly proceed.

Hon. F. Hinds: Thank you very much. So, abolition of the Privy Council is critical in all of this. One, because it is antiquated and not necessary. It was born out of a time when you did not have rules for disclosure of evidence as they now have, where the accused could find out other than in a preliminary enquiry the cards that are stacked up against him and the allegations before the court. So it is antiquated, it is burdensome, it is costly and it is from the—all the evidence unnecessary.

I would like to add, it is also welcomed by the main stakeholders, the lawyers, because we have an opinion here as well from Senior Council Elder who at the time represented the Criminal Bar. We have the views of the police, we have the views of the court and most of the stakeholders and we have the views of the very recalcitrant UNC, because they were the ones who filed it in the first place.

Mrs. Newallo-Hosein: 46(4).

Hon. F. Hinds: Recalcitrant? 46 what?

Mr. Deputy Speaker: Overruled.

Hon. F. Hinds: Just for the benefit of my friend from Cumuto/Manzanilla, “recalcitrant” simply means uncooperative. Good.

Mrs. Newallo-Hosein: I know what it means.

Hon. F. Hinds: And then why did you get up? [*Crosstalk*] It simply means uncooperative.

Mr. Deputy Speaker: Member for Laventille West, I have ruled, there is no need to prolong. Continue.

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Hon. F. Hinds: Thank you very much. Mr. Deputy Speaker, let me look in particular, let me look—I think the Attorney General did a very good job in analyzing the clauses of these measures. But I would like to look in particular at the offences to which “discharged on the grounds of delay” would not apply.

When this Bill was debated and when it was passed back in 2011, we did have that Schedule 6 and Schedule 6 of law, that is, it is now on the books, it is the law, as Act 20 of 2011, we had a list of offences to which “discharged on the grounds of delay” would not apply. Because the provisions as they were there in that infamous section 34 were to allow a person whose matter was at least 10 years old—I am paraphrasing—and did not have their trial started, they could have made an application to court to have these matters thrown out on the basis of delay.

And of course, the matters listed in Schedule that would not have benefited from that possibility would be offences like treason; offences against the person, namely murder, conspiring or soliciting to commit murder, manslaughter, shooting or wounding with intent to do grievous bodily harm; assault occasioning bodily harm; offences involving kidnapping, whether it is kidnapping for ransom or negotiating to obtain a ransom; offences of a sexual nature, whether it is rape, grievous sexual assault, sexual assault with a minor, with a minor employee, buggery and those kinds of things; drug trafficking, trafficking, possession, unlawful possession of firearm and ammunition, attempts to commit offences.

I recall because I was in the Senate at that time. We tried to exclude from the provisions in section 34 what we called “blood crimes”. But when the fiasco came and applications were made and we had to rush in here Saturday to repeal that law after public outrage, when certain persons whose matters had gone to 10 years, ran to the court even before the law was made known to the printer, somebody

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whispered to certain people and they ran to the court and applications were in the following morning. When the nation went into uproar against UNC for doing the nation that, then it was discovered that we should have added white colour crime, and complex fraud and money laundering and those kinds of offences. Because it was precisely, the people who made the application, 10 or 12 of them, it was precisely for that type of crime that they were seeking the clause 34, the section 34 redress.

So we have taken the decision and we promised, as we promised again now, we will put that inside of that schedule so that we will be saying to the national community, this Parliament, that persons who are engaged in complex fraud matters and before the court or white collar crime of any description, money laundering—because we know this is done in billions of dollars and it is far more prevalent than some people might want to admit—in those circumstances, we will exempt them from it.

So, Mr. Deputy Speaker, we have the distinction of tidying up for Trinidad and Tobago, a conundrum and a mess that was set up for us in 2011. We consulted widely and we are here, some might ask, my friends, disingenuous as they are, why you only coming now after three-plus years. Well, this is not the first matter of this nature we are coming with. We have been coming and coming and coming since we came into office, bringing laws to tighten up the platform and to make Trinidad and Tobago a less violent, a less corruption-ridden space.

And we understand those who are intent on living by their wits and stealing from the public purse and interfering with things that are not theirs, we understand that it is not in all cases that they would support what we are doing, but we proceed

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notwithstanding.

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So, Mr. Deputy Speaker, I stand here as the Member of Parliament for Laventille West, and I assure you having consulted widely with my constituents and having consulted widely with constituents and people all over Trinidad and Tobago, just to conclude, I went to the Borough Day celebrations and had a wonderful time a couple weeks ago. And while I was enjoying my pan and enjoying the ambience and southern hospitality put on by the Member for Point Fortin and others, I will tell you this, every two steps I made citizens were coming to me and whispering how happy they are with what we are doing in this regard. [*Desk thumping*] So I do not only speak, and everywhere I go, whether it is in a funeral service, whether it is in the supermarket, whether it is on the sports field, wherever I go people are—the citizens of Trinidad and Tobago are appreciative of the Government's effort to deal with white collar crimes and criminals in this country and to establish once and for all, the law is not made for some and not for others.

So I stand here proudly to represent Laventille West in support of these measures. I think I can take the liberty, on the basis of my anecdotal evidence a moment ago, to stand in support of all Trinidad and Tobago and to say we support these measures, and I urge my friends on the other side to let good reason prevail and to support it equally as well. Mr. Deputy Speaker, I thank you. [*Desk thumping*]

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Mr. Deputy Speaker. I rise this afternoon to contribute on a very short debate on my part on—because I do not

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profess to be a lawyer and I do not want to act as a lawyer today—to contribute to the Administration of Justice (Indictable Proceedings) (Amdt.) (No. 2) Bill, 2019.

Mr. Deputy Speaker, we understand on this side the reason for these amendments, and it is really about improving the Judiciary, quicken the pace of judgments, and clearing up the backlog, according to the Attorney General. But, Mr. Deputy Speaker, and I would not go over what my colleague, the Member Chaguanas East went into in his debate, but the Attorney General sometime in January this year, when he brought amendments to this same Act, this same Bill, he talked about improvements to the Judiciary by the amendments he brought in January and it was passed. But during his debate at that point in time and our contributions, we consistently asked the Attorney General about the improvements in the Magistracy, the High Courts, even the DPP, and again today it was asked. Because some months have passed and this Government has been in place close to four years, and we keep asking the question, and I hope in the wind-up of the Attorney General that he can actually bring some facts of improvements to the entire Judiciary system inclusive of the DPP.

Deputy Speaker, I just want to concentrate on clause 4 of the Bill. Section 4 of the Act which is clause 4 of this Bill, by the insertion of this new clause:

“(3) Subsection (2) shall not apply”

—and I read:

“(a) in the case of a joint trial unless—

- (i) the prosecutor elects under subsection (2) in respect of all the accused; or
- (ii) all the accused elect under subsection (2)...”

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Mr. Deputy Speaker, this is really about joint trials, and I really would like to ask the Attorney General, because this is a new subsection, in the fairness of individuals—because I think we still in Trinidad and Tobago we are innocent until proven guilty. In the fairness of having joint trials the prosecutor—from my understanding here and I am guided by the Attorney General—really is the individual, the DPP, in, I use the word “approving”, or is the one who is charged with deciding whether or not the trial is a joint trial. And in the principle of fairness I want to ask whether we should leave that amount of power in the hands of the DPP and not allow a judge to have that deciding factor on whether or not defendants or accused should have a joint trial or separately, Deputy Speaker. And this is in my view, my humble view, that just this new subsection alone, in my view, infringes on the rights of sections 4 and 5 of the Constitution.

Deputy Speaker, I just want to refer, in respect to joint trials, in my little research in the USA, and I just want to read out an example, and the title is:

“In criminal cases where there are multiple defendants for a single crime, the district attorney”—which is the USA—“or prosecuting attorney can bill the charge under one docket number. This means that all defendants will be tried at the same time in front of one jury or judge.”

“However,”—it goes on—“it is often not in a defendant’s best interest to be tried with the other co-defendants, particularly if one of the co-defendants has significant evidence against him or her. In order to prevent all the defendants being tried together, a criminal defense attorney can”—move—
“a motion to sever.”

So in the US system the criminal attorneys can move a motion to sever the trial

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from being considered a joint trial.

“If granted, the motion will allow one defendant to be tried separately from the others.”—and this is—“Under Louisiana statutory law...”

And I want to just give an example that they gave, “Three defendants”—and I quote; it is an example:

“Three defendants are charged with aggravated rape stemming from the same incident. Defendant #1 cuts a deal with the district attorney and gives a statement implicating the other co-defendants. This defendant will testify against the other co-defendants at trial. The fingerprints of defendant #2 are found at the location of the alleged crime, but there is no fingerprint evidence from the other defendants. If I am representing”—and I quote—“defendant #3, I would file a motion to sever so that my client would be tried separately from the other defendants.”

And, Deputy Speaker, this is crucial because, based on this new subsection that the Attorney General has brought here, it is really about the prosecutor, the DPP having the sole authority to either have the trial joint or separate. Now the accused, and he goes on, the Attorney General will say the accused can elect under subsection (2). But if the prosecutor overrules that—[*Interruption*]

Mr. Deputy Speaker: Member, one second. Hon. AG, you will have your turn to—

Mr. Al-Rawi: I apologize, Sir.

Mr. Deputy Speaker: So please keep the tones down. Proceed.

Mr. D. Lee: Thank you, Deputy Speaker. So that is how it is worded here in the Bill, the Attorney General would say, well, the accused can elect to have trial

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separately, but the prosecutor has the overriding say. And I think really and truly it is something that I hope that the Attorney General would look at, or even explain to us where is the fairness in that.

Deputy Speaker, when you look at the DPP who is, one of the offices that really has the bulk of the work in trying to quicken the pace of these cases, as we heard from my colleague the resources, they need a lot of resources and I hope that, again, the Attorney General would not only do lip service but actually put words into action. It is clear that this Government is intent, and I really did not want to join in this debate, but the Attorney General in his opening debate called my name and pulled me in about pieces of the puzzle, and it is clear from my view that this Government is intent on using certain pieces of legislation to carry out their mandate of political victimization. [*Desk thumping*] As a layperson I would even go further and say maybe section 34 could be termed Ramlogan and Ramdeen, I do not know, I ask. [*Desk thumping*] [*Crosstalk*]

Mr. Deputy Speaker: Again, Members please, let us abide by the Standing Order. Okay! Let us abide by the Standing Order. Proceed.

Mr. D. Lee: And maybe even section 6 could be called, you know, airport or Ish and Steve. Deputy Speaker, as I said, the real purpose of this legislation is to improve the criminal justice system, and it is not about facilitating political persecution by this Government. But after four years as I said they have nothing really to show in the improvement of the Judiciary other than the pieces of legislation that the Attorney General week after week he brings here, and he really is, as I said, putting the pieces of the puzzle together.

Deputy Speaker, I really hope that—for me, the most troubling, besides the

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PI and so forth, is clause 4, where I think the fairness has been removed on the hands of the DPP, and I mean no disrespect to the office holder of the DPP, and I really want to understand and I hope that the Attorney General in his wind-up can give me some clarity why would the power be put in the hands of the DPP's office to really determine whether trial should be joint or separate, and not in the hands of the judges or the masters? And, Deputy Speaker, in those few words, I thank you.
 [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): Thank you. [*Desk thumping*] Mr. Deputy Speaker, it gives me great pleasure to put a reply on the back of the very sterling contribution of my colleague the member for Laventille West, [*Desk thumping*] who really did yeoman service to this House in putting the context of the law, much of the law that needed to be clarified by way of reply. My colleague has put onto the record in a very eloquent and intellectual fashion, and so I concur with much of the debate of my colleague Minister Hinds.

I am compelled, however, to answer a few of the observations coming from the Members opposite, and I will start with the Member for Pointe-a-Pierre. You see, unfortunately it also reminds me of the manner in which the Opposition seeks to intervene in this Parliament. A Member of the Opposition, a short while ago rose on a Standing Order, quite confidently, quite robustly, invited you the hon. Presiding Officer, as Deputy Speaker, to rule on Standing order 46(4), said with gusto, with confidence, with belief—

Dr. Rowley: Cheering of the colleagues.

Hon. F. Al-Rawi: Colleagues cheering on, colleagues in deep consternation as to why it had not been dealt with, and I put it in the context of replying to Pointe-a-

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Pierre now. You see, when the UNC members stand up, rise with confidence on a point, in this case a Standing Order, simple example, 46(4), I read from the Standing Orders, 46(4) is the Standing Order—

Mr. Lee: 48(1).

Hon. Member: Relevance.

Mr. Lee: He is winding up on the debate. [*Crosstalk*]

Mr. Deputy Speaker: Overruled!

Hon. F. Al-Rawi: Mr. Deputy Speaker, thank you. You see, I am characterizing the confidence of the arguments coming from those opposite and I am pointing to the reality of what it really means. You know, there is this expression about certain vessels making certain sounds in a certain state of fullness or emptiness, and I put it this way as I continue my reply.

Mr. Charles: Standing Order 48(1), the disparaging vessels, irrelevant.

Mr. Mitchell: What? What? [*Crosstalk*]

Mr. Deputy Speaker: Members. Overruled!

Hon. F. Al-Rawi: Thank you, Mr. Deputy Speaker. Confidence and gusto, 46(4), characterizing the argument of Members opposite. Mr. Deputy Speaker, when you go to the Standing Orders, Standing Order 46 ends at 46(3).

Mr. Hinds: What! What!

Hon. F. Al-Rawi: In other words then, there is no Standing Order 46(4). Now, why have I said that in the relevance of this? [*Crosstalk*] The relevance of that point is to demonstrate to the hon. Members opposite and to the listening public, through you, Mr. Deputy Speaker, do not be fooled for one moment by the confidence of the Members opposite in the arguments that they offer. [*Desk*

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thumping]

It reminds me, Mr. Deputy Speaker, of everything that the Member for Chaguanas pointed out. The Member for Chaguanas West started off by saying that the Attorney General's submission, he characterized as, one, being a panacea for the ills of society. He then went quite confidently into saying that the Attorney General's office seems to be wearing rose-tinted lenses. But in fact I think the Attorney General's office, whilst there is a positivity and a message that comes for hope, based on the back of value, we recognize Hobbesian mentality and look when we see it—life is also poor, nasty, short and brutish.

Mr. Hinds: Correct. Correct. [*Desk thumping*]

Hon. F. Al-Rawi: Life is replicated in the persona of personalities that can stand in our society at times. [*Interruption*]

Mr. Deputy Speaker: One second please. One second. Member, just retract, please. I heard.

Mr. Charles: I retract the statement.

Mr. Deputy Speaker: What is that you said?

Mr. Charles: I retract the statement.

Mr. Deputy Speaker: Oh, okay, I did not hear the last part.

Hon. F. Al-Rawi: You see, Mr. Deputy Speaker, when you are looking for the definition of poor, nasty, brutish and life being short, sometimes the description fits more than just that which Hobbes was speaking about.

So, Mr. Deputy Speaker, when we listen to the contribution coming from Pointe-a-Pierre, Pointe-a-Pierre went for a point of reference to the laws of Alabama, I was a little bit surprised that—

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[MADAM SPEAKER *in the Chair*]

Sorry, not Alabama—Louisiana—Madam Speaker, as I welcome you back.

The Member for Pointe-a-Pierre sought to persuade the Parliament that there was an appropriate formula to be rooted in the laws of Louisiana. As I sat here, between two hon. Members, one to my left and one to my right, I was reminded that the State of Louisiana is best known as the state of the law of Jim Crow, lynching of people is what Louisiana is best known for, and Alabama, which is just next door, this week alone, passed a law to say that doctors who perform abortions will be tried and convicted and be subjected up to 100 years in imprisonment, and a woman who travels out of Alabama, has an abortion in a state that permits it, when she returns can face 30 years in imprisonment.

So when I listened to the source of law as an authority coming from Pointe-a-Pierre, I accepted then and there that the hon. Member was truthful and honest in saying that he is a layman and would stay outside of the law. Because, Madam Speaker, I would tell you why. The hon. Member asked, on a serious point, he was reflecting upon joint trials, and the hon. Member went on to say why give the DPP this much power. Why allow the DPP the ability to decide who shall face an indictment and who should face a summary matter, because the election of persons in joint circumstances, the hon. Member complained, and then went to Louisiana to say well look, “In Louisiana, they could separate out the matter.”

The hon. Member made the submission that was too much power for the office holder of the DPP. But, Madam Speaker, I must and I am compelled to point out, that the authority for law comes from no greater place than the supreme law of the Republic of Trinidad and Tobago, which is a republican Constitution, so

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described as supreme in section 2 of the Constitution, and section 90 of the Constitution which sets out the powers of the Director of Public Prosecutions deeply entrenched by section 54 of the Constitution says in clear terms that the DPP and only the DPP has the powers to institute proceedings, take over proceedings and end proceedings, and there is no qualification of that right.

But, if one were to look further upon statutes apart from constitutional source of authority one need only go to the case of Hilroy Humphreys, which is a Privy Council decision, and in Hilroy Humphreys we dealt with both the arguments coming from Chaguanas West and from Pointe-a-Pierre, as to their being no fetter from a rule of law, due process, fairness aspect in changing the procedural approach to trials. And even in the abolition of preliminary enquiries, even in allowing the DPP that power which the DPP has constitutionally in Trinidad and Tobago in section 90, the Privy Council has told us that there is no right to a preliminary enquiry, and similarly one can extend that jurisprudential argument to the fact that there is no right to say that you ought to be tried separately or not at all together because that power to lay prosecution is the DPP's power.

So, Madam Speaker, I reject out of hand the submissions made by my learned colleagues opposite in relation to the DPP's square function of power in the DPP's right to elect who should be charged and how persons should be charged, because, Madam Speaker, it is not every matter as a matter of fact that the DPP says there ought to be a charge. In fact, the Trinidad and Tobago police have the authority to charge people, take them before the court to answer to a charge. It is only in respect of certain matters so defined by statute that the DPP's consent to

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prosecution is required.

So, this law, this Act of Parliament No. 20 of 2011 has a very significant thing in it, and it is to be found in section 3 of the legislation. Section 3 of the legislation refers to who can prosecute. And let me refer to this and let me frame it now: The argument coming from Chaguanas West and the contribution coming from Pointe-a-Pierre is, this Government has been in the saddle for three and a half years, headed to four, you have spoken about the criminal justice system, tell us how you have improved the criminal justice system. Chaguanas West went as far as to say, that of the 149,000 cases at the Magistracy, Chaguanas West asked the Government to speak to what has been removed from there. He went on to say that absolutely not even one case has moved from there yet.

The hon. Member also went on to talk about the fact of other operational issues, and I am going to come to them one by one because it is important to deal with them. But, let me start by saying that it is in the following improvements that I will answer the submission coming from Chaguanas West. Chaguanas West's submissions were, one, show me the proof of the criminal justice system beginning to work. The allegation was that the Government is doing nothing and has done nothing. The hon. Member went on to say that the plant and machinery of the courts, the plant and machinery of the DPP's office, the physical structures have been, according to the Member, neglected by this Government.

The hon. Member reflected upon Princes Town, upon Rio Claro, upon San Fernando. Siparia, before she left the debate many hours ago, was egging the hon. Member on to talk about the shift system and having a good chuckle about it, which I found quite interesting and which I would come to in a bit. And then the

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hon. Member for Chaguanas West went on to staffing at the DPP's office, and then human resources at the Judiciary, all of which need to be answered because they fit into Pointe-a-Pierre's position about the operationalization of laws.

So let me come back to the point that I just left. In section 3 of the law, I want to put onto the record, a prosecutor is defined, and a prosecutor is defined in this Act, as amended by us in January and then February of this year. A prosecutor includes the Director of Public Prosecutions, a person acting under or in accordance with his general or specific instructions, or for the first time in history in legislation a police prosecutor or in the case of a private prosecution of an offence, the person prosecuting that offence. The one that I want to single out here is a police prosecutor. I want to start with the human resource side of the police, because the hon. Members opposite in hearing the submission coming from Pointe-a-Pierre, which I am very pleased the Member put on forward, the Member called this the Ramlogan/Ramdeen law, and the Piarco Airport law, and I am going to come to that in a second.

In dealing with the human resource aspect, perhaps the population is not aware that this Government went about reforming the criminal justice system by first of all seeking to declutter the system, taking of the 146,000 cases in the Magistracy, taking 102,000 of them which are traffic offences out of the system. I am very pleased to say that we are approximately two months away from operationalization of the traffic division. That will result in the Magistracy having greater focus.

I am very pleased to say, Madam Speaker, that the Government not only passed legislation to treat with subsidiary legislation, the Criminal Procedure Rules

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to allow for case management, for the first time ever. Not only introduced IT technology for mass transcription and for CAT reporting—Computer Aided Transcriptionist reporting, as we have here in the Parliament—not only did this Government introduce a criminal division, criminal masters, the merger of divisions. Not only did this Government open two criminal courts for children only after having amended 23 laws on the first pass, 13 on the second pass, but this Government as a matter of fact just up to yesterday at the Cabinet approved the complement staff for the Magistracy. Why? The criminal division into which this law is going to operate, because once preliminary enquiries are abolished the criminal division goes into full flight. The criminal division has been assented to since December last year. [*Desk thumping*] It is actively in operation.

They asked for proof of cases. It is under this Government that 400 maximum sentence indications hearings were heard—Goodyear Hearings—[*Desk thumping*]—which resulted in pleas of guilt. It is under this Government that plea bargaining legislation was passed, assented to, and that history was made recently with a plea bargaining arrangement on the back of whistle-blowers. [*Desk thumping*] It is under this Government that the transmission of legal papers from the Magistracy to the High Court happened in one day and not one year, as happened with the other 400 cases in MSIs.

It is under this Government that the first judge-only trial happened. We were told by the likes of Naparima when we heard in certain contributions huffing and puffing and looking like you need an oxygen mask to give your submission. When we heard from certain people opposite the venom that was poured, the definition and personification of Hobbes' view of the world. We saw that argument coming,

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we were told, “Nobody will ever use the plea bargaining, nobody will ever use trial by judge only, and especially for murder.” Because the submission opposite was, “Who going to go before a judge only for a trial for murder when a jury could let you go.” And yet history was made by this Government, by this Judiciary [*Desk thumping*] when Madam Justice Gillian Lucky gave the first acquittal with written reasons on a murder trial.

History was made again by Madam Justice Lucky where the first money laundering matter was treated on a judge-only basis. They asked for one example, I have just given them hundreds of examples. But you see, the likes of Naparima would not understand this, Madam Speaker. The likes of the argument of poor, nasty, brutish and lacking in argumentative skills could never understand that [*Desk thumping*] when it comes from empty vessels.

Madam Speaker, let us get on to a further thing that I was just saying. Under this Government the operationalization of the criminal division is critical. How does one operate a criminal division if the Magistracy cannot replicate the success of the High Court in the civil division? In the civil division, where we have Civil Proceeding Rules, where we introduced a whole case management structure, we took the backlog of civil matters from 17 years in arrears to one. [*Desk thumping*] You can start in the civil arena and inside of one year your matter can be determined.

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So we have added in Criminal Procedure Rules, we have added more Masters, we have divisioned the courts, we have added judicial capacity. But how does that work now if you do not have bodies to treat with it? What we did,

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Madam Speaker, we recognized that there are 13 district criminal and traffic courts, three criminal division locations. What we did, Madam Speaker, is that this Government approved the following: 12 units with 217 non-standardized contract positions. Why? Because currently, Madam Speaker, currently, Madam Speaker, 62 per cent of the judiciary staff at the Magistracy—let me repeat that—and Chaguanas West wants to know—62 per cent of the employees at the Magistracy have no tenure whatsoever; none; 13 per cent are OJTs; 12 per cent are Ministry of Labour, signed on three-month rotations; 37 per cent are temporary clerks who do not hold appointment in the public service; 11 per cent are employed on contract; 5 per cent are in the public service; 22 per cent in the Judiciary, the JLSC. Let me repeat that, 62 per cent of the staff as it lay fallow under the reign of Senior Counsel from Siparia, 62 per cent of the staff had no tenure at all.

So we bring the structures of the divisions, we pass as a Cabinet, we underwrite the Bill to the tune of \$34 million a year thanks to the Minister of Finance, approved and confirmed up to yesterday, on the back of having passed the criminal division, implemented the structures, opened the courts. We have now brought judges and Masters support team, 25 officers, teams of 5; 5 divisional judiciary secretaries, 5 judicial support officers, 5 associate judicial support officers, 5 divisional judicial orderlies, 5 judicial research counsel. Every magistrate will have teams like the civil judges have, judicial research assistants, judicial support officers, secretarial staff, transcription services, rules of court. What was the record under Siparia? Zero. 62 per cent under the Senior Counsel leadership of Siparia, 62 per cent of the Judiciary was effectively knocking from pillar to post without even a contract under their belt, and today, today we have to

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listen to the hon. Members opposite. But it is worse. You see, the UNC is best known for its need to have a coalition because it cannot face the PNM at the polls by itself. And in that coalition Madam Speaker, in the context of this Bill, in the context of the operationalization of the criminal justice system as this law will be grounded, it is not lost upon this Government that the agent provocateur for the UNC is a gentleman named Watson Duke. And in that circumstance the industrial action which prepares itself— [*Continuous crosstalk*]

Madam Speaker: Okay— [*Interruption*] So, excuse me, Prime Minister, I am on my legs. You all have had a lil time to breeze off. We are now resuming, respecting the Standing Orders. Okay? What I am saying is, quite many of us could give but we cannot take. This is a place of banter. I learnt in primary school, people who live in glass houses, “doh pelt stones”. If you know your skin is thin— [*Interruption*—Member for Laventille West, I know I am a bit short but I think I am on the two legs that I have, okay? So everybody now, control your tempers. AG.

Hon. F. Al-Rawi: Thank you, Madam Speaker. Madam Speaker, I am saying, under Siparia, under the esteemed leadership of the Member for Siparia as a leading member of the bar, because I mean, after all, if you are a silk you are in the inner bar and you consider yourself the pinnacle of the profession, deserving of a higher grade of fees et cetera, knowing the Judiciary well, criminal justice system, the core of the argument from Chaguanas West, the babbling that comes from certain Members in crosstalk opposite, and the contribution coming from Pointe-a-Pierre, is that the operationalization is key to this argument. I sat and I listened for the entire time. So when I am able to say today on behalf of this

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Government, under this hon. Prime Minister, backed by this Minister of Finance, backed by a Minister of Planning—[*Crosstalk*]

Madam Speaker, let me repeat that. Under the coordinated management of a whole-of-government thinking, Madam Speaker, [*Desk Thumping*] —let me put it this way. When I am able to say 12 new units, 217 positions standardized, 93 classes of technical assistance, 68 divisional judicial support officers, 25 judges/Masters support team, 84 standardized contracts, new units with witness support unit, bail management unit, 64 contract positions, further on top of that, when all of that is put into effect, when I say by way of my submission in answer to those opposite that the agent provocateur of the UNC is the trade unionist who is really a politician masquerading as a trade unionist in the form of Watson Duke, I am saying watch them with a “cokey eye”, a straight eye, any kind of eye you want, because Madam Speaker, it is tied into my answer to the next submission. Pointe-a-Pierre had the courage to continue the lost argument that Siparia had, parroted through Naparima. And, Madam Speaker, when we watched submissions a little bit earlier—

Mr. Lee: Madam Speaker, 48(6).

Hon. F. Al-Rawi: “Allyuh doh use the English language or what?”

Mr. Lee: Come on, you cannot refer to anybody as a parrot.

Madam Speaker: You know, apparently Members do not appreciate that there is a line between robust language and insulting language. I see, I rule, I over— [*Device goes off*]

Hon. Member: Again, Naparima.

Madam Speaker: No, I think this is Barataria/San Juan. Barataria/San Juan,

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maybe you should comply with your Standing Order 1, but Member for Pointe-a-Pierre—

Mr. Lee: Yes, Madam Speaker?

Madam Speaker:—I overrule.

Hon. F. Al-Rawi: Thank you, Madam Speaker. Madam Speaker, let me repeat that, when one sees the parroted argument—and there is nothing wrong with that. A parroted argument is one that you do not genuinely hold because somebody is pulling the strings on you and telling you what to say; you are parroting an argument, linguistically, intellectually. If you are incapable of holding an intellectual thought yourself, sometimes you may parrot something from a script or another piece of work. So, Madam Speaker, I am speaking now, that when we see this kind of operationalization, funded, operated, in gear; it causes panic. But I was coming to the point, I was coming to the point by my colleague for Pointe-a-Pierre who I said had the courage, misguidedly in my view, I should call it—I cannot be unparliamentary, so let us just call it courage.

When the hon. Member says that this law should be the Ramlogan/Ramdeen law, clause 4 should be the Ramlogan/Ramdeen law, Madam Speaker, number one, I am compelled to say that this law is for general purport. It does not infringe the classic Privy Council decision rendered in *Liyanage v the Attorney General of Belize*, it is definitely of general purport. The fact is that it can never be viewed as *ad hominem*, and Madam Speaker, I want to say why I reject this because the hon. Member was very strident in his submission, you know. He said, “Look, this law that this Government is bringing now, is the Ramlogan/Ramdeen law”. *[Interruption]* Hear it, parroted, “it is true” from the Member for Naparima. Right, so let us accept their argument for what they say it is. Let us put that for one

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minute and let us respond as follows. Madam Speaker, oh, shame ye that have little patience and ability, and let me put it this way, without 23 brain cells opposite, in certain aspects of the Parliamentary debate, Madam Speaker, these amendments brought to us—I indicated in my piloting that it came from the consultation process which the Office of the Attorney General engaged in, in the view to operationalize the law. And what happened there, Madam Speaker, we wrote out who did we receive a submission from which caused an amendment to section 4 of the Act.

Let me put it on record now, letter dated 06 February, 2019, addressed to the hon. Faris Al-Rawi, Attorney General, Office of the AG, et cetera:

Re: the Administration of Justice (Indictable Proceedings) Act 2011 and the Administration of Justice (Indictable Proceedings) (Amdt.) Bill, 2018.

I have noted...

—et cetera, et cetera. She goes on—

I have spotted essentially some fundamental flaws which have not been cured by the Bill. By letter dated 17 July, 2013...

—the hon. Senior Counsel writes—

...addressed to then Minister of Justice, Ms. Christlyn Moore, I identified some defects in the said Act and requested that implementation be delayed until certain critical amendments were made.

The hon. Member on page 4, item 1, bold, capitals, starts off with “Section 4”, and then makes a recommendation to cause an amendment to section 4, in pari materia, in similar fashion to the one that we put here today.

Now, let me connect the dots to the Ramlogan/Ramdeen argument. The Senior Counsel appearing for Anand Ramlogan is Pamela Elder SC, and this letter

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written to me is from Pamela Elder SC. So, Ramlogan/Ramdeen clause, Naparima bawling “is true, is true”, 23 brain cells argument; who writes the submission to point out to the need to amend section 4 of the Act? None other than the lawyer appearing for Anand Ramlogan in the very matter that causes them deep panic, deep pain, deep shame and that causes some hope in the people of Trinidad and Tobago, that maybe a court will find out what really happened, and I will say no more on that.

So Madam Speaker, oh, ye with little patience, little confidence and definitely less than 23 brain cells, Madam Speaker, this is critical to understand, but Madam Speaker, let us get to further operationalization. The hon. Member for Chaguanas West asked what was going to happen with Clico and I would like to say this now in the context of what I started off with. [*Interruption*] Could you ask Naparima to control himself?

Madam Speaker: Attorney General, your original speaking time is now spent. You have 15 more minutes and I know as a very seasoned Member of the Chamber, that you could rise above those distractions.

Hon. F. Al-Rawi: I could certainly rise above the intellectual argument but the noise is sometimes troubling, Madam Speaker. So Madam Speaker, the hon. Member for Chaguanas West asked about the matter of Clico and it is tied in to the submission that I raised when I first started as to the definition of prosecutor and it goes to the capacity of operationalizing this law.

Madam Speaker, I can tell you that the prosecutorial capacity of the State has been importantly improved. Firstly, the Trinidad and Tobago Police Service as Commissioner Griffith has pointed out, has birthed a first of its kind, unique unit

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where the best in class criminal prosecutors coming from the United Kingdom and elsewhere, experts in white collar crime, joined by forensic auditors and forensic accountants and first class investigators have met a team of similar worth where Queen's Counsel from England, 32 forensic auditors and investigators and accountants have now all been clothed as Trinidad and Tobago Police Service members, allowing them to supplement the capacity of the Director of Public Prosecutions' office within the definition of section 3 of this law which allows them to prosecute.

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In other words, Madam Speaker, I understand why fear is gripping the Members opposite. Because the prosecutorial capacity that has been put into place in this country has never had such form, substance or impact. And I am informed by the Director of Public Prosecutions and I verily believe that the prosecution and laying of charges in the Clico matter is imminent.

So, Madam Speaker, let us go now to the rest of the Director of Public Prosecutions. Unfortunately for the Member for Chaguanas West, the DPP's office has been secured at Park Plaza—not Park Plaza, Park Street—accommodation that was once occupied by a bank. That particular property has been secured, outfitting is ongoing. San Fernando is to be located pursuant to the DPP's choice at the Gulf City Mall and that office is being outfitted as we speak. Tobago Lowlands has been opened.

So, Madam Speaker, three offices for the DPP, improved police prosecutorial capacity and investigative capacity to work on the prosecution side, but, Madam Speaker, the DPP staff, the JLSC, the Judicial and Legal Service

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Commission filled all of the posts that they could; every last post for Legal Officer I at the DPP's office prior to recent batch of publications has been filled. Legal Officer II, Legal Officer III, seniors and assistants are a matter for the DPP to recommend promotion on and the DPP has nearly perfected that list.

So what are you going to do when the DPP's staff fills out the accommodation already acquired? Cabinet decisions locked and loaded, implemented. What are you going to do then, hon. Members? You see, we have not waited to perfect the DPP's office. We allowed the Commissioner of Police by his own direction, under Section 123(a) of the Constitution with sole management to build out the TTPS prosecutorial capacity. But, Madam Speaker, that now feeds into the second line of questioning that the Member for Chaguanas West raised. What about the courts? And before Siparia left the Chamber a couple hours ago, egging on the argument, there was laughter about San Fernando being in a shift system; like a Junior Sec and what is happening, and Princes Town closed and Rio Claro has to take the load.

Madam Speaker, I want to remind this population. The UNC Government promised the Judiciary that they were going to build judicial complexes. The judicial complexes were an undertaking given by Herbert Volney who was demonized and fired and singled out for section 34 in circumstances where the Cabinet records demonstrate he was not the only man. He may have been the scape goat for the Kamla Persad-Bissessar Cabinet, which had the sole authority to proclaim section 34, but he was not the only man. And Justice Volney who then became Minister of Justice Volney gave an undertaking to create judicial complexes. And what did they do? The UNC Government properly breached the

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Central Tenders Board rules, breached the procurement positions and did not build a single judicial complex.

Worse yet, they went to the Judiciary and they dismantled the entire facilities unit of the Judiciary. They basically sent home anybody that could do repairs. San Fernando Magistrates' Court was not repaired. It got worse. Anand Ramlogan as Attorney General caused the purchase of a property in San Fernando for part of the Magistrates' Court, and guess what? The Ministry of Works and Transport condemned the entire structure. Cannot be occupied, millions of dollars spent, no accountability for it and they laughing about shift system. Did not fix the court, did not removed the asbestos, did not cause any facilities unit to function, never delivered judicial complexes. When we came into power, first thing we did, we went into the Magistrates' Court and we started the retrofitting of the court. The earthquake came, the building was rendered unusable. The next thing that we did was to immediately take the land vested in the Attorney General's Office at Irvine Park, by Sutton Street on that area there, that land has been vested in the Judiciary and they are already finished with their designs to go out to tender to build a brand new Magistrates' Court. [*Desk thumping*]

So while we build, while we organize, they will—man and all—take pleasure in taunting the population, not telling them who caused the pressure, not telling them who had dereliction of duty, not telling them that they were celebrating up and down this country, aware of matters that are now before the police; several members aware of matters now before the police. And we have to listen to them giggle, laugh and make mockery of the suffering of the people of Trinidad and Tobago, Madam Speaker. Well, I will have no such thing as I stand

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here to answer on behalf of this Government and I stand to thank the hon. Prime Minister and the Minister of Finance for underwriting the structures together with the Minister of Planning and Development to arrange these matters.

Now, I do not know what it is that causes the Member for Naparima so much difficulty, Madam Speaker. [*Crosstalk*] I do not know what it is that causes so much difficulty in the comprehension factor. But I go back to Hobbes. I go back to poor, nasty, brutish and short, in terms of ideology so espoused by one of the leading persons in jurisprudence.

So, Madam Speaker, that deals with Clico, that deals with the rubbishing of the Ramlogan/Ramdeen clause, because little did the Member for Pointe-a-Pierre know the origination of the idea came from the lawyer for Ramlogan. So I do not know which one it is, left or right. I certainly will reject out of hand any categorization. Madam Speaker, you know there was quite an interesting thing that came out of the UNC recently. I noticed in their publications as they go online that the hon. Members sent out, via the UNC machinery, quite an interesting position. They were making this allegation that the current office of the Attorney General has somehow spent more money than the office of the Attorney General under Anand Ramlogan. They actually went and, hear—again, I thank the Member for Naparima for acknowledging the 23 brain cell argument, right? The position is the Member for Naparima says he agrees. So listen to this one, listen to this one. The hon. Members opposite in their machinery, which they think people say, they say this: Anand spent less than Faris. And I am quoting from the web page of former Minister Devant Maharaj as posted. They aggregate the expenditure between 2011 and 2015. They say five years under the UNC, \$1.25 billion. And then they

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aggregate under this Attorney General's Office, they say, this Attorney General has spent \$1.34 billion.

Madam Speaker, for heaven's sake, again, the half argument flows—first of all, under the Office of the Attorney General that Ramlogan ran there was one Ministry of the Attorney General. That one Ministry had only the Attorney General's Office. Under Dr. Rowley's leadership we aggregated Ministry of the Attorney General together with the Ministry of Legal Affairs which also absorbed the Ministry of Justice in large part. So this Office of the Attorney General runs three Ministries whilst they ran one. What happened further is that under the previous Government, if you were to aggregate the fees that they actually had in total, when you look to the rolled-up figure—

Mr. Lee: Madam Speaker, with all due respect, 48(1), the Attorney General, this is not about the preliminary enquiries. [*Crosstalk*]

Madam Speaker: Attorney General, please continue.

Hon. F. Al-Rawi: Thank you. So, Madam Speaker, in anchoring the functioning, the underwriting of the operationalization of this, I am answering the arguments and I am giving an example, where the UNC says AG for AG. AG under the UNC, running one Ministry; AG under PNM, running three Ministries. AG under the UNC, if you add Legal Affairs—

Mr. Lee: Madam Speaker, 48(1). [*Crosstalk*]

Dr. Rowley: Boy, sit down. [*Crosstalk*]

Hon. F. Al-Rawi: Madam Speaker, if you aggregate the Legal Affairs, Ministry of Justice and also the Ministry of the Attorney General, in fact the UNC spent \$5.5 billion and this particular Ministry spent \$2 billion. [*Desk thumping*] So, Madam

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Speaker, any which way you take their argument, it is false. It is just false, whether it is in respect of legal fees, whether it is in respect of the cost of operationalization of this law—

Hon. Member: Madam Speaker 48(1), no one raised that matter in this debate.
[*Continuous crosstalk*]

Hon. F. Al-Rawi: Madam Speaker—

Mr. Charles: It is irrelevant to what we are debating—and why I cannot get away with that?

Hon. F. Al-Rawi: Yes, Madam Speaker.

Madam Speaker: One minute. Member for Naparima, there is a certain imputation in what you said that is really a reflection on the Chair. Now you have, you have a penchant for speaking in that kind of way and I have ignored it. But it is becoming intolerable.

Hon. Member: Put him out.

Madam Speaker: I do not need any help, okay? When I sit in the Chair I have a duty, just as you claim you have a duty when you sit in that chair and I will demand the respect I deserve. Anytime you find you have had enough there is an open door. No one has to sign a register to come in here or leave. I will not tolerate it anymore. AG.

Hon. F. Al-Rawi: Madam Speaker, [*Desk thumping*]—

Mr. Hinds: Well said.

Hon. F. Al-Rawi: I want to tie up the operationalization of this law into an example. You see this law and this operationalization is about a concept; it can be confined and wrapped up and embodied in one word: value. What is your value in

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society? What is the population's value? What is the sense of value in this country? Let me take the example of legal fees which will be spent in operationalizing this. Take the period 2010 to 2015: \$1.6 billion—\$1,000 million is a billion dollars—\$1.6 billion in legal fees.

Let me tell you what the value of that is. If you spend \$100,000 every day, to try and spend \$1.6 billion, it will take you 44 years to spend that. Under the UNC, that is a small five years. Twelve lawyers alone, 12 individuals alone, under AG Ramlogan spent \$260 million on themselves and the Member for Naparima worried about 23 brain cells.

Mr. Charles: "I going".

Hon. F. Al-Rawi: Madam Speaker, you see, it is time to start—

Madam Speaker: When I am standing, you sit. Nobody could leave while I am standing. Okay? If you want to leave, you leave quietly, you do not disturb me.

Mr. Charles: I will do so.

Madam Speaker: No, you have to wait till I sit.

[Member for Naparima left]

Hon. F. Al-Rawi: Madam Speaker, you see it is time to start calling spade a spade, *[Desk thumping]* and it is time to start pushing back.

Madam Speaker: Your time is up.

Hon. F. Al-Rawi: I thank you, Madam Speaker, I beg to move. *[Desk thumping]*

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

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Clauses 1 to 11 ordered to stand part of the Bill.

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

House resumed.

Bill reported, without amendments, read the third time and passed.

Hon. Members: Division.

Madam Speaker: Might I suggest that I have not heard anything against. Clerk.
[*Crosstalk*] I have not heard anything but aye. Clerk.

Mr. Al-Rawi: We want a division, Madam Speaker—I am sorry—for the record.

Madam Speaker: There is no right to a division, Attorney General. I have heard aye. Clerk.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis):
Madam Speaker, I beg to move that this House do now adjourn to Friday the 24th day of May, at 1.30 p.m. That day is Private Members' Day and I would like to know what we will be doing.

Madam Speaker: Whip.

Mr. Lee: Thank you, Madam Speaker. We will be doing Motion No. 7 on today's Order Paper which was brought by the Member for Chaguanas East.

Hon. C. Robinson-Regis: Sorry?

Mr. Lee: Motion No. 7 by the Member for Chaguanas East.

Hon. C. Robinson-Regis: Thank you very much. Madam Speaker, I would like to also indicate that we will be doing the Miscellaneous Provisions (Petroleum, Petroleum Production Levy and Subsidy and Income Tax) Bill, 2019, which is on the Supplemental Order Paper.

Hon. Member: After 6.00 p.m.

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Mr. Lee: On that same day? Just seeking clarification.

Hon. C. Robinson-Regis: Yes, that is what I am saying.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.49 p.m.