

**HOUSE OF REPRESENTATIVES**

*Wednesday, April 29, 2020*

The House met at 1.30 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, I have received communication from the following: Mr. Prakash Ramadhar MP, Member for St. Augustine and Dr. Fuad Khan MP, Member for Barataria/San Juan who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the San Fernando City Corporation for the year ended September 30, 2007. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the San Fernando City Corporation for the year ended September 30, 2008. [*Hon. C. Imbert*]
3. Annual Report and Audited Financial Statements of the Trinidad and Tobago Securities and Exchange Commission for the year ended September 30, 2019. [*Hon. C. Imbert*]  
*Papers 1 to 3 referred to the Public Accounts Committee.*
4. Thirty-Second Annual Report of the Integrity Commission of Trinidad and Tobago for the year ended December 31, 2019. [*The Deputy Speaker (Mr. Esmond Forde)*]

**JOINT SELECT COMMITTEE REPORTS**

**(Presentation)**

**UNREVISED**

**Cannabis Control Bill, 2019**

**The Attorney General (Hon. Faris Al-Rawi):** Madam Speaker, I have the honour to present the following report:

Second Interim Report of the Joint Select Committee appointed to consider and report on the Cannabis Control Bill, 2019, in the Fifth Session, Eleventh Parliament.

**Miscellaneous Provisions (Local Government Reform) Bill, 2019**

**Mr. Esmond Forde (Tunapuna):** Madam Speaker, I have the honour to present the following report:

Third Interim Report of the Joint Select Committee appointed to consider and report on the Miscellaneous Provisions (Local Government Reform) Bill, 2019 in the Fifth Session, Eleventh Parliament.

**PRIME MINISTER'S QUESTIONS****Road Map to Recovery Committee  
(Foundation Document for)**

**Dr. Bhoendradatt Tewarie (Caroni Central):** Thank you very much, Madam Speaker. Could the Prime Minister confirm whether a foundation document was prepared by Prof. Karl Theodore, Director of the Health Economics Unit at UWI, St. Augustine Campus, to inform and guide the work of his—the Prime Minister's—"Road Map to Recovery" Committee?

**The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley):** Madam Speaker, you may recall an incident in this House when I sought to speak to my colleagues about this management of the COVID threat. I had some difficulty getting that opportunity, but I must thank you, Madam Speaker, for allowing that statement to be made.

In that statement I indicated that two things would be done with respect to the Government's appreciation and handling of the nature of the threat. One, that

we will do an immediate assessment of our circumstance, and secondly, as the challenge progressed, we would do further detail analyses with respect to our management.

It is in that context that Prof. Theodore, as mentioned by the Member for Caroni Central, was authorized by the Ministry of Finance to do a study, an immediate study, in the context of the first part of my commitment. And Prof. Theodore and his very enthusiastic team of young professionals did that study, and it was made available to the Minister of Finance. It was discussed by the Minister of Finance and a team of Cabinet Members and it was presented to the recovery team that has been announced publicly, and it now forms part of the working papers of that recovery team which is carrying out further work.

**Dr. Tewarie:** Is the distribution of that document limited to the members of the road to recovery committee?

**Hon. Dr. K. Rowley:** The document is part of the work of the recovery committee, and its distribution will be controlled by that committee as relevant.

**Dr. Tewarie:** A document like that, hon. Prime Minister, is important because if it informs, if it is a foundation piece for the work of the committee which will ultimately become policy of the Government for the country, then it is important that that document be well known. And therefore I am asking the hon. Prime Minister if he does not think, given the nature and importance of the document that it should perhaps be laid in Parliament, so at least the Parliament will be aware and it will become a public document? [*Desk thumping*]

**Hon. Dr. K. Rowley:** Madam Speaker, I agree with my colleague that it is an important document. If it was not an important document I would not have commissioned it. But the document is a working paper, and I do not intend to take the kinds of advice that I get from my colleague on the other side if they proceed in

that way.

A working document which forms part of the work of a recovery committee, the recovery committee is going to consult, and is consulting widely with the national community, and will produce a document which eventually I presume, and I expect, will be before this Parliament. So I see no need at this stage to provide working documents to the Parliament so that my colleagues on the other side could take it and say it was this, and it was not that, and it was, and it was not that, when in fact it is a document which forms the basis of further analysis, further discourse. Of course at the appropriate time any content of that document which is relevant would be made available to this Parliament. So my colleagues are just being premature and partially mischievous.

**Dr. Tewarie:** There was no mischievous intent in my question, hon. Prime Minister.

**Hon. Dr. K. Rowley:** That is my opinion.

**Dr. Tewarie:** That is fine.

**Madam Speaker:** Is there going to be a question, Member for Caroni Central? Please proceed to the question.

**Dr. Tewarie:** Sorry, Madam Speaker.

**Madam Speaker:** Please proceed to your question.

**Dr. Tewarie:** Yes. Would the Prime Minister reconsider laying this document in Parliament for the following two reasons? One is that if it is the base document and there is anything wrong or amiss or questionable in the assumptions—

**Madam Speaker:** Member for Caroni Central, you have 15 seconds which you have expended to ask the question.

**Dr. Tewarie:** No, I am asking a question, Ma'am.

**Madam Speaker:** Member for Caroni Central, you have 15 seconds to ask the

question and it has been expended. Member for Naparima.

**Mr. Charles:** Hon. Prime Minister, why is it at every turn you seek to exclude the Opposition from any input into policy that will affect us all?

**Madam Speaker:** Member for Naparima, that is not a question that I would allow.

**Mr. Charles:** Not a question.

**Madam Speaker:** That is not a question that I would allow.

**Dr. Tewarie:** Am I allowed?

**Madam Speaker:** You are allowed one question. There is one question left.

**Dr. Tewarie:** First question, same question? Hon. Prime Minister, would you reconsider so that the assumptions of the report that is informing the committee can be assessed?

**Hon. Dr. K. Rowley:** Madam Speaker, I am very clear in my position on this matter. The document is a working document in front of a committee. The committee is in fact quite large, and the committee is doing consultation across the national community, and I see no reason for putting before the Parliament a working document of the committee at this stage. I give this Parliament the assurance that when the committee's work is completed and presented as a piece of work completed by a committee who had an assignment, that that document, the work of the committee will be made available to this Parliament. But in the meantime the working documents in whatever form they exist will not be laid in the Parliament. That is not the behaviour of this Government. The committee is going to get all kinds of inputs, and if you really wanted that document you would not have voted against me making a statement in this Parliament in the first place.

**Ms. Ramdial:** You are toting?

**Madam Speaker:** Member for Caroni Central, do you have another

supplemental?

**Dr. Tewarie:** No.

**Healthy Population/Restoration of Healthy Economy  
(Source of Technical Competence to Determine Risk)**

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Based on the sample pool of 700 persons to be tested and the resultant decision on how to proceed with the opening up of the economy, could the Prime Minister indicate source of the technical competence to determine the level of risk between a healthy population and the restoration of health to the economy which has to be determined?

**The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley):** Madam Speaker, the source of the technical competence on this and similar matters has been identified on numerous occasions by the Government, particularly me as Prime Minister. That source is the professionalism of the health care professionals in the public health sector speciality who are the advisors to the Government of Trinidad and Tobago.

I know that there are people in this House who have no confidence in our professionals, but today I want to thank that professional core in the Ministry of Health and in Trinidad and Tobago. [*Desk thumping*] And for those who thought before that we did not have a health system and was badmouthing it from Toco to Scarborough, from Carenage to Sangre Grande, at least now the country knows that it does have a health care sector, and it does have a working and functioning world class Ministry of Health in Trinidad and Tobago. [*Desk thumping*]

With respect to the level of risk, as in any country the level of risk to which the population would be exposed in this situation is a matter for the Government of the country taking into account all the information before the Government at the time that the decision is being made. And this Government will be no different. We will expose the population based on our analysis of scientific data made

available to us, and then the Government will take a decision as to what level of risk we are prepared to expose the population to.

**Dr. Tewarie:** Like you Prime Minister, we have every confidence in the health professionals.

**Hon. Dr. K. Rowley:** “Yeah right. Yeah go an’ sue; suit up every Monday morning.”

**Dr. Tewarie:** But the question is that, for instance, will you be drawing on CARPHA, on the World Health Organization, other sources of technical support?

**Hon. Dr. K. Rowley:** Madam Speaker, we have made clear from day one that Trinidad and Tobago’s efforts in this matter have been buttressed by its relationship with WHO, with PAHO and with CARPHA, and we will continue so to do.

**Dr. Tewarie:** There is a health side of this and there is an economic side of this, and there is the risk management side of this. The health professionals are focused on health and economic matters, et cetera.

**Madam Speaker:** Caroni Central, I cannot allow you to make a statement. Could you kindly ask a question. You have 15 seconds to do so.

**Dr. Tewarie:** In that context, who will be the technical expert dealing with the question of the management of risk?

**Hon. Dr. K. Rowley:** Madam Speaker, the Government of Trinidad and Tobago has demonstrated its ability and willingness to approach this matter using the concept of whole of Government, and insofar as we have professionals in all fields in the public service, and we can access them in the private service or in the international agencies, the Government has demonstrated that its decision is being made by the use of the broadest possible input from professionals across Trinidad and Tobago and in fact across the world.

**Salary/Self-Employed/Rental Grants  
(Applicants in Receipt of)**

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you, Madam Speaker. To the Prime Minister: Could the Prime Minister inform this House as of this date, how many applicants have received the salary, self-employed and rental grants?

**The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley)**: Madam Speaker, as a result of the variation of the written text and the actual question asked, I am now to update. I am told that there are 38,000 applications for the salary relief, and 12,000 for the income support.

**Mr. Indarsingh**: Madam Speaker, I have asked the Prime Minister to inform this House how many applicants have actually received their grant based on the commitment of the Minister of Finance to this House on Monday last? [*Desk thumping*]

**Hon. Dr. K. Rowley**: Madam Speaker, and that is the confusion. With respect to income support, food support and rental relief, 2,122 persons have been processed and their proceeds have been sent to the bank payment as of yesterday. Madam Speaker, 2,000 more will be processed by the end of this week and we will continue to increase it as we go forward.

**Mr. Indarsingh**: Madam Speaker, I am a bit confused based on what the Prime Minister has said. I am asking for each category, and I am not getting the specific from the Prime Minister as it relates to as of today, how many citizens who have been unemployed, who are crying out, they have no food on their table. [*Desk thumping*] We want to know how many salary relief grants, how many self-employed and rental grants. We cannot have the Minister of Social Development and Family Services putting the figures right now!

**Madam Speaker**: Member; Member for Couva South, please just ask the question.



**Mr. Indarsingh:** I have asked the question and I am not getting the answer from the Prime Minister, Madam Speaker.

**Madam Speaker:** Member for Couva South, I understand you might be very passionate about this, but please remember where you are. Just remember where you are.

**Mr. Indarsingh:** Yes, I am in the place voted in by the constituents of Couva South.

**Madam Speaker:** Okay. So I give you an opportunity to retract your behaviour, stand up and apologize or I will ask you to do something else.

**Mr. Indarsingh:** Madam Speaker, I withdraw my comments, but I am seeking answers.

**Madam Speaker:** Unreservedly. Stand up, withdraw unreservedly and we can proceed.

**Mr. Indarsingh:** Madam Speaker, I unreservedly withdraw in the interest of getting the information.

**Madam Speaker:** Thank you very much. Prime Minister.

**Hon. Dr. K. Rowley:** If the Member is prepared to present the question with appropriate notice, I will be in a position to answer him.

**Dr. Moonilal:** Thank you very much, Madam Speaker. To the Prime Minister on this very matter. Prime Minister, having regard to your information that you just recently instantly obtained, that 5 per cent more or less of persons applying for the salary relief grant have indeed been sent in the mail their grants, could you give us some indication, this being I think up to April 29<sup>th</sup>, the end of April, when the other 95 per cent of the initial applicants can be receiving their payments?

**Hon. Dr. K. Rowley:** I just want to remind Members of this House, and the national community, that when the Minister of Finance made this offer to provide

salary relief support, he was very careful to point out that such relief would become available at the end of April into the first week into early May. Because to make the payments on the day when it was made, was known to be unreasonable and unavailable. These payments are being made on time. The commencement of the payments are at the end of April, and as we go into May steps are being taken to accelerate the payments.

This attempt by my colleagues to give the impression that the Government “owe people” money since the 1<sup>st</sup> of April and it is not being paid, is just part of your general mischief. The statement was made. Because if people are being paid monthly and we are still at the month of April, because you might have lost your job and not be in your job in April, at the end of April your employer would not have paid you, but the Government would give you salary relief support and we begin to pay that at the last week of April. Madam Speaker, what is their problem?

**Dr. Moonilal:** Supplemental.

**Madam Speaker:** Supplemental, Member for Oropouche East.

**Dr. Moonilal:** Thank you very much. Prime Minister, everybody making mischief for you, but could I ask—

**Madam Speaker:** Member, just ask the question.

**Dr. Moonilal:** Yes, let me get to the question. [*Interruption*]

**Mr. Charles:** [*Inaudible*]

**Madam Speaker:** One minute please.

**Dr. Moonilal:** Sure.

**Madam Speaker:** Member for Naparima, any time you cannot abide by decisions I make then you are entitled not to be part of this. But if you are going to be part of this body here, you will abide by my ruling.

**Dr. Moonilal:** Thank you very much, Madam Speaker. Prime Minister, could you

indicate for the other category, the self-employed and rental grants, as of this the end of April how many persons self-employed and how many rental grants have indeed reached the desired applicants?

**Hon. Dr. K. Rowley:** If the Member had posed the question with the appropriate notice, that question would be answered.

**Dr. Moonilal:** That is the question on the Order Paper, Sir.

**Madam Speaker:** Member for Oropouche East, I believe you are at question No. 4.

**Dr. Moonilal:** Okay.

**Frontline Health Care Workers  
(Compensation Arrangements for)**

**Dr. Roodal Moonilal** (*Oropouche East*): Could the Prime Minister indicate what extra compensation arrangements and employment related counselling are being considered for nurses and other health care workers facing high risk on the frontline in the fight against the COVID 19 virus?

**The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley):** Madam Speaker, at this precise moment that matter is not under consideration, but we in Trinidad and Tobago give the assurance that all our health care givers and persons in the frontline would avail themselves of the best that the country has to afford in the appreciation of those persons who are in fact detailed to carry out these assignments.

**Dr. Moonilal:** Prime Minister, just a few minutes ago, of course, you gave thanks to all these health care workers and praised them and so on. Do you believe apart from giving a clap that the Government should be seriously considering compensation for frontline health care workers as requested by the Nurses Association and other related groups within the health care facility, or you would just want to give them a clap on Thursday? [*Desk thumping*]

**Hon. Dr. K. Rowley:** Madam Speaker, I trust that by now the Members and colleagues in this House would know that this Government, this PNM Government, does not run the business of Trinidad and Tobago by “vaps”. Any decision we make here is carefully thought out, and this is one of such decisions that will be carefully thought out before a decision is made on such matter. We do not run the country business by “vaps” and public relations.

**Dr. Moonilal:** Thank you very much, and Prime Minister, I am very happy to hear that, coming from you answering questions with papers in your hand, you just received.

**Madam Speaker:** Member for Oropouche, ask the question please.

**Dr. Moonilal:** The question is: Would you consider additional compensation as requested by the Association of Nurses instead of providing \$50 million for upgrades in hotels, that some of that money could be used as compensation for health care professionals in these high risk times?

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

**Novel Coronavirus Pandemic  
(Total Expenditure to Date)**

**Dr. Roodal Moonilal** (*Oropouche East*): Could the Prime Minister give this House an update on the total expenditure incurred thus far relative to the novel coronavirus pandemic?

**The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley):** Madam Speaker, I am sure that Members of this honourable House would have noticed that the Minister of Finance had given a figure on Monday. A few hours have since passed. If the Member is wanting to get new figures from here on into the future, he can pose an appropriate question with the appropriate notice but this question was answered on Monday by the Minister of Finance, who volunteered it to the population.

**Dr. Moonilal:** Thank you very much. Prime Minister, so you are saying between Monday and today no new expenditure has been incurred as I asked the question—an update on expenditure? We knew what was said Monday. Today is Wednesday, is there an update or is it that between Monday to today not a single cent was spent more?

**Madam Speaker:** I will not allow that as a supplemental question. It was answered.

**Small and Medium-Sized Enterprises  
(Government Assistance to)**

**Ms. Ramona Ramdial** (*Couva North*): Could the Prime Minister confirm whether or not his Government intends to assist small- and medium-sized enterprises (SMEs) with their rental payments and if so, when? **The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley):** Madam Speaker, the Minister of Finance has made a number of initiatives to bring relief to members of the business community including the small- and medium-sized enterprises. This matter is still under consideration, and I am not in a position at this stage to say what the outcome is going to be in the end but we have already made a lot of provisions to bring some relief in a variety of ways listed in this House and outside this Chamber. If at the end of the day this matter of rental comes up as one of the decisions to be made, I am sure it will be made by Finance.

**Ms. Ramdial:** Thank you, Madam Speaker. Prime Minister, would you consider or your Government consider providing grants to SMEs rather than loans taking note of the limited or no revenue generating capacity of these SMEs?

**Hon. Dr. K. Rowley:** Madam Speaker, I will simply say, taking into account that the Government's revenues are considerably contracted, any request for additional expenditure must take into account that the ability to fund such things would be a consideration. However, it cannot be said—it cannot be said that the Government

has not made efforts to bring relief to persons in this category. [*Desk thumping*] If there is further relief which can be made available rest assured that it will be.

**Energy Trade with Venezuela  
(Prime Minister's Awareness of)**

**Mr. Rodney Charles** (*Naparima*): Is the Prime Minister aware of allegations that our country is involved in trading with energy interests in Venezuela in contravention of the United States sanctions imposed against that country? **The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley)**: I am aware of no such thing, Madam Speaker.

**2.00 p.m.**

**Barbados Minister of Foreign Affairs  
(Concerns Expressed)**

**Mr. Rodney Charles** (*Naparima*): Could the Prime Minister state whether his Government has responded to the concerns expressed by Barbados' Minister of Foreign Affairs and Foreign Trade regarding allegations that his country was facilitating certain actions that worked against our closed border policy?

**The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley)**: Madam Speaker, I am concerned about any attempt to give the impression that there is bacchanal between Trinidad and Tobago and Barbados on this and any other matter, and I have given the assurance that our relationship, that between Trinidad and Tobago and Barbados, is as good now as it ever was [*Desk thumping*] notwithstanding the best efforts of some. I want to just say, Madam Speaker, in answer to this particular question, that what we did in Trinidad and Tobago is to make it very clear to our very friendly and loving neighbour that we have a situation which we have clarified for them in that Trinidad and Tobago's borders closed and that therefore we would not be in a position to accept any and every attempt to come into Trinidad and Tobago via another airport, because if that

is so we might as well open Piarco. That has been made very clear, Madam Speaker, and I give you the assurance it is very well understood and we go forward in brotherly love. That does not seem to please some people, but the relationship between Trinidad and Tobago and Barbados will not be damaged by these efforts.

**Madam Speaker:** Supplemental, Member for Naparima.

**Mr. Charles:** Thank you. Prime Minister, I know that you may be of the view that relationship—

**Madam Speaker:** Question please!

**Mr. Charles:** Yes, the question is coming up—may be excellent, but what steps—this is a question—are being taken to arrest the growing anger in Barbados among its citizens against statements made by the hon. Minister and actions against our own citizens in Barbados?

**Hon. Dr. K. Rowley:** Madam Speaker, all attempts to fuel growing anger among the population of Barbados have failed and failed miserably. [*Desk thumping*] The vast majority of the people of Barbados have no difficulty with the people of Trinidad and Tobago. And, Madam Speaker, if there is a difference of opinion and a difference of interpretation if any, because of the nature and the strength of our relationship it poses no threat to our relationship, notwithstanding the best efforts of underminers in and out of this country.

**Madam Speaker:** Supplemental, Member for Naparima.

**Mr. Charles:** How does the Prime Minister, and what interpretation you put on the letter by the Minister of Foreign Affairs and Foreign Trade in Barbados that he is distressed by your actions and the comments of the Minister?

**Hon. Dr. K. Rowley:** Madam Speaker, distress comes in a variety of ways, and in international diplomacy distress is replaced by love and affection. [*Desk thumping*]

**Dr. Moonilal:** Supplemental.

**Madam Speaker:** Member for Couva South.

**Dr. Moonilal:** Supplemental. Supplemental.

**Madam Speaker:** Member for Oropouche East.

**Dr. Moonilal:** Thank you very much. Prime Minister, did your Government at any time have evidence that an independent Caricom country, Barbados, was colluding with citizens of Trinidad and Tobago to breach our borders, yes or no?

**Hon. Dr. K. Rowley:** Madam Speaker, I have no idea what he is talking about.

**Dr. Moonilal:** They into mischief too?

**Madam Speaker:** Member for Oropouche East.

**Dr. Moonilal:** Sorry.

**Madam Speaker:** And let this be the last occasion that I have to.

**Dr. Moonilal:** I have no question.

**Madam Speaker:** Member for Couva South.

### **Pandemic Leave Measure**

**Mr. Rudranath Indarsingh** (*Couva South*): Could the Prime Minister inform this House as to the specific status of the pandemic leave measure which was announced as a social support measure on the 15<sup>th</sup> of March, 2020?

**The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley):** Madam Speaker, on the 15<sup>th</sup> of March, 2020, the reference to pandemic leave was a discussion that took place very early in our response to the growth and progress of the COVID 19 virus. This matter has been largely overtaken by the decisions that we have taken with respect to the stay at home where the entire public sector workforce, except essential workers and the public sector, where we have embarked upon significant extension of the stay at home which rendered much of this concern redundant. And of course, Madam Speaker,



as we go forward, if persons are medically certified to have been affected by the leave and affected by quarantine considerations then their leave matters are being considered and that is a matter that should not be of undue problem because people are home being paid and those who are for having further extension will find favourable consideration.

**Madam Speaker:** Supplemental, Member for Couva South.

**Mr. Indarsingh:** Prime Minister, could you confirm for the benefit of this House if pandemic leave has been officially cancelled or rejected by your Cabinet?

**Hon. Dr. K. Rowley:** Madam Speaker, the elements—when this pandemic leave arose as a discussion matter it was made very clear that it had to be approved by the Cabinet, and I was saying, Madam Speaker, that the Cabinet went further than that and kept the working force at home. So the concern that generated pandemic leave in its fullness is no longer with us, and the matter of whether you have some element of it still being considered is still there but there is no pandemic leave as was initially envisaged to take care of any person who may be away from work more than their 14-day sick leave. Madam Speaker, that has been superseded but there are considerations for other developments and that is a matter for the Cabinet of Trinidad and Tobago, and that is where the matter lies at the moment.

**Madam Speaker:** Hon. Members, the time allotted for Prime Ministerial questions is now spent.

### **URGENT QUESTIONS**

#### **“Step Down” Sangre Grande Centre, Brooklyn Facility (Actions Taken)**

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Madam Speaker. Could the hon. Minister of Health indicate what actions have been taken after receipt of a report into the sub-standard and deplorable health and safety conditions at the “step down” Sangre Grande centre, Brooklyn facility?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. Madam Speaker, the facility at Sangre Grande as described is not so in reality. As pictures from the ERHA will show they were neither substandard, deplorable nor unsafe. However, there was one incident. As Minister of Health I requested a report on Monday the 13<sup>th</sup> of April, the report was received on time on Wednesday the 15<sup>th</sup> of April. I asked for one additional piece of information. Following process, and to protect the public interest, it was sent to the legal department of the Ministry of Health on Friday 17<sup>th</sup> of April. An opinion from the legal department was received together with the additional information which I got yesterday, this has formed the basis of a report which was sent to the Attorney General, and the Attorney General would then advise as to the future course and path of this report. Thank you very much.

**Dr. Moonilal:** Thank you very much, Minister for the update. Minister, bearing in mind that the genesis of this matter had to do with horrific conditions for health, not legal issues, could you explain please what are the legal issues that require an Attorney General's intervention as opposed to the issues that arose initially of health and cockroaches and infestation and so on?

**Hon. T. Deyalsingh:** Thank you very much. Madam Speaker, the continuing attempt by the Opposition to decry this Government's approach to COVID should be deplored. There was one incident which is being investigated, and as a Member of a Government you know all these reports must have legal input into them. We are following process in the event, unlikely or likely, that future action needs to be taken as indicated in your question. Thank you very much.

**Madam Speaker:** Member for Oropouche East, supplemental.

**Dr. Moonilal:** Minister, thank you very much. Could you indicate what action, pending the legal opinions and recommendations and so on, what action has been

taken at that facility to correct, as you said, the one incident that you are aware of? What actions are being taken to correct that, pending all the outcome of the lawyers and so on?

**Hon. T. Deyalsingh:** The action was taken on the same day with the treatment. The person asked the nurse for a tin of insect spray to kill two cockroaches. That was done. And there was no infestation. Also a handyman was put on the premises to treat both inside and outside, and from that day to now there has been no further concern. As a matter of fact one of the patients went public and said how satisfied they were with the facility. So the continuing attempt by the Opposition to paint it as horrific, unsafe, needs to be deplored. Thank you very much, Madam Speaker.

**Dr. Moonilal:** Thank you, final supplemental.

**Madam Speaker:** Member for Oropouche East, question No. 2.

**Dr. Moonilal:** Oh, 2, okay.

**Permission to Land in Trinidad and Tobago  
(Exemptions Granted and Reasons for)**

**Dr. Roodal Moonilal** (*Oropouche East*): To the Minister of National Security: Could the hon. Minister of National Security indicate the number of exemptions granted and reasons for permission to land in Trinidad and Tobago from March 23, 2020 to date?

**The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. Madam Speaker, the Government took a very careful decision at the outset with respect to exemptions in relation to border control and put it under the Ministry of National Security for, amongst other reasons, the necessity to protect security matters. Nevertheless, the exemptions granted for persons to land in Trinidad and Tobago are the 33 nationals who returned from Barbados. That was on the basis of an

agreement with the Government of Barbados at the time, and as we have already indicated we are going to allow persons to return from Suriname. That process is being worked out now. No other persons have been allowed to disembark at the Piarco Airport during this period of time since our borders have been closed. I repeat, no one else has been allowed to disembark at Piarco Airport since we have closed our borders.

**Madam Speaker:** Supplemental, Member for Oropouche East.

**Dr. Moonilal:** Mr. Minister, I know we are always pressed for time but let me repeat the question that was written and in front of you. The number of exemptions granted and reason for permission. Number, one, two, five, 10. We are not interested specifically in Suriname or Barbados, the number. How “much” permissions, exemptions have been granted? That is the question, so it is really repeating the question before you. I do not know if this is a supplemental. *[Interruption]* The number.

**Madam Speaker:** Member for Couva South, I expect if you have a question you will await my recognizing you. Minister of National Security.

**Hon. S. Young:** I thought it, Madam Speaker, I had made it abundantly clear that 33 nationals were granted permission to land at Piarco, 33 nationals who returned from Barbados.

**Madam Speaker:** Supplemental.

**Dr. Moonilal:** Mr. Minister, could you tell us the amount of aircraft granted permission to land, including the Vice-President and officials of Venezuela, including the private jet last Saturday? *[Desk thumping]* We want the number of exemptions and reasons for permissions to land, not the number of human beings. Aircraft number, not human being number.

**Madam Speaker:** Well you see, maybe the question was not done as clear as you

have asked now.

**Dr. Moonilal:** But he can say that.

**Madam Speaker:** Please! I would allow the number of aircraft as a supplemental question.

**Dr. Moonilal:** Okay, Ma'am.

**Madam Speaker:** We are not having a conversation. Minister of National Security.

**Hon. S. Young:** Madam Speaker, it is obvious that the author of the question did not even understand the English Language, because permission to land, the granting is not for granting of aircraft. The granting is for persons to be landed in Trinidad and that is individuals. With respect to aircraft, as the regulations stand, cargo aircraft are allowed to land in Trinidad. We have also allowed a number of commercial flights. I do not have the exact number. No one was allowed to disembark. The five private charter flights that came in over the weekend, last week Saturday, as we have already explained, was on the basis of expatriating. So all of the commercial flights, all of the flights that are not cargo flights that were allowed to land, save for the disembarkation of 33 nationals, and save for the visit of the executive Vice-President of Venezuela, who immediately upon completing her meeting with the hon. Prime Minister left. There were no other persons allowed to disembark. [*Desk thumping*]

**Madam Speaker:** Member for Caroni Central.

**Dr. Tewarie:** Sorry, Madam Speaker.

**Madam Speaker:** Question No. 3.

### **Distribution of Grants to Religious Bodies (Details of)**

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Could the hon. Minister state—this is to the Minister of Finance—whether religious bodies have already been

identified as potential recipients of grants for distribution to the poor or whether religious bodies can still apply to be considered?

**Madam Speaker:** Minister of Finance.

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. When I made the statement in this House on Monday on behalf of the Government, it was quite clear that we are making this available to the major religious bodies and there is a known breakdown of the approximate percentages of adherence of the major faiths in this country, and it is based on the census. I have before me a complete breakdown of the latest figures, I can give you that if you wish.

**Madam Speaker:** Supplemental, Member for Caroni Central.

**Dr. Tewarie:** That answer in my view, Minister, is comforting and if it is done on that principle and will adhere to that principle I am comforted by your answer.

**Madam Speaker:** Member for Chaguanas East.

**MOE/GORTT and CXC  
(Agreement of CXC Examinations)**

**Mr. Fazal Karim** (*Chaguanas East*): Could the Minister of Education state if an agreement has been reached between the Ministry of Education, the Government of Trinidad and Tobago and CXC on the format for the conduct of the CXC May/June Examinations or whenever they are going to be held?

**The Minister of Education (Hon. Anthony Garcia):** Thank you very much, Madam Speaker. Madam Speaker, at this stage there is no agreement between the Ministry of Education, the Government of Trinidad and Tobago, on the format for the conduct of the May/June examination. Madam Speaker, in light of the measures instituted to mitigate the effects of the COVID 19 pandemic, CXC has proposed alternatives for the administration of its 2020 examinations. Cabinet has agreed to the option which states that the exam can be held in June/July 2020. Cabinet further stated that this will be dependent on the advice of the Ministry of

Health. That position was communicated to CXC. CXC continues to reiterate that the June/July date is not cast in stone, and that it is under constant review contingent on COVID 19 realities and updated reports from the Governments of the region. Thank you.

**Madam Speaker:** Supplemental, Member for Chaguanas East.

**Mr. Karim:** Thank you very much, Madam Speaker. Hon. Minister, would you be able to confirm whether the multiple choice paper and the SBAs would be the only methods of assessment for CSEC and CAPE?

**Hon. A. Garcia:** Madam Speaker, in my response I stated clearly that Cabinet had agreed on a certain option, and that option does not include SBAs and the multiple choice papers as the only forms of assessment. Thank you.

**Madam Speaker:** Supplemental, Member for Chaguanas East.

**Mr. Karim:** Thank you very much, Madam Speaker. For those who are listening, hon. Minister, can you confirm what would be the methods of assessment for these examinations?

**Hon. A. Garcia:** Madam Speaker, I have stated that that issue is under review. However, the position of the Government of Trinidad and Tobago is that we should go with the format that our students have been accustomed to and that is, Paper one, which is multiple choice and Paper two, which is usually regarded as the long paper, and of course the SBA assessment. Thank you.

**Madam Speaker:** Member for Couva South.

### **COVID 19 at the Workplace (Prevention of)**

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you, Madam Speaker. Could the hon. Minister of Labour and Small Enterprise Development inform this House whether she has actively engaged workers and employers through social dialogue to implement specific initiatives to prevent COVID 19 in the workplace?

**The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis):** Thank you very much kindly, Madam Speaker. Madam Speaker, on behalf of the Minister of Labour and Small Enterprise Development, I would like to inform this House that from March 17<sup>th</sup> the Minister of Labour and Small Enterprise Development through NTAC held a meeting with the social partners for dialogue. Since then we have been sending information—and that meeting was a virtual meeting, Madam Speaker. Since then we have sent several correspondences to the members of NTAC to get feedback on various issues, and, Madam Speaker, that is the way that we have been engaging the social partners through NTAC.

**Madam Speaker:** Supplemental, Member for Couva South.

**Mr. Indarsingh:** Madam Speaker, I do not know if the Leader of Government Business on behalf of the Minister of Labour and Small Enterprise Development could advise if discussions are focused, for example, on mental health support for workers, for the provision of personal protective equipment at no cost, for the establishment of sanitization centres in workplaces, for providing arrangements for isolating suspected cases and dealing with contact tracing and so on, and the provision of education and training material in workplaces?

**Hon. C. Robinson-Regis:** Madam Speaker, before the pandemic had been declared, through the Ministry of Health this type of education had been taking place within the government service and in various private enterprises. In that meeting on the 17<sup>th</sup> of March there were several issues that were raised that the Minister of Labour and Small Enterprise Development was able to answer quite to the satisfaction of the social partners, and the education process has continued. Several private enterprises have delivered hand sanitizers to various offices including government offices and private enterprises. Most of the banks are on—



all of the banks are on board with regard to how sanitization should take place with regard to social and physical distancing. The Ministry of Rural Development and Local Government has ensured that each corporation makes the attempt to clean markets and to clean their regions. And, Madam Speaker, generally through the Ministry of Labour and Small Enterprise Development and the Government generally, the population is informed of exactly what needs to be done. Thank you very kindly.

**Madam Speaker:** Supplemental, Member for Couva South.

**Mr. Indarsingh:** Madam Speaker, could the Minister on behalf of the Minister of Labour and Small Enterprise Development, give this House and Trinidad and Tobago the assurance that the post COVID 19 specific initiatives in the workplace will not suffer the same fate as the failed pandemic leave, the failed 10-point plan and the failed initiative to drive long hauler trucks in Canada?

**Madam Speaker:** Member for Couva South, please remember this is questions not statements.

**Mr. Indarsingh:** It is a question.

**Madam Speaker:** Member for Couva South, please do not let me have to warn you again. Hon. Members, question time is now spent for urgent questions.

### ORAL ANSWER TO QUESTION

**The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis):** Thank you, Madam Speaker, there is one question and we will be answering that for oral answer, and there are no written questions for answer.

**Madam Speaker:** Member for Chaguanas East.

### President of UTT (Recruitment of)

**66. Mr. Fazal Karim** (*Chaguanas East*) asked the hon. Minister of Education:  
Could the Minister provide a status update on the recruitment for the

position of President, UTT?

**The Minister of Education (Hon. Anthony Garcia):** Thank you very much, Madam Speaker. The Ministry of Education has been advised that the former president of the University of Trinidad and Tobago submitted his resignation on January the 1<sup>st</sup> 2020, giving the university the contractual three months' notice. The board of UTT appointed as president Vice-President for Research, Academics and Students Affairs, Prof. Prakash Persad, to act as president effective February the 5<sup>th</sup> 2020, as the former president Prof. Al-Zubaidy proceeded on leave for which he was eligible. The board of the UTT has finalized the job description for the position of president of UTT and will be advertising the position the first week of May 2020. The advertisement will be placed on UTT's website as well as Caribbeanjobs website, and then locally in print and digital media of the *Newsday*, *Express* and *Guardian* newspapers.

Additionally, for greater international reach, the board proposes to advertise the position in print and online as far as possible in The chronicle of Higher Education jobs, Inside Higher Ed, Academic Keys and Times Higher Education.

The board of the UTT is cognizant that all requisite human resource processes must be followed in order to select the most suitable candidate for the position of president of the university. The board anticipates that within three to four months of advertising the position a suitable candidate will be recruited. However, it must be noted that given the current pandemic crisis resulting from the COVID 19 virus this timetable is contingent upon the reopening of non-essential services in the country, and the reopening of the university itself which has been closed since March the 16<sup>th</sup> 2020. In the interim, Madam Speaker, Prof. Persad will continue to act in the position of president of the University of Trinidad and Tobago. Thank you.

**Madam Speaker:** Supplemental, Member for Chaguanas East. No?

**STATEMENT BY MINISTER**

**Madam Speaker:** Hon. Members, I have been advised that there has been agreement for the Minister of National Security to speak until he completes his statement. Minister of National Security.

**Electronic Monitoring System and Prisoner Transport**

**The Minister of National Security and Minister in the Office of the Prime**

**Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. Madam Speaker, I have been authorized by the Cabinet to make the following statement:

As the Minister of National Security I am compelled to address the national community to correct carefully orchestrated mischief that is designed to mislead the public and undermine the efforts of those charged with the responsibility of securing us the citizens of Trinidad and Tobago. Unfortunately but not unsurprisingly, once again those opposed to good governance have engaged in deliberate mischief and are spreading fabrications and disinformation with respect to the electric monitoring system about to be operationalized at the Ministry of National Security.

Madam Speaker, it was only on Monday that we came to this House to debate amendments to operationalize the electric monitoring capabilities of the State. The Bill amending the Electric Monitoring Act, 2012 was passed in the House on Monday, and once this Bill is passed in the Senate and we proclaim the Administration of Justice (Electric Monitoring) Act, as amended, the State will be able to use this technology. The mischief that has arisen is that unfortunately there are those who constantly attempt to undermine the public's confidence in law enforcement and public safety and security, who have been spreading disinformation with respect to the procurement, installation and operations of

electronic monitoring equipment, and those who will be charged with the responsibility of using the equipment to protect citizens.

Madam Speaker, even though the parent legislation for electronic monitoring was passed and assented to in 2012, the former Government did not set up any unit or procure any equipment to operationalize electronic monitoring. The electric monitoring is done via bracelets that use global positioning system technology sending signals which are picked up and monitored by equipment and personnel at a command centre. These devices can be programmed that if they move outside of a set parameter, alarms would go off at the command centre and actions can be taken with respect to the person who is the subject of or wearing the bracelet. The Government has been working assiduously to implement the system and had to start from scratch to procure a system whilst ascertaining the legal deficiencies in the legislation and correcting them.

Madam Speaker, the facts are as follows: In 2018 the Ministry of National Security engaged iGovTT to conduct a competitive open tender process for the procurement of an electronic monitoring system, including the equipment, licences, software, training and maintenance of the system. Amalgamated Security Services Limited in partnership with an Israeli company, Attenti Limited, was the successful bidder and was so informed in January 2019. A contract was executed in April 2019 to provide a full turnkey electronic monitoring solution for the installation of software and hardware for a main site and a backup site.

**2.30 p.m.**

The contract included the supply of 300 devices, ankle monitors, the training of staff, the commissioning and maintenance of the system for a period of three years at a total contract cost of TT \$10.3 million VAT inclusive. I repeat, a three-

year contract cost of \$10.3 million VAT inclusive as the total cost. The breakdown of this cost is as follows:

- 150 GPS tracking units, single piece solution, TT \$1.4 million;
- 100 domestic violence tracking units, a two piece solution, TT \$1.035 million;
- 50 home confinement units, multi piece GPS tracking solution, TT \$520,183;
- the software cost, TT \$882,815;
- no cost for the licences;
- the servers, ICT hardware required to outfit the server room, TT \$1.5 million;
- ICT hardware for disaster recovery site, TT \$520,000;
- furniture for the monitoring room, TT \$72,000;
- five workstations with 24" monitor displays, TT \$63,000;
- six 50" LED edgeless screens, TT \$312,000;
- training for 40 persons, TT \$321,500;
- three years of field support, three years of online support, three years of help desk support, maintenance and support for the tracking units, TT \$1.4 million; and
- three years system and software maintenance, at TT \$1.1 million.

Madam Speaker, totaling \$9.1 million plus VAT at \$1.1 million, a grand total for a three-year period of \$10.3 million.

The contract being awarded and executed, the successful bidder carried out the necessary works, and both the primary and back up sites were up and running by November 2019. The system is being operated and will be manned by staff

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from the Ministry of National Security, and not personnel from Amalgamated Security Services Limited. I repeat, the system is being operated and will be manned by staff from the Ministry of National Security and not personnel from Amalgamated Security Services Limited. The responses to any breaches of the system will be provided by the Trinidad and Tobago Police Service and not any private security contractor. I repeat, Madam Speaker, the responses to any breaches of the system will be provided by the Trinidad and Tobago Police Service and not any private security contractor. The Ministry has hired a manager and deputy manager and other staff and is in the process of hiring more staff as we prepare to fully operationalize the system.

Madam Speaker, the Government has been working hard to get this system ready to be used both via the hardware and software and the appropriate legislation. To have the Government's work on this electronic monitoring system attacked by opponents, including agents of misinformation, will not be left unattended. The initiative to operationalize this electronic monitoring system is also being driven by the Government's commitment to tackle the scourge, ill effects and consequences of domestic violence by providing a solution to victims designed to make their lives safer. To have this laudable initiative of tackling domestic violence and aimed to the victims of domestic violence, attacked by mischief-makers who have political alignment and allegiance, will not be tolerated.

This Government is committed to transparency and protection of the taxpayer. The award of the contract above was done in an open and competitive manner and rather than give a third party control over the operations, the Government decided to handle the operations within the state machinery and has in fact done so.

Madam Speaker, there is another area of mischief that I would to address. I would like to place very squarely and clearly onto the *Hansard* that there is no contract for the transport of prisoners in Trinidad and Tobago to Amalgamated Security Services Limited of \$80 million per annum or otherwise. Amalgamated Security Services Limited first began providing transport of prisoners in Trinidad and Tobago in December 1996. The prisoner transport by Amalgamated Security Services Limited continued from then to today. It was in place under the two UNC administrations, having been born under the UNC in 1996. Under this administration and under my tenure, as the Minister of National Security, I am pleased to inform the public that we renegotiated the prisoner transport contract downwards. We currently have a one-year contract for prisoner transport between NIPDEC and Amalgamated Security Services Limited in the sum of \$25,939,031.04, VAT exclusive, approximately \$26 million per annum, not \$80 million. The previous contract was an annual sum of approximately \$44 million, including NIPDEC procurement and management fees.

Madam Speaker, it is this Government in its management of the criminal justice system, under the Office of the Attorney General and Legal Affairs, that has pushed initiatives to reduce the need for the movement and transportation of prisoners. As part of that process, we sought and achieved savings by negotiating an annual prisoner transport cost of \$25.9 million.

Madam Speaker, the Ministry of National Security has the responsibility of working with various agencies to protect and provide safety and security for the people of Trinidad and Tobago, and in my humble view that includes doing all that we can to protect the taxpayers of Trinidad and Tobago. And I am pleased to advise that the two contractual arrangements above, that is, the electronic monitoring and the prisoner transport contracts can withstand any scrutiny and

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have been negotiated to ensure savings to us in Trinidad and Tobago. Thank you very much, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** Supplemental—question?

**Mr. Charles:** Thank you, thank you, Madam Speaker, under Standing Order 24(4), I rise to ask—the Minister indicated that the competitive open tender was opened in January 2019 for the electronic monitoring system. In the interest of transparency and accountability, would the Minister list the names of those who responded and the monetary sums involved?

**Hon. S. Young:** Madam Speaker, as I stated in the outset, the open competitive tender process was in 2018 with a letter of award being in January 2019. The information that the Member for Naparima seeks, can be asked. I do not have that information with me presently but it can be asked under the appropriate Standing Order, and we would have absolutely no difficulty in providing the response. Thank you.

### **JOINT SELECT COMMITTEES (Extension of time)**

#### **Cannabis Control Bill, 2019**

**The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. Madam Speaker, having regard to the Second Interim Report of the Joint Select Committee appointed to consider and report on the Cannabis Control Bill, 2019, I beg to move that the Committee be allowed an extension of two months in order to complete its work and submit a final report by June 30, 2020.

*Question put and agreed.*

#### **Miscellaneous Provisions (Local Government Reform) Bill, 2019**



**The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. Madam Speaker, having regard to the Third Interim Report of the Joint Select Committee appointed to consider and report on the Miscellaneous Provisions (Local Government Reform) Bill, 2019, I beg to move that the Committee be allowed an extension of one month in order to complete its work and submit a final report by May 31, 2020.

*Question put and agreed.*

### **MISCELLANEOUS AMENDMENTS BILL, 2020**

*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 Summary Courts Act, Chap. 4:20; the Oaths Act, Chap. 7:01; the Limitation of Certain Actions Act, Chap. 7:09; the Summary Offences Act, Chap. 11:02; the Dangerous Drugs Act, Chap. 11:25; the Mental Health Act, Chap. 28:02; the Children Act, Chap. 46:01; the Shipping Act, Chap. 50:10; the Plant Protection Act, Chap. 63:56; the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01; the Income Tax Act, Chap. 75:01; the Central Bank Act, Chap. 79:02; the Financial Institutions Act, Chap. 79:09; the Companies Act, Chap 81:01; the Securities Act, Chap. 83:02; the Caribbean Industrial Research Institute Act, Chap. 85:52; and the Motor Vehicles and Road Traffic (Amdt.) Act, 2017 (Act No. 9 of 2017); as well as to repeal the Magistrates Protection Act, Chap. 6:03, be now read a second time.

Madam Speaker, it gives me great pleasure to bring forward some very carefully arranged legislative amendments, the vast majority of which are clinically

driven towards managing the COVID 19 pandemic situation in Trinidad and Tobago and the remainder of which are squarely drawn to treat with some issues of urgency that were lying for remedy, and which have been brought forward into this miscellaneous provisions Bill really because we finally have the opportunity to use the Parliament in a more efficient manner, in one sitting treating with one miscellaneous provisions Bill as opposed to individual Bills, treating with individual subject matter.

Madam Speaker, the Bill before you and before the hon. Members is a Bill comprising 20 clauses. And these 20 clauses, in the very short time, require me to dive immediately into the substructure of the legislation. It is only 30 minutes in piloting. Madam Speaker, let us get straight to the chase.

The first Bill before us, the first measure before us starts at clause 3 of the Bill. Clause 3 of the Bill, we treat with an amendment to the Summary Courts Act by inserting a new section 158 and then in clause 4, we seek to repeal the Magistrates Protection Act. So permit me to treat with those two clauses immediately.

Madam Speaker, the fact is that our legal system, our criminal justice system in particular is manned at various levels of the Judiciary. We have first of all, magistrates who are creatures of statute, magistrates find themselves in the Summary Courts Act specifically being treated at sections 3 and 3A. In section 3(1):

“There shall be such number of Magistrates in the public service as may be required for the purposes of this Act.”

The Magistracy is the first level. The second level is now at the High Court in the criminal justice arrangements where you have a master of court that case manages and deals with certain aspect of the Criminal Procedure Rules. Then of

course, we have the third category of the judicial officer and that is the Judiciary. The Judiciary as we all know was established under the Constitution of the Republic of Trinidad and Tobago. That individual Chapter of the Constitution that treats with it, is Chapter 7 of the Constitution, in particular, beginning with section 100 of the Constitution onward. And in managing these three judicial officers, judges of course, being both High Court judges and Court of Appeal judges, we are managing the situation of the equality of protection for judicial officers.

Madam Speaker, you will recall that this Government, taking note of Court of Appeal judgment coming to the fore in the case of *Indar Jagroo v Anisha Mason*, Court of Appeal 182 of 2014, as Attorney General, I came forward to amend the Magistrates Protection Act and in the Magistrates Protection Act we sought to broaden the protection measures to magistrates. During the course of the debate of that legislation and that is, Madam Speaker, in March 2019, and the time before when we were actually treating with that legislation, we began the Magistrates Protection Act by laying it first in November 2018, we took it to fruition by February 2019 and we birthed Act No. 4 of 2019, the Magistrates Protection Act.

In the Magistrates Protection Act, in the discussion of the amendments, I gave an undertaking as Attorney General to look to granting full immunity for magistrates to marry the provisions of magisterial protection equally to that of Masters of the Supreme Court as well judges, both High Court and Court of Appeal judges.

Therefore, Madam Speaker, we propose a simple but powerful amendment proposed in clause 3 of this Bill where we insert now:

“159. No action shall be brought against a Magistrate for any act done by him in the execution of his office.”

It is appropriate because magistrates under the reform system, as Attorney General and as this Government has brought forward, we are now asking magistrates to conduct significant work at the Summary Court level, including treating with very serious crimes, be they white collar or otherwise. Therefore, Madam Speaker, no longer should a magistrate be operating with trembling fingers and a trembling desk wondering if he is exposed to being brought up for action against him for excess of jurisdiction or otherwise. Madam Speaker, this takes us squarely in line with the international literature, it takes us to the reports brought forward by a number of law reform commissions in the United Kingdom and New Zealand in particular. That treats with clauses 3 and 4.

Madam Speaker, if we turn next to clause 5. Clause 5 of the Bill treats with an important amendment in this world of virtual hearings. And permit me, Madam Speaker, to put it as follows. The record of this Parliament will demonstrate that the largest criminal justice reform undertaken by any Government in the history of Trinidad and Tobago has been by this Government. It was by way of birth of legislation, in particular, that including the Family and Children Division, that is Act No. 6 of 2016; the Criminal Division and District Criminal and Traffic Courts Act, which is Act No. 12 of 2018; the Electronic Payments into and out of Court Act, that is Act No. 14 of 2018; add on to that, the Criminal Procedure Rules; the electronic introduction; and you now have, with the birth of the operationalization of these structures; the hiring of hundreds of individuals into the Judiciary; the increase in the Judiciary from 36 judges to 64, legislatively, from two Masters to 25, as we make our way there; the birthing of over 125 courts, as we come to open in full fruition, including the Waterfront courts. Madam Speaker, that criminal justice system has now allowed us in this COVID pandemic to seamlessly move into judicial hearings on an online basis. With that in mind, the Oaths Act

becomes relevant.

We proposed in clause 5 to remove the anachronistic references to the distinction between only a Christian and a Jew. We say that we will modernize the Oaths Act, we will allow in particular for virtual hearings at the courts engaged in right now, for a deponent, for person who is swearing to tell the truth, not by affirmation, to simply hold his uplifted hand and say that he will tell the truth. That allows us to have every office of an attorney-at-law where the client is present for examination in a virtual court setting, the ability to have that oath administered without necessarily holding the Holy Scriptures in hand.

Madam Speaker, this of course fits immediately into this Government's opening of 12 video remand centres in our nation's prisons. Permit me, we just heard the Minister of National Security mention the costs for prisoner transport. I would like to say that I have already publicly reminded that we are saving a biannual cost at once we paid in this country at one time, a biannual cost for prisoner transport as high as \$80 million plus. We are now therefore in a position to do the virtual courts, save ourselves a significant amount of the \$43 million thanks to this Government's negotiation [*Desk thumping*] and the capable contribution we got from Amalgamated Security Services Limited in particular. They themselves have reduced their cost down to \$25 million and therefore, these video courts give us a massive savings for prisoner transport.

Madam Speaker, the next clause that we look at is clause 6. Here we are looking at the Limitation of Certain Actions Act. The limitation of certain actions comes about because you have a statutory period of limitation in the civil law. There is no period of limitation for the criminal law but in the civil law, you have this position where you have a four-year period of limitation in general. There is a 12-year period of limitation that applies for judgment debts, et cetera, but even

though section 9 of the Limitation of Certain Actions Act, Chap. 7:09, provides for you to go and argue in court that the limitation period does not apply to you, we see it prudent to amend this particular law so that in this COVID pandemic, where we have a shutdown under public health regulations, that people will know that the statutory clock continues to run.

The amendment that we propose to the law is to put the period to the 30<sup>th</sup> of April or such longer period as the Attorney General may prescribed. I believe at committee stage we may ask for this to be extended a little bit further to the May 15<sup>th</sup> deadline and therefore we would keep that in to context.

Madam Speaker, I turn next to the Summary Offences Act. And permit me to say, under the Minister of Agriculture, Land and Fisheries, we laid in Parliament on the 11<sup>th</sup> of September, 2019, the Animal (Diseases and Importation) (Amdt.) Bill, 2019. Why? There was a significant need to amend that law and specifically to bring it into a better form of operation. In that Bill, which is laid in the Senate as we speak, there is an interesting clause under Part IIIA, the new sections 18A to 18L inclusive. And we sought it as a Government, after wide-scale stakeholder consultation, to amend the laws related in that particular focus to animal welfare and the animal activist complaint, which the Government shares that we need to do more.

Whilst that Bill is before the Parliament and we intend to carry out that debate, we believe that we cannot wait for the amendment for the animal cruelty point and therefore, we propose to amend the Summary Offences Act, Chap. 11:02, specifically in sections 79, 80 of that particular law, and 83 to remove the obscene penalty of \$400 for abuse with two months' imprisonment and to elevate that fine to \$200,000 and five years' imprisonment. That therefore allows us an immediate relief which I think we can do with in this particular miscellaneous

provision structure.

Madam Speaker, I would like to say we were compelled by no one to do this. This has been laid since September last year and the work started since the year before but obviously, the larger law takes a little bit longer in time. Madam Speaker, may I ask what time I end in full time?

**Madam Speaker:** 3:09:54.

**Hon. F. Al-Rawi:** Much obliged. Madam Speaker, I turn quickly to the Mental Health Act. The Mental Health Act is Chap. 28:02, clause 9 proposes an amendment to that. We are looking specifically to improve the definition of an authorized medical officer by including persons employed with the Regional Health Authorities and therefore allowing for the actual operation of the system of Ministry of Health, as one end of the health equation, and the RHAs as a second end. This law was long overdue in amendment and this obviously applies in the COVID pandemic because we want to have the mental health officers legitimately brought into operation, and the last thing we want is a challenge as to their operationality at law.

Madam Speaker, I turn to the amendment to the Children Act which clause 10 proposes. Clause 10 proposes an amendment to the Children Act and that is important, Madam Speaker. I gave the undertaking as Attorney General in piloting the amendments to the Dangerous Drugs Act in treating with the effects of cannabis that we would look to improve the situation of children. This Government and the Judiciary have opened a Drug Treatment Court first of its kind, it is in full operation. Tied into that, we now propose an amendment to section 38 of the Children Act and that is specifically, even though we criminalized an adult exposing a child to a dangerous drug, we want to capture the ability of a child who is caught with a dangerous drug or a substance which can lead to the

same effect, that that child is brought under the attention of the Children's Authority by a constable having the same power as he does for tobacco or alcohol or drinking to treat with the use of a dangerous drug or a substance having a similar effect. Then in this case here, the policeman will report it to the Children's Authority and as we know, the Children's Authority has a number of measures to bring it to the attention of courts if necessary, and certainly persons with responsibility for the child.

Madam Speaker, I turn to clause 11. Clause 11 treats with an amendment to the Shipping Act. In clause 11, we propose that we amend the regulations aspect of the law, the parent law, to allow for an improvement of the regulations. We are seeing by an amendment to section 406 that notwithstanding section 63(1), where the limitation, an offence fine was only \$500 until recently amended, we are saying let us except that out. If you breach the regulations, you can be exposed to a fine of \$150,000 and imprisonment for 10 years. Why? This was waiting in the shadows as we have drafted the regulations to treat with party boats. This was sitting at the Attorney General's Office and we thought it opportune to include it in this miscellaneous provisions Bill now.

Madam Speaker, clause 12 treats with an amendment to the Plant Protection Act, specifically we are treating with an amendment to section 4 and section 4A. We are looking at the aspect of phytosanitary products. What does this mean? Right now the Ministry of Agriculture, Land and Fisheries has to put health officers at every container where food products are brought in. That is an abuse of resources. It is not necessary. The Minister of Agriculture, Land and Fisheries ought to have the power to soften that approach. This amendment to the Plant Protection Act allows the Minister that privilege so that food importation in the COVID panic can be eased up by relaxing a system which can be better managed



otherwise.

Madam Speaker, I turn next to the Financial Intelligence Unit, amendments proposed by clause 13. Clause 13 proposes an amendment to section 12. It is in cross-reference to section 21 of the FIU Act and section 18(4). Effectively, we are asking for the summary offence which is prescribed for somebody failing to adhere to an order of the court. Right now there is only a summary offence in section 12. That summary offence, of course is, bound by the six-month period that you have to bring the action for summary matters. We are now allowing if you disobey a court order, we are asking it to be an either way offense, you can either be charged summarily or indictably and on conviction on indictment to a fine of \$1 million. Why? This is directly associated to financial crimes which are a significant aspect of this Government's focus and the FIU legislation has to be kept up to date.

Madam Speaker, the amendments to the Income Tax Act, the Central Bank Act, the Financial Institutions Act, and the Securities Act, as they relate to one core principle, fall next for treatment in clauses 14, 15, 16 and 17. I will deal with the Securities Act in a slightly larger way.

Number one. In this COVID pandemic and in the situation of money laundering court still being opened, financial crime still being opened, we proposed an amendment to the Financial Institutions Act, to the Central Bank Act, to the Income Tax Act and to the securities legislation, the Securities Act, where we are saying that it will not be a breach of secrecy for a listed entity, for a financial institution, for anybody falling under these laws, to give a witness statement to the police. Why? Under the preliminary enquiries legislation, the DPP has the ability to directly indict people on the basis of a paper committal. You cannot have a paper committal if you do not have a witness statement.

You cannot get a witness statement arguably— it is definitely arguable in both ways that you can get it under public policy or under compulsion of law. But certain financial institutions have indicated a reservation about this particular secrecy provision and therefore, to ease any concern that they may have and to make the law abundantly clear, we propose that a giving of a witness statement for matters which already have been disclosed under compulsion of law, be they under search warrants, under the preliminary enquiries law or by way of production orders, for example, under the Proceeds of Crime Act or any other written law, that the giving of that statement will not trip either secrecy, as defined by statute, or contractual secrecy provisions confidentiality arrangements, which a client may have in relation to a bank, for example, or a listed entity or a regulated entity in the case of the FIU listed entities in the Proceeds of Crime Act.

**3.00 p.m.**

Madam Speaker, the position that is slighter broader from that—and forgive me, 30 minutes is not enough time for a Bill of this length, but in the position of the Securities Act I need to take a step a little bit broader. Under the Securities legislation, we are taking the opportunity to fix a number of concerns that have arisen in the Securities Act. The Securities Act specifically contemplates certain listed entities moving ahead. The securities entity has come to us and said, “Look, we would like to amend the Securities legislation to allow for the bylaws to permit the expansion of categories and subcategories of regulating entities.” In this case here, there is an intention by way of bylaws and subsidiary legislation to broaden the category of persons who may engage in certain matters.

In managing that particular position we propose certain amendments to the bylaws aspects, et cetera. We are asking, Madam Speaker, as well for the amendments to include the administrative fines that the securities entity can give.

The securities entity current has in sections 155 onwards, section 156, et cetera, the power to take offences in one of two ways, either by way of a direct offence at law under the respective positions of the Securities Act or by way of the scheduled offences which can be taken under administrative arrangements. Section 155, therefore, becomes of material importance, and when we look to section 155 of the Securities Act, Madam Speaker, we are proposing that a breach of the law should not ascribe only a low fine of about \$1 million in one instance, or \$500,000 in another instance, we are looking instead to say that you should be exposed up to \$5 million.

Madam Speaker, we have gone further. We have learnt the lesson coming out of the IPO scandal, and in the IPO scandal the administrative approach that had to be taken by the securities exchange involved a limited fine being applied. The other laws around the world allow for an interesting perspective, in particular Canada where there is something referred to as a disgorging provision. When we look to the disgorging provision, it means that we are providing in this law the ability for the Securities Act to say you may not only be exposed to a fine, you may not only be exposed to an offence, but you should also be exposed to a disgorging of profits, meaning that you will have to give back the profit which you make if there is a breach at law.

Madam Speaker, we are very carefully balancing that in terms of proportionality by requiring the DPP's consent in certain circumstances, and that therefore follows through the logic of a proportional approach taking lessons learnt in the public domain, looking for legislative fixes and adding it in as quickly as you can. Obviously, Madam Speaker, we are proposing for limited offerings to be managed, voluntary deregistration, registration which is done in error; we are allowing for flexible circumstances to manage those situations, but the two real

highlights in this are the movement of the administrative fines up to \$5 million for the category of 155 offences. We are also looking at the—sorry, the 156 offences, forgive me, and we are looking at the disgorging provision by way of lessons learnt.

Madam Speaker, I turn quickly to the provisions of the Companies Act. In looking at the Companies Act there are a few things that jumped out at us. One, beneficially ownership only goes so far because we have discovered that of the 88,000 companies on the register, the vast majority of them or a significant number of them do not file return saying that they have issued shares. In other words then, a company is incorporated, shares are not issued, and in the circumstance where shares are not issued persons have been trying to hide behind their obligations for beneficial ownership which we introduced as an obligation in law under this Government. We are therefore proposing, Madam Speaker, that all companies be mandated and obliged to issue shares. They shall have 14 days after incorporation to have the issuance of shares or pledges if it is done by way of guarantee, and 14 days thereafter to actually file the disclosure. Obviously the general penalty offence complies with that particular recommendation. We are also saying that all companies that are already on the record shall be compelled within a six-month period or such further time as may be given by law to actually comply with the same point. In this way we will be able to tackle the crimes that we know are being perpetuated under the mask of having not disclosed who the real owner of a company is.

Madam Speaker, we also propose by way of an amendment to section 251 to lift the difficulties that persons have had in the filing of statements of charges where a company borrows money, et cetera. There is a positive obligation to inform the world by way of the filing of a statement of charge that you have done

so. We therefore propose to extend the time as we did in other COVID relief aspects. We fixed an inadvertent duplication of words in section 516A as we treat with the wavier of penalties that is currently in the effect at law pursuant to our amendments that we did in the last COVID Bill.

Madam Speaker, we also must now treat with the two simple amendments left, one is with respect to the CARIRI board. The Caribbean Industrial Research Institute Act, Chap. 85:52, basically the requirements at law there disappeared when certain entities were no longer left in law—and I mean the Industrial Development Corporation. We therefore propose a reformulation of the board capacity here, and that is what clause 19 is about.

Clause 20 is of material importance, Madam Speaker. Clause 20 is the amendment to the Motor Vehicles and Road Traffic Act. We are ready to go live with the demerit point system. The Cabinet has temporarily delayed that decision, but in easing up the people of this country so that they do not get fixed penalty tickets and that they can in fact do it online and by way of notices to contest and pay anywhere in Trinidad and Tobago, we have recognized that there are approximately 60,000 to 80,000 traffic offences that are still in court. We therefore propose a new section 50 of the Motor Vehicles and Road Traffic Act, and we are now offering a 50 per cent sale on old tickets. In other words then, you can avoid an offence coming at you, you can avoid going through painful and expensive exercises. Step forward, pay your ticket, pay your fixed penalty tickets at a 50 per cent rate cut and get out of the situation. This provides an immediate logjam destroying factor where we can remove approximately 60,000 to 80,000 cases in the Magistracy.

It is tied in with the Government's intention to remove nearly 104,000 cases per annum in motor vehicle and road traffic cases. By the time all of our

amendments are put into effect in this criminal justice revolution of reform that we have had as a Government, we will have reduced the magistrate's caseload from 146,000 cases per year down to 7,500 per year. With the advent of all of the reforms that we have put into place we are now able to go to court on a virtual basis, we are now able to pay— I give notice now that I intend to ask the Cabinet to come back within a very short period of time, a matter of weeks, to remove districts of the Magistracy—that will take care of a significant management issue—and also to consider as it is now in consultation the use of judge-only trials for non-capital matters in certain circumstances.

Madam Speaker, this is important law, it is proportional, it is well measured, it is ground-breaking, it continues the reforms that this Government has aggressively set about and I beg to move. [*Desk thumping*]

*Question proposed.*

**Madam Speaker:** Member for Caroni Central, you are reminded you have 30 minutes.

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Thank you very much, Madam Speaker. I am happy to have an opportunity to contribute to this Bill. This Bill actually amends 18 Bills. It is very hard to see the connection among the various Bills except perhaps in the case of the financial Bills, but there might be some connection between the matters being raised in the Summary Courts Act, the repeal of the Magistrates Protection Act, and the Oaths Act although the Attorney General indicated that that really had to do with the emergence of virtual hearings. We also heard from the Attorney General that the deadline for the Limitation of Certain Actions Act might be extended to May the 15<sup>th</sup>. So that suggests to us that there might be some relief around that time in terms of the beginning at least of a partial opening up of the Trinidad and Tobago economy which has been closed for about

five weeks now, with reason, because of this terrible COVID crisis that we have to manage as a country.

Now, 30 minutes is very difficult to speak to every item here so I will say initially that there are amendments here in this Bill that give us little reason for concern, but that there are some amendments that concern us a great deal, and in looking at that concern unless we can have some kind of clarification which changes our view for some of those issues, some of these clauses here are very, very difficult to support, but the majority of the amendments are not contentious in that way. The other point I would like to make is that in looking at this Bill and the several amendments that are to be made to Bills unconnected, dealing with a variety of things at the same time, it is difficult to see the urgency or the immediacy of the need for these amendments at a time when the country is in this kind of lockdown situation and managing a terrible crisis that is at once medical or health related, and at the same time as a consequence economic because I do not see how these matters in the miscellaneous (Amdt.) Bill are so very important that we had to come out to deal with them. So I make that point.

I start with this issue of the immunity to magistrates. Now we have a Magistrates Protection Act and this Magistrates Protection Act is going to be repealed, and in its place what we are doing is in fact making what the Attorney General mentioned or described as a simple but powerful amendment in which magistrates are given immunity. Now, I realized that there was a debate some time ago in both Houses in which this matter came up and the comparison between what was being done for judges should also be considered for magistrates—and Attorney General referred to that—and therefore, the question of immunity can be seen on the simple side as simply harmonizing what you are going for judges so that they contain as well the magistrates in the system. But the powerful side is the

side, Madam Speaker, that I am concerned about, and that powerful side really raises the question of whether this immunity to magistrates leaves any room for justice to be done in a case in which the citizen feels aggrieved or feels that he has been mistreated in the court.

In every piece of legislation that we passed—in this particular case, amendments—we have to ask if it causes any harm or it causes any value, that is to say, if it adds any value. And I want to say in this particular case—I mean I am unclear as to whether it does add value, and I am worried about if it might do harm because why do we wish to give immunity when we already have an Act which protects the magistrate. And the point is that there is a big difference between protection for a magistrate and absolute and total immunity. So I need, if the Attorney General would indulge me, some greater clarification of the need for this immunity for magistrates which I think makes it very difficult for someone who feels aggrieved.

Under the old system which is now being repealed you could take your matter to court, and if it were frivolous or vexatious it would be thrown out, but if it had substance it would be adjudicated upon, and therefore, I need some clarity on this particular matter. I need to know why and what is the benefit of this for the citizen, not the magistrate. I want to know what is the benefit of this for the citizen.

In the Limitation of Certain Actions Act we are no problem with that. This is a progressive piece trying to take the COVID period of lockdown into account, and as the Attorney General says, he might extend it to May 15<sup>th</sup> which seems to signal something positive for the economy. So we wait to see what will happen at the committee stage.

On the Summary Offences Act, Madam Speaker, we support the



improvement on the issues of animal rights. I have seen some horrible cruelties to animals on the Facebook that I could not believe not only that someone would do it, but that someone would actually post it and these cruelties cannot continue. The cruelties identified in here for which the fines have been increased are cruelty to animals of mistreatment, and also cruelties of overwork and abuse and exploitation, and therefore, we have no problem whatsoever in supporting stronger penalties in order to protect the rights of animals but also to create a greater sensitivity in this society that we need to care for these animals that cannot speak and to look after them with a certain humanity.

Now in the Dangerous Drugs Act I do not know if there is a mistake or if I am not seeing something, but the numbers in the amendment do not correlate to the numbers of the Bill. So I do not see section 5B(1) in the copy of the related section that is being amended, and I do not see 5B either. So I am not sure what is happening here. Maybe I am the one making the mistake, and if I am making the mistake I apologize, but there seems to be a problem with the numbers here in the Bill.

In the Mental Health Act I suspect this has to do with the decentralization and recognition of the decentralization of the mental health care system that the Minister of Health has spoken about, and therefore, it tries to incorporate and recognize the regional health structure and the people who work in that system. So we would have no problem with that.

In the Children Act, we have no problem with inserting a clause which has to do with dangerous drugs. That is another sore point with me, Madam Speaker, the way children are treated and abused. In this country I cannot fathom it. I cannot understand big men and big women treating children in the way that they do. I cannot understand the element of neglect and abuse that we sometime see,

and we have no objection to including this because for an adult to expose a child to the things that are identified in this Act such as alcohol and tobacco and so on, but more than that, dangerous drugs, are things that should be dealt with severely.

The increase in the penalties and the Shipping Act, we do not have a problem with.

On the Plant Protection Act I need to say something about that because it is related to powers to the Minister responsible, which would in this case be the Minister of Agriculture, Land and Fisheries. I wish, Madam Speaker, given the state of agriculture and now heightened by this COVID crisis, and therefore the serious need and concern and uncertainty and fear about food security, that the Minister would use his existing powers better—and this particular matter just deals with the right to bring in products. I hope it is not about the importation of yams. But I want to say that while we address the issue of production at home which we should be dealing with, we have no problem with the Minister being able to address issues to ensure that what needs to be done in Trinidad and Tobago is done and to give him the powers to make exemption.

But there are basic things in agriculture that need immediate attention, not just the issue of planting of food security or developing the agricultural sector to make sure that we have self-sustainability, but all the outstanding issues which have not been dealt with for the last four and half years such as land tenure and irrigation, and flood, and ponds, and praedial larceny, and access roads, and the distinction between registered and unregistered farmers; all of these things. There is much more that I can say about that, but that is not the purpose of this Bill. I simply mention it because although it deals with the question of importation of materials and the powers of the Minister to make exemptions, I feel that the principal responsibility and focus of the Minister of Agriculture, Land and

Fisheries is in fact to increase production, productivity, diversification of the agricultural sector, and to address the issue of import reduction and food security.

There are these financial Bills that have to do with the Financial Intelligence Unit, and I just want to mention that all the NGOs are now supervised by these financial units and I wonder how many of them, those NGOs all over the country, whether they are a church, a club, an organization that administers to the welfare of others, co-operative or what, I wonder if they know that they are supposed to file documents, and register, and get their business in order by the end of this year 2020. I simply mention that because that is now the law. It is a law to which we had many objections but that is now the law and I want to remind those NGOs that they are meant to comply before the end of this year with the registration and other processes.

It is stated here in 18C the FIU shall establish and maintain a register of all non-regulated financial institutions and listed businesses for which it is the supervisory agency, and by law we have now created the opportunity for NGOs. Now the particular issue here is that the fines are being increased for not complying with a court order, and in principle we have no problem with that because if the court orders you and you do not comply and there is no consequence for it, then what is the use of the court. So the fines here are increased and we have no problem with that, but the other financial institutions you see together with the role of the Financial Intelligence Unit creates for me some problems. In the Income Tax Act, for instance, this presents a problem with the insertion of subsections (4A), (4B) and (4C), and the issue there, of course, is confidentiality and I am not saying that confidentiality is a closed issue to which there is no opportunity to temper that notion of confidentiality.

**3.30 p.m.**

It does raise the issue and the reason I am raising it is because, you see what is being done here in this one, Income Tax Act, which would mean of course, people in the Board of Inland Revenue, as witnesses. The Central Bank Act, which would mean employees and board members of the Central Bank as witnesses, and the Financial Institutions Act which would mean people in these financial institutions, as witnesses, all of them covered in the law, by privacy requirements and personal security considerations.

We now have a situation in which this particular situation in my view, is being threatened by—I think I took a note of it in what the Attorney General said. He says that what he is seeking to do is to force a paper commitment, where there has been reservation by some of these financial institutions in coming forward with information, and he talked about secrecy and contractual secrecy that he does not think this law or these amendments violate.

Madam Speaker, I really need the Attorney General to show me how these things are not violated by here and how this cannot be abused. Because already the issue of public information and the fact that, if you have a matter public, then it is no longer secret and you can in fact use that information for me, which is in the law already, is a problem. Because in the politicization that I see going on in this country, pre-COVID, and in during the COVID period, and I suspect, post-COVID anything can be said in public on a public political platform or on some public occasion and that becomes a public issue. And once it becomes a public issue, and it is in the public domain, the issue of secrecy does not apply, the issue of privacy does not apply and that in itself is a problem and when you add to this now, this issue of getting the witness who would normally be covered this the security of the witness, yes, it gives them cover, but it really exposes the person whose privacy is being violated. I would like some clarity on that because I have a serious problem

with the way these pieces of legislation are headed because we have had this matter come up on several occasions in the legislation being considered in committee now with the Central Statistical Office, involving the Board of Inland Revenue and the CSO.

We have had it come up with the Board of Inland Revenue in particular, we have had it come up separately with the Central Bank, and I think that these are matters that we have to be careful about, because I started by saying that I did not see the urgency of this Bill and the amendments to this Bill, it could have come at any time. It could have come before, it could have come after there was no reason in this COVID period to bring it.

But it has been brought and I know that in many countries, the COVID period is being used in order to increase the power and potency of government. Governments have become bigger, under the COVID period, executives have become stronger and the parliaments by and large have become weaker and public scrutiny has become lesser, in this particular situation. And even the press itself, inundated by all the things that we are living through in our society, here and elsewhere, find it very, very difficult to play the role of watchdog in the society to the extent that it normally does, under normal conditions in the society.

On the Companies Act, we do not have a problem here because what this does is really create the conditions for business not to lose this particular time—that is to say during the COVID period—and I have no particular problem there is no need to elaborate on it. It does give them comfort that this time is not part of the time that they must count in any obligations for compliance in various things.

The Securities Act issue: this is a big one because the fine here is quite hefty. It goes to five million but in doing that, it is for something for which we need severe penalties and we need protection under the law. And given things that

have happened in this country within the recent past, I do not think that it is something that one would want to object to.

On the issue of CARIRI, Madam Speaker—may I ask you how much time—

**Madam Speaker:** Two minutes to go.

**Dr. B. Tewarie:** Thank you, on the issue of CARIRI, there is no real objection to this what has happened is that they have largely retained the formula of the old board, except that they have taken out the UNDP and they have taken out the IDC which no longer exists. They have also taken out the governments in the Caribbean region as a support for the institute. Now, because I mentioned that these have been taken out does not necessarily mean I object to the formula that is being used here but what is happening, we must be aware of it, is that, what was supposed to be a regional institution is now going to become a national institution.

It does not mean—and the only regional representation will really be from the University of the West Indies but I suspect that, that will be campus specific in any case. There is nothing wrong with that because our national institution can support regional objectives, just as a regional institution can support national objectives. So I do not have a problem with that but I simply point out the fact that we have taken out the international connection and we have taken out the regional connection and given that institute, given the kind of internal development because we will see now post-COVID that more and more countries—one of the big things that is going to change is that countries are going to be more focused on the things that they can develop and produce, that are internal and supportive of self-sufficiency in their own country, that are supportive of national value chains that are better linked, and that are very supportive of regional value chains that are closely located in a neighbourhood. Having said that, an institution like this, given what it does, CARIRI is very important indeed.

The motor vehicles thing I have no problem because what we will do is give people a chance to pay half and to get rid of the backlog we have no problem there.

Madam Speaker, I might have a minute or so more and I simply want to say that, by and large, I want to say that there was no urgency to this Bill.

**Madam Speaker:** Time is now up.

**Dr. B. Tewarie:** Well—

**Madam Speaker:** Member for Laventille West.

**The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker. Madam Speaker, my colleague on the other side ended as softly as he began. Unconvincing even apparently to himself and I submit, Madam Speaker, that it was a welcome event that his time came abruptly to an end.

Madam Speaker, my friend ranged from yams, making reference to the Government's attempt to recover lost species of crops, food crops in Trinidad and Tobago, our liaison with Ghana. He got as far as that. He spoke of “pridal” larceny. I have never heard that before. I would have said praedial quite frankly, but he said “pridal” larceny, removing all pride in his manifestation of the language here today. Madam Speaker, the member asked in all seriousness, he asked, why would the Attorney General come with the amendment, that he did in relation to the immunity for magistrates? I thought it was very well known when we debated the magistrates' immunity Bill, becoming an Act some time ago, that the Attorney General and he said so today had promised that he would have done this, while we looked at other aspects of the criminal justice system.

It was quite clear a magistrate I think by the name of Jaroo was sued in his personal capacity for a decision that was made while sitting as a magistrate. The Attorney General reminded us today that as it now stands magistrates deal with

some 90 per cent of the matters, criminal matters, and others that passes through the court system in this country.

We anticipate an increased role for magistrates as we remove the bulk of traffic matters, that some of the amendments today will attend to, magistrates will play an increasingly important role in dealing with the criminal justice system and as a consequence, of being able to be sued as it now stands in their personal capacities, for decisions taken in the course of their magisterial functions, they are timid, the Attorney General described it as having trembling fingers to write orders, to issue warrants and to do various things.

The case of Jaroo, the Magistrate Jaroo, showed that and therefore it is quite clear. When that matter was determined in the court, the court made a number of what we call in law obiter statements indicating that the Parliament had to deal with that issue and that is what we are dealing with here today. I do not know what more the Member for Caroni Central wants to hear on that particular matter, and it is indeed to the benefit of all the citizens of Trinidad and Tobago because, a proper functioning magistrate, a fearless magistrate will do a far better job, particularly given the number of matters that they have to deal with.

Madam Speaker, the measures before us today are all of similar ilk designed for the benefit of the little people, all of the people, the ordinary man and woman in Trinidad and Tobago. All that we do as a Government, we do it with the masses in mind.

The Member for Caroni Central stumbled along a truth. He said that this would clear the amendments to deal with—the Motor Vehicles and Road Traffic amendments that we have here today, and we will deal with the backlog. We deal with the masses because we will remove a bulk of cases from the system, one. We will reduce the amount of money that they have to pay, two. But it really affects



the masses. When they sought to deal with a backlog of cases, it benefitted 11 people who went and applied to have their matters removed under the infamous section 34. So we deal with the masses, they deal with the elite few, their friends, and that is our record—like SIS and others.

**3.45 p.m.**

Madam Speaker, the limitation period issue, it simply says that during this period of this COVID issue, when the society is on shutdown, time will not run in respect of the limitation. It will benefit litigants, either side of the litigation. We must take note that we allowed the law and lawyers and legal practices to continue during this period as an essential service. So this is an additional benefit to the whole structure.

In terms of the mental health amendments here today, in short, in 1992 or thereabout, we went to the regional health authority system. Some regional health authorities were established but alongside that, you still had the traditional Ministry of Health dealing with certain things. Some personnel went over from the Ministry of Health into the RHA system and what you have now, under the Mental Health Act, there are officeholders under the Mental Health Act who had their office established in the old system. Now that there are persons to do similar functions in the regional health authorities, they need to be clothed with the authority so to do, and this essentially is what this is all about.

In respect of clauses 13, 14, 15 and 16, the so-called “financial clauses”, the evidence on record in Trinidad and Tobago shows, whether anecdotally or out of reports from the Financial Intelligence Unit, that white collar corruption is widespread in Trinidad and Tobago. We still 20 years later have the Piarco scandal in front of us. We have a citizen of Trinidad and Tobago who was associated with my friends on the other side in the Cabinet, who is now wanted in

the United States on warrants and is now dealing with his matters in the Privy Council here, which he is entitled to. “And if any ah dem only say Jack ah call name.”

Madam Speaker, we have a situation here where a very popular UNC contractor, famous, left Trinidad the day after election. Those are anecdotal pieces of evidence, and never to come back, that we have a corruption problem in Trinidad. It is not altogether new. It has been with us for a long time. Madam Speaker, one of the mistakes we make is thinking that corruption is only about ministerial corruption. Yes, it involves some of that in many countries of the world, including Trinidad, but it involves private businesses, attorneys-at-law and persons who are not elected whatsoever, unelected persons. So corruption is across the board and we do have a problem in Trinidad and Tobago. It is a function of greed and it is about people wanting to get more than their fair share.

Like other countries, in Trinidad and Tobago, we have a number of pieces of legislation: Prevention of Corruption Act; the Central Bank Act, to regulate financial institutions; anti-terrorism law; Proceeds of Crime Act; the Financial Intelligence Unit law to deal with money laundering and financing of terrorism, all of these—the Income Tax Act, civil asset forfeiture—all of these designed to deal with this massive problem of corruption in Trinidad and Tobago as exists in other countries. In the operation of all of these laws, it requires authorized persons, in the main, to seek information from certain financial institutions, listed businesses, individuals, in order to investigate these matters and to bring perpetrators to justice. It needs information from banks, credit unions, all financial institutions as I have said.

There are other measures we take, for example, the demonetization of the currency recently, a great success. Over a half of billion—over I think about \$600

million, \$700 million cannot be accounted for after this process. Perhaps even more, but we will find out more about that later. But in all of these laws that I have just listed, there are confidentiality provisions and for good reasons. Employees and other persons coming into contact with information regarding businesses, citizens ought not ordinarily to share this information. It could cause trouble.

A person could share information in the bank about how much money a citizen had and that could lead to a kidnapping. That has happened in this country and in other parts of the world. So confidentiality is important. But, Madam Speaker, you have a situation where sometimes persons hide behind these very legitimate confidentiality provisions in order to achieve ulterior motives and purposes, and refuse to share information with authorized officers of the State in order to protect people or for other reasons inexplicable so far to some of us.

We had a case where an income tax offence was being investigated and that confidentiality provision frustrated the attempts of law enforcement officers to get inside of it. So there is a clear problem which the law enforcement agencies, who are usually advised by the Director of Public Prosecutions, would have indicated to the Government that there are problems. So when the society is blaming the police and saying they are slow to investigate, sometimes they have no idea what the police is encountering when they go to these financial institutions.

I am aware—the DPP would not confirm, his lawyers would not confirm it, but I am aware, anecdotally, that the DPP left his office on more than one occasion and went personally to a certain bank in this country to try to persuade them to share information in a particular investigation, and it was not forthcoming. I have no doubt that it is things like those that have led this Government to bringing these measures here today. Because all of these laws, as I say, they do have confidentiality provisions, to my mind, in some cases, sufficiently clear. So that

any fear on the part of the banks or the financial institutions about sharing the information would be in breach of those confidentiality provisions, is totally unfounded in my mind. But these measures here today are designed to make it pellucidly clear and beyond any doubt.

So they all apply to each of the laws, whether it is the security law, whether it is the income tax law, whether it is the Central Bank law, whether it is the Financial Institutions Act law, all of these measures are essentially the same. And they say that information made at the time of the disclosure, where it is already in the public domain, you should be revealing it without trouble. Information in the form of summary or collection of information so framed as not to enable information relating to any particular person, the confidentiality provision does not apply, and you could give that information.

The provision of a witness statement to a police officer above the rank of superintendent for the purposes of any criminal investigation or criminal proceedings, you should be able to declare that. This is what these measures are proposing. Any witness statement relating to the information disclosed under compulsion of law, this Act or any other written law, or if the information is requested in writing by that police officer with the prior written consent of the independent and astute Director of Public Prosecutions.

And then like in (4B), in the case here of the Income Tax Act, and as I said, all of these are replicated into four different pieces of legislation, so I could deal with it only once, there is a clear immunity provision, which says as in the new (4B) in the Income Tax Act:

“Notwithstanding any law to the contrary, it shall not be a contravention of any law, or breach of contract”—meaning employee/employer contract—“or any duty of confidentiality for a person or entity to disclose information

pursuant to this section by way of a witness statement referred to in subsection (4A)(c).”

So that is the immunity from all action and from an allegation that you breached your employee/employer contract that has been put in here to allow officers in these institutions to feel free. And now we are imposing a legal obligation on them to do it, where some did not disclose it for reasons that we are not yet to understand.

It cannot be that these financial institutions doing business here, making money here, cannot share information with law enforcement when we are dealing with public money, matters in the public domain that require the attention of law enforcement. It cannot be and that must not continue. These amendments are designed to treat with that because many an investigation has been stymied and frustrated in the absence of this.

This unwillingness to give evidence and to support it, Madam Speaker, I must tell you from my own knowledge too, is not only confined to the private sector banks and institutions, eh. In the public service, we have officers who are refusing to do it too. Of course we accept that we live in a world where witnesses are killed and there are issues, but to my mind, that is a separate issue, and that is an issue for national security as distinct from your lawful responsibility and commitment to share information that is in your domain when it meets the requirements of the law.

We have a situation here where a particular bank in this country— and I will not call any name— it shared information along these lines in many matters. When it is John Doe from John John and it is Mary Jane from Caroni, they were willing to share information, but when it came to a certain matter, the same institution refused to do it. What are we to think? The police complained about that. They

were getting information from that institution on other similar matters, and when a particular matter came—I have anecdotal information too and I will go as far as to say from an employee, mentioned to me when I quarrelled about it in a private bar conversation one day that even the attorneys for that particular bank, their own attorneys advised them and gave legal opinions that you are free to be able to give this information to law enforcement without fear of prosecution and without fear of breaching any confidentiality provision, and they still refused to do it. What are we to think? Those are the things that have brought us here today because these things cannot continue, they are not in the public interest.

I am satisfied that the law, as currently written before these amendments, perfectly inoculates such institutions from any threat along these lines about breach of confidentiality, so I reject that argument. But we are here today to make it, as I say, plainly and pellucidly clear.

The Central Bank has a regulatory function. It has enforcement powers for banks and other financial institutions. It could impose, it could go to court and it could enforce measures against them, leading to suspension of their licences to operate or even revocation, but the Central Bank could not deal with this issue of witness statements. Because what is happening, Madam Speaker, is that they would comply with the law by providing the information to the police but it is hypocritical to provide that information in a document if you are not prepared to give a statement that the officer who provided that information got it from properly functioning computers, audited bank records and such like, and that that was a duly authorized officer doing it. So the document alone stands bare and hypocritical if you are not prepared to support it with a witness statement for evidential purposes.

I am making the point that while the Central Bank could enforce the need to hand up the document, it had no jurisdiction to deal with the question of what you

will do about that document insofar as justiciable evidence for the court is concerned. And these measures here will treat with that lacunae and therefore, no one should be able to hide behind confidentiality provisions henceforth.

So, Madam Speaker, we blame the police, as I said earlier. We blame the Government. That the politicians talk for five years about corruption and “dey eh locking up nobody”. Madam Speaker, politicians “doh lock up nobody”. As a matter of fact, a sensible politician would stay as far as possible from those matters because all it does is to give their clever lawyers an opportunity to claim political interference and involvement as a defence in the court. We as a Government stay far from that. We provide the information as the administration to the police but I only want the citizens of Trinidad and Tobago to understand, what I have explained here today, what the Attorney General has explained here today, are real issues. And what are we doing? This Government, our governmental and human best.

We have come here today with measures to improve the law, to make it easier for law enforcement to deal with the issue. That is as far as we could do as legislators, as parliamentarians and as Government, but at the end of the day, it is for the police, it is for the DPP. But they said they wanted these amendments to assist, and we are providing them because we understand their pain and their frustration in dealing with these issues in the circumstances that I have explained them.

As far as clause 18 is concerned—Madam Speaker, how far am I to go again?

**Madam Speaker:** You have roughly six seconds.

**Hon. F. Hinds:** Six minutes?

**Madam Speaker:** Seconds.

**Hon. F. Hinds:** Six seconds?

**Madam Speaker:** Six seconds.

**Hon. F. Hinds:** In those circumstances, in the public interest, Madam Speaker, I should spare those six seconds, and I thank you very much.

**Mr. Ganga Singh** (*Chaguanas West*): Thank you very much, Madam Speaker. As I listened to the tirade of my colleague, the hon. Member for Laventille West, I sought that I thought he would have taken a different approach in this time of the coronavirus pandemic and recognize the mortality of all of us, and taken an approach of being more forgiving to his colleagues in that sense.

It is my privilege to rise in this time of the coronavirus to speak on this Miscellaneous Amendments Bill, 2020, notwithstanding the constraints we face being masked and to some extent muzzled, with respect to the 20 minutes we have with time.

Madam Speaker, this Bill encompasses 20 amendments to some 17 parent Acts and the repeal of one complete Act, the Magistrates Protection Act. It is an omnibus Bill, and I will come back to that. But first I want to deal with the utterances of the hon. Member for Laventille West.

Madam Speaker, he seems to have embarked on a position where the various clauses dealing with the financial institutions: the Central Bank, the Financial Institutions Act and the FIU to deal with coercion, use the law as a coercive tool and to some extent, tool to force people to comply with the provision of witness statements. But there is a tool available that requires all the due process and fair hearing requirements, That is, you go to court before a judge without notice for a production order.

Madam Speaker, it is clear that the Government has utilized that tool and they have gone into bank accounts for several persons in this country. But now



they are going even further to create a level of coercion that I do not believe is appropriate in a society that has respect for the rule of law. Because when you compare what is being done in other countries, you have situations where like, for example, in the UK where professionals do not comply with the voluntary requests of police officials in order to give them information. They are not comfortable with that. So you go to court, you fulfil the requirements of the court and you get a production order.

For the hon. Member to talk anecdotally, several issues, several times, anecdotally. He is like Brer Anansi making a series of anecdotal stories and hearsay that we have no way of establishing what is in fact the truth.

The fact of the matter is that the DPP cannot use the office of the bully pulpit of DPP to go and request information from any bank or any other financial institution, he has the avenue of a production order. That is the way the court is structured, that is the way the principle of the separation of powers is structured.

Madam Speaker, you will recall in February 2019, when there was the Magistrates Protection Act brought by the hon. Attorney General, we made a contribution on that. We said that we wanted the magistrates to enjoy the same immunity as judges. In fairness to the hon. Attorney General, he did in fact promise to return with that kind of immunity after some analysis. I did not expect that the Attorney General would come with this one-sentence immunity, having regard to the way the law is structured in Trinidad and Tobago.

Madam Speaker, in clause 3 of the Bill—and clause 3 must be read conjointly with clause 4 of the Bill. Clause 3 says:

“Immunity of Magistrates

159. No action shall be brought against a Magistrate for any act done by him in the execution of his office.”

Any act—this is a blanket immunity. This is a blanket immunity because what he is seeking to repeal and replace is the Magistrates Protection Act, and this is what the Magistrates Protection Act says in section 4(1) of the Act:

“No action shall be brought against a Magistrate for any act done by him in the execution of his office in relation to a matter within his jurisdiction.”

Section 4(2), very important:

“Nothing in subsection (1) shall in any way impair the availability of other forms of relief in respect of the decisions of courts of summary jurisdiction, including appeals, applications for judicial review and applications for redress under section 14 of the Constitution.”

So you give them immunity. The immunity is not the same as judges but you give these ordinary citizens, the masses— my good friend from Laventille West speaks so glibly about, you give them the protection of the law, to give them the right to access the court in the event of a breach. But what does this piece of legislation seek to do?

“4(1) No action shall be brought against a Magistrate for any act done by him in the execution of his office...”

So what happens to the judicial review? What happens to redress under section 14 of the Constitution? What happens? This is such a blanket immunity. It is inappropriate, having regard to the jurisdiction in this country. The manner in which jurisprudence has emerged too in this country.

So, Madam Speaker, when you have the hon. Member talking about and creating this kind of police state mentality, we have to go back to basics. We have to look at the learning, at the jurisprudential learning. Now Madam Speaker— but before I do that, I cannot understand why the Attorney General did not utilize the relevant sections of the Jamaican Judicature Act in which they apply the immunity

to magistrates. And I will read that at an appropriate time, Madam Speaker, cognizant of the time we have.

I want to make reference to the emerging jurisprudence and to understand that our Constitution gives us a right to due process, to fair hearing before an impartial judge, whether it be magistrate or judge, or the Court of Appeal or the Privy Council. In the Court of Appeal matter between *John Reginald Dumas v the AG of Trinidad and Tobago*, Civil Appeal No. 218 of 2014—[*Interruption*] no comments from you by the way, as you walk by. The honourable judge, Justice Jamadar, as he then was, and he has since been elevated to the Caribbean Court of Justice. Justice Jamadar pointed out that at page—okay, Madam Speaker, I will leave that one for the time being. But the point I am making is that there exists a whole jurisdiction of what is happening in the area of law. At page 40 of 53, Madam Speaker:

“If the Constitution is the supreme law, and breaches of the provisions cannot be addressed, revealed and remedied, that would more likely debase it and erode public trust and confidence in the constitutional democracy that Trinidad and Tobago declares itself to be. Can it be a law that is inconsistent with the Constitution is void”—to the extent of the inconsistency— “...but an executive action that is inconsistent with the Constitution is unreviewable? Why this should be so?”

Justice Jamadar went on to deal with the evolution of the jurisprudence in this country, and demonstrates that every action by any public official is subject to judicial review. So I cannot understand how you are going to give this blanket immunity to magistrates.

Magistrates are fallible human beings. Magistrates are not disembodied spirits, they can err. They can be imbued with vanity and commit errors as a result.

So that therefore, I commend this case to the reading of the Attorney General. I am sure he would have read it and it is not his intention to preclude judicial review from this ambit of immunity that he is creating.

Similarly, Madam Speaker, you have a situation where that if it is the intention of this amendment to provide protection to a magistrate from being the subject of adverse costs, as indicated previously by the hon. Member for Laventille West, so that if it is the intention to provide protection to magistrates, the way to achieve that result is simply to enact a clause that would support to make any order made in the court proceedings against a magistrate payable from the Consolidated Fund. This would give every member of the Magistracy the protection that they need and deserve. I would suggest that that is what is required.

The Jamaican approach in section 7A of the principal Act, the Judges of the Parish Court, the Judicator (Resident Magistrates) (Amendment and the Change of Name) Act, 2016 provides—and simply:

“Judges of the Parish Courts shall enjoy the same immunity from liability as Judges of the Supreme Court.’”

Why did we not take that approach? Why did we not take that approach? That is the approach that is recommended, and I recommended that in the debate of February 15, 2019. So that this approach where you remove any opportunity for access to the courts, you should state that explicitly. So you are repealing section 4 of the Magistrates Protection Act and you are seeking now to not embrace judicial review, constitutional motions. You are depriving people of well-established constitutional rights, for a fair hearing, for due process.

Madam Speaker, it is clear that we cannot support this amendment in the current form because clearly, the manner in which it is drafted it takes away from a citizen the protection that is afforded to each and every citizen. What this— by the

protection of law clause guaranteed under section 4(b) of the Constitution— what this clause seeks to do is to provide statutory ouster clause that prevents a magistrate being subject to the supervisory jurisdiction of the court in the execution of their duty as a judicial officer. This is undemocratic; it is arbitrary; it is dangerous and it is capricious legislative proposal that I have witnessed in the history of my parliamentary tenure here.

How could you seek to oust the supervisory jurisdiction of the High Court in relation to all magistrates?

**4.15 p.m.**

Madam Speaker, as I have indicated, the judicial and jurisprudential tide around the world in all democratic countries is based upon the rule of law, is that there is a movement to make justice more accessible to citizens. The right of access to the court is the cornerstone of the rule of law, and our democracy, and today this Government comes to this Parliament to take away that right from the citizen under the guise that they are giving protection to magistrate. That is stealth. That is undercover. That is not an attempt to widen the jurisprudence approach.

So, Madam Speaker, the case is, cases like Akili Charles and Her Worship Maria Busby Earle-Caddle, deals with matters of this nature; cases like the AG and Maria Busby Earle-Caddle, the DPP and the Law Association, the Criminal Bar, Ramchand Lutchmedial, Desra Nehru deals with the whole question of fair and due process. So you have the case law on our side, but what you have? So, the case law and what has been incorporated in our jurisprudence that is so important to our country and our citizens, and that they have access to the courts. This piece of legislation goes against all legal principles that have been expounded in our highest courts. When you look at the whole question of bias, magistrates have been known—as I said they are not monks—to be biased. The Basdeo Panday matter.

You have a series of matters on bias, the right to a fair hearing. All these matters and you are going to say that they have a blanket immunity?

So that, Madam Speaker, when you look at what is happening here today, this we cannot support. We have come too far in this country to allow this administration to take us back to the days of the plantation where our rights could be determined by the drop of a hat. We on this side stand firmly on the side of the Constitution and on the side of citizens of this country. You want to take away what the people have, and you must not do so by stealth. You must not be allowed to do so by stealth. Madam Speaker, can I find out how much time I have?

**Madam Speaker:** Your time expires at 4.20.

**Mr. G. Singh:** So, I have three minutes. Madam Speaker, in the three minutes I have I want to deal with the whole question of the shipping. The hon. Member indicated that it was meant for party votes. If it is meant for party votes you then organize insurance, make sure you legislate for insurance for party votes. You organize for the safety. You do not seek to amend it in that fashion and expect the objective to be realized.

And secondly, Madam Speaker, in the few minutes remaining, I want to deal with this whole question of clause 18 of the Bill dealing with the Securities Exchange Commission. What are my concerns? My main concerns are simple, whether the proposed disgorgement of gains made by persons can be ordered by the commission to be returned. Is this not a constitutional requirement? Would it not require a three-fifths majority of both Houses? This seems to be an infringement of the rights to property. Madam Speaker, the increased in the administrative fine from 500,000 to five million may also require a three-fifths majority by way the Act was initially passed. But that is subject to more learning.

The insertion of the consent of the DPP, Madam Speaker, you have in

section 168 of the SEC:

Nothing in this Act prevents the Commission from referring any matter to the DPP.

So the DPP had a right. In the scandal, the FCB scandal the FCB sought advice from the DPP; 19 months thereafter the SEC received a response on the matter, that it could not be taken to the courts by the DPP because it did not meet the evidence threshold. Notwithstanding the, the SEC withheld such information from the parties, I am advised, and proceeded to institute a hearing under civil action, which their second supplemental advertisement notice of settlement indicated.

So, Madam Speaker, it seems to me that what we have here today is a “pelau”, some good like the animal cruelty, some a “pelau” of ingredients. But what you really have here is a witch’s brew which is poisonous to the fundamental rights and freedoms, the right to a due process, to a fair hearing, by attempting to give magistrates this blanket immunity, and the right approach is the Jamaican approach. Madam Speaker, I thank you.

**Madam Speaker:** Attorney General.

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. Madam Speaker, it is always good to hear my colleague, the Member for Chaguanas West. He is a good debater. He fills the auditorium with convincing talk. Not quite sure if it extends to convincing argument to people that listening to him carefully, but I must offer the compliment that I usually do to his debating skill. I will take the hon. Member’s contribution for what is. I will take it *de bene esse*, as we say in law, and I will use the opportunity to address this on the *Hansard* to treat with the issues raised by my learned colleague the Member for Chaguanas West.

Madam Speaker, we effectively have just a few points to respond to. Number one,

the magistrates protection formula; number two, the issue of the securities amendments with respect to the disgorging provision that we are now adding in as that relates to the allegation that this may require a three-fifths majority; and the use of the consent of the DPP in that particular provision. The hon. Member also mentioned the quantity of fine—I do not know if he meant it in the context of proportionality in terms of the extent of the fine, whether one may feed an argument of excessive criminality feeding that argument. So I am taking out of it the best possible version of argument that one could probably bring to the subject matter at hand.

Madam Speaker, let us deal first of all with the magistrates protection legislation. Madam Speaker, the Jamaican experience and legislative proposal stands apart from ours because they were treating with a different subject matter in a different regime. Trinidad and Tobago, if we were to look to our laws, the Constitution, the Supreme Court of Judicature Act, and the Summary Courts Act, those three pieces of law are where we fund our judicial officers. The Constitution in Chapter 7 of the Constitution manages the process of judges of the Supreme Court being both Court of Appeal and the High Court. The discretion and privileges given to them really are by way of reference to what judges enjoyed in the colonial commonwealth experience. When we go to the Supreme Court of Judicature Act, when we go to the concept of masters, as we see it born in law, the master is given a concurrency with the judge.

In the Summary Courts Act where we treat with the magistrate being a creature of that statute we have present there the reference to the Magistrates' Protection Act only by way, not of the actual law saying so, but by way of knowledge for people that when you look at the law realize the Summary Courts Act and the Magistrates' Protection Act were effectively passed within a year of



each other in the very early days of Trinidad and Tobago's history, and I am talking now about when we were largely pre-independent and where magistrates were confined to being resident magistrates. Districts of the Magistracy were in fact created to treat with the situation of the magistrate living in the area, being known to people, et cetera. But the magistrate stands in a different position because the Justice of the Peace in the Summary Courts Act has certain powers that the Justice of the Peace, a non-judicial officer, can exercise concurrently with the magistrate, and I am talking about the issuance of warrants, the attendances, et cetera. So, we cannot compare apples with oranges. The Jamaican experience takes you only so far. What we did by proposing the amendments to the Summary Courts Act is that we specifically brought the concept of no action being brought against the magistrate in the structure of the Summary Courts Act. Why? That is where we deal with the magistrate in law. That is the parent law where the magistrate is contemplated.

So, Madam Speaker, when you look to the fact that the Summary Courts Act was birthed as Act No. 9 of 1918. It is 102 years old. The Magistrates' Protection Act was simply a year before that, 1917. We have to understand when we say in action shall be brought against a magistrate for any act done by him in the execution of his office, it would be absurd for us to be saying that the regular rights of appeal which are in the Summary Courts Act itself, the fact that you can appeal the decision of the magistrate to the High Court, more particularly, that section 14 of the Constitution which run alongside the Judicial Review Act, where you have the independent right of challenging the magistrate's decision, it would be absurd to say that we now seek to remove and cause an ouster of the High Court's jurisdiction. That could never be the case, most respectfully to my learned colleague for Chaguanas West.

However, insofar as the argument has been made it may be prudent to repeat the formula that we used in the Magistrates' Protection Act to say that, look, do not be confused as to the right of implied repeal. You certainly cannot repeal section 14 of the Constitution by an Act of Parliament. You certainly cannot remove the existing right of appeal which is in the Summary Courts Act, because we did not amend that. So it would be obscene to accept the argument, but I have asked the CPC to still have a look at preserving the express references, but my own submission is that that is not necessary, number one, because I am stating so upon *Hansard* that that is the not the intention of the Parliament; number two, I am saying specifically the right to appeal in the Summary Courts Act has not been sought to be amended and therefore that still prevails; number three, I say that section 14 of the Constitution still exists, and we cannot amend section 14 of the Constitution by the amendment that we do now; and number four, we do not contemplate amending the judicial review legislation. So my own view of the matter is that it is not necessary. I thank the hon. Member for giving me the opportunity to put it on *Hansard* so that the *Pepper v Hart* rule can lead to interpretation of the statute, and therefore that is where we stand on that particular issue.

Madam Speaker, let us turn to the issue of the Financial Intelligence Act, the Central Bank Act, the Income Tax Act. Madam Speaker, let me make it abundantly clear, there is no subterfuge afoot in providing the mechanisms that we have to this legislation, and permit me to treat with it in the following way. Now, I thank the Member for Laventille West in particular for his very eloquent and intelligent contribution on this point. I adopt the submissions that he made, but allow me, Madam Speaker, in the short time available, to refer you to section 55 of the Financial Intelligence Act. And I am going to use section 55, and I am

saying—what I am about to say I want to apply to the same school of thought for the income tax amendments, the Central Bank amendments and the FIA, CBTT, they are all in the same point—forgive me I am repeating CBTT and Central Bank, they are all in the same point of secrecy.

So let us turn by way of example to the secrecy clause in the Financial Institutions Act, and that is to be found at section 55. Section 55 says:

“No licensee, financial holding company”—et cetera, and it goes on—“who receives information relating to business”—et cetera, and it goes on—“shall disclose the information unless –

the disclosure is required under compulsion of law;

there is a duty to the public to disclose...

the interest of the licensee requires disclosure; or

the depositor...expressly or impliedly consents to the disclosure.”

The law as it is currently set up already contemplates the compulsion of law argument. The law as it already is set up contemplates the public interest argument.

Now, what is the compulsion of law? Banks have been brought to the courts not by the Government. I want to correct the Member for Chaguanas West. The Government has not brought banks to court in criminal proceedings. That is the DPP or the Trinidad and Tobago Police Service. I want to draw a distinction that the hon. Members may not recognize. This Attorney General encouraged our own Cabinet to remove the Anti-Crime Investigation Bureau from under the hand of the Attorney General and put it back to the police. We have separated ourselves from the very obscene behaviour demonstrated by a UNC Attorney General, and I am referring to Anand Ramlogan, who stood on a public platform with a police file from the ACIB referring to the private affairs which were being investigated by the

ACIB, and that person turned out to be a political opponent to the UNC.

So as to never see that wickedness happen in Trinidad and Tobago, this Government and this Cabinet returned the Anti-Corruption Investigations Bureau to the Trinidad and Tobago police. [*Desk thumping*] So I do not accept my learned friend for Chaguanas West telling us that in all his years of parliamentary practice that this Bill, as good as it is, is the most wicked thing he has seen. Surely the records of the Cabinet reveal that he was there when section 34 was being proclaimed, surely that was one of the most wicked things that this country has ever seen. [*Desk thumping*] Surely the hon. Member could have gotten up as the Leader of Government Business in the Senate and schooled and disciplined the Attorney General who was a Senator, to tell him you cannot be reading an ACIB file on a public platform about a political opponent. Where was Chaguanas West then with his righteous indignity now being expressed now? Madam Speaker, surely that is not my friend the Member for Chaguanas West. Not at all. I refuse to accept that his memory could be that selective on such egregious breaches of constitutionality and political morality in this country, Madam Speaker. [*Desk thumping*]

Madam Speaker, the fact is the disclosure by law by way of section 5 of the preliminary enquiries legislation by which search warrants can be used to produce documents, or the Proceeds of Crime Act, sections 32 onwards, section 34 in particular, those compulsion discovery production orders, search warrants as they are, that is obtained by the DPP or the police under due process. What is at risk here right now is the frustration of white collar matters. The amendment that we propose to the Financial Intelligence Act as an example, Income Tax Act, Central Bank Act, look at what we are saying.

“This section does not apply to information with at the time of disclosure

has been made or available in the public”.

That is standard confidentiality breach. Two, information in the form of a summary where you cannot identify the person. Standard again in terms of the loss of confidence. Three:

“the provision of a witness statement to a police officer of the rank of Superintendent or above for the purposes of a criminal investigation or any criminal proceedings, where the witness statement...relates to information disclosed”—past tense—“under compulsion of law, this Act or any other written law; and,”

—in other words then, the two things must be satisfied.

“...is requested, in writing, by that police officer with the prior written consent of the”—DPP.

Madam Speaker, you cannot get more careful than that. Number one, the person is being asked to produce a witness statement. Why? So that it can be formally admitted in respect of evidence or information which was disclosed by a process of law, under compulsion of law, a production order, a search warrant, et cetera. That information in the hands of the DPP, the DPP now consents and says go and get a witness statement so that, for example, under section 23A of the preliminary enquiries legislation the DPP can avoid the massive waste of time of a preliminary enquiry and move to a direct indictment.

Madam Speaker, this is what this country has been crying out for, and this particular amendment, these amendments, when taken in the round are not geared at any particular case. That would be to be ad hominin in the law. We are not directing the law to address a particular matter. This is a wide scope of application for an improvement of the law capably assisted by the fact that this is due process. In other words then, disclosed under compulsion of law.

Secondly, where the Director of Public Prosecutions who has an, how should I say, an independence under the Constitution via section 90 powers that describe his powers, where the DPP is giving consent for this matter. This is an improvement to the law. This is done in anticipation of the abolition of preliminary enquiries. This is done with a removal of the backlog in the criminal justice system. May I ask what time full time is?

**Madam Speaker:** 4.20

**Hon. F. Al-Rawi:** Much obliged.

So, Madam Speaker, there is no sinister motive here. Let us turn quickly to my learned colleague's submission on the right to property in terms of the disgorgement provisions in the Central Bank structures. Madam Speaker, I want to put onto the record that we seek to find our refuge in the law, and the refuge in the law that we are looking for is to be found in the Securities Act. In the Securities Act we are looking specifically at—if I may make a recommendation that the podium is too small, Madam Speaker, for future debates. Madam Speaker, if we look to the Securities Act and we turn to the provisions that we are considering, that is sections 155 and 156 of the Securities Act, it is there that we are looking at the certain powers. Permit me to get to that section.

I am looking here specifically at the disgorging aspects. I want to remind that the commission is actually engaging in the disgorging by virtue of a process. That process is a due process. The due process that we are looking at is where there has been a breach of the Securities Act. Obviously they can include a breach of the regulations or the subsidiary legislation, and we are looking all the due process where orders of the commission can be engaged in. The commission can, when we look at the amendments, ask for the disgorging of the position, and we can see it there specifically in the amendment to 155. It is on page 16 of the Bill,

inserting after paragraph (f) the new (g). And, Madam Speaker, I should indicate that we have some amendments we propose to be circulated at committee stage, one of them is to amend this clause at page 16 of the Bill. And when we look to section 155 of the Act it is the orders in the public interest, where the commission of its own motion, or in application, or on application by an interested person considers it to be in the public interest it may order subject to such conditions as it considers appropriate a suite of things, and we are saying now that the person be disgorged of amounts obtained as a result of non-compliance.

That non-compliance is a process to determine the non-compliance. The process which is due process and fair hearing by the securities commission, which is established under the Securities Act, that is a due process, and the ability of tribunals to go to work and come up with findings of fact and applications of the law is well-known and trite in our jurisdiction. So, there is no need for a three-fifths right because we are not taking away your right to property. What we are doing is affecting the ability by way of due process for a tribunal or a commission or even a court of law depending upon the route that is taken to engage in a recommendation for disgorging. Obviously, there is a right of appeal that is bound in the Securities Act, and therefore that right of appeal and that due process falls squarely within paragraph 58 of the *Suratt* decision in the now famous dicta of Lady Hale in looking at not every four or five right of the Constitution requiring a three-fifths majority, particularly where you are dealing with a due process backing behind that.

Madam Speaker, the issue of excessive criminality, i.e. the five million being usually high, is not an instance in this case, because if you look to the Securities Act you would notice that the penalty is prescribed on summary route, et cetera, are of a very high level and therefore I can tell you as a member that sat in

producing the securities legislation, I sat on the Joint Select Committee, we carefully looked at the issue of excessive criminality, excessive criminalization and whether that was proportional or not, and I am confident based upon the work of the Joint Select Committee and the court itself that we are well within, because we are looking at a maximum cap, not an absolute cap. In other words then, five million is not what you get automatically, it is what you prescribed.

Madam Speaker, we have a few amendments to lay at committee stage. I thank the hon. Members for their contribution, and I beg to move. [*Desk thumping*]

**Madam Speaker:** Attorney General, just before I put the question, in the interest of time maybe you can check with respect to the amendments to be circulated. I am advised up to now they have not arrived, if they were sent electronically.

**Mr. Al-Rawi:** Sure, Madam Speaker, it is a lil difficult in the confines of this particular location to do that.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

**Mr. Al-Rawi:** Madam Speaker, would it be convenient to ask you from this podium whether we ought to take a few minutes break so that I can corral the CPC's Department? They are based at Cabildo and the transmission time takes a little while to get here.

**Madam Speaker:** What I would suggest is that we go into the committee and then we take the break.

**Mr. Al-Rawi:** Much obliged.

*House in committee.*

**Madam Chairman:** Hon. Members, in light of the fact that the amendments are not here as yet, I would propose that we suspend the committee meeting for 20



minutes. I have been told that it takes that long for us to get it, so maybe we can use it as a truncated tea break, but we will be back here at 5.10. So this committee meeting is now suspended. We shall return at 5.10.

**4.47 p.m.:** *Committee suspended.*

**5.10 p.m.:** *Committee resumed.*

**Madam Chairman:** Can we take block save and except for the ones with the amendments?

**Mr. Al-Rawi:** Yes.

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

*Clause 3.*

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

3. A. Re-number the new section 159 as section 159(1).
- B. Insert after section 159(1) as renumbered the following subsection:

“(2) Nothing in subsection (1) shall in any way impair the availability of other forms of relief in respect of decisions of courts of summary jurisdiction, including appeals, applications for judicial review and applications for redress under section 14 of the Constitution.”

**Mr. Al-Rawi:** Madam Chairman, should it please you, out of an abundance of caution I am taking the submission at its best coming from my learned friend, the Member for Chaguanas West. We propose that clause 3 be amended even though I think that in law we are safe with it. It would only help to remove doubt by inserting a subclause (2) to this proposed improvement to the Summary Courts Act. And that is where we make it clear that nothing by way of grant of immunity in the section offered:

“...shall in any way impair the availability of other forms of relief in respect of decisions of courts of summary jurisdiction, including appeals, application for judicial review and applications for redress under section 14 of the Constitution.”

**Mr. Singh:** Thank you, Madam Chair. Madam Chair, I think that I want to thank the Attorney General for the acceptance of the suggestion and there is a simple statement in these matters. It was there in the Magistrates Protection Act and therefore freedom once granted cannot be revoked and I am happy it is included here.

*Question put and agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*

*Clauses 4 to 10 ordered to stand part of the Bill.*

*Clause 11.*

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

11. A. In paragraph (a), delete the word “and”.
- B. Insert after paragraph (a), the following paragraph:  
“(b) in section 406(i) as renumbered, by deleting from the words “not exceeding” to the word “Regulations”.
- C. Renumber paragraph (b) as paragraph (c).

**Mr. Al-Rawi:** Madam Chair, we propose an amendment to clause 11. This is the Shipping Act. When we looked to the Shipping Act we are actually amending the section 406. Section 406, letter “o” as in “Oscar” had the words:

“prescribing sanctions and penalties by way of fines not exceeding one thousand dollars for the contravention of any Regulation;”

That would have conflicted with the subsection (2) which we proposed, where the breach of regulations can be done up to a maximum penalty of \$150,000 and an

imprisonment for 10 years. So this is to remove a coalition between subsection (1) and subsection (2) and that is the rationale for the circulated amendment.

**Mr. Singh:** I just want to indicate, Madam Chair, that I am in agreement because the fine of \$150,000 is not consistent with the Shipping Act throughout. But I know within the Shipping Act you have that architecture of fines.

**Mr. Al-Rawi:** Yes. Madam Chair, my friend, the Member for Chaguanas West has hit the nail on the head. Whilst we have the Shipping Act, and it is in fact before us now, it is 600 plus clauses long and in the interest of carving out things that we can do now we proposed to adopt it by way of this amendment.

*Question put and agreed to.*

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

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

*Clause 13.*

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

13(a). Insert after the words “summary conviction”, the words “to a fine”.

**Mr. Al-Rawi:** Madam Chair, thank you. The amendment to clause 13 is very simple. We had omitted to include in the Bill, in the proofing of the Bill unfortunately did not come up. The simple words “to a fine of”. So it is just to make the language clear.

*Question put and agreed to.*

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

*Clauses 14 to 17 ordered to stand part of the Bill.*

*Clause 18.*

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

18. A. In paragraph (b)(iv)—

(a) insert after the words “category”, the words “ or sub-

- category”;
  - (b) delete the word “prescribe” and substitute the words “prescribe”.
- B. Delete paragraph (e) and substitute the following paragraph:
- “(e) by inserting after section 58, the following section:
- “Commission 58A. The Commission may on its own  
may revoke motion, issue an order to  
revoke  
registration the registration of a registrant  
where the registrant was  
registered in error.”
- C. Delete paragraph (f) and substitute the following paragraph:
- “(f) in section 61(4)(a)(i), by deleting the words “of the  
distribution within ten days of” and substituting the  
words “at least ten days prior to”;
- D. In paragraph (g)—
- (a) in subparagraph (i)(C), in the proposed paragraph (g), delete the words “if a person has not complied with this Act, an order requiring”; and
  - (b) in subparagraph (ii), delete the word “means” and substitute the word “includes”.

**Mr. Al-Rawi:** Madam Chair, I thank you. Clause 18 is proposed to be amended, Madam Chairman, in a few way, first of all with respect to paragraph (b)(iv) and you would find that, Madam Chairman, on page 14 of your Bill. We are proposing that in subparagraph (d) we insert after the word “category” the word “sub-category”. That is specifically to contemplate, number one, the issuance by way of

by-laws or further sub-categories that may come up because we have two on deck right now, a CIS manager and another. But importantly as FINTEC itself grows in its capacity, we anticipate that sub-categories are going to be necessary. So that is with respect to paragraph 18, A.

With respect to the amendments circulated at 18, paragraph B, we propose, Madam Chairman, that we delete—at page 15 you would see clause (e), that is 18, subclause (e), we are deleting and replacing that. We are abandoning the amendment of treating with registrants who are registered in error. We are taking it out of the ambit of section 57(1) and instead we propose, Madam Chairman, to put it in a new sub—in a clause itself, a new clause 58A. So we will use 58A as a standalone position that:

“The Commission may on its own motion, issue an order to revoke the registration of a registrant where the registrant was registered in error.”

It is to make it easier to use, 58A, as in capital A, standing apart from the series of powers proposed in section 57.

If we look to paragraph C we are proposing that we delete paragraph (f) as it appears on page 16 of the Bill and we instead substitute it with the new paragraph (f). So what we are doing here is we are cross-referencing the amendment into section 64(4)(a)(i). And in that we need simply now delete the words “of the distribution within ten days of” and substitute the words “at least ten days prior to”. It is a timing issue as to how we treat with the rubric of the securities industry and this is the recommendation coming from the SEC itself as to what ought to prevail.

Madam Chairman, we are in paragraph D as circulated and that is at paragraph (g) where we make the amendments to section 155 of the Securities Act. What we are asking for is in (i), C, in the proposed paragraph (g) we take off the words, starting at the beginning of the paragraph, “if a person has not complied

with this Act”, and we take it down to “an order requiring”. So the paragraph would actually start with, “The person”. So one of the reliefs is that:

“the person to disgorge to the Commission any amounts obtained as a result of noncompliance.”

The simple removal of these words allow the securities laws to apply the disgorging remedy in respect to breaches of the Act as well as breaches of the regulations. And that is an important feature insofar as sections 155, 156, 156A of the Securities Act allow for remedies to be applied across circumstances. In the first instance breaches of the Act and in the second instance breaches of the regulation but also including the administrative side of the arrangements as well. So that is the rationale for the new paragraph D. Thank you, Madam Chairman.

**Madam Chairman:** What? Member for Caroni Central.

**Dr. Tewarie:** I am fine.

**Madam Chairman:** Member for Chaguanas West.

**Mr. Singh:** No.

*Question put and agreed to.*

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

*Clauses 19 and 20 ordered to stand part of the Bill.*

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

*House resumed.*

**Madam President:** Attorney General.

**Hon. F. Al-Rawi:** Madam Speaker, I wish to report that the Miscellaneous Amendments Bill, 2020, was considered in committee of the whole and approved with amendments. I now beg to move that the House agree with the report from the Committee.

*Question put and agreed to.*

*Bill reported, with amendment, read the third time and passed.*

### **ADJOURNMENT**

**The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to a date to be fixed.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 5.29 p.m.*