

HOUSE OF REPRESENTATIVES*Wednesday, July 01, 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 Mrs. Kamla Persad-Bissessar SC, MP, Member for Siparia and Dr. Fuad Khan MP, Member for Barataria/San Juan who have asked for leave of absence from today's sitting of the House and from Mr. Barry Padarath MP, Member for Princes Town who has requested leave of absence for the period 1st to the 31st of July, 2020. The leave which the Members seek is granted.

MISCELLANEOUS AMENDMENTS (NO. 2) BILL, 2020

Bill to amend the Interpretation Act, Chap. 3:01, the Summary Courts Act, Chap. 4:20, the Petty Civil Courts Act, Chap. 4:21, the Sentencing Commission Act, Chap. 4:32, the Judicial and Legal Service Act, Chap. 6:01, the Evidence Act, Chap. 7:02, the Malicious Damage Act, Chap. 11:06, the Coinage Offences Act, Chap. 11:15, the Sexual Offences Act, Chap. 11:28, the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, the Community Service Orders Act, Chap. 13:06, the Defence Act, Chap. 14:01, the Firearms Act, Chap. 16:01, the Explosives Act, Chap. 16:02, the Registrar General Act, Chap. 19:03, the Cinematograph Act, Chap. 20:10, the Registration of Clubs Act, Chap. 21:01, the Theatres and Dance Halls Act, Chap. 21:03, the Electronic Transactions Act, Chap. 22:05, the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50, the Mental Health Act, Chap. 28:02, the Children Act, Chap. 46:01, the Motor Vehicles and Road Traffic Act, Chap. 48:50,

the Conservation of Wild Life Act, Chap. 67:01, the Value Added Tax Act, Chap. 75:06, the Customs Act, Chap. 78:01, the Companies Act, Chap. 81:01, the Moneylenders Act, Chap. 84:04, the Pawnbrokers Act, Chap. 84:05, the Licensing of Dealers (Precious Metals and Stones) Act, Chap. 84:06, the Old Metal and Marine Stores Act, Chap. 84:07, the Liquor Licences Act, Chap. 84:10, the Administration of Justice (Indictable Proceedings) Act, 2011, the Criminal Division and District Criminal and Traffic Courts Act, 2018 and the Electronic Payments into and out of Court Act, 2018, brought from the Senate [*The Attorney General*]; read the first time.

Motion made: That the next stage be taken later in the proceedings. [*Hon. F. Al-Rawi*]

Question put and agreed to.

PETITION

Removal of Christopher Columbus Monuments

Mr. Maxie Cuffie (*La Horquetta/Talparo*): Madam Speaker, I beg to present a petition on behalf of the Shabaka Kambon and the Cross Rhodes Freedom Project. I move that the Clerk be allowed to read the petition.

Question put and agreed to.

Petition read.

Question put.

Madam Speaker: So do I take it that the Ayes have it? Well there have been no vote against, so leave is granted.

Question agreed to: That the petitioner be granted leave to proceed.

PAPERS LAID

1. Ministerial Response of the Ministry of Planning and Development to the Eighth Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into the Effectiveness of Measures in place to reduce traffic congestion on the Nation's Roads. [*The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis)*]
2. Ministerial Response of the Ministry of Planning and Development to the Ninth Report of the Joint Select Committee on Land and Physical Infrastructure on an inquiry into the Policies for the Promotion of Non-Traditional Methods of Farming including Digital Farming Technology. [*Hon. C. Robinson-Regis*]
3. Ministerial Response of the Ministry of Labour and Small Enterprise Development to the Eighth Report of the Joint Select Committee on Finance and Legal Affairs on an Inquiry into the Adequacy of Magistrates' Courts Facilities. [*Hon. C. Robinson-Regis*]
4. Response to the Personnel Department to the Twenty-Fourth Report of the Public Administration and Appropriations Committee on the Examination into the Processing of Payment of Pension and Gratuity to Retired Public Officers and Contracted Employees. [*Hon. C. Robinson-Regis*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Consolidated Financial Statements of the Trinidad and Tobago Unit Trust Corporation for the year ended December 31, 2018. [*The Minister of Finance (Hon. Colm Imbert)*]
To be referred to the Public Accounts Committee.
6. Annual Report of Taurus Services Limited for the financial year ended September 30, 2019. [*Hon. C. Imbert*]

7. Annual Report and Consolidated Financial Statements of First Citizens Bank Limited and its Subsidiaries for the financial year ended September 30, 2019. [*Hon. C. Imbert*]
To be referred to the Public Accounts (Enterprises) Committee.
8. Annual Administrative Report of the Point Lisas Industrial Port Development Corporation Limited for the year 2017. [*Hon. C. Robinson-Regis*]
9. Annual Administrative Report of the Point Lisas Industrial Port Development Corporation Limited for the year 2018. [*Hon. C. Robinson-Regis*]
10. Annual Administrative Report of the Trinidad and Tobago Civil Aviation Authority for the year ended September 30, 2019. [*Hon. C. Robinson-Regis*]
11. Phase 1 Report of the Committee Appointed to Develop a Roadmap for Recovery Post COVID-19. [*The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley)*]

JOINT SELECT COMMITTEE REPORTS

(Presentation)

Mr. Rushton Paray (*Mayaro*): Thank you, Madam Speaker. I have the honour to present the following reports:

Human Rights, Equality and Diversity

Persons Living in Poverty in Trinidad and Tobago

Seventeenth Report of the Joint Select Committee on Human Rights, Equality and Diversity on an Inquiry into Persons living in Poverty and Extreme Poverty in Trinidad and Tobago with specific focus on Vulnerable Groups.

Treatment of Migrants

UNREVISED

Eighteenth Report of the Joint Select Committee on Human Rights, Equality and Diversity on an Inquiry into the Treatment of Migrants with specific focus on Rights to Education, Employment and Protection from Sexual Exploitation.

PUBLIC ACCOUNTS COMMITTEE REPORTS

(Presentation)

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you, Madam Speaker. I have the honour to present the following reports:

Water and Sewerage Authority of Trinidad and Tobago

Thirty-First Report of the Public Accounts Committee on the Follow-up on the Implementation of the Recommendations in the Fifteenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Water and Sewerage Authority of Trinidad and Tobago for the years 2008 to 2013.

Trinidad and Tobago Electricity Commission

Thirty-Second Report of the Public Accounts Committee on the Follow-up on the Implementation of the Recommendations in the Sixteenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago Electricity Commission for the financial years 2012 to 2015.

Information and Communication Technology (ICT)

Thirty-Third Report of the Public Accounts Committee on the Follow-up on the Status of the Implementation of the Recommendations on Information and Communication Technology (ICT) governance and general controls as stated in the Reports of the Auditor General on the 2017, 2018 and 2019 Public Accounts.

Public Accounts of the Republic of Trinidad and Tobago

Thirty-Fourth Report of the Public Accounts Committee on an Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2019.

PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE REPORTS**(Presentation)**

Dr. Tim Gopeesingh (*Caroni East*): Madam Speaker, I have the honour to present the following reports:

Export-Import Bank of Trinidad and Tobago Limited

Twenty-Fourth Report of the Public Accounts (Enterprises) Committee on an Examination of the Audited Accounts, Balance Sheets and other Financial Statements of the Export-Import Bank of Trinidad and Tobago Limited for the financial years 2012 to 2017.

National Helicopter Services Limited

Twenty-Sixth Report of the Public Accounts (Enterprises) Committee on an Examination of the Audited Accounts, Balance Sheets and other Financial Statements of the National Helicopter Services Limited for the financial years 2008 to 2014.

Rural Development Company of Trinidad and Tobago Limited

Twenty-Seventh Report of the Public Accounts (Enterprises) Committee on an Examination of the Audited Accounts, Balance Sheets and other Financial Statements of the Rural Development Company of Trinidad and Tobago Limited for the financial years 2012 to 2017.

National Export Facilitation Organization of Trinidad and Tobago

Twenty-Eighth Report of the Public Accounts (Enterprises) Committee on an Examination of the Audited Accounts, Balance Sheets and other

Financial Statements of the National Export Facilitation Organization of Trinidad and Tobago for the financial years 2014 and 2015.

JOINT SELECT COMMITTEE REPORTS

(Presentation)

Public Administration and Appropriations

Dr. Lackram Bodoë (*Fyzabad*): Thank you, Madam Speaker. I have the honour to present the following reports:

Administration of Disaster Relief in Trinidad and Tobago

Twenty-Sixth Report of the Public Administration and Appropriations Committee on the Follow-up Examination based on the Ministerial Response from stakeholders to the Twelfth PAAC Report on the Administration of Disaster Relief in Trinidad and Tobago.

Ministry of Sport and Youth Affairs

Twenty-Seventh Report of the Public Administration and Appropriations Committee on an Examination into the Expenditure and Internal Controls of the Ministry of Sport and Youth Affairs.

Foreign Affairs

Status of CSME in Trinidad and Tobago**Mr. Rodney Charles** (*Naparima*):

Thank you, Madam Speaker. Madam Speaker, I have the honour to present:

Interim Report of the Joint Select Committee on Foreign Affairs on the Inquiry into the Status of CSME in Trinidad and Tobago.

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

Miscellaneous Provisions (Local Government Reform) Bill, 2019

Fifth 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.

Local Authorities, Service Commissions and Statutory Authorities

Accreditation Council of Trinidad and Tobago

Sixteenth Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA) on an Inquiry into the Efficiency and Effectiveness of the Accreditation Council of Trinidad and Tobago.

Finance and Legal Affairs

Consumer Awareness, Empowerment and Protection Systems

Mrs. Vidya Gayadeen-Gopeesingh (*Oropouche West*): Madam Speaker, I have the honour to present:

Tenth Report of the Joint Select Committee on Finance and Legal Affairs on an Inquiry into Consumer Awareness, Empowerment and Protection systems.

Social Services and Public Administration

Rent Regulation for Housing Accommodation

Brig. Gen. Ancil Antoine (*D'Abadie/O'Meara*): Madam Speaker, I have the honour to present the following reports:

Sixteenth Report (Interim) of the Joint Select Committee on Social Services and Public Administration Eleventh Parliament on an Inquiry into the system of Rent Regulation for housing accommodation in Trinidad and Tobago.

Ministry of Education re COVID-19 Pandemic

Seventeenth Report of the Joint Select Committee on Social Services and Public Administration on an Inquiry into the Ministry of Education's strategies for ensuring continuity in the delivery of education amidst the COVID-19 Pandemic.

Geriatric Care Facilities/Ole Age Homes

Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*): Madam Speaker, I have the honour to present the following report:

Fifteenth Report of the Joint Select Committee on Social Services and Public Administration on a Follow-up Inquiry into Existing Arrangements and Possible options for regulating Geriatric Care Facilities/Old Age Homes in Trinidad and Tobago.

URGENT QUESTIONS

Killing in Morvant Area

(Update on Independent Enquiry)

Mr. Rodney Charles (*Naparima*): Thank you very much, Mr. Deputy Speaker. To the Minister of National Security: Could the Minister provide an update on the proposed independent enquiry, including membership of the commission and time frame for completion of the enquiry into the recent killing of three citizens in the Morvant area?

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much. [*Desk thumping*] Thank you very much, Madam Speaker. Madam Speaker, I was a little bit surprised, well actually not surprised by this question. I do not know where the Member for Naparima got this proposition that there is any proposed independent enquiry into the recent police shooting in Morvant which took place on Saturday the 27th of June.

What is clearly stated by the Government is that the statutory body that has been set up to investigate, with the powers of the investigation to set up to investigate these types of incidents, that is with respect to police, is the Police Complaints Authority. So the Police Complaints Authority and I have confirmed with the Director have commenced an investigation. We look forward to the completion of that investigation and I use this opportunity to once again ask any members of the public who may have any information with respect to this incident to come forward to the Police Complaints Authority and provide it to them. They have a very robust statutory system that protects such people.

Mr. Charles: In light of the Minister's response, I refer to the *Express* editorial dated 29th, 2020, in which it states:

“We therefore urge the authorities to step up its support for the PCA...”
—since you spoke about it—

Madam Speaker: Member, Member, just ask the question please. You have 15 seconds, ask the question.

Mr. Charles: Yeah. Would the Minister be providing the PCA with the necessary resources so that we could expect a response in a timely manner?

Hon. S. Young: Madam Speaker, the Police Complaints Authority under this administration has continued to get its annual subvention and the support that it needs from the Government understanding that it is an independent body to carry out its statutory duties. So it is getting the support and will continue to get the support.

Mr. Charles: Is the Minister stating that the *Express* is misadvising the public when it states—

Madam Speaker: Okay, Member. I will not allow that. Supplemental, Member for Caroni East.

Dr. Gopeesingh: Hon. Minister, would the police service be conducting any enquiry into it separate from the PCA?

Hon. S. Young: Sorry, Madam Speaker, I did not hear the last part of the Member's question.

Dr. Gopeesingh: Would the police service be conducting its own enquiry separate from the PCA?

Hon. S. Young: Madam Speaker, I smile broadly because my friend from the Member for Caroni East found the time yesterday to put out a long statement referencing a press conference that I held yesterday where all of this was spelt out in great detail. So the police are having a parallel investigation. The Commissioner of Police has continued to confirm that throughout the whole course of yesterday, including a press conference today. So there are two investigations taking place that I am aware of with respect to this incident that took place, one by the Police Complaints Authority, an independent statutory body, and the second by the police service itself.

Officers Allegedly Involved in Incident

(Number Outfitted with Body Cameras)

Mr. Rodney Charles (*Naparima*): Thank you very much, Mr. Deputy Speaker. To the Minister of National Security: Could the Minister inform the House how many of the officers who were allegedly involved in the tragic incident which led to the death of three civilians last Saturday in the Morvant community were outfitted with body cameras?

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, as I just spent some time explaining, there are two investigations taking place, including an independent investigation by the Police Complaints

Authority. As the Minister of National Security I shall not be interfering with either of these investigations. I assume that in the conduct of these investigations this type of information will be gathered and it will be subsequently provided. What I have been told by the Commissioner of Police is that he has 180 functioning body cameras that have been distributed throughout the Trinidad and Tobago Police Service and he has mandated that those to whom they are distributed shall be used. He is also seeking to procure more body cameras for distribution throughout the Trinidad and Tobago Police Service.

Mr. Charles: Is the Minister satisfied with his response that he is not aware of whether or not, and that has nothing to do with the internals of the investigation, whether he is aware of those body cameras at the incident.

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

Mr. Charles: The Minister said there is 180, he has been advised—so for 7,000 policemen it works out to 3 per cent of our police officers have body cameras. Are you satisfied with that level of performance?

Hon. S. Young: Madam Speaker, as a legislator I would have expected the Member for Naparima, but maybe it is too much of an expectation, to have read the Constitution, in particular section 123A of the Constitution that makes the Commissioner of Police fully in charge of the police service from an administrative and a financial point of view and it is up to the Commissioner of Police to procure more body cameras and he certainly does have the Government's support.

Mr. Indarsingh: Thank you, Madam Speaker. Minister, you have just indicated that it is the intention to procure additional body cameras. Could you inform the House if you are aware of how much and how much money will be allocated to

procure the said cameras and what is the time frame to deliver?

Madam Speaker: Member, it is one question you are allowed, so—

Hon. S. Young: Madam Speaker, oblivious to the answers to the previous question, that is completely within the purview of the Commissioner of Police and he has the Government's full support. He is in charge of his finances, his funds and he has gotten full cooperation from the Government with respect to the provision of such funds.

Protest Action

(Police Charges Laid)

Mrs. Vidya Gayadeen-Gopeesingh (*Oropouche West*): Thank you very much, Madam Speaker. To the Minister of National Security: In relation to the protest action over the last 48 hours, could the Minister confirm whether police has laid any charges against citizens for any criminal offences at this time?

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Madam Speaker, I am informed by the Trinidad and Tobago Police Service that 72 persons were arrested as a result of yesterday's incidents and the charges being looked at, so at this stage they may not have already laid charges. The charges being looked at that they are seeking advice on are for breach of the COVID Regulations, resisting arrest, malicious damage to property and obstruction.

Dr. Moonilal: Thank you very much, Madam Speaker. Hon. Minister, could you indicate whether or not at this time it is the intention of the Government to engage in any sort of dialogue with the affected communities involving law enforcement and the Government at this time?

Hon. S. Young: Thank you very much. Madam Speaker, the Government, the various Government departments, so for example at the Ministry of National

Security we have certain programmes where persons are deployed on the ground, mediators, that is taking place. The Trinidad and Tobago Police Service also have through the IATF, the Hearts and Minds Programme, that is also taking place. And I am certain that others who are Members of Parliament that may have affected areas, during the normal course of our activities as Members of Parliament we will be in the various communities at the appropriate times.

STATEMENT BY MINISTER

Roadmap for Recovery Post COVID-19—Phase 1 Report

The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley): Thank you, Madam Speaker. Madam Speaker, I have been authorized by the Cabinet to make the following statement. Madam Speaker, it is my pleasure today to lay on the table the Report of the Roadmap to Recovery for Trinidad and Tobago, Phase 1. [*Desk thumping*]

Madam Speaker, the world is facing an unprecedented humanitarian crisis that is unleashing dramatic economic and societal disruptions. To date, there have been over 10 million confirmed infections and over half a million deaths due to the spread of the disease. In this crisis, no country has been spared the effects. In the United States, for example, Madam Speaker, real GDP growth is projected to be negative 6.4 per cent for 2020 and already more than thirty million jobs have been lost within recent weeks.

This is expected to be exacerbated by the resurgence in the number of confirmed cases following the relatively swift reopening of the economy and activity in many States in the United States. Similar trends are occurring in other developing and emerging markets throughout the world.

2.00 p.m.

Trinidad and Tobago, Madam Speaker, has also been impacted, not only by the adverse health and economic effects of the COVID-19 virus, but also by the collapse in energy prices and the associated “lower for longer cycle”. Travel restrictions, physical distancing and other isolation measures used to control contagion throughout the globe have exacerbated the depth and duration of this lower for longer cycle, causing bankruptcies, retrenchments and corporate insolvencies, big and small, in many countries.

Even before the first Trinidad and Tobago case was diagnosed locally on the 12th of March, 2020, our local health officials, led by the Minister of Health and the Chief Medical Officer, recognized the potential risk the disease posed to Trinidad and Tobago and began immediately liaising with representatives of the World Health Organization (WHO), the Pan American Health Organization (PAHO) and the Caribbean Public Health Agency (CARPHA) to devise a plan of attack. Working alongside a team which I put together, and which included the Minister of National Security and the Attorney General, we devised a deliberate approach to contain the spread of the virus and protect Trinidad and Tobago from the devastating effects suffered elsewhere. The measures put in place early in this fight included:

- The creation of a parallel health system;
- Well-managed and located quarantine facilities;
- Strict protocols for all returning residents;
- Closure of the borders and strict travel restrictions;
- The cessation of operations of all but essential services/businesses;
- Reduction of the hours of operation of businesses which remained open;
- Physical distancing and hygiene protocols and advisories;

Statement by Minister (cont'd)
Hon. Dr. K. Rowley (cont'd)

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- Restrictions of gatherings.

Madam Speaker, these measures were meant to preserve lives, as our first priority has always been and remains the protection of the lives of all the people of Trinidad and Tobago. [*Desk thumping*] Despite numerous calls from several quarters for us to reverse these decisions to temper the impact of the measures on the livelihoods of our citizens and businesses, we steadfastly maintained our position that protection of lives supersedes preservation of livelihoods always.

Madam Speaker, the prudence of the Government's position on that issue is borne out by the relative success we have achieved to date in our fight against this deadly virus. While we continue to pray for the families of the eight persons who succumbed to the disease, we applaud the efforts of our hard-working team in containing the spread and its impact on our country. [*Desk thumping*] The success of our efforts was internationally recognized and applauded by the University of Oxford COVID-19 Government Response Tracker which ranked Trinidad and Tobago first in the world in terms of its management of the pandemic and its ability to exit the lockdown without undue risk to the population and the economy. [*Desk thumping*]

Madam Speaker, we recognized very early on that this fight would have to be tackled not only on the health, but also on the economic front as the virus itself, along with the measures taken to control it, had and continues to have a deleterious impact on the world economy, with a direct and roll on impact on the Trinidad and Tobago economy. Coming on the heels of a 40 per cent decline in natural gas prices since September 2019, and a collapse of oil prices which saw WTI prices going into figures below \$1 per barrel in March, for the first time ever, COVID threatened the very foundation of our economy.

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Statement by Minister (cont'd)
 Hon. Dr. K. Rowley (cont'd)

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Madam Speaker, we recognized that the measures we were forced to put in place to stem the spread of the virus threatened jobs, income, businesses and livelihoods across the length and breadth of our country. It also threatened to reverse the strides Government had made over the course of this term to attempt to stabilize and turnaround the economy. Once again, Madam Speaker, the Government very deliberately and methodically set about putting measures in place to protect the most vulnerable, to preserve jobs, and to as early as possible revitalize the economy and keep aggregate demand at an acceptable level.

However, Madam Speaker, recognizing that this was not a Government problem, but a Trinidad and Tobago problem, and that the best result could only emerge from the commitment of the entire country to identifying and implementing a solution, I assembled a team of esteemed and willing persons from the public sector, the private sector, from labour, civil society and academia to create a Roadmap to Recovery. This was done in the clear indisputable understanding that no matter how battered we are, no matter how battered we were left, after the pandemic is over, when it is all said and done, we would have to take up what is left of our bed and start walking, if only with an unsteady gait.

Madam Speaker, those who accepted and have created this first phase report for us and working on the second report are the following people in the following areas of endeavour, and expertise, and experience. I name here the subcommittee leaders in this exercise:

Agriculture	Ronnie Mohammed
Agriculture	Dr. John Alleyne
Agriculture	Mr. Vasant Bharat
Banking and Insurance	Karen Darbasie

Statement by Minister (cont'd)
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Capital and Expenditure	Mr. Wendell Mottley
Capital and Expenditure	Mr. Vishnu Dhanpaul
Construction	Mr. Gerry Brooks
Enabling Environment	Mr. Robert Le Hunte
Enabling Environment	Mr. Christopher Henry
Energy and Related Industries	Mr. Vincent Pereira
Enhance Execution and Capabilities	Mr. Michael Annisette
Manufacturing	Mr. Robert Bermudez
Remodelling, Retooling and Transforming	Mr. Winston Dookeran
Remodelling, Retooling and Transforming	Mr. Gregory McGuire
Retail and Distribution Chain	Mr. Christian Mouttet
Retail and Distribution	Minister Paula Gopee- Scoon
Revenue Enhancement	Minister Allyson West
Services	Mr. Colin Soo Ping Chow
Services	Mr. Sean Roach
Small Business, Credit Union and Civil Society	Dr. Selvon Hazel
Small Business, Credit Union and Civil Society	Mr. Allan Warner
Social Issues	Mr. Rhondall Feeles
Social and Economic Modelling	Prof. Karl Theodore
Women and Children Enhanced Execution Capabilities	Mrs. Allison Lewis

Statement by Minister (cont'd)
Hon. Dr. K. Rowley (cont'd)

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Madam Speaker, this eminent, multi-disciplinary team immediately accepted the challenge, co-opted other persons with the knowledge and experience needed to undertake this colossal and critical task and went to work from the date of its appointment on April 16, 2020, donating the time and considerable expertise of its members to this exercise. The committee's mandate was twofold to be tackled in two phases as follows:

In the first phase, the committee was asked to address the issue of "surviving the crisis" to articulate measures to be implemented immediately to protect the vulnerable and ensure the health and well-being of the population; and to propose initiatives to reignite economic activity and ensure social stability.

The second phase of the committee's work, Madam Speaker, which is currently in progress, is focused on the medium-term and is aimed at restructuring and transforming our economy, to create a more resilient, equitable, and self-sufficient society.

I am here today, Madam Speaker, to lay the Phase 1 Report of that committee and I do so with satisfaction, pride and expectation. [*Desk thumping*]

In Phase 1, the Road to Recovery Committee focused on three immediate priorities:

1. Addressing and mitigating the hardship inflicted by COVID-19;
2. Restarting the economy; and
3. Laying the foundation for sustained economic recovery.

The committee concluded, Madam Speaker, that the prevailing risks in the environment require increased focus by the Government during the next six months, as the instigator, influencer, and facilitator of aggregate demand, and the protector of jobs and business activity. However, it also recognized the importance

of acknowledging that both the private and public sectors will have to play significant roles in the short-term to jumpstart the economy.

The committee has identified the following as short-term objectives:

1. Social protection—leave no one behind;
2. Retain and create jobs;
3. Boost aggregate demand; and
4. Minimise and remediate supply disruptions.

It determined that the achievement of these objectives can best be accomplished in the following ways:

1. By strengthening the social safety net by improved technology and deepening the involvement of civil society organizations in the delivery of social support programmes, with a focus on women, children and the dispossessed.
2. Increasing the allocation for social safety net programmes as appropriate and where necessary, from \$9 billion in 2020, given that the number of persons accessing the programmes is expected to increase.
3. Implementing a safe back to work protocol in accordance with guidelines established by the Ministry of Health.
4. Adopting policy decisions to immediately boost and sustain the agricultural sector with emphasis on:
 - Increasing production to reduce dependence on imported food and inputs;
 - By building a more technologically advanced agriculture system to increase the availability of domestic food supply;

- Also by reducing a market system for farmers—by reintroducing, I beg your pardon, a market system for farmers which undertakes to guarantee minimum price facilities through Namdevco, or similar agency, to encourage increased production and provide protection against occasional gluts in production;
 - Also expanding and developing agro-processing to create a ready market for our farm produce and a greater variety in locally produced fare;
 - Strengthening the linkages along the food value and also, Madam Speaker, looking at the distribution chains to make sure that locally produced foods are available within the country for the School Feeding Programme, and also as part of the social welfare programme.
5. Stimulating economic activity in Tobago through the following:
- executing key projects including the new Crown Point Terminal Complex;
 - enhancing channels to supply aggregate and other materials from Studley Park Quarry to Trinidad and other Caribbean destinations like Guyana;
 - providing direct support to Tobago businesses and boosting local tourism; and
 - supporting the development of technology-driven agriculture through reintroduction of extension services.

Increasing spending in the construction sector by both the Government and the private sector was sub-head No. 6.

7. Liquidating outstanding debts in the construction sector and accelerating strategic and priority shovel ready projects in the sector.
8. Enhancing economic activity in the energy sector by, inter-alia:
 - enabling scheduled maintenance, construction, and drilling projects;
 - restructuring the oil and gas industry to improve competitiveness and recalibrating the gas value chain;
 - continue the initiatives already underway to establish systems of renewable energy and energy efficiency.
9. Providing appropriate financial support in the services, retail, distribution and manufacturing and other sectors to micro businesses, small and medium enterprises, entrepreneurs and other institutions at all levels through accelerated payment of VAT refunds, liquidity support, soft loans with extended moratoria through banking and insurance institutions, credit unions and other appropriate fora.

The team also recognized, Madam Speaker, that COVID-19 has forced the Government, the private sector and CSOs to rethink how technology can be leveraged to effectively navigate the crisis and accelerate the recovery process. The committee has defined a series of cogent, practical and compelling actions in the areas of:

1. Ease of doing business;
2. Building institutional capacity; and
3. Critical supporting infrastructure and national value system.

Madam Speaker, these enabling pillars will support and facilitate the success of the Roadmap as they cut across all sectors, and will enhance the adaptability of the society to the dynamic forces of digitization and the failing globalization. These

Statement by Minister (cont'd)
Hon. Dr. K. Rowley (cont'd)

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will become the critical enablers on which we must create a reimagined society and economy post-COVID-19.

Madam Speaker, working in collaboration with the Ministry of Finance, the committee has identified various innovative sources for mobilizing additional financing for the next nine months, with the possibility of further funding over the next fiscal year if needed.

Madam Speaker, the strategies required for rebooting the economy and a wider society require partnership among the Government, private sector, labour and civil society, agility in the supporting institutions, and a culture that fosters productivity, efficiency, performance, and I dare say, Madam Speaker, harmony.

Several of the initiatives proposed by the committee in its Phase 1 Report have already been adopted in large measure by the Government of Trinidad and Tobago, on which the Minister of Finance and others would have already reported to this House and to the nation. The Government of Trinidad and Tobago is committed to putting the same effort into this fight to reshape and grow this economy, post-COVID-19, as it has put to date in the fight against COVID-19, [*Desk thumping*] with the intention of reaping the same positive results.

Madam Speaker, we are satisfied with the calibre of the members of the team we have assembled and with their commitment to the task. At this stage, permit me to acknowledge and extend the sincerest appreciation of the Cabinet, and my own appreciation, to the members of the Roadmap to Recovery team including my former colleague Minister Robert Le Hunte who was at the inception working diligently as co-chair to jointly lead the team [*Desk thumping*] towards the production of this report. I wish also to thank those several other nationals and those who were co-opted to assist the team, and the many hundreds of citizens and

Statement by Minister (cont'd)
Hon. Dr. K. Rowley (cont'd)

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others who took the time out and the effort to submit their valuable suggestions and recommendations to the team, mainly through the e-portal established by iGovTT, which are specifically for this purpose.

I would like to assure those persons, Madam Speaker, that all of their recommendations have been read and considered and I expect many of them to be featured in our Phase 2 report which is due to be completed and presented in this place shortly. Madam Speaker, as the renowned Albert Einstein said:

“In the midst of every crisis, lies great opportunity.”

The Government of Trinidad and Tobago shares the view with the Recovery Committee, many commentators, and members of the public, that COVID-19 has created the opportunity for us to reimagine and reengineer Trinidad and Tobago, and it is imperative that we use it as a catalyst for accelerated and sustained growth.

Madam Speaker, the Government of Trinidad and Tobago is committed to this end and is convinced that we can do it if we put our heads together as we have been doing and put our shoulders to the wheel. As I have said from the outset, Madam Speaker, we are all in this together, and together we will not only survive but we will thrive. I thank you, Madam Speaker. [*Desk thumping*]

Dr. Tewarie: Thank you very much, Madam Speaker, 24(4). Madam Speaker, through you to hon. Prime Minister: Prime Minister, the survival of jobs and the increase in jobs are dependent on survival of business, and we have two particular troubling problems in the country right now. One is the—

Madam Speaker: Member? Member, I understand you may need to make a little preamble, but you only can ask a question.

Dr. Tewarie: No, I need to ask the question.

Madam Speaker: And therefore, all I am inviting you to do is to ask the question within the confines of the rule.

Dr. Tewarie: We have two troubling problems in the downstream gas sector—

Madam Speaker: Member?

Dr. Tewarie:—and in the small business sector.

Madam Speaker: Member, if I recall you told me you are standing on Standing Order 24(4), am I correct?

Dr. Tewarie: 24(4).

Madam Speaker: Okay, you have 15 seconds to ask a question.

Dr. Tewarie: Prime Minister, the solution for small business recovery is not adequate and we do not have a solution for downstream gas, can you indicate based on your articulation whether the roadmap recovery has additional solutions for these?

Hon. Dr. K. Rowley: Madam Speaker, the whole issue of gas pricing and downstreaming activity in Trinidad and Tobago has been considered and formed a major part of this report in its presentation, and if the Member looks carefully he will find it having given up the opportunity to serve on the committee. Thank you, Madam Speaker. [*Desk thumping*]

JOINT SELECT COMMITTEE

Miscellaneous Provisions (Local Government Reform) Bill, 2019

(Extension of Time)

The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis): Thank you, Madam Speaker. Madam Speaker, having regard to the Fifth 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 two months in order to

complete its work and submit a final report by August 31, 2020. Thank you, Madam Speaker.

Question put and agreed to.

MISCELLANEOUS AMENDMENTS (NO. 2) BILL, 2020

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, I beg to move:

That a Bill to amend the Interpretation Act, Chap. 3:01, the Summary Courts Act, Chap. 4:20, the Petty Civil Courts Act, Chap. 4:21, the Sentencing Commission Act, Chap. 4:32, the Judicial and Legal Service Act, Chap. 6:01, the Evidence Act, Chap. 7:02, the Malicious Damage Act, Chap. 11:06, the Coinage Offences Act, Chap. 11:15, the Sexual Offences Act, Chap. 11:28, the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, the Community Service Orders Act, Chap. 13:06, the Defence Act, Chap. 14:01, the Firearms Act, Chap. 16:01, the Explosives Act, Chap. 16:02, the Registrar General Act, Chap. 19:03, the Cinematograph Act, Chap. 20:10, the Registration of Clubs Act, Chap. 21:01, the Theatres and Dance Halls Act, Chap. 21:03, the Electronic Transactions Act, Chap. 22:05, the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50, the Mental Health Act, Chap. 28:02, the Children Act, Chap. 46:01, the Motor Vehicles and Road Traffic Act, Chap. 48:50, the Conservation of Wild Life Act, Chap. 67:01, the Value Added Tax Act, Chap. 75:06, the Customs Act, Chap. 78:01, the Companies Act, Chap. 81:01, the Moneylenders Act, Chap. 84:04, the Pawnbrokers Act, Chap. 84:05, the Licensing of Dealers (Precious Metals and Stones) Act, Chap. 84:06, the Old Metal and Marine Stores Act, Chap. 84:07, the Liquor Licences Act, Chap. 84:10, the Administration of Justice (Indictable Proceedings) Act, 2011, the Criminal Division and District Criminal and

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Traffic Courts Act, 2018 and the Electronic Payments into and out of Court Act, 2018, be now read a second time.

Madam Speaker, the Bill before us is some 37 clauses long. The first and second clauses, of course, relate to the mere preliminary matters as we treat with the short title and the proclamation clause at clauses 1 and 2. Madam Speaker, in this particular context, the 35 other clauses have a rhyme and rhythm to them. In respect of 14 of the particular clauses, clause 3, the Interpretation Act; clause 4, the Summary Courts Act; clause 5, the Petty Civil Courts Act; clause 6, the Sentencing Commission Act; clause 7 with reference to the Judicial and Legal Service Commission; clause 8 with reference to the Evidence Act; clause 9, the Malicious Damage Act; clause 10, the Coinage Offences Act; clause 12, the Indictable Offences (Preliminary Enquiry) legislation; clause 13, the Community Service Orders; clause 16, the Explosives Act; clause 35, the Administration of Justice (Indictable Proceedings) Act; clause 36, the Criminal Division Act; clause 37, the Electronic Payments into and out of Court Act; all of those 14 pieces of law squarely relate to harmonizing the effect of certain critical amendments that we made in the division creation of courts, in the specialist creation of Magistracy Registrars and Clerks of the Court, in the creation of virtual and video conferencing hearings, and in the electronic management put quite simply.

With respect to the Cinematographic Act, the Registration of Clubs Act, the Theatres and Dance Halls Act, the Moneylenders Act, the Pawnbrokers Act, the Licensing of Dealers (Precious Metals and Stones) Act, the Old Metal and Marine Stores Act, the Liquor Licences Act, in relation to clauses 18, 19, 20, 30, 31, 32, 33, 34; those eight pieces of law are squarely tied into the removal of magisterial districts and the creation of a reference to municipal corporations.

In respect of some 13 other pieces of law which we seek to amend, we have in fact married amendments to the Children Act, the Motor Vehicles and Road Traffic Act to manage a regime with respect to child offenders for motor vehicle and road traffic laws. With respect to the other 11 pieces of law, the Registrar General, Electronic Transactions, the Elections and Boundaries Commission, the Conservation of Wild Life Act, Customs, Companies, Sexual Offences, Defence Act, Firearms and Mental Health, we have packaged those into what I consider outside of the purpose of criminal law.

So permit me now to connect the dots into the three different pots that I have mentioned as follows. The Interpretation Act, at clause 3, really gives us a very critical piece of harmony. We have amended and created laws to treat with the criminal justice system, created the Criminal Division and the Family and Children Division. These are radical reforms to justice system. These are radical reforms to ensuring that justice is delivered on time. In creating the Criminal Division and in creating the Family Division, we birthed the concept of removing the Clerk of the Peace, who is an unqualified person at law who was tasked with the management of the court, who conducted quasi legal functions. In fact, dare I say in breach of the Legal Profession Act, volunteered legal advice in the settling of summons and other matters. We birthed the Magistracy Registrar and Clerk of the Court to make sure that the Magistrates' Court was managed in the same way that the High Court and Court of Appeal was.

2.30 p.m.

It is therefore necessary to ensure that we anchor into the Interpretation Act that any reference to a Clerk of the Peace is in fact a Senior Magistracy Registrar or Clerk of the Court and the subsidiaries to that. That is important because we

have abolished the Clerk of the Peace, as I have said before. We have passed the Criminal Division and Traffic Court. We have brought in the functions of the Magistracy Registrar and it really ties in the whole global review. Importantly, we have taken the court system and the whole of government structures to online payments, to the use of electronic transactions and therefore, we had to also add the concept of collecting officer into this legislation.

If I get to the Summary Courts Act and the Petty Civil Courts Act, clauses 4 and 5, you will see that there is a lot of harmony. It is important here that we treat with who the clerk is and we are introducing into these laws now, what we have done by way of legal notice. In Legal Notice No. 99 of 2020, we reduced the multiple criminal magisterial divisions and we created three: a magistrate's division in the north of Trinidad, in the south of Trinidad and in Tobago. What does that mean? We are bringing to life the ability of the Chief Justice to organize the Judiciary into specialist courts. Section 24 of the Criminal Division allows for specialist courts but very importantly, as we brought in the motor vehicles and road traffic amendments, we are now allowing for the breaking and disposition of 80,000 cases in backlog, particularly in the motor vehicles and road traffic arena, by the creation of court locations.

And very importantly, we are allowing now for the transfer of matters from court locations and summary courts, so that we can take traffic offences and other offences from Roxborough to Charlotteville to Icacos to Chaguaramas to San Fernando, we can harmonize them into one court and very importantly, one electronic court, a virtual court to treat with the disposition of matters. That is why we have video link defined the way we do. We opened 12 district video courts inside of the prisons. We have done over 3,000 matters from the prisons without

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moving a single prisoner outside of the jails and therefore, we are not only saving \$25 million a year when you look to the ultimate disposition of prisoner transport, but we are allowing for the concept of the video courts to go to work as we have both in the summary courts and the petty civil legislation.

We are allowing the Chief Justice to exercise that jurisdiction, which the Chief Justice always had, to treat with the disposition of matters, the management of the Judiciary as has always been the case. Some people have the mistaken view that the Chief Magistrate arranges the Judiciary, it is in fact the Chief Justice and we are harmonizing the administrative functions of the court into the divisions that they now fall. Madam Speaker, what time is full time?

Madam Speaker: Your full time is 2.54.30.

Hon. F. Al-Rawi: Much obliged. Madam Speaker, I turn swiftly to the concepts that we have anchored into the Judicial and Legal Service Act and permit me because what I have said in relation to clause 4 applies to clause 5, so I turn now to clause 6. When I am looking to the Judicial and Legal Service Act—sorry, clauses 4 and 5 apply together: summary courts and petty civil.

Clause 6, in dealing with the sentencing commission, I would just like to say that we are allowing for the findings and recommendations of the Sentencing Commission to go to the Chief Justice. Why the Chief Justice? Because the Judicial Education Institute, which is a feature and product of the honourable Chief Justice, can be the recipient of the recommendations coming from the Sentencing Commission and therefore, we harmonize that approach.

Clause 7 is where we treat with the Judicial and Legal Service Act and here, Madam Speaker, we are bringing to life what we already did in the Schedules that we amended in October of 2019. What we are doing here now, we are correcting

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the inadvertent reference that the Chief Justice in the substructure has a master of the court reporting to a Registrar, the Master now is appointed and reports to the Chief Justice, so too is the Court Executive Administrator. We are bringing to life something which we did in a previous piece of law which is to anchor the position of the Registrar General as a Chief Legal Officer. The Registrar General, as you know, has nearly some 530 employees across San Fernando, Port of Spain, Arima and Tobago, with all of the district registrars operating under the Registrar General. We have passed a number of laws which give massive functionality to the Registrar General and therefore, it is high time that we get pass the near 18 years wait of the SRC in getting this position sorted out.

Madam Speaker, we also look in clause 7 to anchoring the Senior Magistracy Registrar and Clerks of the Court, and we are putting in the functions of Senior Magistracy Registrar and Clerk of the Court because that is a critical thing which was not anchored into the parent law. It was in the Criminal Division, it was in the Family and Children Division, it needed to be put into the judicial and legal service legislation.

I turn to the Evidence Act. Here we are simply anchoring now, across these particular pieces of law, the Senior Magistracy Registrar and Clerk of the Court phenomenon.

Clause 9, the Malicious Damage Act, we are allowing for the Rules of the Supreme Court to operate for matters of procedure. That is something to better the malicious damages regime.

Under the Coinage Offences Act, we are looking at the point of simply adding in the Justice of the Peace, that the Justice of the Peace can also retain evidence seized. It is for the sheer administration of the legislation.

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The Sexual Offences Act, we amend because we have had the experience and we passed the need to amend the Schedules. The law, as it stands now, is by way of affirmative resolution, it is by far better to do it by negative resolution. I gave that undertaking when we did the last round of amendments to the Schedules and had to move Parliament to just do that in one sitting.

Madam Speaker, I turn to clause 12. Clause 12, we are dealing with the position of conveyance of a prisoner. This amendment is so critically important. It is tied to the fact that at present, without amendment, we would have to send a policeman to the prisons to move the prisoner from the jail to the court which is in the prison. That is not necessary. The keeper of the prison can do that but we must provide it for it in law, as we, under this Government, with this Minister of National Security, with this Minister of Public Administration and this Attorney General, we have done over 3,000 matters from the prisons courts without moving a single prisoner. [*Desk thumping*]

Madam Speaker, I turn to the Community Service Orders Act. Again, we have to introduce the concept of court location and clerks. And I want to tell you, this law was long in abeyance. You will note that we are now carrying our children, carrying drug offenders, carrying small quantities of marijuana into community service. You do not need to incarcerate everybody in this country if there is an alternative mechanism to provide justice.

Madam Speaker, I turn to the provisions of clause 14. My colleague, the Minister of National Security will speak to this, the amendments to the Defence Act. Suffice it to say, in short measure, we are creating the Vice CDS, that is the CDS having a second in command. We are allowing for the position of interdiction to also be allowed, half pay for what you will see referred to as civil

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offences, please do not be confused. A civil offence is a non-military criminal matter, it is not a civil law matter. In this position, the Vice Chief of Defence Staff goes into operation but what was missing for years was the incorporation of the Air Guard into the division of the TTDF and that is critically important to include that into the board of commissioners as well to ensure that we have this. This is something which our own Member for Point Fortin fought for, for years and I am very pleased to see that the hon. Member, through agitations with our current Minister of National Security, has brought this to life. [*Desk thumping*]

Madam Speaker, permit me to turn to clause 15 quickly, the Firearms Act. We needed to extend the licensing regime for payments of licences for firearms, et cetera, and this is done in the COVID situation.

Clause 16, where we treat with the Explosives Act, we are dealing with the improvement of the administration of that legislation by the introduction of the clerk.

The Registrar General Act, Madam Speaker, is up for amendment next. This is, again, indication of the massive reforms that we have done in creating the move to create the Registrar General go to an electronic environment. By this month, God willing, we will be able to have all of Companies Registry done online, all payments and filings with the property business real estate solution. All deeds, land transactions in month of September will be able to go completely online, removing the need for foot traffic and we have already taken all vital statistics: births, deaths, et cetera, online. Therefore, this law is to allow for e-payment structures, as you will see, we have allowed the accounting officers to happen.

And very importantly, Madam Speaker, we are amending the time frames. My colleague, the Member for St. Augustine will know, as the hon. Member, the

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Leader of Government Business will know, we have this ridiculous provision of having to pay for advertisements to say that the registry is closed on Carnival Monday and Tuesday. I mean, it is just nonsensical that we have to pay money because the parent law just was not amended.

Madam Speaker, we take the amendments to clause 18, clause 19, clause 20 and we add that to clauses 30, 31, 32, 33, 34. All of those pieces of law treat with the fact that we have removed umpteen magisterial districts down to three—north, south and Tobago—and what we are doing here is instead of the licensing committees—liquor licensing, cinematograph, theatre, dance hall, whatever they may be—sitting in a magisterial district, they now sit within the municipality that they actually are in occupation. So this is a reform measure which adds to efficiency.

We are amending, Madam Speaker, in clause 22, due to the COVID pandemic, the local government report for the last election could not be laid in time, therefore we have to amend the parent law to allow it to be laid before 2021. That is a simple amendment.

In clause 23, we are amending the Mental Health Act to allow for the Chief Justice to appoint the personality required to work in conjunction with the mental health as opposed to the Chief Magistrate. Why? With the merger of jurisdictions between the High Court and magistracy, we need the Chief Justice with the greater flexibility in the divisions of court to treat with these measures. It fits in with the administration of justice.

Madam Speaker, you will note at clause 24, we are amending the Children Act. This is critical. There was an inadvertent reference to communicating with a child as opposed to the offence of grooming a child and therefore, we needed to

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connect that. But what we are doing here, Madam Speaker, take note, we are introducing child traffic violators. We have children driving—they are between 17 to 18—creating child traffic violators referring the child to child traffic violation treatment as opposed to an offence at court; that is critical for us to do. And therefore, in clause 24 and clause 25 where we amend the Motor Vehicles and Road Traffic Act, we are treating children differently from adults as we must.

Madam Speaker, the amendments to the Conservation of Wild Life Act in clause 26, those tie in for the need to: a) raise the offences from \$10,000—at a ridiculously low level now—up to the maximum—albeit this is not always the case—to \$100,000 and to reconstitute the manner in which the board is established. We made amendments in the Senate to that and I am sure at committee stage, we can explain that better.

The Customs Act at clause 28 is long overdue for amendment. We have introduced the concept of the pleasure craft. This is tying into the ease of doing business. We need the harmonized forms. It is not in the best interest of Trinidad and Tobago to have forms such that you have to fill out health, customs, food and drugs, et cetera, Ministry of Trade, as it goes into operation in multiple complex forms. We have allowed for the forms to be prescribed at law. This allows for the harmonization of the forms and very importantly, for the treatment of pleasure craft differently from the rest. They are all subject to interdiction and jurisdiction of customs, et cetera, but here is where we are taking economic advantage of the yachting industry as we lie outside of the hurricane belt and as our industry will eventually reopen once COVID is measured in a different structure.

Clause 35, we see the amendment of the Administration of Justice (Indictable Proceedings) Act. Forgive me, Madam Speaker, I moved past clause

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29. Clause 29 amends the Companies Act. It is just nonsensical that a name search and name reservation last only for 20 days, we have moved it to 45 days. We have also caused the amendments to, as I have dealt with before, 30, 31, 32, 33 and 34 where we dealt with the harmonization of the magisterial districts into the municipalities, just as we did for the other pieces of law that I had referred you to earlier.

Clause 35 is where we treat with the amendment to Administration of Justice (Indictable Proceedings) Act. Why? We intend to operationalize this law upon the opening of the Criminal Division. As we open the courts at the waterfront and in total, we will have created over 125 new courtrooms, not including the San Fernando Magistrates' Court, which will have the ground turned on the 15th of this month, not including the Cluny Family Court in San Fernando, which will again turn sod this month, not including those courts, we have 125 new courts. But, Madam Speaker, what we needed to do in this law was to allow for the reference to the Senior Magistracy Registrar and Clerk of the Court and importantly, to allow for the video linkage.

Madam Speaker, people do not know this yet but we have put in FTR, or recording technology, to all of these courtrooms so that there is video functionality in the Magistracy, for example, for the first time and causing these amendments means, as we have amended the Interpretation Act and the Summary Courts Act and the Petty Civil Courts Act and this Act, it means that you stop the ridiculous longhand writing of notes in court. That is radical transformation because as the lawyers in this room will know, it is nonsensical to have a longhand transcription of evidence, when you can record it by way of video technology, as we do in Parliament here with *ParlView*, as they do in the Privy Council right now. This is

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taking Trinidad and Tobago's administration of justice into the modern world for the first time. [*Desk thumping*]

Madam Speaker, I am extremely pleased about that. You will see where we have the recording of the answer of the accused, the apprehension of the accused on bail and accused about to respond. The taking of the video linkage evidence, this ties into the fact that we have brought video technology from the police station to the court. This Government passed the amendments to the Domestic Violence Act to give you a court order from midnight at night at a police station and I do not think that this country understands how radical the transformation of justice has been under the hon. Prime Minister Dr. Keith Rowley and Ministry of the Attorney General in particular. [*Desk thumping*]

So, Madam Speaker, we get now to clause 36, the amendment to the Criminal Division and District Criminal and Traffic Courts Act. We are reorganizing the various roles in the Criminal Division. It is a quite simple reference point.

And then we get to the amendments to the electronic payments into and out of court in clause 37. And what is that? Madam Speaker, when you are capable of receiving your practising certificate online, when you are capable of filing your documents online in court, when you are capable of receiving your court orders online from the court, when you are capable of having the DPP sit in his office, a defendant sit in his office, the court sit in another location, the police sit in another location and a trial goes on from the Court of Appeal right down to positions, understand this Government has delivered that reform. And, Madam Speaker, what we are really pushing at is a new Trinidad and Tobago. A new vision of justice. And whilst we create the new vision of justice by the use of implementing

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plant and machinery, people, processes, alongside with law, it is only through that combination that we get to where we want to go.

Madam Speaker, this Bill has 37 clauses. Some in the Senate on the Opposition Bench complained about the use of a miscellaneous provisions Bill. Yes, Madam Speaker, as Attorney General, I have recommended and the Cabinet has accepted many a miscellaneous provisions Bill. Look to the Family and Children Division legislation that we have passed and you will note 23 laws were amended under one Act. Look to the first miscellaneous provisions we did for the family and children arena, you would see 13 laws amended there and today, we bring 35. Why? I could tell you something that may not be known.

As Attorney General, we have actually seen the amendment of over 300 pieces of law. This Government has just broken the record of every single other Attorney General in the history of Trinidad and Tobago. Why? If we take the recommendation of the Opposition, then we are going to do every single Bill in a one by one debate and there is just not enough time in the parliamentary structure to do that. Therefore, the Cabinet, under our Prime Minister, has accepted a very useful tool and that useful tool is the amendment of multiple pieces of law at the same time and therefore, I am extremely pleased to pilot this legislation today, Madam Speaker, and I beg to move. [*Desk thumping*]

Question proposed.

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much, Madam Speaker. This piece of legislation here, another miscellaneous Bill—we had one about two weeks ago—amends 35 pieces of legislation. You have to really sort of work hard to connect the dots to build the coherence that the AG seeks to present here. In reading out the list of Bills, the AG took close to three minutes and the

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hon. Speaker of the House took just over two minutes. Thirty-five pieces of legislation being amended in a miscellaneous Bill in order to bring some kind of order and coherence to a range of issues. I do not know why the AG chooses this method to yoke Bills together in this way but it becomes a rather troublesome issue, in first of all, making sense of the Bill; secondly, trying to understand where it is leading; and thirdly, understanding the value of the Bill to the citizen in the country.

The Bill also has 37 clauses, each of the clause affecting the various pieces of legislation and I want to start with one clause. I would not be able to deal with 37 clauses in this Bill, so I will pick out four or five. So if you start with clause 4(e), (3) which gives wide discretion to transfer any case or any type of case from one location to the other, I have some questions for the AG. I want to ask the AG if you are now shifting all this power in a centralized fashion to the Chief Justice, where is the check and balance or are no checks and balances required for the Judiciary and the judicial system? What is the system beyond arbitrary power or whim if we recognize that we are dealing not just with the office but at any given point in time, whoever is the Chief Justice, an individual in the office?

I want to ask the question because we have had so many issues relating to the Chief Justice and the Judiciary. To whom is the Chief Justice accountable that if he were to act in a less than objective manner and with a personal intent, either on his own or guided and influenced by someone else to achieve a predetermined outcome, to whom is the Chief Justice accountable and who is the check and balance in this system that is now being outlined here by the restructuring? Does not the absence of a coherent working system and the establishment of a system prone to arbitrariness undermine the independence of magistrates and the

independence of the Judiciary? If you centralize all of this control and you move the system in a way in which the Chief Justice has full authority over every individual, every court in that matter, are you not creating, simply by the centralization of systems in this place, knowing what centralization does to any situation of authority and power, are we not really creating the conditions for multiple errors and multiple problems?

Now, I had occasion to point out during my contribution to the Domestic Violence Bill two weeks ago, I talked about when laws actually work, when they make a difference. And at that time, two weeks ago, I said that the importance of a judge and jury is that each one of them is supposed to make an impartial determination of the facts and in this way, justice is served. First of all, you are dealing with the facts and secondly, you are dealing with impartiality, and that is what allows your system of justice to function with trust. The second thing is that I mentioned on that occasion that justice must not only occur but seen to be just and the system therefore is seen to be fair, and when law is applied evenly across the board, you generate trust.

Now, one of the purposes of law is to protect fundamental human rights. The other one is that it is important to have laws that work without discrimination. I pointed it out on that occasion. The question that does arise here with this heavy centralization and the undermining of individual autonomy by judges and magistrates and the Chief Magistrate, in particular, it raises the question of the right of any given citizen, in any particular circumstance, to a fair hearing and an impartial court. Does putting increased power in the hands of the Chief Justice without system, without checks and balance and without accountability, does it lay the foundation for fairness, justice and trust?

Now, what is the role of the Chief Magistrate in our existing system? And these amendments to section 7 of the Summary Courts Act, do they not undermine the autonomy of the Chief Magistrate? Is there not meant to be within the judicial system, the Magistracy, et cetera, polls and points of power and autonomy, and so on? Is that not important? Are you not, by amendment of this law, creating the conditions for case specific assignments to judges and magistrates? It is not just a question of taking all the traffic matters and putting them in the traffic court, it is also the possibility under this law and given this centralized power, that you could have case specific assignments to judges and magistrates, determining which judge will look into which case, preside over which case, which magistrate will preside over a particular case.

3.00 p.m.

And is that not discriminatory towards judges and magistrates, in the first instance, and does that make the Chief Justice not judgmental of his colleagues? Does it not open the door to discrimination and open the door to a mutual favour system which undermines the very essence of justice itself?

Does that not open the door further to political influence and, perhaps, criminal influence and perhaps corruption? And do not tell me that any institution in any society is not subject to corruption, because there have been instances in which judiciaries in other jurisdictions close to here, perhaps not under the British system, but jurisdictions close to here, countries close to here, in which the corruption has been clear as day, as indeed there has been corruption in Parliaments, in Cabinets, et cetera.

Look at clause 4(k), which in fact changes section 13B. With this amendment the Chief Justice can transfer a case from one magistrate to another.

He can transfer the magistrate to another district. What happens in a situation of unfinished cases? Would cases not have to start over? Is that fair to the citizen? Because I want to ask the question: Who is justice for? Is that in the interest of justice to have this potential? It may not be abused at all, Madam Speaker. But where you have the potential for abuse, the potential for arbitrariness, I do not think it would be good law to create those kinds of situations.

And I do want to ask the question: Who is the law for? Is the law for the Chief Justice? Is the law for the AG? Is the law for the Judiciary? Is the law for the Magistracy? Is the law for lawyers? Or is the law to serve the citizen, to protect his rights and to dispense justice. AG, you will have the opportunity to respond; to protect his rights and to dispense justice. AG, there might have been, I do not know, I am simply speculating, some collaboration to write this law between the AG and the Chief Justice. And I want to say in my layman's estimation and reading of this law, I think "Allyuh ha de thing upside down."
[Desk thumping]

The other point, with regard to 4(1)(c) why would you want the Rules Committee of the Supreme Court to make rules relating to the practice and procedure of the summary courts? And you have no input or presence of any magistrate or Magistracy Registrars. Is that correct? Is that not a blueprint for ensuring that the rules that are made do not work? Do we not know that that is a constant problem in our society, Trinidad and Tobago, making impractical, untested rules for others to work and others to work through? Either you make it possible for the Chief Magistrate or his or her designate to sit on the Rules Committee, if that is not the case here, or delete the entire clause. Because why do you want to put it in the hands of an entity that does not have to execute and

practice it? The rule-making I am talking about.

A number of the amendments seek to centralize and concentrate power in the hands of the Chief Justice, either directly or to agents under his direct control and influence. And the issue that I am raising here is the issue of centralization. It is an issue I have constantly raised in relation to the constitutional organization of Trinidad and Tobago, in relation to the relationship between Executive power and the Parliament, in relation to the entire configuration of governmental apparatus and it is an important consideration here because once you have centralization, you have concentration of power and that in itself is a problem.

So, I do not know if these things will enhance—these things in the Bill, I mean, this miscellaneous Bill. I do not know if they will enhance the cause of justice nor do I know if they will improve the quest for justice. I want to ask the AG: What is wrong with the Judiciary and the Magistracy that you are trying to fix here? Okay? Now, I know you tried to answer the question why for the legislation. I paid attention. But I am not convinced, AG. [*Desk thumping*]

Now, I want to ask a question: Under this structure that you are establishing here, I want to ask a blunt question. Can a case be fixed and the outcome predetermined by the structure and what it allows under this legislation? [*Desk thumping*] I want to ask, and I ask it openly. We are in the Parliament of this country. Are we trying to fix something, because we believe, perhaps, that there are magistrates in the system that are corrupt, and we think that this will fix it? Do we think that there are members of the Judiciary that are corrupt and are we trying to fix that? And the question is: What is the system do we then have for the appointment of these people who are meant to have jurisdiction in these spheres of law? What is the system of the appointment of judges? Is something wrong with

that? What is the system of appointments with the regard to magistrates? Is something wrong with that? What is the rationale and justification for increasing the power of the Chief Justice in this comprehensive way? What is the problem, AG, with the court system? Why is justice always delayed and therefore denied?
[Desk thumping]

Now, I understand that you have made some reforms. You talk about the reforms of the trafficking section. I know that you have made some reforms to quicken the pace of matters appearing in court. I know that you have raised the issue, over and over again, of the Remand Yard and what is being done to free that system, which is now locked in. But when you look at the court system of Trinidad and Tobago, citizens generally have a feeling that they are badly treated in the court, even before a matter is heard, that is to say, the way the court is structured, the way they have to operate, the authoritarian structure of the system.

Why do we have to have a court system that is so disrespectful of the basic rights of citizens as citizens? Why is it that people feel that despite the courts, and a court system involving a Magistracy and a Judiciary, that there is in fact no justice? And I think that is the problem that we should be trying to solve. Why did so many citizens feel—it is not only the court system—that lawyers do not take them seriously and do not serve their legitimate interest seriously?

The problems with the reforms initiated, AG, is that the reforms, in my humble view, and I have been watching and listening over the several months, years in this Parliament, the reforms are meant to serve the AG and the AG's Office. They are meant to serve the Judiciary and the function of the Judiciary; perhaps more efficient systems, according to the AG. They are meant to serve the legal fraternity. But what the reform should really be addressing is serving and

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dispensing justice on the basis of a flawless, impartial fact-finding process that cannot be influenced. [*Desk thumping*]

What it should be doing is serving its key stakeholders and the key stakeholders are the citizens. It is not the Judiciary, the legal fraternity. They are stakeholders and they are important stakeholders. The system could not function without them. They are trained law experts in their field, without which you could not have a system of justice and a system of laws and a system of order. But the whole purpose of law, the whole purpose of order, the whole purpose of justice, the whole purpose of the legal system and the apparatus is to serve the citizen and I want to emphasize that point. [*Desk thumping*]

I make a few comments on other issues. That was to deal with the law courts and the centralization of the system, the denuding of the autonomy and authority of individuals and the questions it raises as to why such a piece of legislation is necessary. So I raise those there.

Clause 27 amends section 47A(2) of the value added tax—I noticed the AG did not mention that—to allow for bonds issued under section 47A to be taxable or non-taxable. I want to make one or two points about that. This I could talk about for an hour but I will talk for two minutes. The first thing is that the question of bonds being taxable in this particular instance, in my view, is nonsensical. [*Desk thumping*] Under the law, you have six months to repay the people their VAT. Interest accrues if the Government does not pay. The Government is not supposed to violate the law, but if they violate law there is a penalty. They have—in this particular instance that we have before us in the market place today Government owes about \$6 billion. They have paid about half or are continuing to pay about half in cash and they have put half in bonds to be redeemed from the banks. For

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me, to raise the prospect at all of interest on bonds is nothing short, in my view, of a provocation to talk about taxable bonds.

Now, the AG raised the question of the Tenth Report of Local Government. Local government was held in December '19. This is July. Yes we had a pandemic, but what does a report for local government require? The local government election results for 2019 December, those were declared already. And what it would mean is that you have to get those results, perhaps put them against—because that is how the reports are written—put them against the results of the previous local government or perhaps two before, and you do this polling station by polling station, because that is how it is determined, and you then do a narrative that you want to accompany the numbers with. And I do believe that that report should have been completed, and certainly the House of Assembly report. The House of Assembly report was done in 2017, January. Why do we want to extend this to 2021? All right.

These reports should have been—they basically should have been prepared and laid in Parliament already. We are going into an election in 2020, sometime. Why can the reports not be laid in Parliament now? There is no good reason for it. Because you need the numbers—any political party knows, Madam Speaker, that you need the numbers of the last election to compare with previous elections to see shifts at the level of polling divisions in order to make sense of the election you are going to engage in. And, therefore, I think this is a failure of duty on the part of the EBC. And I do not take the COVID excuse. This thing can be done online. It can be done with computer. You could do it by sitting down in "yuh" house. All you have to do is to get the information and prepare the reports properly. And I do not think that it is reasonable to extend the time. I think they should bring the

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reports into Parliament within the next two weeks. [*Desk thumping*]

Elections and Boundaries Commission, we just approved \$53 million for them in the mid-year review. Okay. There is a rhythm to elections in Trinidad and Tobago; five years for general, three years for local, four years for the House of Assembly. And because there is a rhythm of elections, you can plan predictably for it. You do not know the date but you know the year. All right? And there is absolutely no good reason for a postponement of these reports, which are essential preparatory reports for the 2020 election, containing, as they do, the statistical result of every single polling division in Trinidad and in Tobago. So when you take the House of Assembly results, together with the local government results, you have every single polling division in Trinidad and Tobago. And that report should be laid in Parliament expeditiously. We do not wish to extend the date for that.

I also need an explanation for clause 23. Madam Speaker, how many minutes do I have?

Madam Speaker: You end at 3.23.07.

Dr. B. Tewarie: 3.20?

Madam Speaker: 23.

Dr. B. Tewarie: Okay, I will take less than that. I also need an explanation for clause 23, AG, which proposes to amend section 16 of the Mental Health Act. Why does the Government want to move the Chief Magistrate or her designate in order to put a representative of the Judiciary appointed by the Chief Justice? Now, does that mean a judge? Because it is not clear in the legislation. Or can it be another functionary appointed by the Chief Justice within the judicial system? And there are other levels as you well know, AG, you have come here and you

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have passed the legislation, and so on. Does that mean a judge? Why do you want to do that? It does not say.

Why is the power being put specifically in the hands of the Chief Justice? A judge or a magistrate is not good enough? I mean, I do not understand this. I cannot see why you bring these 35 miscellaneous Bills, having to do with the centralization of power in the hands of the Chief Justice, having to do with the postponement of a report that should have been in Parliament already. The one for the House of Assembly should have been in Parliament since 2019, not 2020. It should have been done already, and you want to go to 2021 now? And the one for the local government should have been here already. I mean, it should not take more than 90 days to prepare that report. What do you have to prepare so? Once you have the statistics, you do not have anything else to prepare. And if there are other matters, like issues, reports, discrepancies, et cetera, that you want to record in the report, I am sure those were done with a time very proximate to the day of elections itself, mostly on election day, or by political parties afterwards within a short period of time.

So, AG, I have a problem with this Bill, you know and I have a problem with these miscellaneous Bills. I ask important questions on the last miscellaneous Bills here, having to do with the advocacy of the Law Association and having to do with a group of lawyers led, at that time, I think, by the then former President of the Senate. And I got some answers for you. But after talking to some of these people in the legal profession again, I think we bounce our head with that Bill and “ah think we bouncing our head with this Bill too”. [*Desk thumping*]

The Minister of Housing and Urban Development (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Madam Speaker. I am pleased to join this debate

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on this Bill, which touches many facets of lives in Trinidad and Tobago.

Madam Speaker, the Member for Caroni Central, I think I was at pains to understand his objections. The Attorney General went at pains to show that the amendments to these Bills touches at the very core of the citizens of Trinidad and Tobago. The Member for Caroni Central, I believe he may have been at a different perspective when he suggested that the amendments were upside down, suggests to me that he is probably standing upside down and not seeing it in the way it is supposed to be. Madam Speaker, to my mind he cannot accept changes; changes as outlined by the Attorney General, for the benefit of the citizens of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, I want at the outset to congratulate the Attorney General. This Attorney General has been able to execute, to my mind, a very impressive legislative agenda over the last four years and nine months in this House, Madam Speaker. He has been able to do that as a proponent of what I call the whole of Government approach or the whole of institutions approach.

Today, the Miscellaneous Amendments Bill is a very far, wide-ranging Bill, which seeks to amend pieces of different legislation, insofar as updating changes due to transformation of our very institutions, harmonization through space, time and institutions throughout Trinidad and Tobago.

Madam Speaker, today I know that my colleagues will focus on different aspects of this wide-ranging Bill and I, therefore, intend to concentrate my contribution on the proposed amendment to the Defence Act. So I go straight into clause 14. The Bill seeks to amend section 5, section 10, 85 and 191 of the Defence Act. All of these amendments are to allow for the addition of the Air Guard as a unit of the Trinidad and Tobago Defence Force.

But let me put this in historical perspective, Madam Speaker. You see, the Defence Force came into being in 1962. And I go way back into the visit by Lord Mountbatten to the then Prime Minister, Dr. Eric Williams in March of 1962. In March of 1962, Lord Mountbatten said to the then Prime Minister who was campaigning then for independence status of Trinidad and Tobago, he said that one of the prerequisites for independence status is that Trinidad and Tobago must have a military force. At that time the military force was really based on the Commonwealth being able to assist the British Empire at that point in time. But definitely one of the prerequisites for independence was in fact Trinidad and Tobago must have its own military force. And so we saw the evolution of the force with the Trinidad and Tobago Regiment being given birth on the 23rd of July, 1962, and the Trinidad and Tobago Coast Guard, giving birth on the 27th of August, of the same year, just prior to our Independence.

Madam Speaker, it is against that background that we look at clause 5 of the Defence Act, which states:

“There shall be established and maintained in Trinidad and Tobago a body of military forces styled ‘the Trinidad and Tobago Defence Force’ consisting of—

- (a) a unit of land forces (...referred to as ‘the Regiment’);
- (b) a Coast Guard; and
- (c) such other units as the President may from time to time think fit to be formed, and styled by such designation as the President shall declare by Notification.”

Madam Speaker, this amendment is in fact very timely as the Air Guard of the Defence Force continues to evolve, moving from our initial position in 1962,

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where we started off with the First Battalion, Trinidad and Tobago Regiment, and of course the three ships of the Coast Guard to the expanded version of the Defence Force where the air wing in fact was started as part of the Coast Guard in 1966. It moved in 1977 as a separate entity and in 2005, it was renamed the Trinidad and Tobago Air Guard, based at Piarco International Airport.

Madam Speaker, however, notwithstanding the formation of the Trinidad and Tobago Air Guard in 2005, this has not been reflected in the Defence Act and so the amendment today is to bring in line, again due to transformation of the very institutions, the Air Guard as part of the Defence Force, Madam Speaker. So that the Defence Act should read:

An element of land forces referred to as the Trinidad and Tobago Regiment; An element of maritime forces referred to as the Trinidad and Tobago Coast Guard;

—and of course:

An element of aerial forces referred to as the Trinidad and Tobago Air Guard.

Now, completing that formation concept in the Trinidad and Tobago Defence Force with its three formation, land, sea and air, given again the Chief of Defence Staff, its operational component and, of course, making it more efficient with respect to the running of the Trinidad and Tobago Defence Force.

Madam Speaker, this is very important, in terms of operation, very important, in terms of administration as the Air Guard is now anchored in the Defence Act, together with the land forces and the maritime forces.

I move now to clause 10, Madam Speaker. Clause 10 deals with the commission's board, Trinidad and Tobago Defence Force Commission Board.

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That board is appointed by the President of the Republic. The boards consist of the Chairman of the Public Service Commission, a member of the Judicial and Legal Service Commission, one member of the public, and according to the Act, presently it states a Senior Regimental Battalion Commanding Officer and a Commanding Officer of the Coast Guard.

Again, based on the transformation of the very Defence Force, at one point in time, there was not what we call a Commanding Officer of the Regiment. The regiment as a formation did not exist. What existed was four separate battalions and as such, at that point in time the representation on the Defence Force Commission's Board was the Senior Battalion Commanding Officer.

3.30 p.m.

That has evolved where there is now a commanding officer of the Regiment who is in charge of the four battalions' commanding officers. He oversees the battalions, commanded by those commanding officers. So in fact, what is required now is that the commanding officer of the Regiment must be and should be and according to the Act will be the representative on the Defence Force Commission Board for the land forces. He, together with the commanders of the Coast Guard will therefore be the representation at the Defence Force Commission Board. This is simply what this Act—what this change is doing, Madam Speaker. Again, because the Defence Force evolved over time, the Act, the law must realign itself with that very evolution, and this is what is happening, Madam Speaker.

Madam Speaker, the Commission Board has been assigned the important duties of advising the President through the Minister, on appointments to commissions and promotions to the Defence Force up to the rank of Major in the Army, or Lieutenant Commander in the Coast Guard. So that, the proposed

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amendment is that the commanding officer of the Regiment and the Air Guard respectively be added to the Commission Board, therefore completing the representation across land, sea, and air, Madam Speaker. This recommendation as I mentioned, this amendment will certainly add to the efficiency of the Trinidad and Tobago Defence Force in terms of administration and operation.

Madam Speaker, I move next to section 191 which treats with the Chief of Defence Staff and of course the establishment of a Vice Chief of Defence Staff. Madam Speaker, again, based on the evolution of the Defence Force which started in 1962 with a simple battalion commanding officer in charge of the Army, and of course a command officer of coast guard in charge of the Coast Guard. As we evolve and bring the two units together, what was established was then the Defence Force headquarters under a Commander of the Defence Force, which was then changed in 1976, if my memory serves me, to the Chief of Defence Staff who will then oversee the entire Defence Force in terms of the Coast Guard, the Army, and now the Air Guard.

The Chief of Defence Staff then had under him the Formation Commanders. So there was a gap between the Chief of Defence Staff and the Formation Commanders which is the commanding officer of the Coast Guard, the commanding officer of the Army, commanding officer of the Air Guard. Of course, we have the reserve element which is the volunteers. So there is a gap there in terms of the Vice Chief of Defence Staff. So what this Act in terms of the amendment, in terms of 191 is doing, is in fact establishing by reason of this Act, the position of Vice Chief of Defence Staff.

This is a very important function because you see, the Chief of Defence Staff in terms of span of control, he has operational control of the Defence Force

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and he needs that Vice Chief of Defence Staff, not only in terms of succession planning, but also while he concentrates on the operational needs of the force, Vice Chief of Defence Staff concentrates on the administration aspect of the force. So there is that kind of balance and this, Madam Speaker, exists in almost all militaries in the world, especially those that came out of the British system, there is always a Chief of Defence Staff and a Vice Chief of Defence Staff that handles as I said, the administrative area, giving the Chief the wherewithal to treat with the operational aspect of the Defence Force. And so, this is in keeping with all military customs and traditions in the establishment of a Vice Chief of Defence Staff to assist the Chief of Defence Staff in the execution of his duties.

Madam Speaker, I move now to the other aspect of the Bill that treats with the interdiction of persons in the Defence Force. This is a very important amendment, Madam Speaker, very important amendment in terms of the lives of the servicemen and servicewomen in the Trinidad and Tobago Defence Force. What this brings to the table, Madam Speaker, is the Defence Force being given the power through the President, through the commissioned officers, that is from lieutenants all the way up to colonels, to generals, and of course the Chief of Defence Staff to treat with the other ranks insofar as interdiction is concerned.

And why this is important, Madam Speaker, it is what exists now, the fact that soldiers, sailors or airmen, who have committed offences or infractions of the law, for example, there are soldiers that have been caught afoul of the law, who have been caught with illegal weapons or drugs as the case may be, there is nothing in the present Defence Act that allows the Chief of Defence Staff or any other body to suspend these individuals while their matter is being tried, or suspend them as exists in the Trinidad and Tobago Police Service, in terms of

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half-pay, no-pay or a percentage of your pay while your matter is being treated. So what exists right now, these individuals, sometimes their matter takes as much as one year, two years, three years. We have had people within the system who have been in Remand Yard for more than a year, for more than two or three years and continue to get pay, continue to get their salaries, because there is no system in place to reduce your salary.

What this amendment does in terms of interdiction, is to ensure that now, through the President, through the Chief of Defence Staff, dealing with officers, the President, treating with officers, commissioned officers, the Chief of Defence Staff treating with non-commissioned officers and other ranks, they can now interdict those persons and put them in terms of half-pay, no-pay, whatever the matter is while their matter is being treated.

Because you see, what exists, Madam Speaker, for instance, if an individual is charged let us say for illegal weapons, that person still continues to perform their duties within the Trinidad and Tobago Defence Force. So imagine someone being charged for an illegal weapon and then he continues the next day, issued with a service weapon, continue to do their duties. So this amendment is very important, in giving the Chief of Defence Staff and the President by virtue of the commissioned officers, the ability to interdict these persons on suspension with half-pay as I said, or no-pay as the case may be. This again will speak volumes to the administration of the Defence Force.

Madam Speaker, these amendments as I mentioned before would certainly amplify the efficiency and effectiveness of the Defence Force. They will work in tandem with the projection of the Defence Force to enable the Trinidad and Tobago Defence Force to execute its duties in terms of providing the security,

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through proper administration. And these amendments are now anchored in the Defence Act, giving it the legislative power so that the Chief of Defence Staff can now treat with matters before him.

Madam Speaker, I want to thank the Attorney General for ensuring that this aspect is treated with in the manner that it is done, and in fact in bringing this miscellaneous Bill here for us because it covers and it treats with the stakeholders of this country, the citizens of Trinidad and Tobago. Madam Speaker, I thank you very much. [*Desk thumping*]

Madam Speaker: Member for Couva South.

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker, as I join this debate here this evening on the Miscellaneous Amendments (No. 2) Bill, 2020, and respond to what has been said by the Member for Point Fortin, a former Chief of Defence Staff in his own right. But before I do so I want to congratulate my colleague, the Member for Caroni Central [*Desk thumping*] who in attempting to hold the Government to account this evening, focused on the need to protect the rights of the citizens of our country in the dispensation of justice, which is a very key right in this country under the Constitution of Trinidad and Tobago.

And, Madam Speaker, I heard the Member for Point Fortin, he took the opportunity to congratulate the Attorney General for executing a legislative agenda on behalf of the Government of Trinidad and Tobago, and he focused on where he indicated that the Government, through its legislative agenda, has been able to transform a number of institutions in Trinidad and Tobago. But I also want to remind the Member for Point Fortin, that in the last four and a half years he may be able to differ and I hope that those who are on the Government's side may want to

respond to what I have to say, because when I look at the Ministry of the Attorney General and Legal Affairs, when I look at the licensing office, when I look at the immigration office and the Forensic Science Centre, it has not been one of transformation but it has been one of chaos and confusion in the last four and a half years and I do not know where the transformation has come. Because when ordinary citizens go to these offices or these Ministries, there have been lines as I said, of chaos and confusion but I move on.

And the lines of chaos and confusion reflect incompetence on those who are charged with the responsibility at a Ministerial level. The Member focused—rightfully so because of his previous experience—on the Defence Force Act, and he gave us a very rich history about the visit of Lord Mountbatten, and our first Prime Minister Dr. Eric Eustace Williams, and the formation of the Trinidad and Tobago Defence Force, and he focused on the organizational structure, and we would have heard about battalions and commanding officers and so on. And he focused on the clauses of the Bill, Madam Speaker, that dealt with the whole question of the Defence Act and the amendments to the Defence Act.

And of course clause 14 of the Bill, Madam Speaker, seeks to amend sections 5, 10, 85, and 191 of the Defence Act to allow for the Air Guard to be added as a unit of the Trinidad and Tobago Defence Force. And I think that from where we stand in terms of this addition, the Opposition is not opposed to the addition of the Air Guard unit into the overall scheme of what we would call the Defence Force of Trinidad and Tobago. And for the commanding officer of the Regiment and the Air Guard to be added to the Commission Board and so on.

But what is important to note, Madam Speaker, that in terms of the amendments to section 10, and also section 85 more importantly, that these

amendments—and as it goes on to deal with sections 85 and 191 which empower the President and the Chief of Defence Force with the powers of interdiction, of course the Member for Point Fortin indicated that the focus is to zero in on soldiers, sailors, airmen and so on who have run afoul of the law, who have become delinquent in the execution of their duties, Madam Speaker. And the Member for Point Fortin indicated that there is nothing in the Defence Act at this point in time where the interdiction shall be:

“...pending the determination of...”—such an—“...allegation or charge, if the President or the Chief of Defence Staff, as...”—applicable in—“...the public interest, the repute of the Force or the interests of discipline require that the accused shall forthwith cease to exercise the powers and functions of...the Force.”

And Madam Speaker, the Member for Point Fortin indicated that there is the need when officers are suspended to focus on or to ensure that they are suspended with half-pay or what we would call no-pay, Madam Speaker. And of course, Madam Speaker, this is a variation in what we would call “terms and conditions of employment” and of course the officers are not officers under the Industrial Relations Act of Trinidad and Tobago.

And, Madam Speaker, it is my hope that within the ambit of the Office of the Chief of Defence Staff and by extension the respective roles within the Defence Force, that when this becomes law it will be effectively communicated to all commanding officers to all—what we would call the divisions or battalions in the Defence Force of Trinidad and Tobago, so that it will become or it will have full knowledge of all the officers within the Defence Force of Trinidad and Tobago. So that due process will be adhered to, so I ask of the Attorney General probably

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through the Minister of National Security to ensure that this variation in terms of the employment is effectively communicated with immediate effect to all officers within the Defence Force. Because as I said, that when someone is placed on half-pay or no-pay it can affect his or her mortgage payment, whether it is from a housing point of view, from a motor vehicle's point of view, and we could go on and on, Madam Speaker.

And also, the Bill seeks to create the office of:

“The Vice Chief of Defence Staff, who shall be appointed from...the commissioned officers of the Force, shall assist the Chief of Defence Staff in the performance of his duties.”

And I hope that probably in winding-up or if the Minister of National Security intervenes in this particular debate, we could hear a little more on the specific roles of the Vice Chief of Defence Staff, and how he or she will play their role in the continued development of the Defence Force in fulfilling its responsibilities to the people of Trinidad and Tobago.

And it is my fervent hope and wish also, Madam Speaker, that those or the officer in line to assume the responsibility of becoming the Chief or the Vice Chief of Defence Staff will assume that position. And I hope that there will be no political interference and meritocracy will be allowed to prevail in Trinidad and Tobago, so that when the Chief of Defence Staff goes on leave, the rightful person whether it is on permanent leave, on retirement, preretirement leave, on vacation, on official business out of Trinidad and Tobago, the rightful person will become the Vice Chief of Defence Staff, because we have heard numerous stories in Trinidad and Tobago of political interference in the appointment of very important office holders in this country. And they have not been allowed to blossom in

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Trinidad and Tobago especially when those on the opposing side are in political power, Madam Speaker. Madam Speaker, I also want to focus on—

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

Madam Speaker: Member for Couva South, I uphold the objection, so could you please withdraw that statement that you made?

Mr. R. Indarsingh: Madam Speaker, I withdraw and I am guided. Madam Speaker, I also want to move on from the Defence Act or the amendments to the Defence Act and go to the amendments that are proposed in terms of the Motor Vehicles and Road Traffic Act in terms of clause 45, and where—not clause 45, sorry, but clause 25, where it is proposed in clause 25(a):

“(a) by deleting section 19(7) and substituting the following subsection:

‘19(7) Notwithstanding any provision to the contrary contained in this Act, any transfer of registration required to be completed on or before 31st August, 2020 may be completed on or before 30th September, 2020 or such later date as...may’—be specified—“...by Order...’;”

And it goes on to speak about driving permit, taxi driver licence, badge, certificate, and so on, Madam Speaker.

And, Madam Speaker, why I asked or I attempt to zero in in this particular area, Madam Speaker—and could I find out from you how much more time I have?

Madam Speaker: You end at 3.56.37.

Mr. R. Indarsingh: 3.56—thank you, Madam Speaker. Because, Madam Speaker, what is being done here in terms of this extension, Madam Speaker, is really an attempt to hide the incompetence of the Government, in terms of the transformation which they promised that would happen at the Licensing Authority

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of Trinidad and Tobago. Because, Madam Speaker, I live—I could run to the new licensing office, I could walk to it, in terms of where I live. And every day whether I go to the supermarket or I run an errand or something of that nature, there are lines going on to the Southern Main Road in Caroni, it is reaching the Caroni Police Station and so on, there is chaos, there is confusion, there are people arguing, there are people querying how do they get their reappointments, how do they get their driving test and so on. And I want to quote from an article because on the 21st of January, 2020:

Licensing Division moves to improve the ease of doing business. And the Licensing Division of the Ministry of Works will be launching many online initiatives to ease the congestion and greater efficiency at the licensing office around the country, this according to the Director of Legal Services, one Marvin Gonzales.

I think he is now the candidate for the People's National Movement in the constituency of Lopinot/ Bon Air. So the transformation, and he said that:

A number of initiatives that are geared towards unblocking crowds that would normally go there to conduct simple transactions like renewal of drivers permit and inspections and so on—Madam Speaker.

But Madam Speaker, as I said, I have not seen the transformation that they have so boasted about through the Minister, through their legal officer and so on, and it speaks again of a lack of transformation and a Government of pain and suffering on the people of Trinidad and Tobago through long lines and chaos, Madam Speaker.

Madam Speaker, the Bill in section 84A, it also speaks of—section—

Madam Speaker: What clause are you on?

Mr. R. Indarsingh:—clause 25 and an amendment, sorry, Madam Speaker, to section 84A of the Motor Vehicles and Road Traffic Act where it says:

“84A. Where a traffic violation has been committed by a child, in addition to the payment of a fixed penalty or the allocation of demerit points against the child’s driving permit record, he may be referred to a child traffic counselling programme by the Licensing Authority.”

Again, we need some more information in terms of what will entail a “child traffic counselling programme” under the Licensing Authority, who will carry it out and so on. And generally, of course adults who have children who have infringed in terms of the road traffic Act and so on, I am sure citizens will all want information in terms of what is “child traffic counselling” and how it will be administered under the Licensing Authority, Madam Speaker.

And Madam Speaker, I think I have said enough on the Motor Vehicles and Road Traffic Act and the chaos at the licensing office and I want to quickly move on to the Conservation of Wildlife Act as amended. That is clause 26, Madam Speaker, and I want state on record that the UNC is committed to the preservation of wildlife and the environment. And it is clearly spelt out, Madam Speaker, that the focus in these amendments or the proposed amendments in clause 26 will focus on increasing the fines. And there are a number of stakeholders, and within recent times we have seen a number of articles that have made the headlines where the focus is on the trade in wildlife, and the problem of hunting and those who run afoul of the law, Madam Speaker.

And Madam Speaker, I want to ask the question and challenge the Government because I think approximately a year ago fines and penalties were increased in this very said House. And it means that the problem still continues to

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exist. And again, here we are coming with an increase in penalties. We increased the penalties about a year ago and we cannot curb the incidents that we are attempting to deal with in terms of the amendments. And I am forced to ask the question, what is the current status of the Game Wardens Unit within the Ministry of Agriculture, Land and Fisheries? Is there a full complement, Madam Speaker? And what is the level of motivation amongst Game Wardens? Are they properly compensated? What salaries are they existing upon? Are they working on 2013 salaries? I am reliably informed, Madam Speaker. And why has the Government failed to ensure that in 2020 they are not enjoying salaries that should bring them up to speed in terms of fulfilling their roles and responsibilities? What is the personal state of personal protective equipment that is needed to fulfill their duties and responsibilities in terms of boots, in terms of bulletproof vests, in terms of mobility, in not only from a land point of view, but from going into the mangroves and so on.

Madam Speaker: So, Member for Couva South, I have allowed you some leeway, but remember this is about fines. Okay? So I rule you irrelevant, please go on, well, in fact your speaking time is now spent.

Mr. R. Indarsingh: Thank you very much, Madam Speaker.

Madam Speaker: Member for Port of Spain North/St. Ann's West. [*Desk thumping*]

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, what we are here today to do as we have heard from the speakers before, is have a debate on what we call a miscellaneous provisions Bill, it is called the Miscellaneous Amendments (No. 2) Bill, 2020. Madam Speaker, I have listened to

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the contributions of those on the other side and in particular the Member for Caroni Central and the Member for Couva South and I would like to just address a couple of the points that were raised by the previous speakers.

The first is all of the fuss, the noise, about the number of Bills that are sought to be addressed here, lest the population, the public, gather the wrong impression, we need to correct the record. What you are looking at here is only a handful of issues really being addressed. So quite a number of the clauses that go to the amendment of other pieces of legislation are falling into only a handful of categories of issues being addressed. So for example quite a lot of these clauses deal with the improved efficiency or attempts to improve the efficiency of the Judiciary, or the criminal justice system in particular.

So I heard the Member for Caroni Central raise a number of questions, a number of concerns as he saw it, some of which startled me, to be quite frank, and I wondered for a moment whether it was a frontal attack on the Judiciary. And I hope that the Member for Caroni Central was not suggesting that, but lest that he was, I will address those matters in a short while.

So the first thing I would like to say and put on to the record, lest there be any confusion caused, is this is a simple Bill that is addressing a number of other Acts to make amendments, but really to achieve a small category of changes. And the first category would be a more efficient judicial system. So clause 4 for example, Madam Speaker, of this Bill which is really amending the Summary Courts Act and other provisions, is really carrying out a transformation of the judicial system, the criminal justice system in particular. Over the past few years the Judiciary has requested of the Cabinet that we permit them to make a number of changes and these changes are now being enacted via legislation. As a person

who practised in the courts for many years and as Madam Speaker would recall, there is a need for a greater efficiency in the judicial system, and in particular on the criminal side.

4.00 p.m.

And we hope that with the passage of this legislation on the back end, because there has been previous legislation, we as the public—as a Member for Caroni Central rightly said, at the end of the day, the judicial system is to service the public. And these amendments are not being made for the efficiency of the lawyers or the efficiency of the—or the benefits of the lawyers, the benefit of the practitioners, the benefits of the Judiciary, it really is being done, being made—these changes are being made to make it a more efficient, judicial system and the end result for that, the beneficiary of that will be the public of Trinidad and Tobago. So I heard the Member for Caroni Central ask questions, “Is this putting increased power in the hand of the Chief Justice?” It is a simple amendment being made that the Chief Justice, no longer the Chief Magistrate, can make certain appointments.

So all of this furore and this attempt to create this cloud that all of a sudden you are empowering a Chief Justice—and just to remind the population, at the end of the day, constitutionally, the Chief Justice is the person who is administratively in charge of the Judiciary. So I could not understand the point or the attempt at a creation of confusion by the Member for Caroni Central. There are no additional powers being given to the Chief Justice. The Chief Justice is responsible for the Judiciary. He is administratively responsible.

Another one of the changes being made here today, which was a policy decision accepted by the Cabinet, is to get rid of all of the magisterial districts. I

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remember coming back here in 1997 as a young practitioner, going to Hugh Wooding Law School and look, now, one of the courses you had to do is criminal procedure and looking at how complicated the criminal procedure was made. Something as simple as anybody who had a speeding ticket, you had to go and pay that speeding ticket now in the magisterial district. So if you went on an excursion to the other side of Trinidad, managed to commit an infraction and got a speeding ticket or a parking ticket, and then on a weekend and you could not pay it, because you had to pay it at the magisterial district court—you could not pay it, say in Mayaro, you came back to Port of Spain, you now have a 14-day period within which to find yourself back in Mayaro to go and pay that ticket. What you are seeing here today is long overdue. So the Cabinet took a decision, forget about all of these magisterial districts, we will have north, we will have south and we will have Tobago. And that leads to a greater efficiency. So I could not understand the point being made about centralization and all of the horrors of centralization, and the potential leading to abuse of power and throwing in words like corruption. I thought to myself, how ironic a conversation about corruption. And I will leave that right there for now.

So I would like to state from this side, we support the requests that were made by the Judiciary to create a more efficient system. We as an administration support this because we see the beneficiary, at the end of the day, being the public of Trinidad and Tobago and that could only be a good thing. [*Desk thumping*] As a person who practised, as a person who remembered, in particular, the inefficiencies, unfortunately, of the overload on a magisterial system, what I would like to tell the public is these changes are being made, these amendments are being made, even though they might be numerically a lot in terms of the number of

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pieces of legislation being amended, at the end of the day, it is for one purpose, to get a more efficient criminal justice system. So it is a positive thing. And we reject any frontal attack on the Judiciary.

The question was being asked, “Why is justice always delayed and denied?” We made some reform with respect to traffic. So the answer to that, Member for Caroni Central, is what you are looking to do here today is to make a more efficient criminal justice system, it is not the additional empowerment of a Chief Justice. At the end of the day, it makes sense. It makes logistic sense. It makes managerial sense because, ultimately, the buck stops with the Chief Justice on the civil and the criminal side for the administration of justice. So what we are doing here, Madam Speaker, in my humble opinion, is finally moving out of an archaic system, in particular, on the magisterial district side, the changing the names of certain clerks, et cetera, giving them new names, making the necessary amendments to the law.

Another issue I heard the Member for Caroni Central spend some time on, again, unfortunately, in my humble opinion, with a lot of furore and a lot of—“Why are the reports not here?” And this is the amendment with respect to granting the Elections and Boundaries Commission, the permission, the authority to lay a report in 2021. And again, just in case the public is being misled, I just want to put on the record, this is a request that came from the EBC. It has absolutely nothing to do with the Government. At the end of the day, the Government is simply the conduit. So the EBC wrote to the Government and it is as a result of COVID, lest we forget in this country, due to the good management of COVID, so they are not fortunately a number of corpses lining up, another—an unusual number of persons testing positive for COVID, the country went into

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shutdown period, we went into a stay at home period at a very critical stage. It started at the beginning of March and it is only two weeks ago, we came out of it.

The EBC, under the legislation, had to lay these reports in Parliament in June. June has gone. So even the point that the Member for Caroni Central was making, “Well, come and lay it in the next two weeks”, et cetera, it is not applicable. When we looked at the law, when we received the request as a Cabinet, we looked at the law, we sought advice, the advice is you have to amend the Act. So we have taken the precaution and given them the opportunity. There is absolutely nothing untoward.

So, again, I guess it is because of the season that we are in and there is a belief that the elections will be very soon, persons are getting jittery. There is no single serious political party in Trinidad and Tobago that does not already have all of the statistics of the local government election, the THA election, the last general election—whatever the elections are, there is no serious candidate and maybe this is something to put a marker on, there is no MP or serious prospective candidate who does not already know their polling divisions [*Desk thumping*] and how many votes were cast in what polling division. [*Desk thumping*] Well, what I can say because I certainly will never want to speak for the other side, but on this side, in a PNM party, that is how we conduct our business, we all take our responsibility. So, again, a complete attempt to create a cloud where there is none.

Minister Dillon, and it was quite fitting, Minister Dillon being a Major General Retired and former Chief of Defence Staff touched on clause 14, which are the amendments being made to the Defence Act, I will respond to that in a short while. I just like to also point out clause 12 which seeks to amend the Indictable Offences (Preliminary Enquiry) Act and to provide for the trial of an

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accused is heard at prison, the Attorney General touched on this. Again, this is one of the benefits because respectfully, it is my personal opinion that there are lessons to be learned out of COVID. And one of the lessons that we, not only us here in Trinidad, but we as citizens of the globe should be learning is to be more efficient. The use of virtual meetings, the use of technology, to spend our time more efficiently and more safely. I am happy to see, as the Minister of National Security, but as a citizen, that one of the benefits that was gathered from COVID is that the court had a virtual system. So now the prisoners are able to go to virtual court set up in the prison, it is more safe, it is more secure, and they are able to conduct the trials, the magisterial hearings virtually. So you have the lawyers, you have the judges, you have the prisoners, all in a more secure setting, conducting these—and that is what clause 12 is about. So this is one of the benefits of COVID, these virtual hearings and meetings. Of course, there is less prisoner transport taking place. So, again, that is a benefit from a security point of view and I commend it as the Minister of National Security. [*Desk thumping*]

Clause 13 amending the Community Service Orders Act:

“...to provide for references to court locations and not magisterial districts...”

This is a further amendment to what I was speaking a short while ago about, Madam Speaker, and now that we are going to have court locations—so you are not pinned, the Judiciary is not pinned. So rather than it being restrictive, it is actually giving the Judiciary much more leeway now to conduct their business administratively, efficiently and hopefully, to redound to the benefit of the public of Trinidad and Tobago.

The Member for Couva South—I get now to clause 14—the Member for Couva South was asking certain questions. The first—when I came in, I heard him saying that he is hoping that we would communicate to all persons in Trinidad and Tobago Defence Force about these new provisions. First of all, I would like to say that everything in clause 14 was requested by the Trinidad and Tobago Defence Force. We listen to the Trinidad and Tobago Defence Force and we are happy to finally make these amendments which have been touched on by previous speakers. We are now formalizing the Air Guard, the Air Guard has been in existence. Unfortunately, within recent times, the assets of the Air Guard, of the Air Guard unit were reduced, but we are looking at getting more assets back into the Air Guard as our circumstances get a little better.

So you are seeing first of all the Air Guard is being formalized as a unit, Minister Dillon went into the history and we thank him for that. And then also, what we are allowing for the first time, and this is very important administratively, is we are saying that when members of Trinidad and Tobago Defence Force, unfortunately, find themselves on the wrong side of the law, we are giving the Chief of Defence Staff the ability to suspend and the relevant commanding officers the ability to suspend with due process, these personnel. This power and this provision exist for the Trinidad and Tobago Police Service where the Commissioner of Police can suspend and send on leave, officers, police officers who have found themselves on the wrong side of the law, we are saying the same thing here. So now going forward, there was a lacuna before and long overdue, and I am thankful that we are able to get this done now. If there is any Trinidad and Tobago Defence Force personnel who is the subject of a criminal charge, it

now allows the Defence Force the ability to put that person on suspension and get them out of active duty. That has to be a positive for Trinidad and Tobago.

The Member for Couva South asked questions and that will be properly told to, of course, all of the membership of the Defence Force. I am certain that the Chief of Defence Staff and the various commanding officers would make it very known to the personnel in Defence Force now. And we have, unfortunately, a few occasions of bad apples, you have persons who, unfortunately, have found themselves in criminal activity in the Defence Force and now this is an important power to give us the ability to send them on administrative leave, to suspend them, et cetera, whilst their criminal matters are being heard.

The Vice Chief of Defence Staff. The Vice-Chief of Defence staff position has existed for some time. In fact, the Member for D'Abadie/O'Meara I am told was one of the first who held the position of Vice Chief of Defence Staff. We have also had Sandy and Phillips in that position. What the Defence Force has asked now is, let us formalize the position. To answer the question, "What is the role?", the Vice Chief of Defence Staff is really to assist the Chief of Defence Staff from an administrative point of view, to help him or her, whoever is the CDS at the time, the Vice Chief of Defence Staff will ease up the Chief of Defence Staff by taking away some of the administrative duties by assisting really wherever the Chief of Defence Staff so requires. It is not something that is unusual, and it is something that we are happy to finally formalize, and that is a role that that person will play. Of course, when the Chief of Defence Staff goes on leave or the Chief of Defence Staff is out of the country, it would be expected that the Vice Chief of Defence Staff would be the person who then carries that responsibility. Right now, as it is,

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a recommendation is made to the Minister of National Security who would approve it.

I heard a suggestion about political interference in appointments. I would just like to put on record that it has always been above a certain rank when recommendations are made for promotions of commissioned officers, will be the Minister of National Security, consultation with the Prime Minister that would go or not go with these recommendations. And I smiled when I heard it, because I was reminded that there was a former CDS whose leave was actually bought out under the former administration. Not only the leave being bought out, but an extension via contract being granted that something unheard of. So it was a little bit hypocritical to sit here and listen that the amendments we are making which are at the request of the Defence Force, are going to certainly allow a ballooning of political interference.

4.15 p.m.

There has been absolutely no political interference, no accusation with any merit or no accusation at all in this last five-year term of there being any political interference in the runnings of the Trinidad and Tobago Defence Force, because there has been none. But I was reminded that in that period, between 2010 and 2015, not only was there political interference, there was political cherry-picking, and not only the purchase and buyout of leave, but also an extension via contract to extend a certain Chief of Defence Staff, in position, which led to a disadvantage for the officers who rightly should have been allowed the promotions upwards. So that hypocritical suggestion should be rejected outright.

The next clause I would like to go to is clause 15 which is amending the Firearms Act. As every FUL holder will know, under the firearm legislation, you

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have a specific date by which to pay for your FUL licence. Again, because of COVID, persons were found to be out of time and whilst the Commissioner of Police wrote to me as the Minister of National Security asking that we allow persons until the end of June, and then now until—I think I have suggested the 31st of August, it has to be done via legislation and there are a number of other amendments like that in here where, legislatively, you would be out of time, and all we are doing is empowering under legislation via amendment for those extensions to be granted. So that includes FUL, firearm licence holders.

The only other clause, Madam Speaker, that I would like to detain us with any further is clause 28, which is amending the Customs Act to include the definition of “pleasure craft”. As an administration, one of the things we have been looking at to really promote the maritime industry, which is a potential diversification industry for Trinidad and Tobago, is simplifying all of the relevant forms. So one of the decisions we took as a policy decision, as a Cabinet, is to have the immigration, customs and I think it is the Maritime Services Division at the Ministry of Works and Transport, have them all converge into one form. The requirement is that you have separate forms, so it is going to be one form now. And this is the amendment that needs to be made to permit that for a more efficient service, and this is an area that we plan to promote, because geographically, Trinidad and Tobago is right outside of the hurricane belt, and there is great potential in that industry. So we have heard them on that and that is what we intend to do.

Madam Speaker, it is a very short contribution and in conclusion, I would like to thank the constituency of Port of Spain North/St. Ann’s West for allowing me the opportunity to continue to contribute on their behalf. Thank you. [*Desk*

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thumping]

Ms. Ramona Ramdial (*Couva North*): Thank you, Madam Speaker, for the opportunity to contribute on this Bill, and I want to start off by saying that the Minister of National Security spoke about that this Bill really is to make the Judiciary more efficient. But I want to say to him really, that the people of Trinidad and Tobago would like to also see a more efficient Minister of National Security, [*Desk thumping*] and very soon a lot of questions would be asked and they would require him to answer, so.

Madam Speaker, I just want to focus on clause 19 and clause 34 of the Registration of Clubs Act, clause 19, and this clause allows:

“...to make reference to a licensing committee for the relevant Municipality under the Municipal Corporations Act...consequent upon the amendment of the licensing committee under the Liquor Licences Act...”

And clause 34 also deals with the amendment of the Liquor Licences Act:

“...to provide for licensing districts and licensing committees to be formed in relation to each Municipality under the Municipal Corporations Act...as a result of the new subdivision of the magisterial districts throughout Trinidad and Tobago.”

What I would like to ask the Attorney General is, how many new subdivisions that the Judiciary is going to implement throughout Trinidad and Tobago? And it goes on to say that:

“The clause would also provide for the Chief Justice to designate the Chairman of a licensing committee to be a Magistracy Registrar and Clerk of the Court and for the Senior Officer of the District Courts to be the Deputy Chairman of the committee.”

Now, Madam Speaker, I have a little problem with that and I will talk about that a

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little later on.

But, Madam Speaker, I want to say that clause 19 and clause 34 are not making the licensing committee more efficient. If we are to go by what the Minister of National Security, Member for Port of Spain North/St. Ann's West said, this particular clause only—these clauses, clause 19 and clause 34, only allow for the identification of the licensing committee to be recognized under the municipal Act. Now, Madam Speaker, I really think that these licensing committees need to be revamped, and apart from it just moving to the new—well, not the new, but the Municipal Corporations Act, these licensing committees need to be revamped as it brings into serious question the transparency and accountability of the workings and the work of the licensing committee.

Madam Speaker, I just want to go back a little bit. How do you apply for a licence to sell intoxicating liquor? And I will make reference and I will link it to these clauses here. Madam Speaker, now, the following documentations need to be submitted to the Secretary of the Liquor Licensing Committee at the Magistrates' Court, where the business place is being situated, and the Secretary of the Liquor Licensing Committee usually is the Clerk of the Magistrates' Court. And according to the new amendment of clause 34, the licensing committee to be formed—well, now to be formed, is to move away from the magisterial districts and under the municipal Act.

Madam Speaker: There is some Member that has some offending device. I would just ask them to leave the Chamber and they could return after tea. There is some device that is running here that is competing with the Member for Couva North. Please proceed.

Ms. R. Ramdial: Thank you, Madam Speaker. So the documents that need to be

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submitted to the Clerk of the Magistrates' Court: a liquor licence application in triplicate—done in triplicate, the BIR number, the floor plan of premises to be licensed.

Madam Speaker: Okay. So, Member, I would ask you quickly to link that to what—

Ms. R. Ramdial: Sure.

Madam Speaker: Quickly.

Ms. R. Ramdial: Quickly—the valid Police Certificate of Good Character of the owner and the applicant, and the Town and Country approvals, fire department and health department. So, Madam Speaker, after these documents are submitted, there are also site visits that need to be conducted and a representative from the Customs and Excise department visits and then, a representative from the court will visit also to look at the premise in order to grant that particular licence, liquor licence.

Now, Madam Speaker, the court is responsible for placing in the daily newspaper a notice of the date and time of the licensing session where the committee, and where all applicants and persons interested in objecting must attend. And I need to ask a question to the Attorney General, if he can find for me, where that notice for the year 2020, in which newspaper it was printed and gazetted?

Madam Speaker: Member, again, I stand and, you know, I want to caution you—

Ms. R. Ramdial: Sure.

Madam Speaker:—on Standing Order 48(1) with respect to relevance, because nothing here is talking about the process. It is talking more about the structure of the committee. So I give you one opportunity to link it quickly. If not, I would ask you to—

Ms. R. Ramdial:—to move on.

Madam Speaker:—move on. Please.

Ms. R. Ramdial: Sure. So, Madam Speaker, it is really— you talk about the structure of the licensing committee now moving under the municipal Act, but the process is very much—it needs to be revamped, and yes, I will move on to another clause.

Now, Madam Speaker, in the constituency of Couva North, for example, it is a very densely populated constituency, and moving the committee to the—well, under the Act, I want to ask the Attorney General: What will be the role of the local government body now in terms of dealing with alternative dispute resolutions under this Act? Would it just continue as was before? Because if there are objections made by the police, or by residents, or if a petition is done and there are objections made to the licencing committee, usually you have the courts that would now get involved in the ADR process. So coming under this Act, what are the changes? What are the implications in terms of dealing with the ADRs that fall under the licensing committee? So I would really like the Attorney General to clarify, because as it is here, the Chief Justice is responsible for appointing the deputy chair and also, the deputy chair and the other officer, which is that of senior officer as deputy chair and the Magistracy Registrar and Clerk of the Court for the chairman. So the CJ is still responsible. So, I really need to know about the workings of how objections to the committee are going to work at the end of the day.

Madam Speaker, in addition to that, the process, in terms of being successful also, moving the licensing committee under the municipal Act, would this change in terms of issuing now the licence? What are the implications? What are the

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process in terms of, if someone is successful in obtaining a licence? How does moving this particular committee, under this new Act, going to affect the issuance of a licence? So, the Attorney General will need to, in his winding up, explain that.

Madam Speaker, I also want to move on to clause 26, where it seeks to amend section 8 of the Conservation of Wild Life Act, Chap. 67:01, and the changes:

“...provide for the reconstitution of the wildlife conservation committee from nine members to seven members and with four of the members being selected from specified disciplines or groups.”

So, Madam Speaker, I am very much in approval of this change because we also take seriously, as the Minister of National Security said, we also take seriously on this side, the Conservation of Wild Life Act and our wildlife, sorry. And we are very much in support of this particular clause and the changes to this clause.

Madam Speaker, but I want to say also that with the influx of the illegal immigrants from Venezuela coming through our open borders, we have also the wildlife that, in many instances, we would have heard the Minister of Agriculture, Land and Fisheries in recent times, talk about the wildlife coming across from Venezuela being sick or diseased and therefore, that needs to be dealt with and hopefully, with the committee

Madam Speaker: Member for Couva North—

Ms. R. Ramdial:—of the nine members—

Madam Speaker: Member for Couva North.

Ms. R. Ramdial: Yes.

Madam Speaker: Now, I am not certain which Bill we are on. Okay? Because—

Ms. R. Ramdial: No, I am making reference to clause 26.

Madam Speaker: And therefore, if you are making reference to clause 26, anything about diseased animals and so on, I am not going to allow it. All right? Please.

Ms. R. Ramdial: Okay, Madam Speaker. I was just speaking about the conservation of wildlife.

Madam Speaker: Please, move on.

Ms. R. Ramdial: Yes, and the need to conserve our wildlife, and not allow for diseased animals to come in.

Madam Speaker: Member—

Ms. R. Ramdial: Madam Speaker—

Madam Speaker: Member—

Ms. R. Ramdial: Yes, I will move on.

Madam Speaker: Member for Couva North—

Ms. R. Ramdial: Clause 26—

Madam Speaker: Please recognize me when I stand. Okay? All right. As I said, I ruled you out of order. I will ask you to withdraw all those statements after— between the time I approached you and now, and you could go on to something that is relevant.

Ms. R. Ramdial: Madam Speaker, I withdraw.

Madam Speaker: Thank you.

Ms. R. Ramdial: Madam Speaker, clause 28 seeks to amend the Customs Act:

“...to include a definition of ‘pleasure craft’ consistent with the same definition of the Shipping Act...and to provide for the prescribing of new declaration forms in relation to pleasure crafts along with the requirement to

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complete those forms.”

Madam Speaker, we have had a number of turbulent years with respect to the operators of pleasure crafts asking for some simplification and to be recognized and therefore, this particular clause is also supported. Madam Speaker, I move on.

Clause 32 seeks to amend Licensing of Dealers (Precious Metals and Stones) Act and it is:

“...to make reference to a licensing committee for the relevant Municipality under the Municipal Corporations Act...consequent upon the amendment to the licensing committee under the Liquor Licences Act...”

So, it is similar to that of what I spoke about earlier, where now the amendment being made to the Licensing of Dealers (Precious Metals and Stones) Act also goes under the municipal Act here, so this is also very much supported.

Clause 33 also seeks to amend the Old Metal and Marine Stores Act and that also goes under the Municipal Corporations Act and it is also subject to clause 34 of Liquor Licences Act.

In addition to that, Madam Speaker, I want to agree with the previous speakers on the Opposition side, the Member of Parliament for Caroni Central, who made reference to clause 22 and clause 22 seeks to amend the EBC, the Elections and Boundaries Commission, local government and Tobago House of Assembly to provide an extension for the submission of the 10th report. And like my colleague, the Member for Caroni Central, I am also very much asking the question: Why a further extension for this report to be laid? There is need for accountability and transparency. And whilst the Minister of National Security may say that the information is out there for all, this really formalizes the results and therefore, for it to be laid will do well in terms of transparency and accountable on

the part of Elections and Boundaries Commission.

Madam Speaker, clause 23 seeks to amend the Mental Health Act and it is:

“...to provide for the Chief Justice and not the Chief Magistrate to appoint a person to represent the Judiciary as a member of the Psychiatric Hospital Tribunal.”

So, I think that is also a very good move.

“The clause would also empower the representative of the Judiciary to have two alternates who will be appointed on the recommendation of the Chief Justice.”

So, Madam Speaker, that is a good move in terms of having a representative on the Psychiatric Hospital Tribunal. As you know, we have seen an increase in terms of mental health issues in Trinidad and Tobago over the years and therefore, we need the tribunal to be working efficiently on behalf of the people of Trinidad and Tobago. So that is also something that can be supported.

Madam Speaker, I move on to clause 24 which seeks to amend the Children Act, and the Attorney General spoke about that and I agree with him giving clarity on the subject. And clause 24 seeks:

“...to correct an erroneous reference to the offence of sexual communication with a child instead of sexual grooming of a child in section 25B(3).”

And it goes on to say:

“The clause would also provide for a child who commits certain traffic violations to be referred to a child traffic counselling programme.”

So, I am very interested about this counselling programme, Attorney General, and probably in your winding up, you can give a little more explanation as to when this programme was developed and where and how it can be accessed easily for

children.

[MR. DEPUTY SPEAKER *in the Chair*]

Madam Speaker—Mr. Deputy Speaker, sorry, well, clause 25 was dealt with by my colleagues. So, Mr. Deputy Speaker, again, let me go back to establishing my disagreement with respect to the licensing committee moving to the municipal or going under the municipal Act. I really need to know how this is going to be worked out and structured. Let me also, again, raise the issue of not agreeing, currently, with how the licensing committee operates in terms of granting licences to operators and the need for listening to communities is very real, as we have seen yesterday. We need to listen to our communities. Objections, sometimes, are not taken seriously by the licensing committees, and I speak for that committee that falls and touches and concerns my constituency. Sometimes it is even very hard to get police officers to go and, you know, protest against a particular establishment, and we know the reasons why some of these officers may not be able to protest or not want to give evidence so that we can have these establishments shut down, but it is very real within our communities. Our children, especially, are very much affected by these decision makers and these committees who look the other way and allow these establishments to continue. Because, Mr. Deputy Speaker, I want to draw a reference. In my community, there are about three brothels that operate—

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

Ms. R. Ramdial: Sure—that operate. And somehow, every year, they are able to get their liquor licence approved, Attorney General, and they use the umbrella of the liquor licence to run their illegal activities. And no matter how many raids the Commissioner of Police or the TTPS carries out, they never—no matter how many

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petitions we do or we get policemen to support us, they cannot be shut down. So we need to do something about that, Mr. Deputy Speaker, and I urge the Attorney General to deal with that issue also. Thank you very much, Mr. Deputy Speaker.

[Desk thumping]

Mr. Deputy Speaker: I recognize the Member for Laventille West.

The Minister of Public Utilities and Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you very much, Mr. Deputy Speaker.

Mr. Deputy Speaker: Twenty minutes “eh”, Sir.

Hon. F. Hinds: Yes, Sir. I am glad that you recognized me to make a short contribution on this, what I call an omnibus Bill, dealing with a number of amendments, some 35 or 36 of them. I hope, in my contribution, I would demonstrate a little more finesse and a little more skill and respect than my predecessor on the floor, who the Speaker had to chastise for being otherwise. I suspect that sort of conduct is when one knows you are leaving a losing team behind and you are on your way home.

Mr. Deputy Speaker, the Member for Couva North just wrapped up her contribution by making a small commentary on the question of liquor licences and she demonstrated her willingness to see several of them in her constituency shut down, and she made reference to a number of houses of ill-repute, as we would call it in olden days, surprises me, and probably why she is heading home, because the Member for Siparia is well known for demonstrating to the national community, through this COVID issue, that she was very, very interested in having places with liquor licences open. So it is at variance with the position of her immediate leader, the Member for Siparia. And there is firm called SIS which had its beginnings in

that kind of activity, very close to the last administration, but that is another matter for another time.

Mr. Deputy Speaker, the first point I want to make on these measures is that there are 35 amendments. It is very modern, very “nuclear-ic” if you like, because we could have come here—the UNC wants us to come here, my colleagues on the other side, 35 times, you know—trot up and down here on 35 days to deal with these measures. But the Attorney General and this Government was able to do all of this in one go in this Bill today and I think we deserve to be applauded. [*Desk thumping*] It is as simple as that, rather than behave like the stuffy, old obstructionist UNC, as they want us to be. We are modern, we have gone past that.

This amendment at clause 3—well, clause 3 of this speaks the Interpretation Act, an amendment to the Interpretation Act, simply to say that wherever in all of the laws of Trinidad and Tobago, because we have laws from way back, and all of the laws wherever mention is made to Clerk of the Court or Clerk of the Peace, it is to be construed and interpreted as Senior Magistracy Registrar and Clerk of the Court, or Magistracy Registrar and Clerk of the Court. It is a very sensible amendment. It is a sensible provision to deal with those concepts, wherever they exist, across all the laws of Trinidad and Tobago. Again, a very useful and modern way of dealing with this, not to mention, as we modernize our system, and we move from what used to be the Clerk of Peace and the Clerk of the Court, and we now have the Magistracy Registrar, Senior Magistracy Registrar, these persons are legally trained, not just public servants without legal training who, by virtue of seniority, made it up to be the Clerk of the Peace or so, but rather these are legally trained persons much like masters in the High Court, who can give legal advice

and legal direction on serious legal matters.

Mr. Deputy Speaker, we as well recognize that—we talk about the—I will come back to that. All of these, we make some administrative changes. I will come back to this one in a little while. Mr. Deputy Speaker, the Member for Caroni Central, he spoke in relation to clause 4. He mentioned that—4(k) actually. The Member spoke about trying to prevent corruption and he asked: “What about unfinished cases?” This provision has to do with the ability—it is to transfer cases by the Chief Justice, where as we insert a 13B right after 13A, of course, it says:

“Notwithstanding any enactment to the contrary, the Chief Justice may, whenever he considers it is desirable to do so in the interest of securing an expeditious hearing and determination of a case, and having regard to the circumstances, transfer...from one Summary Court to another Summary Court.”

This is an administrative capability on the part of the Chief Justice.

So the Member for Caroni Central asked, “What about unfinished cases?” I want to let him know that this happens all the time. You have magistrates transferred from one Magistracy to another, one court to another, and they will have unfinished cases, and it is simply scheduled for them to come back to show up and continue these so-called part-heard matters, but the Member is not a lawyer. He did not practise, so he may not have known. I am answering him now. He regarded what I have just described, that power on the Chief Justice’s part, as centralization. That is not centralization. This is a part of the effort of this Government.

We introduced a Criminal and Traffic Division of the court. We would have had a Civil Division. We would have had a Family and Children Division. We

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have as well, now, a Criminal Division of the court. This provides for more criminal judges, it provides for more criminal lawyers to practise in that court. Public defenders, which we have established as well. And the Attorney General, quite rightly, boasted of 125 new courts; 36 or so, if I am not mistaken, will be new criminal courts seated at the Hall of Justice. DPP, new offices, and improved staff, and all of these things. And most of all, new laws, over the last five year, to enhance the whole criminal platform, criminal justice in Trinidad and Tobago. So this is not about centralization, Member for Caroni Central. This is deliberate, intellectually charged and practically inspired actions to make our system better, but the UNC is suspicious about all of this. Once they hear the name “Chief Justice”, they become very suspicion and develop a certain level of angst.

You will recall, Mr. Deputy Speaker, in that mode, the Chief Justice came under sustained attack in this jurisdiction. The Prime Minister came under sustained attack to impose the provisions of section 137 of the Constitution, but we were able to withstand that attack, and to let justice and to let the Constitution and that which is good for Trinidad and Tobago to prevail. The UNC will not give up. So the minute they hear the “Chief Justice getting any additional powers”—I read a whole article in today’s newspapers about the—a former Senator in the other place spent a whole time talking about more power for the Chief Justice. Ridiculously folly, let me put it like that.

4.45 p.m.

The Member for Caroni Central told us as well that he recognized all of the reforms and more that I have just described coming from this Government through the Attorney General’s Office and the Attorney General in particular. He said that what we really need—he is not sure if all those things would work, but what we

really need is a fact-finding process, I am quoting him, a fact-finding process that cannot be influenced, meaning it must be of integrity and it must stand scrutiny; it must be incorruptible. But I want the Member for Caroni Central to know, that is not the nature of man, man is what he is; man is by nature a sinful being, man is not incorruptible. Man strives for power. Man is inspired by racial considerations and all kinds of separatist—and philosophies, and isms and schisms. But if he wants to see a better Trinidad and Tobago, a Trinidad and Tobago that is less likely to be corrupt, the first thing we have to do is get rid of the UNC, [*Desk thumping*] but he will object to that, and once he objects to that and once we have to contend with the UNC then the likelihood of what he asks for is very unlikely, if I might say so.

Clause 5, in particular clause 5(b), (1B), it speaks to parties being notified, he was talking about integrity but I recall, Mr. Deputy Speaker, by way of parties being notified of any changes, any new dates in the same provision in clause 5. There was a matter in this jurisdiction between the past Attorney General, Anand Ramlogan and Dr. Keith Rowley, the respondent, the defendant in the matter. That matter was before the court. That had to do with Dr. Keith Rowley being sued by the past Attorney General for comments made in relation to fees which Dr. Rowley had suggested was being distributed quite improperly to his friends, and he said, “Who do you want me to give these briefs and all this money to”? “It has to be my friends.” But that was long before a certain incident took place where “all de friend talk done” and people are now before the court.

So Dr. Rowley as Leader of the Opposition spoke to those matters and the matter went to court because Anand Ramlogan sued Dr. Keith Rowley, but of course, Mr. Deputy Speaker, the case was going through its preliminary stages, the

case management stages and Justice Kokaram was handling that matter, now Mr. Justice of Appeal Kokaram, and he had to recuse himself from the matter. I am talking about notifying parties here, very relevant to this debate. He had to recuse himself for some reason or the other and both parties were now waiting for a word from the court as to who the new judge will be and when the next date will arise. Lo and behold, Dr. Keith Rowley tells me, and the nation saw one morning, the complainant in the matter, the claimant in the matter, Anand Ramlogan, was on TV claiming victory and claiming all kinds of costs because he had won. Dr. Rowley had failed to put in a defence. That shocked Dr. Rowley and his lawyer of course, they knew nothing about it. They were not notified—they were not notified, and the Attorney General at the time, Anand Ramlogan, went the very day before Dr. Rowley and his lawyer knew anything and took up judgment as it were, demanding all of his money in compensation and costs. Well, of course, Dr. Rowley's lawyer made an application to the court to strike out that judgment and so the procedure went.

A new judge took over the matter and when they appeared before to deal with the striking out application, that judge said he knew absolutely nothing about all that happened that led to this big celebration on our TV that morning, all because Dr. Rowley and his lawyer was never notified. The other party, the Attorney General, miraculously was, but Dr. Rowley knew nothing about it. And therefore, the measures that are implemented today are designed in part to prevent that, and to answer the question from the Member for Caroni Central, “What would happen?”, this is the answer because we just had proof, if you accept what I have just said and those were the facts, that it is possible that the court system could be skewed and swathed in a way to the disadvantage of some people depending on the

players involved and the circumstances.

Mr. Deputy Speaker, I press on, because clause 7 in this Bill, in these measures speaks about the Judicial and Legal Service Act to be amended, and it says:

“in section 15(1), by inserting after the word ‘Magistrate’, the words ‘, the Court Executive Administrator’;”

And in (b) it talks about:

“(1C) The terms and conditions of service of the Registrar General shall be equivalent to those of a Chief Legal Officer.’;”

Members would know that the Constitution of this country identifies the DPP, the Solicitor General and the Registrar General, and they have to be appointed on the advice of the Prime Minister, and so on. So the Constitution recognizes the status of those, but for some reason or the other the Registrar General was not considered a Chief Legal Officer, and this provision is designed to create that, all because of the very wide portfolio and responsibility of that office. They manage identification documents, they manage land documents, birth and death documents, corporate or company documents in the context of money laundering and terrorist financing, very important. They are virtually the gatekeepers, and any errors in that department could be very fatal to the country’s well-being, because if a terrorist gets a false birth paper as being born in Trinidad and then he goes and get an ID card, and then goes and gets a passport, and then gets a job as a police officer and ends up in the middle of the police station, he could create mayhem as a terrorist, and therefore very important functions in that office. The Registrar General manages about 545 members of staff and the 16 district registrars around Trinidad and Tobago.

So this provision to raise the status and to recognize the standing of the office of the Registrar General is quite apt, quite appropriate, and I commend it to my friends in this House. As we move to clause 12, this speaks about the prison service being the—because it requires as we now stand under the Indictable Offences (Preliminary Enquiry) Act, for the police to move prisoners from here to there, to bring them from the prison to the court; now this makes arrangement effectively for the prison service to be able to do it, because as the Attorney General explained, you now have a situation where you have the court inside of the prison and provisions in these measures before us allow the Chief Justice to designate any place a court in Trinidad and Tobago. Not new, in 1990, or after 1990, we had a court in Chaguaramas, it was designated for that purpose, and so these provisions allow the Chief Justice to designate any place, including in the prison a court. And now in the spirit of modernity and efficiency, and saving millions of dollars in transport for prisoners, and taking into account security breach possibilities, you can now have prisoners move from a cell a few feet away into a room by video link and their matters could be heard.

Let me return now very quickly to say what the definition of “video link” means, and this:

“...means a technological arrangement whereby a person, without being physically present in the place where the proceedings”—of the court—“are”—being—“conducted...”—to be—“...able to see and hear and be seen and be heard by the following persons:

- (a) the Judge, Master, Magistrate or Magistracy Registrar and Clerk of the Court;
- (b) the parties to the proceedings;

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- (c) the Attorney-at-law acting in the proceedings;
- (d) any interpreter...”—where necessary, because sometimes we have interpreters in the court—“or
- (e) any other person who may be required to assist the Court in the conduct of its proceedings;’;”

And in subclause (2) it says:

“The Chief Justice may...”

—as I indicted a while ago:

- “(a) designate locations, in each district, for the holding of...Courts...
- (b) designate...location for the hearing of a specific type of case...

—and:

“(3) Where the Chief Justice considers...”—it necessary in—“...all the circumstances...”—and—“...desirable...in the interest of securing the more expeditious hearing and determination of any case...”—he—“...may transfer proceedings...”—from one—“...Summary Court...”—to the other or—“...one court location to...”—the—“...other...”

Wonderful administrative changes to make the system of justice and the delivery of justice much more effective, much more efficient and better, but what is the UNC’s response through the lips of Caroni Central to that? They do not trust the Chief Justice. So those very positive and powerful administrative changes, as I have just described, they condemn that as power to the Chief Justice, and I have to read Julien Neves, a whole article saying the same thing over and over, and a big picture of a former Speaker talking about power to the Chief Justice.

I want the people of Trinidad and Tobago to know these are administrative changes, to make it better.

UNREVISED

Mr. Deputy Speaker: Two more minutes, Member.

Hon. F. Hinds: Say again.

Mr. Deputy Speaker: Two more minutes.

Hon. F. Hinds: Thank you very much, Mr. Deputy Speaker. So as I wind to the end of my contribution, I also take note of another move towards efficiency, normally Carnival Mondays and Tuesdays are not holidays in Trinidad and Tobago and the Registrar General has to get the permission of the Minister who has to approve it and then put it in the papers to tell the public, “You must not come to our office on Carnival Monday and Tuesday, these are not public holidays, and so too half-day on Old Year’s Day”. So the provisions here in this clause 17 are to allow the Minister to designate those days as days where the office of the Registrar General will remain closed; sensible and useful amendments in the spirit of efficiency, in the spirit of the PNM. And I want to commend these wonderful measures to my friends and to ask them to reject their stuffy old antiquated approaches and do not fear things where no trouble or reason for fear exists. I thank you, Mr. Deputy Speaker. [*Desk thumping*]

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

Mr. Rushton Paray (Mayaro): Thank you very much, Mr. Deputy Speaker. Today, Mr. Deputy Speaker, we have a Government that is in its twilight hour. This is a Government that is on the verge of obscurity, ambiguity and speeding towards a total collapse, [*Desk thumping*] yet today the hon. Attorney General rolls up amendments impacting 35 pieces of legislation, all bundled like proverbial “bhaaji”, Mr. Deputy Speaker, to be debated under a restricted and constricted COVID-19 environment. I am therefore joining my colleagues before, in protesting slightly of the size of these omnibus Bills that are coming before this Parliament to

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be debated with such constrictions. So, Mr. Deputy Speaker, having laid my complaint for the record, I will now comply and join this debate as I bring the views contrary to what my colleague from Laventille West said, the views of the 350,000 supporters that support the United National Congress. [*Desk thumping*]

Mr. Deputy Speaker, let me congratulate my colleagues from Caroni Central, Couva South, Couva North for their contributions on this omnibus Bill. The amendments in this series of legislation show that there is a constant need for reviewing and updating the country's law and this unhealthy bundling reflects a government's lack of proper and relative legislative planning during its five-year term. Mr. Deputy Speaker, the Government has spent the last five years boasting of its menu and its suite of legislation only to come now at this eleventh hour with a Miscellaneous Amendments Bill with adjustments to key pieces of legislation hoping that it gets passed with little scrutiny based on the constricted time for the debate. Mr. Deputy Speaker, let me start by looking at clause 11. Let me put for the record that as a legislator I strongly disagree with any type of amendments that deal with changing anything that has affirmative resolutions to negative resolutions as this, in my respectful view, reduces the ability of Parliament to provide scrutiny of the Executive. Parliament must have the right of scrutiny in the public interest.

Mr. Deputy Speaker, while I understand the need to reduce legislative bureaucracy, affirmative resolutions bring the people into the debate which is a fundamental right. Mr. Deputy Speaker, in this omnibus Bill there are several amendments that deal specifically with the Judiciary. When looking at all these amendments, one thing jumped out at me that I believe the Government has steadfastly refused, in my respectful view, on an important request of the Judiciary. In 2019, at the opening of the law term, Mr. Deputy Speaker, the Chief Justice

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made an appeal, which he has been making this appeal for a while, that he remains forever optimistic that there would soon be the full adoption of the framework for judicial autonomy that has been languishing for very long, despite the absence of any known reasonable objections. The CJ, Mr. Deputy Speaker, was really pleading for the right of the Judiciary to determine and undertake its financial and administrative priorities. So it is somewhat regrettable that while these Bills, the Government's response to bureaucracy in the Judiciary, there are still little or no attempts to resolve the red tape that I believe matters most to the Chief Justice at this time.

Mr. Deputy Speaker, if we look at clause 4 which is the amendment to the Summary Courts Act which would empower the Chief Justice to appoint locations for holding of summary court by designation of a court location, the Government has repeatedly made promises of relocating civil courts from the Hall of Justice to Tower D at the Waterfront Complex which was vacated by Parliament, but, Mr. Deputy Speaker, last September again at the opening of the law term, the Chief Justice spoke with pride that the relocation of certain courts and other facilities to Tower D in the Waterfront and he expected that this would have been done during the current law term. Mr. Deputy Speaker, the law term is almost completed and they are nowhere close to being in that facility. Mr. Deputy Speaker, I think the absence of action is not the fault of the Judiciary but the Government must take full and square blame for this delay. Even a simple responsibility of moving the court structure just a few blocks away seems to be a bit of a challenge for the Government. Mr. Deputy Speaker, today the Attorney General spoke of the 150 new courts, however, in reality there continues to be chronic court congestion while the Government continues to boast of their success.

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Clause 7, Mr. Deputy Speaker, amends the Judicial and Legal Service Act to provide for the terms and conditions for the Registrar General to be equivalent to that of the Chief Legal Officer. In my view, Mr. Deputy Speaker, these are progressive and overdue steps, there should be a system-wide human resource exercise to level-up and equate salaries and working conditions of comparative officeholders in the public service. So I would lend some support to this but get more comparative equity in those officers going forward.

If we look at clause 17, Mr. Deputy Speaker, where they are dealing specifically with the Registrar General Act to fix the publication or to really remove the cost associated with this publication of the days that payment would not be able to be made into state agencies, and so on, but I felt that a more prudent amendment should be to allow the State to collect money every day of the year. We are in a state where we have limited funds, I feel if the taxpayer can pay fees to the Government 24 hours a day, seven days a week, I think it may have been more prudent to put some legislation in place to deal with that or to make that available.

Mr. Deputy Speaker, if we turn to clause 29, the amendment to the Companies Act, we absolutely need to reduce the bureaucracy and red tape so it would be easier for persons to set up businesses in Trinidad and Tobago, but the failure of this administration can be evidenced by the precipitous decline in our ease of doing business index, Mr. Deputy Speaker. In 2012, somewhere thereabout, we were ranked at about 63, today in 2020, we are down at 105. This particular amendment, Mr. Deputy Speaker, makes business registration more inefficient by extending the registration of business from 20 to 45 days. I do not know if there are some specific details that have not been mentioned that are causing this extension, perhaps the Attorney General can explain it a little more,

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but any extension in permits, and so on, in setting business up cannot be a welcomed move.

Mr. Deputy Speaker, if you look at clauses 18, 19, 20, 30, 31, 32 and 34, they all make amendments to provisions in the Municipal Corporations Act for certain administrative measures. In my view, Mr. Deputy Speaker, these are all purposeful measures, but the administration, the Government has not delivered on their manifesto promise for local government reform. The Government pledged a radical makeover of the local government system, including scrapping the Ministry of Local Government and empowering municipal bodies, yet at the end of this five-year term, Mr. Deputy Speaker, the best the Government could do is introduce draft legislation on local government reform. Therefore, Mr. Deputy Speaker, this is another non-starter and yet we have come here to amend several of the existing pieces of legislation to deal with the Municipal Corporations Act.

The piecemeal amendments, Mr. Deputy Speaker, of the Act symbolize an administration that has done very little and they keep moving in chirrup-chirrup which is not what we want in a transformative society today. Mr. Deputy Speaker, if you turn to clause 22 where we speak about the amendments to the Elections and Boundaries Commission Act, I must ask, you know, what is the justification for this decision? The Minister of National Security did say that the EBC had asked for the extension, which I accept, but why did they need that extension? Why has the EBC not independently advised the national community of the request and basically justify the position? I think it is important for transparency that they have a say in this matter and explain to the national community why there is a need to move this report to 2021.

Mr. Deputy Speaker, if we look at clause 24 which is amending the Children

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Act which governs the Children's Authority, I have no issue with that particular amendment. The Government should seriously consider providing more resources, in my respectful view, to the Authority, which I understand that they are very swamped with work and require more assistance. Mr. Deputy Speaker, last year Mr. Hanif Benjamin who is the chair of that Authority, he did identify that more than 50,000 calls that come to the hotline and 20,000 cases of abuse of the most vulnerable. So again, I ask the Government to look closer at the Children's Authority, provide more resources and support because they are doing fantastic work and we support them.

Mr. Deputy Speaker, clause 25 is aiming to amend the Motor Vehicles and Road Traffic Act to provide for an extension of time for the transfer of registration. While this is a good measure, Mr. Deputy Speaker, the authorities should really question why the need for an extension of this period for such registration. Is it because there is an inefficiency in the system or an absence of the requisite resources? I think, therefore, careful diagnosis of the problem is required rather than just the legislative plasters giving longer and longer extensions.

Mr. Deputy Speaker, clause 28 pertains to the definition of a "pleasure craft". Now, I know the Member for Port of Spain North/St. Ann's West did speak on the intention of his Government to use this as a diversification tool, and so on, but I must ask that, you know, what is interesting that the Government after five years, you are still at the stage of defining what a pleasure craft is, when this administration has openly claimed that the marine industry will be one of the key sectors for diversification. So I cannot understand why five years down the road we are still trying to determine what a pleasure craft is. The Government has clearly not created the type of required enabling environment needed for that sector

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to kick off the ground. If the Government is still at that stage of defining, well, I think we are a very, very long way of utilizing that particular industry for economic diversification.

Mr. Deputy Speaker, clause 35 would amend the Administration of Justice (Indictable Proceedings) Act to provide the use of video links. I think this is an absolute fantastic measure. It is an extremely overdue measure I would say, Mr. Deputy Speaker, and anything that would deliver speedier delivery for justice will be welcomed.

Finally, Mr. Deputy Speaker, if I could just speak to clause 26, increasing the penalties under the wild life Act, while this is a welcomed move, I am asking whether or not proper protocols and infrastructure have been put in place to assist persons in enforcing these legislation with the proper understanding of the process and procedures.

So, Mr. Deputy Speaker, by and large several pieces of the legislation have the best of intentions, we as an Opposition, it is our job to ask questions, to scrutinize the before, the after and where we go with it, and I want to commend our speakers on this side for bringing these matters before this House. Thank you very much, Mr. Deputy Speaker.

Mr. Deputy Speaker: I recognize the Attorney General. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, my friend, the hon. Member for Mayaro was nearly unrecognizable a moment ago, he seemed to come out with a warring spirit, full of allegations of lack of preparedness on the part of the Government; if this is what not being selected as a candidate for a seat can bring out in my friend, they should have told him no a long time ago. We may have had more fighting in the

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Parliament on issues, and I mean that with the greatest of respect, as the hon. Member for Mayaro knows that I have great regard for him in his position in this Parliament; a few words of jest.

Mr. Deputy Speaker, there is not much to wrap up really in this debate. There were a few submissions, the large majority of which resonated on an alleged erosion of the role of the Chief Magistrate, an alleged creation of an improper fit for the hon. Chief Justice as the head of the Judiciary, and then certainly there were a few questions asked by hon. Members which probably need to be addressed in short measure. I have an easy task of wrapping up largely because of my colleagues on the Government Bench, in particular the hon. Minister in the Ministry of the Attorney General and Legal Affairs, the Member for Laventille West who is also the Minister of Public Utilities. I thank him for a comprehensive reflection on what the Bill does.

So, Mr. Deputy Speaker, permit me to say this. The Constitution of the Republic of Trinidad and Tobago anchors into it the Judiciary. It is a whole chapter. The head of the Judiciary is the Chief Justice. The Chief Justice sits as the President of the Court of Appeal, he has the right of audience and exercises that right of audience in the High Court, and the Chief Justice of course chairs the Judicial and Legal Service Commission. The Chief Justice then has the responsibility for the administrative functions of law and the job of the Chief Justice is to manage the Judiciary. Magistrates are creatures of statute, they are born in the Laws of Trinidad and Tobago and there is no reflection of the Magistracy in the Constitution. The post of the Chief Magistrate is a post which is without structure and fortunately we have taken this position in the Criminal Division and road traffic arena, we have created the magistrates as judges. They

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are district court judges.

We have taken the role as a Government to give full immunity for magistrates. We have taken the role as a Government to introduce the desire of the Judiciary to have a restructuring of the Judiciary, to add into the Judiciary an entire administrative arm. The hon. Member for Caroni Central asked, “What is wrong in the Judiciary that requires us to make these amendments?” Well, perhaps the hon. Member was not aware of how badly off the Judiciary was and how, in particular, the Leader of the Opposition when the Leader of the Opposition was Prime Minister of this country, failed abysmally to take any form of effort to raise the standard of administration in the cycle of justice. Mr. Deputy Speaker, would you believe that watching the maneuver of the hon. Prime Minister in reducing the number of Ministries, in taking the Ministry of Justice, the Ministry of Legal Affairs and the Attorney General’s Office and bringing it into one office, cutting the administration of Ministries down to one-third of what it was, that the threat coming from the Member for Siparia, who is yet again absent in this Parliament again, is that the Opposition, if it forms government, will put three Ministries back into place? Well, let me answer Caroni Central today.

5.15 p.m.

What was wrong with the administration of justice is there was no provision of courts, save for a threat to build a judicial complex, save for the Leader of the Opposition crippling the Judiciary by removing the entity inside of the Judiciary to manage repairs of buildings and repairs of structures. That is what the UNC left us with, a collapse of the administration of justice. The only thing that came out of the UNC in Opposition was section 34, and it seems that the Member for Caroni Central forgot about all of that.

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Well, I am very pleased to say that this Bill, in causing the harmonization of the administration of justice into the constitutionally recognized office of the Chief Justice, has witnessed this Government give an administrative arm to the Judiciary, a court office to the Judiciary, move from the writing of evidence by longhand in the Judiciary into the computerization of the Judiciary.

You just heard Mayaro have to admit—he could not say it the way he probably wanted to—that this Government has achieved revolutionary reform of the Judiciary. So to Caroni Central, having a manuscript longhand Judiciary with a book, where a Clerk of the Peace who is not qualified, anchor the form of justice which is the Magistracy, which is wrong. And your Government when it was in office, Caroni Central, did absolutely nothing with it—nothing.

So today with these amendments to these clauses, the Chief Justice constitutes the Central Authority. The Judicial and Legal Service Commission constitutes a constitutionally established arrangement to manage the structures. We have elevated the position of the Magistracy now to district court judges. We have computerized their systems. We have given full judicial immunity. We have enlarged the system. We have hired nearly 700 people to work in the Judiciary. Mr. Deputy Speaker, that is no small feat.

The hon. Member for Caroni Central asked about why the Rules of the Supreme Court in the Supreme Court of Judicature Act, and why not include the magistrate or the Registrar in the Rules of the Supreme Court, and how we make rules. It is only now that we have for the first time a Criminal Division, and now that we have the magistrates operating under rules, in particular Criminal Procedure Rules, Family Proceedings Rules, Children's Rules, for the first time we will be able to have rules of the Supreme Court apply to the Magistracy. You see,

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what Caroni Central did not understand is that Practice Directions are different from rules, and this Bill puts Practice Directions into the Rules of the Supreme Court. I can tell you that the intention is now that we have the structure in place, to include the Magistracy into the rule-making function. It could not be done before because there were no rules that applied to them.

What I find incredible, Mr. Deputy Speaker, not a single attorney-at-law opposite spoke in this debate. You have the Leader of the Opposition who gifted herself Silk, a leader at the Bar by her own hand. You have hon. Members opposite who are attorneys-at-law, and not a single attorney-at-law could stand in this debate and talk about the centralization argument, or decentralization argument as put forward by lay people, non-lawyers in this Parliament. Something is just wrong. It is as wrong as Mayaro standing here today to say that he agrees and compliments the whole position of the Judiciary in how we managed the amendments as we have, video links and structures, et cetera. But yet in the Senate, Sen. Wade Mark, the leader of that Bench, was dead set against every single thing that Mayaro supported today. Does the Opposition even caucus? Do they have a view? What is their policy? It appears as if there is absolutely no conversation from a centralized body, from the left hand to the right hand. They just make it up as they go, you know.

Mr. Deputy Speaker, we had the hon. Member for Couva South asking a whole lot of questions about the magisterial district and the licensing committee, et cetera. Again, the person who piloted the amendments to the Liquor Licensing Committee is the Member for St. Augustine. The hon. Prakash Ramadhar piloted the legislation to create those committees. Today his own Member of caucus, Couva South, stands up and gives a treatise on the law that the UNC passed, which

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just cannot make any sense. So not only does the criticism and enquiry coming from Couva South make no sense, but it is in fact a criticism of the Member for St. Augustine. I mean, how much more off target can you be than that?

The hon. Member for Mayaro asked a simple question: Why go for 45 days for companies?—and the hon. member said that it was the opposite of the ease of doing business. I would like to tell the hon. Member, the ease of doing business includes the fact that the name which you have approved lasts. And the truth is this, when the Opposition was in government the Companies Registry was left to run on a piece of software. The hon. Member for Mayaro knows what I am about to say. The software which was being used to run the Companies Register was loaded onto 12 computers.

Mr. Deputy Speaker, perhaps the members of the public would recall, those who are over 40, something called a “Curtis Mathis TV”. You know that big, big, big box TV, black and white TV, with dials that you turn, et cetera? The computers at the registry were 12 large big box computers, daisy chain hooked up to each other, and the software that was operating was Windows XP. The Member for Mayaro right now as a person involved in technology will tell you Windows XP cannot even be serviced in today’s IT environment. Tell me I am wrong, hon. Member for Mayaro. I will give way.

Mr. Paray: You are not wrong.

[MADAM SPEAKER *in the Chair*]

Hon. F. Al-Rawi: The hon. Member says I am not wrong. But imagine that is the software that I as Attorney General, now Minister of Legal Affairs as well, inherited. That was the gift of the hon. Leader of the Opposition, the Member for Siparia—as I welcome you, Madam Speaker, to the Chair. The Member for

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Siparia left 12 daisy chain computers that operated on Windows XP, and you want to know why ease of doing business was so bad?

How you could have ease of doing business if you have an Electronic Transactions Act in 2011 passed by the UNC Government that was not operationalized for the entire time the UNC was there? But in the context of this Bill and the amendments that we make today to the Companies Act, we are telling the country that we have installed the software. We have introduced servers. We have backed up the system. We have passed the financial instructions for electronic transactions. We amend the Electronic Transactions Act in this Bill today. We amend the Companies Act, so that we can have this month, all things being equal, a fully electronic system for computers to work in tandem with the law. And what is the law? The Companies Act, the Registration of Deeds Act, the Non-Profit Organisations Act, the Business Names Registry. Madam Speaker, this Government has operationalized the law.

So I find it incredible that Members opposite are asking questions, and really exposing themselves to a whole lot of criticism, because it is much like the rhetoric I hear from the UNC in their campaign of late. They have a plan to do everything. When you try to drill down as to what the plan is, there is absolutely no particulars—no particularity given. There are no particulars in any aspect of what they say. So, Madam Speaker, I just accept that as rhetoric coming from my learning colleagues opposite.

The Member for Mayaro also made a criticism in treating with the liquor licensing regime, et cetera, saying that this Government had done nothing with local government reform. Madam Speaker, it is a matter of record that local government requires the financing behind it to work. The only people that stand in

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the way of having the revenue from local government go to local government is the United National Congress that went to court, lost four times when they went to court, but effectively delayed the implementation of something that the Member for Siparia put into law, and that is the property tax. The Member for Siparia passed the property tax law. The Minister of Finance then, Larry Howai, implemented it and operationalized it, and then the UNC sabotaged it by delaying the revenue collection. And right now: uncut lots, potholes in roads, local government issues cannot be funded at the local government level, thanks to the United National Congress.

It really amazes me that the hon. Members have the guts, the political guts, to raise issues like this, Madam Speaker. But you see, I respectfully believe that if you do no homework and you really do not know that St. Augustine passed the law that you criticized today, you are going to be in trouble. You are going to be in trouble.

Madam Speaker, the definition for “pleasure craft”. I mean, come on. It is not that we are now coming up with a definition for “pleasure craft”. Caricom had to have settled the decision for pleasure craft. Caricom had to settle the harmonized forms for customs. Prime Minister Rowley, the Member for Diego Martin West, brought Caricom, together with his colleagues, together, the Hon. Mia Mottley, the hon. Prime Minister of Jamaica as well, and it is they in the Port of Spain Accord, that rebirthed the CSME. Where Siparia killed it, the CSME was brought together by the trio from Jamaica—[*Interruption*]

Mr. Charles: The hon. Member for Siparia.

Madam Speaker: No talking across the floor.

Hon. F. Al-Rawi: Yes, Madam Speaker. I do not know what Naparima is

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possessed with today. But the point is Siparia, the Member for Siparia is the person that sabotaged the CSME. It is the hon. Member for Diego Martin West, the Prime Minister, that has brought this in. So Mayaro, do a little homework nah, respectfully. “Yuh cyar pass” pleasure craft as we do in this Bill in the amendments to the Customs Act, unless you are in tandem with the customs approach in the CSME arrangement. Had your leader, the Member for Siparia, even bothered to turn up at a single meeting, or not bother to call Trinidad and Tobago “the ATM for the rest of the Caribbean”—you would know that.

If your Attorney General bothered to attend any one of the Legal Affairs Committee meetings for Caricom you would know that. If the Member for Caroni Central, who sat as the Minister of Planning, was aware of the position, perhaps he would have shared it with you. So “doh” raise liquor licensing and criticize your colleague for St. Augustine. It is true you threw him out, my good friend. It is true that he would not be selected, the COP is officially dead, unfortunately. But hon. Member for Mayaro, when you are asking questions about the Bill, know your facts nah, “doh take basket”.

Stand up for the rights of the Registrar General, as this Bill does. Stand up and say that the Registrar General is required to be put as a Chief Legal Officer, as you did, hon. Member for Mayaro. But talk to Wade Mark, “nuh”, Sen. Mark, who said the exact opposite; the exact opposite. Up and down Trinidad and Tobago Sen. Mark was rushing to criticize the legislation. So, I mean, please, at least some degree of consistency.

Madam Speaker, the 35 Acts that are being amended before us today are all connected. I note that the hon. Member for Mayaro registered his protest, trying to allege that this Government does not have a legislative structure. I asked my office

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to aggregate for me the number of Bills, the number of laws amended, the number of regulations produced, the number of subsidiary laws by way of Orders, et cetera, that we have done. Madam Speaker, do you know what? It crossed 500 and we have operationalized them.

The hon. Member for Mayaro said the Government is having problems moving one block in creating the waterfront courts. Madam Speaker, we have opened the Children Court Fyzabad, the Children Court Port of Spain, the Magistrates' Court, merger of jurisdictions, the Tobago Family Court, the Criminal Division and the Civil Division, yielding 125 courtrooms. San Fernando Magistrates' Court starts on the 15th. The Cluny San Fernando Family Court starts on the 15th.

Madam Speaker, it is true that we have done a lot, operationalized everything. There is no more left to say. I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 37 ordered to stand part of the Bill.

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

House resumed.

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

ANIMAL (DISEASES AND IMPORTATION) (AMDT.) BILL, 2019

Order for second reading read.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam Speaker, I beg to move:

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Bill, 2020 (cont'd)
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That an Act to amend the Animal (Diseases and Importation) Act, Chap. 67:02, be now read a second time.

5.45 p.m.

Madam Speaker, a few weeks ago, the hon. Prime Minister stood in this House to lay the Fisheries Management Bill. And in laying that Bill, Madam Speaker, the hon. Prime Minister traced a 28-year history commencing during his period as Minister of Agriculture, Land and Marine Resources—

[Device goes off]

Madam Speaker: Minister, one minute please. Could the Member with the device that just went off, leave the Chamber, spend 10 minutes, get it under control and then come back. And could I ask all Members to please ensure that their devices are on silent. Thank you.

Sen. The Hon. C. Rambharat: Thank you, Madam Speaker. Madam Speaker, in tracing the 28-year history, the development of that Fisheries Management Bill, the hon. Prime Minister pointed to five major drafts of the Bill spanning those 28 years. Numerous consultations pointed out that in June 2018, the final consultation on the Bill that eventually was laid in this House generated over 300 suggestions for further amendment. That piece of legislation, Madam Speaker, is 106 years old.

Madam Speaker, the Bill which we seek to amend today is 65-year-old legislation. Were it an individual, Madam Speaker, this Bill will be entitled to pension this year. And it is always surprising that we have managed for so long in this country with significant amount of imports of animals and animal products, and with such a significant livestock industry, in particular, in relation to the poultry sector which is self-sufficient, we have been able to manage, and I say barely so, with this 65-year-old piece of legislation.

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What we have done over this period, Madam Speaker, is to pass various regulations, straining the provision of the parent Act and trying to keep things together. But the world has changed significantly, and I will point out, and in pointing out some of the language in the Bill, the extent to which current circumstances suggest that we are well on track in having this Bill debated today.

Madam Speaker, in this Parliament, we have dealt with a number of Bills relating to crime and crime-fighting, financial measures, compliance with international taxation law, regulations and regimes, and we now have an opportunity to deal with something that we have not paid attention to, but is as significant in the global environment as all those other things we have dealt with before.

The global trade in meat, meat products and animals is a significant global trade, and we have to put in place legislation that allows us to protect our environment, but also to be able to trade in the international market.

Madam Speaker, this Bill has 37 clauses; 19 of the existing sections of the Animal (Disease and Importation) Act, Chap. 67:02, 19 of the existing sections are going to be amended. These are sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 17, 18, 21, 22 and 24. Madam Speaker, there are nine new sections being introduced and those nine new sections are the areas in which we seek to modernize the existing legislation. Those nine sections, in particular, are found at clause 8, which is a new section to introduce 3A, B, C, D, E and F which seek to expand the powers of the inspector, the position created in the existing legislation.

The second new section to be inserted is to be found at clause 11, and that deals with the introduction of the power to have an animal disease surveillance system.

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The third new section is to be found at clause 15 which introduces the power to put in place control measures.

The fourth new section is to be found at clause 21 which deals with the issue of an international transport facility.

The fifth new section is to be found at clause 23 which seeks to introduce a new sections 16A, B, C, D, E and F. And this, Madam Speaker, deals with import restrictions and that is a very important part of the Bill.

Madam Speaker, to me and to a lot of people across the country, clause 26 and what it seeks to do is perhaps the most important part of this Bill. It deals with the issue of animal welfare. And clause 26, Madam Speaker, seeks to introduce sections 18A, B, C, D, E, F, G, H, I, J, K and L. And I will provide some detail on that particular section, as well as all the new sections.

Clause 27, Madam Speaker, seeks to introduce the new 20A and 20B, to deal with the issue of seized animals. And clause 29 introduces the eight new sections which would be new sections 21A, 21B, C, D, E, F, G and H which deal with offences. And one of things when you look at the existing legislation, you notice two things in particular. One is the offences which are currently in the legislation do not provide for all those illegal activities which take place around the issue of animal importation, the sale of meat, the importation of meat products, and clause 29 expands the offences and more importantly, Madam Speaker, also introduces the new fines and increases the fines.

And, Madam Speaker, it is a good opportunity to thank this House for passing the Miscellaneous Amendments (No. 2) Bill and that Bill contains provisions to increase the fines in relation to conservation of wildlife and the wildlife offences. And I want to point out, Madam Speaker, that up until January

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2019, the fines in relation to illegal activity in the wildlife trade, ranged from \$200 to \$5,000, and in the miscellaneous Bill, those fines are now increased at the lowest end to \$10,000 and the highest end to \$100,000, and that is consistent with the fines that are set out at clause 29 in relation to the offences which are created under this Bill. And it is also consistent with the amendment which was made in the miscellaneous Bill which I will call the miscellaneous Bill, No. 1 Bill, where we amended the animal cruelty provision of the Summary Offences Act, and the fines in that were increased from a paltry \$400 to \$100,000 for offences relating to animal cruelty.

So we now have, once this Bill is passed, Madam Speaker, we will now have consistency across the Summary Offences Act, in relation to animal cruelty; the Conservation of Wild Life Act, in relation to illegal activity in relation to wildlife; and this legislation which deals directly with animals, which has a broad definition when you look at the definition section.

Madam Speaker, the ninth area, in relation to the new provisions, would be at clause 31, which seeks to insert a new 23A and that deals with the power of the Minister to appoint the schedules which are set out in the existing legislation. And the power to amend Schedules, Madam Speaker, is often a controversial power but recognizing the changes—and in particular, when you exist in a global trading environment, one; and two, when, as we are in Trinidad, we are advised and we are part of the framework of the OIE, the international organization relating to animals, once you have operated in that environment, you find that there are certain times when the changes are rapid and you need to make changes to your existing legal framework, and it is not always possible to approach the Parliament to make amendments to the Act itself. So an important provision in any

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legislation—important provisions, one, is the regulatory power of a Minister and two, the power of a Minister to amend schedules by order to make changes to those schedules as the law evolves.

Madam Speaker, when you look at the Bill itself, the first area I would point the House to is in the proposals contained in clause 6 which is the proposal to amend the definition. And sometimes, Madam Speaker, a definition section is not something you would pay a lot of attention to in a debate, and sometimes, as you know, in a Bill, a definition section and the changes to a definition section sometimes form the major part of the changes to a Bill. In this case, the proposals at clause 6 are very important proposals in relation to the changes to the definition of animals, for example, the introduction of some definitions which recognize the environment in which we operate with. For example, I will highlight the introduction of a definition of “animal health para-professional”. And, Madam Speaker, that is a very important area that we are giving life to and an important aspect of livestock in Trinidad and Tobago.

With the expansion, with the greater availability of vets in the country, we continue to recognize we also need in order to support the work, particularly, in the rural areas, we also need within the Ministry and even with the private vet services sector, we need persons who are not vets, but who are trained otherwise in the care of animals, and they are able to respond to particular things, particularly as I said, in rural communities.

In the definition section, Madam Speaker, you would see some language which, up until February, may not have been language that we were familiar with or that we used a lot of, but with the advent of the COVID pandemic, that language has become part of our vocabulary. And thankfully, in the drafting of this

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legislation, there was attention to some of those things which have come to life in dealing with COVID, and I will highlight some of that, Madam Speaker.

For example, the definitions and the Bill itself deals with containment and containment zones, it deals with traceability, quarantine and quarantine stations, contingency plans, emergency plans, early detection systems, the emergence of diseases, biosecurity measures, sanitary measures and surveillance. And, Madam Speaker, as we know, that has become part of our vocabulary in relation to COVID and it ought to be part of our vocabulary in the relation to importation of animals, importation of meat, importation of meat product, sale of meat product, the raising of livestock in Trinidad and Tobago, the management of livestock in Trinidad and Tobago, the slaughter of livestock, and the sale and consumption of animals and animal parts in the country.

So the definition section carries a significant amount of weight insofar as it introduces definitions which are consistent with the work of the OIE; definitions which are consistent with the language used, globally, in relation to the trade in animals, animals products and meat; and definitions which are very topical and which have created an understanding, even in our environment, of the need to modernize and the need to update what we do.

The second area I would highlight, Madam Speaker, is in relation to what is proposed in terms of the expansion of the powers of the inspector. Madam Speaker, one of the things I will say in relation to the powers of the inspector, Trinidad and Tobago is—and that, Madam Speaker, is—I am dealing with clause 7, and that has to do with the fact that Trinidad and Tobago does not have a chief veterinary officer. It is something that makes us different in terms of the region and around the world. What we have now is an old public service arrangement in

which there is a position of Technical Officer (Animal Health), and that person—the person who holds that position—is the person who functions as a chief vet officer. You would see in amending section 3, clause 7 proposes the amendment of section 3 of the Act and the proposal is to repeal the existing subsection (1) of section 3 of the Act and substitute a new provision.

And that new provision, Madam Speaker, creates consistency between the position of the designation or the position of inspector in the current Act, the position of Technical Officer (Animal Health), and the position of chief veterinary officer which does not exist, but it is the intention of the Ministry, once this Bill is assented into law, to have that position introduced. And it means that we will have consistency across the region and around the world, but we will also have someone with powers, which are set out in the existing legislation and expanded in this legislation, to carry out what needs to be carried out in the Bill and in the parent Act.

So the current provision at 3B, the introduction at 3B to expand the functions of the inspector, there are 30 items there which I will not detail, but I want to point out three in particular. The first is that, it is the inspector—and through the definition of “inspector”, the new definition of “inspector”, we should be reading inspector to read the existing position of Technical Officer (Animal Health), and the proposed position of chief vet officer, and it is the inspector who has the power to:

“3B (a) enforce this Act”— and— “any subsidiary legislation...”—and also to—“advise the Minister on all matters related to animal health;”

Madam Speaker, I know from time to time in the debates, in the other place and here, there is always— whenever this term “Minister” is used in relation to the

performance of legislative or statutory functions, there is always a claim of overreach or a claim of trying to politicize the functions of the public service. But the fact is, Madam Speaker, that Ministers are supposed to act and to carry out certain functions, particularly relating to policy matters, but technical officers have a role to advise Ministers. And 3B(a) makes it very clear that the inspector carries out the functions under the legislation, but has a responsibility to advise the Minister on all matters relating to animal health.

The other two areas I will point out relates to (o) which is to:

“(o) establish guidelines for animal welfare standards;”

And I referred earlier to the introduction of an animal welfare provision in the Bill. And (q), to:

“(q) advise the Minister on the making of Regulations under this Act...”

And, again, I would say that when Ministers are given regulatory-making power or the power to do things, it is generally expected that Ministers will act on the basis of advice from experts and from technical people who have that function, and (q) sets out that there is a responsibility of the inspector to advise the Minister on those matters.

The third area I will point to, Madam Speaker, is in relation to what is proposed at 3D, the establishment of an Advisory Committee on Animal Health and Welfare. And this follows the point I was making in relation to Minister and advisors and getting advice. I point to the Bill that was just passed in the House where an amendment was made to the Conservation of Wild Life Act, and in particular, the wildlife conservation committee.

Madam Speaker, I want to say that as Minister responsible for wildlife, I have found that the wildlife conservation committee, which is an advisory

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committee in that legislation, has been extremely helpful to me in terms of the way that it is constituted. And in terms of the work that committee has done in support of consultations and in support of provisions relating to wildlife conservation and wildlife management, and the work that they have done have allowed me as a Minister and us as a Government to make significant changes to the conservation of wildlife in Trinidad and Tobago

And in the Bill that was just passed, we improved the constitution of that committee to allow us to have a bigger pool to choose from, and some of the new skill areas that have developed long after the CoWA constituted the WLCC.

In this case, we propose at 3D a similar type of committee that will advise the Minister on particular areas and to:

“(4) ...provide assistance to the Minister in...”—relation to—“animal health policies, animal welfare, strategies, sanitary measures...”

And particularly, Madam Speaker, where you have a pandemic or where you have something that—an outbreak in the country relating to animals, that a committee like this would be able to provide the Minister with the appropriate support and the appropriate advice. So that is something new and something that we believe is very important in a Bill of this nature.

The fifth area, Madam Speaker, deals with control measures and those are to be found in Part II of the Bill. And those springboard—what is at Part II, springboard from clause 3F of the Bill, where the inspector must take into consideration certain principles in carrying out the work of the inspector. And some of those principles relate to the:

“(a) harmonization...international standards;”
 —the conduct of:

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“(b) risk assessment...”

—and other matters relating to international trade and the need to be proportional in the way you act to deal with an issue in your country, but also ensure that you manage to allow trade where trade is possible to continue. So the springboard of the control measures are to be found at 3F, but Part II of the Bill contains the control measures which the Bill introduces.

Madam Speaker, the next area I would go to is the amendment, the proposed amendment to section 30 of the Act, and that deals with the regulatory-making power of in relation to the existing legislation. And some of the things that we deal with in that section relates to things like infected zones, containment zones, and it really deals with responding to something that has happened. So in that section of the Bill, we deal with standards for animal welfare, the establishment of traceability, the establishment of animal identification, and a series of things which we believe would lead to the modernization of the way we do things and the management of meat, meat products and animals in the country.

In particular, Madam Speaker, I want to point to, and that would be clause 18 which is the proposal for the amendment of the section 13 of the Act. Clause 18(v)(o) which deals with:

“standards for animal welfare, in accordance with the best practices...”

So the intention is that the increase in the regulatory-making power, we are expanding from the existing legislation—the regulatory power is expanded through the introduction of letters (k) to (ab), that means the introduction of 18 new regulatory-making powers of the Minister. And those 18 new regulatory powers include (o), animal welfare standards; letter (p), an ID system to allow traceability; and (t), to create:

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“contingency plans in relation to emergencies affecting animal health;”
And I want to say, Madam Speaker, once we, the hon. AG and the CPC and their team drafted the Bill and included this provision at letter (o), we went one step further—once the Bill was laid in the Senate, we went one step further to actually commission that work, and Cabinet appointed a 17-member committee to develop for, Trinidad and Tobago, animal welfare standards. And, Madam Speaker, I must say that that committee, I think it must have been the first time that a Cabinet-appointed committee included a secondary school student, a 15- or 16-year-old who gave tremendous support and advice to the committee in relation to the views of that particular generation.

We also had a young vet student on the committee, and I asked the committee to provide this report by January 2019, Madam Speaker, and that was done. And once we have this Bill passed and in place, then we can further the work on that animal welfare standards so that we can deal with that significant aspect of animal life in Trinidad and Tobago.

Madam Speaker, the seventh area I would point to, relates to import requirements and that is in the proposed clause 14, and export requirements. And, Madam Speaker, it is very important that Trinidad and Tobago modernizes how it deals with the import of animals and meat products. We have import of animals taking place in the country on the wildlife side; those imports are illegal. You would have seen some activities, you would have seen some seizures being made, and you would have seen some prosecutions. And I commend the law enforcement in this country, I commend our Game Wardens and Forestry Division, we could do more, but we have made significant improvements in how we treat with the seriousness, with how we treat with the illegal importation on the wildlife side, the

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illegal importation on the livestock side.

Last week, Madam Speaker, there was the seizure of 42 small ruminants, I believe, it was 43 sheep and some other things, and that, again, highlights the significant risks. In South America, we have foot and mouth disease, we are on the doorstep. If that reaches to Trinidad and Tobago, it is going to do significant damage to our livestock sector and it is very important that we increase the stringency of the import requirements. We have also increased the surveillance of the ground in the way in which we monitor these things, the way in which we trace and we track, and we need the legislative support to do that.

Madam Speaker, I must point out, in relation to poultry, for example, Trinidad and Tobago has done extremely well on the strength of consistent application of government policy. They are making available land for the growth of the poultry sector, creating the appropriate environment, supporting private investment. People believe that there is no private investment in agriculture but there is significant private investment in not only the raising of poultry, but the processing and potentially, the export or the increase in export of poultry. But, Madam Speaker, there is no secret that we face the dumping of under-priced meat in Trinidad and Tobago.

The US poultry industry lives for one part of the bird and that is the breast, and everything else—chicken breast in the United States pays for several birds. It is a heavily subsidized industry and everything, other than the breast, is frozen and sent to countries like us and dumped on the market, and we need strong legislation. Even though the Cabinet has approved policy relating to having the arrangements in place to restrict those things, in our negotiations with our trading partners to amend our importation requirements, they have pointed to the absence of the

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appropriate legal framework, and this Bill will allow us to—in particular, what is proposed at sections 14 and 16F—will allow us to support what we have done on the policy and the regulatory side.

Madam Speaker, I want to point to eight import permits which ties into the import requirements. Madam Speaker, I have recently, in the last few days, had to intervene in support of the chief vet officer to deal with the interest of somebody in importing some meat products without the appropriate requirements. And all those things point to me—tells me, Madam Speaker, that people have grown into the habit of being able to bring goods into this country without meeting the regulatory requirements and without meeting the requirements for the grant of import permits. And it is important that there is clarity in that, it is important that we move from a paper trail to an electronic trail so that we would know when the system is being compromised and when the system is being corrupt. It is also important that we are able to manage the relationship between importers and the Ministry and the officers in the Ministry in a real-time way as we are doing in relation to plant material which is now 100 per cent paperless.

Finally, Madam Speaker, Part IIIA of the Bill deals with “Animal Welfare and Stray Animals”, and that provision—those provisions relating to the offences, Madam Speaker, would replace what is currently in the Summary Offences Act.

So, Madam Speaker, even though we amended in the miscellaneous Bill, which I will call the miscellaneous No. 1 Bill, even though we made the amendments to the Summary Offences Act in relation to animal cruelty, once this Bill becomes law, those provisions in the Summary Offences Act will be repealed, and we will have one piece of legislation dealing animal welfare, animal cruelty and the treatment of stray animals.

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So clause 26 proposes the introduction after section 18 of the existing legislation of a new Part IIIA which deals with animal welfare and stray animals, and I consider that to be one of the most—also the most significant parts of the Bill.

Madam Speaker, towards the end at clauses 31 to 34, we have the introduction of provisions, as I said before, dealing with the power of the Minister to amend by order the Schedule, and other provisions relating to some other amendments which I will not detail.

And finally, we also deal with consequential amendments out of the amendments we make in this piece of legislation. Madam Speaker, a significant amount of work has gone into developing this Bill. It is something that has been long thought of by the various Ministers, different— all my predecessors have made some sort of contribution to this. We had commissioned—my predecessor commissioned the—

Madam Speaker: Minister, your time is spent.

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

6.15 p.m.

Question proposed.

Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*): Thank you, Madam Speaker, for this opportunity to contribute to the debate, a Bill to amend the Animals (Diseases and Importation) Act, Chap. 67:02. Madam Speaker, in recent times the world was really forced to live a new normal as we grappled with the effects of COVID-19. We have over 500,000 deaths and over 10 million cases worldwide. We saw how easy diseases can be transmitted from animal to man and vice versa. We saw the impact of bats and pangolin with the transmission of the

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COVID-19 virus, and we witnessed the outbreak of a pandemic in the form of a zoonotic disease. We were not spared in this country.

Madam Speaker, in Trinidad and Tobago we share a close relationship with our pets, and even some with wild animals, and we have to take measures to prevent an outbreak of any notifiable disease. When we talk about wild animals, persons can also present with a disease when they consume wild meat. We have our own local hero, Dr. Yardesh Singh from South West Regional Authority, who had done a survey and a study that showed that persons who eat wild meat, more particularly tattoo, present a disease called achalasia. And what is that, Madam Speaker? I would just take a few seconds to explain and then I will move on to the Bill. Achalasia is when your oesophagus or your gullet, the muscle at the end of it cannot relax so the food does not go to your stomach, so the person who consumes the wild meat always presents or may present with this disease. So all the lovers of wild meat, from today you have a choice.

Madam Speaker, last weekend there were cows that were dropping and dying in Woodland. I am asking the hon. Minister here today, it is that if the Ministry under the Livestock Division, if they had gone and done any tests on those animals to determine what was the notifiable disease? This Bill here deals with animal diseases, and the different amendments, because we see we have 37 clauses and we have various amendments. But not a single test was done, but yet you have a Bill here with, when we look at Schedule 1, we have a Bill here with notifiable diseases, over 100. Over 100 notifiable diseases, and the cows are dying in Woodland and not a person from the Ministry would have gone to find out and do tests, confirmatory tests to confirm what was the disease, or what was the notifiable disease that the animals died of.

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Madam Speaker, this legislation as it stands really cannot help livestock farmers, because livestock farmers need help in this country. We need to do something different, and I listened to the hon. Minister, and I had really pains to understand what he was trying to say—the hon. Member, trying to say in this Bill, and I was trying to figure out how would this Bill add value to the lives of these livestock farmers. I looked through all the Bills that were laid here previously, and I looked at the work of the Minister of Agriculture, Land and Fisheries, and I saw that the only Bill that the Minister brought here was a Bill not about farmers, but a Bill to change the single Chaconia to the double Chaconia for the national flower of this country. Two lines! The word changed from “single” to “double”, and that was the achievement of this Minister of Agriculture, Land and Fisheries. That was his singular achievement for five years.

So, Madam Speaker, as we go into the contents of this Bill, I would like—usually we start at the beginning of a Bill and go to the end, but I prefer to start from the back and come forward. So, I am looking at Schedule 1, where we deal with notifiable diseases within the meaning of this Act. We have several diseases, Madam Speaker. If we look at them you will see you have cattle diseases, sheep and goat, you will have equine, swine and avian diseases.

Mr. Indarsingh: Madam Speaker, 53(1)(e), please.

Madam Speaker: It seems as you raised it the matter has subsided. Please continue Member for Oropouche West.

Mrs. V. Gayadeen-Gopeesingh: Madam Speaker, one of the diseases that is listed here is the infection with rabies virus and this is a problem in Trinidad and Tobago; rabies. The county of St. Patrick has the highest incidence of rabies in this country, so we are looking at farmers from La Brea, and Cedros, and Siparia,

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and Fyzabad, and so. These farmers already know they have a rabies problem. Listing all these 100 notifiable diseases is not going to help the farmers. These farmers need help, and when the vampire bat, the scientific name, the *Desmodus rotundus*, when that bat bites animals, especially they could bite the cattle, they also bite the small ruminants like the goat and sheep and even poultry. When they bite these animals, Madam Speaker, it is that the animal does not get better because the bat bites the animal, the saliva goes to the animal and it goes down the central nervous system so the animal becomes uncoordinated, dies a very painful death. Why it dies a painful death? Because the Ministry of Agriculture, Land and Fisheries does not have the injection to euthanize those animals.

So, you are coming here with a Bill with 100 notifiable diseases, and simple things to get the injection, Madam Speaker, to euthanize these animals, you do not have it. When a farmer loses a cow he also loses income, because a cow goes at least \$5,000. When he loses a cow it also decreases the size of his herd, and he also loses income for the sale of milk, so it is an economic loss for farmers. So, this Bill really should deal with how you could help livestock farmers instead of you doing all these.

Mr. Al-Rawi: I rise on Standing Order 48(1), Madam Speaker. Could I at least get one reference to a clause? [*Crosstalk*]

Madam Speaker: Member, I will give you some leeway, continue.

Mrs. V. Gayadeen-Gopeesingh: Madam Speaker, to counteract this rabies, because we also have an explosion in Centeno. I am sure the Minister of Agriculture, Land and Fisheries had given instructions to the farmers, the stockmen in Centeno to have the cows zero grazing, meaning that you cut the grass and bring them in. We have a problem there. The Ministry has only given 500 vaccines, and

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Centeno and south Trinidad you have close to 15,000 animals. So what is the use of this Bill if you cannot even protect the animals?

I recall as the Member of Parliament for Oropouche West, we have lots of farmers there, they gave me a 10-page petition which I had forwarded to the Minister of Agriculture, Land and Fisheries, with over 600 farmers' names. I am asking today, respectfully, to the hon. Minister: What is the status of that petition? What is the status of it? Madam Speaker, you see, the hon. Minister spoke about having a ministerial advisory board, but that would not affect the bat population and the possible ensuing rabies outbreak, Minister, because you have to have the Anti-Rabies Unit functioning. The Anti-Rabies Unit in Curepe has been dismantled, so you do not have the resources to deal with the number of cases that we have in the country. You have nine persons in the entire Anti-Rabies Unit. They are willing to work, but they do not have the resources to work with. So, you have two persons assigned to south Trinidad to deal with 15,000 animals. We have lots of vets retiring, they are being aged and they are retiring so we have to have more persons employed.

Madam Speaker: Member, I stand now on Standing Order 48(1), in that I understood that overall you were saying something to the effect that the Bill cannot help the farmers because of certain other issues, and therefore I am not going to allow you to deal with all farming issues, I need you to deal with the Bill. So having made that general point, I am not going to let you expand the debate into other things, so if you can come back now to the Bill, please.

Mrs. V. Gayadeen-Gopeesingh: Sure. So let us look at Part IIIA, the hon. Minister said he found that this was an important aspect of the Bill, the "Animal Welfare and Stray Animals". Madam Speaker, when we look at clause 26 of the

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Bill, it seeks to amend the Act by inserting after section 18, new sections 18A to 18L which would provide for the welfare of animals and strays. When we look at 18A(1):

“Any person who cruelly beats, ill-treats, starves, over-drives, overrides...tortures...or otherwise maltreats any animal commits an offence.”

So you have an offence and offences under this Bill. Clause 18 increases the penalty upon summary conviction for the breach of any of the regulations from \$5,000 to \$50,000. We go further, Madam Speaker, we look at clause 28 of the Bill and it is amended by repealing section 21. So, when we look at 3(e), it is said here at 3(e):

“Any person who—
 tortures, beats, injures, mutilates, neglects or treats...”—an animal
 cruelly is—“...in contravention of...18A;
 ...commits an offence and is liable on summary conviction to a fine of two
 hundred thousand dollars and imprisonment for a term of five years.”

We will recall, Madam Speaker, that right here in this Parliament about maybe a month ago we had the Summary Offences Act, where it was amended to increase the fine from \$400 to \$100,000 and one year imprisonment. So, we have all this to treat with the cruelty to animals, but, Madam Speaker, we left the Pounds Act intact. If you are dealing with stray animals and you are dealing with animal welfare, you have to inter-tune the Pounds Act with this. You cannot have the Pounds Act standing as substantive law, because what do you do? Because, when you look at the Pounds Act you deal here with all the offences, but when you come to clause 8 of the Pounds Act it remains substantive law, and I will quote for you,

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Madam Speaker. Section 8 of the Act says:

“The owner or occupier of any enclosed, cultivated, or pasture land, or any person authorised by him, may shoot or kill with a cutlass or other cutting instrument any hog, sow, pig, goat, or kid found trespassing on such land, and, if the owner of the animal does not claim the same within six hours after it is killed, may bury the carcass.”

So here you have rushing to do a Bill, rushing to bring a Bill here to Parliament, and you are talking about stray animals, because stray animals could only stay in a pound.

Mrs. Robinson-Regis: Standing Order 48(1), please. Standing Order 48(1), I do not see the relevance of that.

Madam Speaker: Member, I have to agree that I really do not see the relevance with respect to the point that you are making. So if you can move on, please.

Mrs. V. Gayadeen-Gopeesingh: I understand that we are dealing with Part IIIA.

Madam Speaker: Can you please move on.

Mrs. V. Gayadeen-Gopeesingh: I am dealing still with Part IIIA, Madam Speaker, with respect to animal welfare and stray animals, and I am saying you are rushing to bring penalties and this remains intact. That is why I am saying that, so I will move on now.

Madam Speaker: Member, Member, a habit is developing. When I rule I really do not think it is proper for me to be given an explanation. I have ruled, please move on.

Mrs. V. Gayadeen-Gopeesingh: When we look at the definition clause, the hon. Member spoke about definition, and when we look at the definition clause of “stray”, it is also not inter-tuned with what is the meaning of a stray animal. Is it

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not consistent with the Pounds Act of what is a stray animal. Let us look now, Madam Speaker, at the two very important clauses that the hon. Member said. He said, we are looking at clause 7, which establishes the office of the Inspector, and clause 8 describes the functions of this office as well as the establishment of an advisory committee on animal health and welfare, with labs and animal health measures.

Madam Speaker, when we look at these clauses some questions have to arise, because the Inspector whose functions and portfolio span almost half of this Bill, showing the wide-ranging powers which are to provide an oversight in the affairs of the animal famine sector. But I am asking, if this Inspector has all these functions, he must be resourced. His office must be resourced, and his budgetary allocation must be obtained, according to your hon. Attorney General, you must have plant, you must have processes, and you have people. So, if his office is not financed I am not seeing how he could carry out all these functions that span almost half of this Bill. Because what we have observed is that over the years agriculture has been getting smaller and smaller allocations. Madam Speaker, if we were to look at the Advisory Committee on Animal Health and Welfare, under this clause you see the committee is set up under the Minister. He will select all members, plus he has a discretion to add two additional members. So the question I am asking is, who are these additional members? Would they be from the private sector? And I am seeing now we are saying that the Minister could also designate any diagnostic research, or other laboratory or official or approved laboratory. So is it that the Minister is also assigning an accreditation authority upon himself? I am not sure. We are not clear with this Bill what is happening with the role and the function of the Minister. So we need to know if it is left up to the discretion of

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the Minister, who he assigns, those two extra persons, and what is the process.

The hon. Minister also spoke about labs. With all these new labs there must be funding and training, and these labs must be accredited, because you have to build capacity and you also have to allow for continued education and training. Because if you are dealing with notifiable diseases you have to have persons in the lab who would continue to be trained so they could pick up signs and symptoms and be easy to discern what disease it is, or when they look at the slides they could infer what those slides refer to, what type of disease. I am also asking, why is it that the Minister under this Bill, why must the Minister appoint a chairman despite the advice from the Ministry's technical team? I am asking, is he usurping the function of the chief vet? I am not, we are asking questions. Because what we are seeing here, Madam Speaker, that there are too many opportunities within this clause where the agenda of a chosen few can take precedence over the good of the majority.

When we look at animal surveillance, because the Member spoke about animal surveillance and traceability, clause 11, 5A(1) speaks about animal identification and traceability. This is an important aspect, yes, but how is it that the Ministry is going to do this? Take for example at one time animals, their ears used to be tagged, or they are branded on their backs. So if you were to take an animal, Madam Speaker, take for example from La Truce Road, and the animal ends up in Carapo, and when the health inspector checks that animal—when it is slaughtered, you have to check the carcass—and the health inspector sees lesions on the meat, and it is symptomatic of tuberculosis, it is easier if you could trace, just like how we did COVID, you will have to go back and trace, you are taking backward steps, and you have to trace where this animal came from, all the persons

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who came in contact with this animal, the vehicle that transported the animal, and also at the slaughter house. So everything, what you are doing you are tracing backwards to get the source of the infection. But if you do not have identifiers, Madam Speaker, how are you going to do it? How are you going to, as the Minister said, you are going to have traceability and surveillance? And my respectful view is that the Ministry, they need to have what is called a microchip, they could go now to the modern way where they tag these animals to have—

Madam Speaker: Member, might I ask which clause you are dealing with?

Mrs. V. Gayadeen-Gopeesingh: Clause 11, 5A(1).

Madam Speaker: 5A or 5H?

Mrs. V. Gayadeen-Gopeesingh: 5A(1), where we talk about surveillance system.

Madam Speaker: And traceability?

Mrs. V. Gayadeen-Gopeesingh: Yeah.

Madam Speaker: But it is just that I do not know that this is saying how, as you are trying to suggest a way, but it says that, if I read it correctly, that the Inspector shall determine. So, I do not think the legislation is prescribing a way, but it is giving power to somebody, so I just want you to maybe read that entire clause 11 as a whole.

Mrs. V. Gayadeen-Gopeesingh: Yes, okay. So, Madam Speaker, when we look also at clause 21 of the Bill, definition of ports of entry, this Bill, it seeks to amend the Act by inserting a new section 15A, which provides:

“...the owner or operator of an international transport facility which is designated as an approved import entry point or export exist point shall where...in writing by the Minister provide and maintain buildings, accommodations, equipment, etc...”

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Madam Speaker, when we consider all the official ports of this country we have to—in fact, some of the vets that I had spoken to, they say that when you bring in animals through these ports of entry, because you have very limited ports of entry, one of the ports of entry that they spoke about really, of not of standard is the airport. Because when an animal is brought in a port of entry through the airport there is not a single area at the airport where you could have these animals quarantined to check for any diseases or so. When we look at clause 24 of the Bill, it seeks to amend section 17 of the Act by repealing the existing section 17. What we found, Madam Speaker, is that in Cedros which is also a port of entry, we do not have areas there to quarantine animals. We have a pound that doubles up for quarantine, and we have that pound that animals that come in illegally, they are euthanized right there. So, the ports of entry also are a problem here in this Bill because it is not dealing effectively with the ports of entry.

So, Madam Speaker, as I come close to conclude, [*Desk thumping*] the Animal (Diseases and Importation) (Amdt.) Bill is an important piece of legislation, yes, Madam Speaker, but it requires much more work, and it requires much more consultation with key stakeholders. You see, while it is critical to implement these measures that safeguard our shores from imported diseases through animal and animal products, it is equally important that we get the legislation right. What we need, we need a holistic cohesive plan, and the legislation will be yet another ineffective law that has little to do with the reality of stakeholders in agriculture, from the farmers to the vets, and eventually to the consumers. Madam Speaker, every day there are new strains of diseases that are reported, the latest being a new type of swine flu in China that could affect humans in a new pandemic. In this new pandemic reality, be it COVID-19 or swine flu—

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and the new virus is called G4—we must adopt new methods and technology to manage the challenges as they occur. Madam Speaker, having this type of what we call half-baked piece of legislation will not cut it. We have to go back to the drawing board because our citizens deserve far better than this. I thank you. [*Desk thumping*]

Madam Speaker: Member for Moruga/Tableland. [*Desk thumping*]

The Minister in the Ministry of Education (Hon. Dr. Lovell Francis): Madam Speaker, good evening. Good evening to Members of the House on both sides. It is my pleasure to stand here this evening to contribute to what I must conclude, is a tremendously important Bill. [*Desk thumping*] I stand in support of my colleague, the Minister of Agriculture, Land and Fisheries. This Bill is very apposite, particularly in the current context within which we exist, but interestingly enough, I am forced to respond to my colleague from Oropouche West before I say anything substantive in terms of why this Bill is important.

Madam Speaker, I would go out on a limb, and this limb is on a plum tree so the branches are soft and this branch could break anytime, but I will give the Member the benefit of the doubt that what she has said about the cattle in Woodland and her concern for the farmers in her constituency, that she is being genuine. And if that is the case, she is doing her job, and I have stood here before and chided Members on that side for thinking that being an MP is just bacchanalia and not doing anything fundamental. So, if she is doing that, then the Member is doing her job as an MP, but she is confusing things. This is a legislative House. We are in the business of making good legislation. If there is a concern with the Ministry of Agriculture, Land and Fisheries personnel not doing their job as in not testing the dead cattle quickly enough, then that is a matter of public officers and

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their duties. That in no way undermines the importance of this Bill being brought to this House at this time. The Member concludes that because of the fact that the officers did not do their job in the commensurate time, that this Bill is somehow useless, but she ends somehow by saying it is important but it is half-baked without ever at any point in her discourse saying anything that was wrong with the Bill at all.

6.45 p.m.

So, I could go on and on and on, ad infinitum, about the Member and her contribution but that would be pointless. Member, if you are concerned for your constituents that is fine, but we are here to legislate, that is our job and we must legislate. And at this time, given our current circumstances in terms of COVID-19, Madam Speaker, a Bill of this form is absolutely important; and I will say something else. Any country in the world at this time that has sensible governance is going to be very concerned henceforth with animal husbandry, with meat, with meat products, with slaughtering, with ensuring standards of taking care of animals, ensuring standards of taking care of meat because they have to.

Madam Speaker, since COVID-19 became a thing, I have become very much concerned with the idea of pandemics. I have been very much concerned with doing research on the 1918 Spanish flu. I have been very concerned with looking at the plagues that affected Western Europe in the 1400s. Madam Speaker, those plagues that came before and the pandemic that we are existing though now, they have something in common. Every single disease in the history of the world, the recorded history of the world, that has gone from disease, to epidemic, to pandemic, started off with animals, every single disease.

Madam Speaker, one of the most dangerous diseases in the history of the

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world, smallpox, that was so dangerous that in the midst of the Cold War the USSR and the USA decided to team up to eradicate it totally so that it only exists in labs now, started off as cow pox, a harmless disease. It became smallpox, a deadly disease that killed millions. Madam Speaker, this is not something that we can take lightly. Animal diseases which are mild in animals or not as deadly in animals become human diseases that kill millions.

Madam Speaker, every research that I have looked into about the Spanish flu says that the death toll is between 50 to 100 million and that is a ridiculous thing to say.

Mrs. Gayadeen-Gopeesingh: Madam Speaker, I stand on 48(1).

Madam Speaker: I will give you some leeway Member. Please proceed.

Hon. Dr. L. Francis: Thank you, Madam Speaker. Every report on the Spanish flu says that the death toll is between 50 and 100 million globally and that is a ridiculous thing, but it tells you something. So many people died worldwide that they lost count and this was a disease that was transferred from domesticated animals to human beings.

Madam Speaker, we are in the midst of a pandemic called COVID-19 that as far as we know at this point was transferred from animals to human beings. Every single country in the world today that has sane government is going to be looking at animal husbandry and every single thing concerned with that, how you inspect, how you house, how you raise, how you slaughter, how you treat with, because, Madam Speaker, the most frightening thing about COVID-19, and I am not an alarmist, is that in terms of pandemics, it is mild. It has been devastating to us; it has devastated the world.

Madam Speaker: Okay. So Member, I have given you some leeway, this debate

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is not about COVID even though you have sort of grounded your basis for jump off and therefore now I ask you please to return to the matter at hand, the Bill. Thank you.

Hon. Dr. L. Francis: Madam Speaker, as a nation that wants to ensure the safety of our citizens, we are forced to do a number of things, which is why the Minister of Agriculture, Land and Fisheries stood up here and whereas he perhaps did not go through every single clause, clause by clause, and talk about what every single clause did, he gave us a very sound architecture for the Act; so that the Act is intended to do a number of things. It is intended to look at the way that we house animals, it is intended to look at the way that animals are raised, it is intended to look at the way that animals are slaughtered, it is intended to ensure that proper inspection is done of animals, it is intended to ensure that imported meat we treat in a particular way, is intended to ensure that when there is animal disease and all of these diseases are listed that we are aware of, that we treat with quarantine, slaughter, handle all of that in a particular way.

And, Madam Speaker, where the disease is a concern I want to make a fundamental point. It has become a modern part of animal husbandry, rearing of animals for food, that a number of these animals are now injected with antibiotics. And this is a fundamental point that must be made, and I want it to be rested on the record here. We are facing a problem, not just in Trinidad, but globally, when it comes to antibiotics. We have not in the last 50 years as a species—

Mrs. Gayadeen-Gopeesingh: Madam Speaker, I stand on 48(1).

Madam Speaker: Member again, if you could kindly tie it in and relate it to this Bill, please.

Hon. Dr. L. Francis: I will tie it in, Madam Speaker. The Member made a fuss

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about all of these diseases being listed and that doing that listing is not important. I am going to tell you why it is important, Madam Speaker. It is now the case that we have a problem where bacteria and viruses are spread from animals to humans and some of them can become very infectious. Those same animals are now being treated with antibiotics to the point where it is part of their routine in terms of raising them. So what you end up now with is animals that have great resistance with bacteria and viruses that are very resistant to treatment. And then you slaughter those animals and human beings ingest meat that has bacteria and viruses that are resistant to treatment. And, Madam Speaker, those bacteria and viruses then perhaps mutate and they become something that is very deadly.

Madam Speaker, so it is not just here. Throughout the entire world we are facing a situation where, just by the way we consume meat we can be creating even more dangerous bacteria, even more dangerous viruses—

Mrs. Gayadeen-Gopeesingh: Madam Speaker, I stand on 48(1).

Hon. Dr. L. Francis:—than the ones we are facing now.

Mrs. Gayadeen-Gopeesingh: 48(1).

Madam Speaker: And Member you concluded on so, but I have to rule in favour of the Member that you are offending Standing Order 48(1), okay. So please move on.

Hon. Dr. L. Francis: Madam Speaker, at the end of the day, we have raised a very successful fight to ensure that our people are safe in terms of this pandemic. Whereas this Bill is not concerned with that, we are as a part of this ensuring the safety of our citizenship. At the end of the day, when people look at this kind of Bill and this kind of discussion, it seems like something trite, but, Madam Speaker, in the context within which we exist, in the times that we exist, looking at the way

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we take care of our animals, the ones that we particularly use for food, looking at the way we import our food, is tremendously important. The Minister of Agriculture, Land and Fisheries has made the case that this is not something that came up because of COVID, it was in the works for a long while before this, but given the context within which we exist—

Mr. Indarsingh: Madam Speaker, 48(1).

Hon. Dr. L. Francis:—it is of tremendous importance.

Mr. Indarsingh: Madam Speaker—

Madam Speaker: Okay, so Member, I think you have made the general point, and therefore I will ask you to proceed and deal with some provision of the Bill, please.

Hon. Dr. L. Francis: Madam Speaker, I came to make the fundamental point that whereas we legislate and we can talk about all of the clauses and all of that, it is important that the general public has an understanding of why this is important. This is important not just because of COVID but because of the dangers involved in food, in meat, and it is significant that as a Government that is responsible and that intends to take responsible care of the nation that we bring this kind of legislation now and, Madam Speaker, with those few words I thank you. [*Desk thumping*]

Mr. Rushton Paray (Mayaro): [*Desk thumping*] Thank you very much, Madam Speaker. Madam Speaker, I will be sticking very closely to the clauses of the legislation, but before I get started I just want to respond to one thing that my hon. colleague, friend, the Member for Moruga/Tableland when he said that, you know, the Member for Oropouche West, that she missed the point that she is a legislator and we are here to deal strictly legislation in this House, while that is so, Madam

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Speaker, I do feel our job as well is to represent the people who have put us here [*Desk thumping*] and explain to them the impact that legislation has on their lives, and in this particular Bill the lives of the farmers. So perhaps—I know the hon. Member for Moruga/Tableland will be venturing in new pastures very soon so perhaps this is something that he need not worry about going forward.

Madam Speaker, animal disease prevention and control activities of veterinary services throughout the world is a very good thing. I do not think anybody can say that legislation like what is before us today, if well put together and well implemented, can have a tremendous and positive impact on things like global food security, safer food supply, higher farm productivity, reduce environmental impacts, the reduction in the use of antibiotics which is a big issue as the Member for Moruga/Tableland indicated and also improved animal well-being.

So, Madam Speaker, I want to get, I know the time is limited, it is 37 clauses, I have a few areas I just want to ask the Minister a few questions on a couple of the clauses and perhaps include one or two comments and hopefully in his wind-up he may be able to respond to it. So Minister the document that I have before me here under page 18, 3D(2), it speaks to the committee that the Minister will put together and it includes:

- “(a) a veterinary surgeon;
- (b) ...technical officer from the Ministry...
- (c) ...representative from the Ministry...for health;
- (d) ...Tobago House of Assembly;
- (e) ...representative of the Zoological Society...”

And members at the Minister’s discretion.

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Minister, I am asking that you consider ensuring that we include perhaps a member of the business sector, one of the business chamber, at least one or two members from the farming association because this is their industry and definitely someone from the Customs and Excise Division. So perhaps if the Minister can consider those in the execution of this piece of legislation I think it is going to add a lot of value to that committee.

Madam Speaker, as we move on to section 10 where we are looking at the declaration of infected zones, if you look at item (d) with regard to the veterinary officer that is serving notice on the owner or occupier of a property, I have to ask if veterinary officers in the Ministry of Health have been trained or are they planning any training for them in order to execute the preparation and the process of serving these notices. Because I think if there is no consideration for that when the legislation becomes law and you do not have this as a procedure, I think the net effect may be zero in the execution of it.

Madam Speaker, if you look at clause 11, under “Animal disease surveillance system”, 5A. (1), (a)(i), (ii) and (iii), I will put all together, I am asking if there are any labs that are existing that are outfitted to carry out the type of surveillance that the Minister wants to get with this piece of legislation. If it is going to be state organizations, funding issues always comes up. Madam Speaker, you may well recall over the last few years, the Ministry of Agriculture, Land and Fisheries has normally received the smallest piece of the pie in the national budget and while this legislation is commendable for what the outcome is that we are hoping for, clearly if you look at the whole piece of legislation and the things that needs to be done it requires funding. So I am hoping that somewhere inside there that the Minister ensures that adequate funding is made to get these labs to do the

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surveillance, get it out of the way.

I would like the Minister to perhaps in his wind-up give an update as to the current status of rabies diagnostic and testing because that is one of the key areas a lot of vets have a concern about and since this legislation speaks specifically about a surveillance system, I think focusing on the diagnostic and testing of rabies and more so now with COVID-19 the issue of bat surveillance which is also a big item, perhaps some attention should be paid or must be paid in these areas.

Madam Speaker, if we turn to page 22, subparagraph (b) on the top of that page where the legislation provides for continuous training and early detection, I am asking the Minister perhaps to put a little focus in putting the training schedules in place because I think this will be critical in terms of the process, in terms of early detection, more so now with the state of the world with COVID-19. I cannot stress enough the importance of training and make sure that the funding for training is put in place to give this legislation the teeth that it so will desire.

If you come down to subclause (4), Madam Speaker:

“...veterinary officer or private veterinary surgeon shall report, without delay, the presence of a notifiable disease or any invasive alien animal species to the Inspector.”

I am asking the Minister what will be put in place to ensure that especially private veterinary practitioners, that they comply with this requirement. I know there is a veterinary surgeon, piece of legislation outside there in term that defines their action and their behaviour, but this being such an important piece of legislation the Minister should really spend some time in terms of putting things in place to ensure that there is strict compliance especially by the private vets.

Mr. Minister, perhaps if you can probably advise as well whether the

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“actioning” of this piece of legislation will open up a larger requirement for vets in the Government service. I know there are quite a number of vets who are unemployed, they are at home. I have one young lady in Rio Claro, she is about six years home, unemployed, qualified vet and she is afraid of losing her skill, not being able to get employed. So I am hoping that this legislation once effected can open some more opportunities for vets at home.

As we go along quickly, Madam Speaker, if we turn to page 26, subclause (3) where we are speaking specifically on the issues of movement restriction. This particular item speaks about the animal carcass animal product, animal-related item and other things that specified the period and manner in which the item is to be removed or return. My question to the Minister, what is the plan for storage upon seizure of these carcasses? What provision would be put in place, would it be by the State, would it be by private business? What specifically will happen to make sure this subclause (3) could be effective?

Madam Speaker, if we turn to page 28, I just want to identify the section 8A which is on control measures, but the item I want to speak about is on page 31 item (p) which refers to:

“the establishment and implementation of animal identification, animal traceability and animal movement systems”

My question to the hon. Minister is specifically, can he advise this House in terms of what type of time frames, again funding which is critical because this is very, very, important for the movement of animals? Then whose responsibility, whose responsibility will it be to put this in place? Clearly, Madam Speaker, over the last couple of years there is a bit of a lack of confidence from when you speak to our farmers in terms of the work of the Ministry and the Ministry officers, you get

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several complaints from farmers. So I am hoping that the Minister in effecting this legislation can really instill and bring back the confidence that is required to get this going.

Madam Speaker, and we move quickly along, on item—in the Minister's contribution he sought to identify the importance of animal welfare and stray animals. And I have a couple of questions specifically on 18A where you identify—where the legislation identifies the “Prohibition of maltreatment”. My question to the Minister is, what is in place to police animal welfare abuses? What will the Ministry put in place to effect section 18A and would this function be the responsibility of TTPS? And if so, have they been given any training? Is there any plan to provide training to perhaps the praedial larceny unit who would be focusing on looking at the abuse of animals? And the other item under section 18A, Madam Speaker, is what plans or what do you envisage that, other than hard evidence, in terms of video, would be acquired to assist in prosecution if you are dealing with the maltreatment of animals?

Madam Speaker, if we just go to item (2) on that same page of page 45 which—we are looking at the burden. So we are dealing with animal welfare here—

Madam Speaker: Member might I ask, are you talking about clause 26?

Mr. R. Paray: Yes, on page 45.

Madam Speaker: Yeah, okay.

Mr. R. Paray: Item (2).

Madam Speaker: I just want us to get the correct reference.

Mr. R. Paray: Sure, subsection (2). And so we are looking at identifying animals under burden. So my question is based on the legislation, how will burden be

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determined? Will it be determined visually, because you can have a large bundle of grass on the animal, you could have four small sacks of cement on the animal, how would burden be determined? How would the strength of an animal be determined in terms of, you know, how the legislation is written here:

“...if by reason of the size, strength, or condition of the animal or of any other circumstances the Magistrate is of the opinion that the burden or load is unduly heavy.”

So I think that raises some questions. If somebody is charged under this particular piece of legislation it could create some loop holes in the Magistrates' Court I am assuming, so perhaps it may require some attention to define how would the burden on this animal be determined?

Madam Speaker, if you turn to page 46, I think 18B I have an issue in terms of perhaps again the issue of evidence that may provide to be a challenge if a matter reaches the court. So when you are looking at how the words are framed:

“18B. Any person who works any animal in such a condition as to be unfit for work whether from lameness, emaciation or from any other condition and whether that condition is caused by disease or deficient feeding or otherwise, in any plough carriage or other vehicle, commits a offence.”

So I am thinking here that the evidence that would be required to charge someone for this may be a bit weak. So perhaps the Minister should look back at that again.

Madam Speaker, as we go on quickly on page 47, 18D, we are looking at sorry, 18E: “Animals may be detained for treatment”.

So I have a question here to the Minister. Are there any current facilities that provides such service? And if so, or if these are new facilities that are going to be provided under this legislation take into consideration that some of these facilities

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may be required to house different species of animal and there may be some issues on that. And then the last line of 18E, I need some clarity here that it says:

“...during which the maintenance of such animal shall be provided free of cost to the Government.”

My question is, if it is to be provided free of cost to the Government well who pays for it, if not the State. So that is unclear in this piece of legislation here as well.

Madam Speaker, as we go on page 48, 18F; 18F, the first line I have a challenge here:

“Except for gross negligence, no officer, servant or person having charge of any place set apart as provided in section 18E shall be liable in respect of the death or sickness or deterioration of”—the—“animal.”

My concern, Madam Speaker, is, what is the liability if there is plain negligence rather than gross negligence? And I make that point, why do you need such a high threshold as gross negligent to charge someone or to make them liable? To me, Madam Speaker, negligence in any form is unattainable and we should not allow it.

Madam Speaker, as we go on quickly page 50, under item 18L for stray and feral animals, I am looking at:

“(a) Control the populations...”

Right. So they are asking the Ministry of Health to:

“control the populations of stray and feral animals, including programmes and strategies to control animals which may pose a...”—public risk.

I know currently this is a function of the municipal corporations and whether that that function will now be removed from the municipal corporation or would they be a dualling of the responsibility and perhaps that could lead to some issues in terms of who is responsible and from the time two agencies come together, I mean,

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they are at loggerheads, who should do it, I think that create a weakness in the system so perhaps the Minister can address that.

If you look at 20A, “Storage and removal of seized animal”. Again, you are asking the veterinary officer here:

“...who seizes and detain animals, carcass animal product and animal-related item and other thing...

(a) require its owner or the person in charge of it at the time of seizure to remove it to any place....”

Is there any place designated, is there any regulations for these places, who will have it, whether it will be state operated, whether it is going to be private farmers getting engaged in these things or would it be required for the farmer now to have a specific type of storage as this piece of legislation is requiring.

Madam Speaker, we are coming very close to the end. Finally, in terms of the concerns that I had when I spoke to a few vets in my community, under the Schedule, Schedule 1, when they looked at the 100 and some change items on this Schedule they were saying that Bovine Babesiosis, hope I have that correctly pronounced, Enzootic Bovine Leukosis and lastly the infection with Caprine Arthritis/Encephalitis virus, these three particular diseases on the Schedule have become so common place in the veterinary world they were wondering why the need to put it on the Schedule because it is common everyday items now. So that was something that raised some concerns as to what may be the requirement for putting back on a specific Schedule.

So, Madam Speaker, before I wrap up, in the one or two minutes that I have left, I just want to say that, you know, the legislation as I said from the beginning if it is properly well worded and it is executed well it will add tremendous value to

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our agricultural sector which is so needed in our post COVID-19 world going forward and I trust that the Minister of Agriculture, Land and Fisheries will put whatever is needed in place in terms of funding and so on, and to perhaps clean up the couple pieces of legislation that I suggested. So thank you very much, Madam Speaker. [*Desk thumping*]

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam Speaker. [*Desk thumping*] Madam Speaker, I thank my colleague, the Member for Moruga/Tableland, I thank my friend and colleague, the Member for Mayaro for raising some very useful points that I would respond to, thank my colleague, Member for Oropouche, I cannot recall East or West, Madam Speaker—

Hon. Member: West.

Sen. The Hon. C. Rambharat: West—for trying. Madam Speaker, I would answer both Member for Mayaro and the Member for Oropouche West in this way. The approach to—the Member for Oropouche West used the word “holistic” and also talked about rushing to bring the Bill.

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Madam Speaker, I opened by saying the current legislation is 65 years old. So I do not know how they do it in Oropouche but in Chaguanas East, we do not take 65 years to rush. [*Desk thumping*] We would only need a few weeks. We would only need a few weeks, we would not need 65 years. The fact is that a significant amount of work went into this Bill. It is work by some of my predecessors, but in this particular version of it, a significant amount of work was done. It is not rushed. It was laid since September 2019 in the Senate, it was passed since May 2020. So it has been around a while. You had enough time to

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read it. At least read part of it. And what it does, like with most pieces of legislation, Madam Speaker, the Bill seeks to amend an existing piece of legislation, and I made the point in my opening to say that the Bill amends 19 of the current provisions.

The second thing I was very, very particular in talking about the regulations, because I made the point that the existing 65-year-old legislation had to be supported by regulations over the 65-year period and we got to the point where the regulations were really—we have gone as far as we could go by way of regulations. So apart from amending, in 19 areas, the existing legislation, adding nine new sections which I painfully enumerated, I also said that the regulatory-making power of the Minister has been significantly expanded through the addition of the letters (k) to (ab), and that should be about 18 additional powers. And I also justified the expansion in two ways by saying the way in which the world of animals, and meat products, and the trading, and so on, the way in which risk is introduced very quickly, almost overnight in some cases, requires regulators to act very quickly. And, Madam Speaker, if ever you wanted an example, would have been in the handling of COVID-19.

You see, from the outset, the hon. AG, Minister of Health, Minister of National Security, Prime Minister, everybody who spoke, made the point that the Prime Minister was very, very clear at one of the press conferences in about mid-April when he talked about the existing regulation relating to the work of public health inspectors and he said the powers exist. The powers of the public health inspector to go from premise to premise exist, but we found also the need to craft COVID-19 Regulation to deal with things that are not currently provided for in the existing public health legislation and regulations. So that the need to give

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Ministers regulatory-making power, the need to give Ministers the power to amend Schedules by order, but at the same time subject those amendments to negative resolution of Parliament or affirmative resolution, those are the way in which the public administration works, particularly when it involves politicians exercising executive power.

I also made the point that the OIE, the international organization of animals, plays a very critical role and is the equivalent of the WHO to animals, and we see how the local law and the local regulatory framework interfaces with what happens internationally, again, in the treatment of the COVID pandemic. So the first thing I would say is that this Bill introduces amendments which strengthen the existing regulation, expands the regulatory framework, gives the power to amend Schedules in a way in which the legislation will continue to be relevant and, in doing so, the Bill is not prescriptive. So where you have gone—for example, Member Paray, you have raised the issue of evidence, I want to say that in terms of the offences, the offences that are set out there, the evidentiary burden, the quality of the evidence, the nature of the evidence are matters that would be addressed either by case law or by the regulations themselves, but the fact is that the legislation creates the offence, because as it is now, there is nothing to enforce.

The offences do not exist, animal cruelty in its current form— and I will give you an example. Very recently, when we had the issue of the coast guard intercepting some persons in a pirogue and it was very clear that they dumped a lot of wildlife, including parrots, and monkeys, and so on, overboard, I went to the existing Summary Offences Act, even the amended version from the Miscellaneous (No. 1) Bill we would really be straining the existing summary offences provision to prosecute somebody for dumping of animals overboard in a

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manner like that. I mean, we could try and we would try, but the point is that because we know the risk exists and we face it all the time, the legislation—the offence needs to be created specifically and we intend to do that. In our next five years, we intend to do that. We would not burden you with that right now. [*Desk thumping*] And that is the way it operates.

The Member for Oropouche West also raised some other issues relating to matters that I will get to. But I want to make this point, I was taken aback at the discussion on the rabies and the anti-rabies because—and I am not saying that the Member does not have a petition from 600 livestock farmers in her constituency. I am not saying that the Member does not have that, but I would say that I do have a letter from farmers in that particular part of the country and the letter is signed by 29 farmers. It was not submitted by the Member of Parliament for Oropouche West, it was submitted by the farmers. And in total, these 29 farmers own 296 animals and they bring in to my attention, yet again, this issue of the rabies. But you see, my colleague, the Member for Moruga/Tableland, was at pains to make the point of separating legislation policy from public administration, and I just want to tell you this.

A few weeks ago, early in this COVID-19 period, I was reading the *Trinidad Express* and I came across an article written by my colleague, the Member for Caroni Central, and in it, the Member is accusing me of quarrelling with public servants, and he said the Minister is always quarrelling with the people from the land division and quarrelling with the people from so and so. Well, Madam Speaker, I am not a quarrelling Minister, most people know that. But is the daily reports that I receive from that same Member, Member for Caroni Central, every day—and that is his job—he sends me a message or an email about land matters,

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and land matters, and land matters—every day, sometimes several times a day. He is doing his job. [*Interruption*] No, he is very much. He is—yes, Madam Speaker, you need to protect me from my own colleagues. [*Crosstalk*] Madam Speaker, you need to protect me from my own colleagues.

The Member for Caroni Central is, as far as I know, the Member for Caroni Central. He interacted with me today on that basis. So I know what I am talking about. The point I am making, Madam Speaker, is that using just that one Member's example, having received these requests, as a Minister I must intervene and I do not intervene secretly. I am very public in my utterances and in my calls on the public administration to respond to the needs of the farmers. Member for Mayaro correctly recited it that in his interactions, in all our interactions, people complain about the slow pace of bureaucracy, and what the Member for Oropouche was talking about really was about problems with the bureaucracy, problems with the way people function. And, Madam President, on the issue of holistic, which the Member raised, I want to say this, this Bill did not fall from the sky. The very first thing when we came in as a Government, in responding to a Motion by Sen. Mark in the other place a few days ago on the Aripo Livestock Station and the Government's private/public partnership with it, I am surprised that that project was not raised in this debate, but I will raise it.

I made the point that because of what I knew coming in as a Minister, in November 2015, we started work on a diagnostic review of the livestock sector, and by December 2018, the Cabinet was presented with a comprehensive report recommending a series of things in relation to the livestock sector including No. 2. No. 1 was the Ministry avoiding duplication and getting out of some of the inefficient things that it does, but the second thing was the introduction of private

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sector investment in participation with the Government in some of the aspects of livestock in Trinidad and Tobago. That is the first thing.

At that same time too, we reviewed plant quarantine, and I thank my colleague, Minister of Finance, for moving very quickly to have the Central Audit Committee of the Ministry review audit, the functions of plant quarantine, because it is your constituents, including the constituents of Caroni Central, who complained to me that they cannot get their import permits on time, the importers of carrots, onions, dhal, red beans; complained, and I respond to the complaint by calling on the officers to do what they are supposed to do. And that audit review pointed to significant issues in plant quarantine which led to administrative changes, but also led to regulatory changes made in the miscellaneous, first, by legislation in the Miscellaneous (No.1) (Amdt.) Bill and two, by regulatory action in determining that not everything that is relating to agriculture requires a permit.

The third thing in relation to what we have done, recognizing that even when we deal with the animal side of things, a lot of what you have raised, Member for Oropouche West and Member for Mayaro, relate to the provision of vet services, and let me tell you what the Aripo PPP signals to us. It tells us that a lot of what we do in the Ministry, in relation to livestock, we mine animals, we buy feed and we feed animals and there is really no commercial objective in mind, and in doing that, we dedicate the limited resources, particularly the vets, and the stockmen, and the animal health assistants, we dedicate it to activities that have no commercial, no support value for the private farmers, and not even research value. If you want to see a lesson in wasting time and money, the first disease you identified, Member for Mayaro, was brucellosis, and you and I know because our farm in Mora Valley is plagued by brucellosis. And my first attempt to deal with the Mora Valley farm

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was met by your side, complaining that I wanted to kill out all the animals up there.

In our next five years we would deal with brucellosis having done the Aripo project, having done the second PPP which is to reactivate La Gloria in New Grant through an existing private farmer, Khan's organic meat who is going to be relocated from Madras to that site in La Gloria. And in doing that, those technical services employed by the Ministry, the vets, the animal health assistance, the stockmen, and so on, can support the private sector industry. That is what they are supposed to be doing. [*Desk thumping*] They are supposed to be providing. The farmers are saying to all of you—whether you are in Oropouche East, West, Mayaro, Naparima, your livestock farmers are saying to you that accessing vet services is expensive; secondly, it is unreliable because if it is the Ministry at best it is Monday to Friday, eight o'clock to four o'clock, at worse it is never; and in supporting private investment in livestock you need—if it is one thing the State could to do is provide a reliable supply of affordable, if not free, technical services, particularly vet services. So that is what PPP will do.

We also, as you know, made amendments to the Conservation of Wild Life Act to deal with the other types of animals and we made two amendments to the Act and several the regulation. And in that audit of vet services, to answer the rabies question, I will just quickly refer to the audit report. And again I thank my colleague, the Minister of Finance, for executing this audit and having the report ready, the draft report in November 2019, and it is really a blueprint of what we do in relation to that particular aspect of the provision. But in relation to rabies, to correct my colleague from Oropouche West, I want to say the issue of dealing with the rabies, the Anti-Rabies Unit of the Ministry is staffed by public officers, and

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the staffing is currently three out of 26 positions are filled. I think you said seven, but it is three out of 26 positions which are filled, and I have said over and over, a Minister cannot hire, or fire, or promote, or do anything. We rely on the Public Service Commission, whether it is in forestry, whether it is in agriculture itself, and in livestock to fill these vacancies.

So part of what has been happening out there in relation to rabies and dealing with it, it is the simple issue of having our 26 positions filled, and we have persons graduating from the University of the West Indies, from UTT, we have persons who are trained and who could fill these positions. In fact, the Ministry of Health, in one of the COVID measures if you recall, the Ministry of Health took steps to hire current university students—Minister of Health if I go wrong, just signal me—to function as public health inspectors, and my understanding is that that has met a challenge from—

Mr. Deyalsingh: Monitors.

Sen. The Hon. C. Rambharat: Monitors—and that has met a particular challenge from a representative union.

Madam Speaker: Minister, I am to advise that your time is now spent.

Sen. The Hon. C. Rambharat: Madam Speaker, thank you very much, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 10 ordered to stand part of the Bill.

Clause 11.

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

Mr. Paray: Thank you, Madam Chairman. It is just a grammatical change perhaps on subsection (3) when it says “sale and distribution of veterinary medicinal”; “products” I believe it should be rather than “product”.

Mr. Al-Rawi: That will be picked up in the proof reading by the Law Revision and in the proof that the Parliament prepares for the Solicitor General when I sign off the file.

Mr. Paray: Okay.

Question put and agreed to.

Clause 11 ordered to stand part of the Bill.

Clause 12.

Question proposed: That clause 12 stand part of the Bill.

Madam Chairman: Member for Mayaro? Member—it is Oropouche West? Okay.

Question put and agreed to.

Clause 12 ordered to stand part of the Bill.

Clause 13 to 22 ordered to stand part of the Bill.

Clause 23.

Question proposed: This clause 23 stand part of the Bill.

Mr. Paray: Thank you, Madam Chair. Again, I guess the AG may identify that it will be picked up. It is a grammatical error again. This is subsection (4) on page 36, “disinfection”, it states “in the specified port”, and I feel it should be “at the specified port”.

Mr. Al-Rawi: Similarly, Madam Chair, for the record, it will be caught in the proofing.

Question put and agreed to.

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Clause 23 ordered to stand part of the Bill.

Clauses 24 to 37 ordered to stand part of the Bill.

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

House resumed.

Bill reported, without 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 Friday, the 3rd day of July, 2020, at 1.30 p.m. Madam Speaker, at that time we will do, under Government Business, Motions Nos. 1, 3 and 4.

Madam Speaker: Hon. Members, I have been informed by the Opposition Whip that the three matters on the adjournment are to be deferred to the next sitting of the House.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.41 p.m.