

HOUSE OF REPRESENTATIVES

Friday, February 05, 2021

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 Mr. David Lee, MP, Member for Pointe-a-Pierre and Mr. Rodney Charles, MP, Member for Naparima who have requested leave of absence from today's sitting. The leave which the Members seek is granted.

PAPERS LAID

1. Annual Report and Audited Financial Statements of Trinidad and Tobago International Financial Centre Management Company Limited for the financial year ended September 30, 2020. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Consolidated Financial Statements of Telecommunications Services of Trinidad and Tobago Limited for the financial year ended March 31, 2019. [*Hon. C. Imbert*]
3. Consolidated Financial Statements of Telecommunications Services of Trinidad and Tobago Limited for the financial year ended March 31, 2020. [*Hon. C. Imbert*]

Papers 1 to 3 to be referred to the Public Accounts (Enterprises) Committee.

Ministerial Response of the Ministry of Finance to the Twenty-Fourth Report of the Public Accounts (Enterprises) Committee on the 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 and 2017. [*Hon. C. Imbert*]
4. Response of the Auditor General to the Twenty-Eighth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2018. [*Hon. C. Imbert*]
 5. Response of the Service Commissions Department to the Twenty-Eighth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2018. [*The Minister of Health (Hon. Terrence Deyalsingh)*]
 6. Quarantine (Maritime) (Amendment) Regulations, 2021. [*Hon. T. Deyalsingh*]

URGENT QUESTIONS

COVID-19 Protocols (Sanitization Stations at School)

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker. To the Minister of Education: Could the Minister inform this House if all schools have been supplied with sanitization stations to facilitate the entry of teachers, non-teaching staff, students and members of the public in relation to the Covid-19 protocols?

The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker. Most schools would have had sanitization stations installed in 2020 to accommodate CXC and SEA exams in July/August of that year. As a matter of priority, all secondary schools which have indicated need for additional or replacement stations, they have been supplied with sanitation stations. Two

schools, San Juan South and Five Rivers Secondary will be outfitted before Monday 8th February. Primary schools and ECCE centres which require additional stations are currently being outfitted with same.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Based on the information that was provided by the Minister: Minister, could you inform this House whether the statistics provided supplement or give legitimacy to what the President of TTUTA and the Trinidad and Tobago Unified Teachers Association via press release indicated yesterday that a number of schools are without sanitization stations?

Madam Speaker: Minister of Education.

Hon. Dr. N. Gadsby-Dolly: Thank you, Madam Speaker. As indicated, the schools which required additional or replacement stations have indicated the need and those have been fulfilled.

Mr. Indarsingh: So Minister, you are saying that the President of TTUTA is a stranger to the truth based on the press release—

Madam Speaker: Member for Couva South, I would not allow that.

Trinidad and Tobago Police Service (CCTV Cameras)

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker. To the Minister of National Security: Could the Minister confirm, as reported, that eight hundred CCTV cameras required for use by the Trinidad and Tobago Police Service (TTPS) are not operational and if so, can the Minister explain to this House the reasons for this state of affairs?

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. As I have said on a number of occasions in the House and elsewhere, there has been ongoing dispute with TSTT with respect to CCTV camera service. I am not going

to stand here and give the number of cameras that are or are not operational. Yes, it is correct that a number are not operational. After quite a while, we were able to break the previous arrangements made by the last government meaning the government between 2010 and 2015 where the taxpayers were paying over \$200 million for non-functional cameras and a number of different incidents that were untoward with respect to these cameras. As I have said previously, we are now managing to save over \$300 million with a new camera system that we are trying to get operational. COVID had an effect on it in terms of getting persons here to do the installation, et cetera.

With respect to the non-functional CCTV camera system, we have worked out an arrangement recently with TSTT where we are paying them a sum of money. They are currently in the process of repairing cameras that can be repaired, removing cameras that have been destroyed intentionally and otherwise, and getting the system to a better level of operability. We have told them that it is unacceptable that we do not have at least over 80 per cent operability and that is currently being done. In fact, the police service themselves are the ones who are working with TSTT to get this done as an interim arrangement before the operationalization of the new CCTV camera system.

Dr. Moonilal: Supplemental. Notwithstanding the dreadful blame game and the statement of the Commissioner in the newspaper today that indeed over 800 cameras are not working, do you have a timeline when those cameras that are not working, whether it is 800 or more, will be up and running to assist the police to deal with criminal activity?

Hon. S. Young: Madam Speaker, there is a saying that “when stone throwing and ah person bawl, dais the person to watch”. This Member is obsessed with the CCTV camera system and it is beginning to make me wonder why. The answer to

his question as to how soon: as soon as possible.

Dr. Moonilal: Minister, you would be obsessed as well if you cared about the lives of children who are being kidnapped and murdered. [*Desk thumping*]

Madam Speaker: Are you asking a question? Please.

Dr. Moonilal: Minister, are you aware that this is a critical pillar for solving and detecting crime in real time and are you aware that this is needed by the Trinidad and Tobago—

Madam Speaker: Which question is it?

Dr. Moonilal: Are you aware that this is an urgent matter facing the TTPS?

Hon. S. Young: The answer is absolutely yes and more so than anybody else particularly on the other side, I am one who is most concerned about ensuring the safety and security of every citizen of Trinidad and Tobago. And the continued politicizing by the Member for Oropouche East of everything related to crime does not pass the test of irony and hypocrisy. [*Desk thumping*]

Madam Speaker: Member for Couva— [*Interruption*] Member, Member, you are allowed two supplemental questions. Your time is now spent.

**Couva West Secondary School
(Details of)**

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Madam Speaker.

To the Minister of Education: Could the Minister inform this House if the Couva West Secondary School will be fully functional to facilitate the full resumption of classes for Forms 4 and 5 students on February 08, 2021?

The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker. Electrical damage of a power surge caused the sewer and water pump control panel to malfunction on January 25, 2021, at the Couva West Secondary School. This was repaired on the 4th of February, 2021, and as of today, repair is complete. Roof and electrical works in the VAPA block are currently being done,

however this block is not occupied and will pose no threat to reopening the school on February 08, 2021.

Mr. Indarsingh: Madam Speaker, taking into consideration that the school has not had a water supply since the 25th of January—

Madam Speaker: Question, please, Member, 15 seconds.

Mr. Indarsingh: Yeah. Could you assure the student population, teaching staff and non-teaching staff that there will be an adequate water supply on the 8th of February at the school to facilitate sanitization of all?

Madam Speaker: Minister of Education.

Hon. Dr. N. Gadsby-Dolly: Thank you, Madam Speaker. As stated, the repairs were completed on the 4th of February, and as of now, it is complete and there is a water supply to the school.

Madam Speaker: Member for Couva South, supplemental.

Mr. Indarsingh: Madam Speaker, taking into consideration that this school was closed on the 16th of August, 2019, as it relates to challenges with the air quality at the said school, could you confirm if an air quality test has been completed and that air quality test has given the right for all to occupy the compound on the 8th of February?

Madam Speaker: So, Member, I think you have asked the Minister in two previous questions about the school being fully functional to facilitate so that I would say that the question has been answered. Do you have another question? Supplemental?

Mr. Indarsingh: No.

**Petrotrin Refinery Compound
(Security Measures Implemented)**

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Madam Speaker. On behalf of the Member for Pointe-a-Pierre to the hon. Minister of Energy and

Energy Industries: Could the Minister state what measures are being implemented to prevent trespassing and the possible pilfering of assets located on the Petrotrin Refinery Compound?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam Speaker. On Wednesday the 3rd, as is now public knowledge, a man was electrocuted in the Pointe-a-Pierre compound where he was climbing to the top of an electricity pole allegedly to steal copper cables on a high-tension system of 3,000 volts. Obviously, he would have died.

Since 2019 and onwards, Amalgamated Security has had the security contract to secure the Pointe-a-Pierre compound including the refinery area. This contract largely has mobile patrol and gate management. Since then and progressing quite smoothly is the extension of these services to include expansion of CCTV and introduction of access control system, re-energizing the electricity coverage to reintroduce street-lighting in the area—which is not specifically Amalgamated's responsibility but Guaracara—increase perimeter signage, clear security roads to facilitate perimeter patrols, fence-line monitoring to identify and repair breaches, and in addition, mobile patrols have been ramped up to cover remote areas more frequently.

I think the Guaracara and Paria companies are using their best effort to secure the compound and obviously there will always be people who transgress the law and they are doing their best to hold it at bay. Thank you, Madam Speaker.

Madam Speaker: Supplemental, Member for Tabaquite.

Ms. Haynes: Thank you, Madam Speaker. Given these incidents and the measures outlined by the Minister of Energy, could you give us the cost of these measures and the cost of the mothballing of the refinery since November 2018?

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

Tabaquite.

Ms. Haynes: Again, could the Minister then indicate when we will learn of the outcome of the third proposal by Patriotic so that we could understand when the refinery will be bought or leased?

Madam Speaker: I would not allow that question. It is out of order.

ORAL ANSWERS TO QUESTIONS

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. There are six questions for oral answer and the Government will be answering all questions today. Thank you.

Resumption of School Transportation (Measures taken)

63. Mr. Rushton Paray (Mayaro) asked the hon. Minister of Education:

Could the Minister indicate what measures are being taken to resume school transportation for the proposed return to school in February 2021 of Forms 4, 5 and 6 students?

The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker. The Ministry of Education recognizes the need to provide transportation for students and as such has requested data on the number of students requiring this service from February 08, 2021. Schools will be operating with a hybrid approach to teaching for Forms 4 to 6 and have been engaged in formulating timetables to reduce as much as possible the number of students present on the compound at any point in time. Therefore, the information requested regarding the number of students to be transported has come in from schools during this week and the number of vehicles required for transport based on social distancing protocols is now being finalized by PTSC. It is expected that arrangements will be put in place for school transportation to begin during the week of February 08 to 12, 2021.

MiFi Devices

UNREVISED

(Details of)

65. Mr. Rudranath Indarsingh (*Couva South*) on behalf of Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Finance:

Could the Minister state how many of the MiFi devices promised in the 2021 Budget presentation were provided by December 31, 2020?

The Minister of Finance (Hon. Colm Imbert): I am advised that tenders have been invited by iGovTT for the provision of 45,000 MiFi mobile devices. The deadline for submission of tenders for these devices is Friday the 12th of February, 2021.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Minister, on behalf of the Member for Pointe-a-Pierre, can you inform this House what caused the delay given that the online school started since September of 2020, and the students needed the devices between November and December to be prepared for January?

Hon. C. Imbert: Madam Speaker, the Members opposite are very sensitive to breaches of procurement rules, so we have ensured that we have followed a transparent procurement process.

Mr. Indarsingh: Thank you, Madam Speaker. Given the Minister's following the procurement process to the T, could the Minister give a breakdown on the areas in which these devices will be distributed?

Hon. C. Imbert: Madam Speaker, the Member could not be serious. I am not the Minister of Education. With due respect, please pose that question to the Minister of Education.

**Mayaro Constituency
(Cutting/Trimming of Road Verges)**

64. Mr. Rushton Paray (*Mayaro*) asked the hon. Minister of Rural Development and Local Government:

Having noted the Minister's response on October 20, 2020 at the Standing Finance Committee meeting regarding coordination meetings concerning the cutting/trimming of the verges of the roads throughout the Mayaro constituency, could the Minister provide:

- a) a list of dates when and locations where these coordinating meetings occurred during the fiscal 2020; and
- b) the schedule of the dates and locations for the cutting/trimming exercises of the verges of the roads throughout the constituency?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. On behalf of the Minister of Rural Development and Local Government, I propose the following answer:

The three regional coordinating meetings were held at the Mayaro/Rio Claro Regional Corporation on the following dates: May 26, 2020; June 30, 2020; July 28, 2020. The CEPEP Company Limited has divided the environmental work area of the Mayaro constituency into four sections. Each section is serviced on a continuous basis in cycles which take approximately six to eight weeks to complete. In addition to the maintenance of road verges, CEPEP also clears and maintains minor watercourses and open spaces. Upon request, assistance is also rendered to schools, government Ministries and departments, religious organizations, community centres and non-governmental organizations. Thank you very much.

Madam Speaker: Supplemental, Member for Mayaro.

Mr. Paray: Thank you, Madam Speaker. Minister, I know you are not the substantial Minister but based on the response that you gave, can you offer perhaps an explanation that why as MP, we are constantly bombarded by residents who are complaining about the overgrown grasses on pavements, curbs, walkways, and in

Mayaro, we have had incidents of injuries? Perhaps you know, based on what you said, is there an explanation as to why it is constantly happening? Thank you.

Madam Speaker: Minister.

Hon. T. Deyalsingh: Thank you very much. By way of a breakdown on the works to comfort the hon. Member:

The Ortoire Village to Point Radix, they cut a verge of approximately 2,530 metres long, cleared watercourses, in metres, 640, and open spaces, 625 square metres. They did get special request from the Ortoire Government ECCE, Ortoire Government Primary School, Kernahan ECCE, Kernahan Community Centre, Mayaro Government Primary School, the Mayaro Library, Mayaro ECCE and the Mayaro Home for the Aged. Also, in Ortoire Village to St. Joseph Village, approximately 3,535 metres were cut, watercourses maintained, 1,585 metres, and open spaces maintained, 1,524 square metres.

To comfort the Member again, the Mayaro Rest House Village to Peter Hill Road to Plaisance Road to Peter Hill Road again, road verges—because the Member asked about road verges—2,530 metres, watercourses, 640 metres, open spaces 427 square metres. Edward Street, Solomon Street and Mayaro Junction, 2,530 metres were cut; watercourses, 488 metres. Naparima Mayaro Road, Rio Claro to Naparima Mayaro Road, Dades Road, verges 10,515 metres were cut, watercourses maintained, 5,650 metres, open spaces maintained, 4,650 square metres. Naparima Mayaro Road, Dades Road to Naparima Road San Pedro, road verges cut, 8,540 metres, watercourses, 4,020 metres, open spaces cut, 2,650. So a lot of work is going on.

Naparima Mayaro Road, San Pedro Junction to Tabaquite Main Road, road verges cut, 6,710 metres, watercourses maintained, 2,526 metres and open spaces, 8,800 square metres. Again, to complete the answer, Tabaquite Main Road to

Tabaquite Road, 1,650 metres were maintained and cut, 950 metres in watercourses, 9,975 square metres. Special requests were received from the Ecclesville Presbyterian Primary School, Rio Claro Presbyterian Church, Rio Claro Fire Station, Rio Claro Library, Weights and Measures Building Rio Claro, Rio Claro Hindu School, Rio Claro ASJA Primary School, Poole River Presbyterian Primary School, Navet Presbyterian Primary School, Cushe Government School, Cushe Government ECCE, San Pedro ECCE and Rio Claro East Secondary.

Continuing, Madam Speaker, Naparima Mayaro Road to Bristol Main Road to Mafeking Junction, 3,227 metres were cut, watercourses in that area, 1,531 metres. Mafeking Junction to Mayaro Junction, 3,200 metres were cut and maintained; watercourses, 1,890 metres. Mayaro Junction to Liet Street and Peter Hill Extension Mayaro to Radix Village, 6,629 metres were cut and maintained, watercourses 4,751 metres, and open spaces, 2,071 square metres. Special requests were received from the Mafeking Government Primary School, Mayaro pan yard, Mayaro Post Office, Mayaro Fire Station, Mayaro Anglican Church, Mayaro Roman Catholic Church, St. Thomas Roman Catholic Primary School, Mafeking ECCE.

Finally, Ferrier Circular Guayaguayare Main Road to **Lean** Street and Tynedale Street, 3,401 metres were cut and maintained; 1,098 metres in watercourses. **Lean** Street and Tynedale Street to Sea Wall, Guayaguayare, 5,497 metres were cut; watercourses, 558 metres. Sea Wall, Guayaguayare to Calmapass Village, 4,320 metres of verges were cut, 2,250 metres of watercourses were maintained, and 564 square metres of open spaces. Calmapass Village to Galeota Point Junction to Newlands Village—I wish St. Joseph had all of this—4,095 metres of verges were cut and maintained, 2,340 metres of watercourses, and 31 square metres of open space. Thank you very much, Madam Speaker.

**Salary Relief Grants
(Details of)**

66. Mr. Rudranath Indarsingh (*Couva South*) on behalf of Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Finance:

Could the Minister state how many new applications, exclusive of the cultural sector, were submitted and approved for individuals seeking assistance with Salary Relief Grants for the period September 01, 2020 to December 31, 2020?

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, during the period September the 1st, 2020, to December 31, 2020, 3,646 applications were received by email for salary relief grants. However, these applications were out of time and were therefore not approved. During the period September 01, 2020, to December 31, 2020, the salary relief grant office continued to be engaged with processing, verifying and/or validating incomplete or otherwise prima facie defective applications received during the period April to June 2020, in an effort to provide as much relief as possible.

Mr. Indarsingh: Thank you, Madam Speaker. To the Minister of Finance, could you inform this House if there are any outstanding salary grants yet to be distributed?

Hon. C. Imbert: Madam Speaker, I would have thought that would be self-evident from the second part of my answer.

Mr. Indarsingh: Thank you.

2.00 p.m.

Madam Speaker: Member for Pointe-a-Pierre.

**Real Estate Owned by Petrotrin
(Details of)**

67. Mr. Rudranath Indarsingh (*Couva South*) on behalf of Mr. David Lee

(Pointe-a-Pierre) asked the hon. Minister of Energy and Energy Industries:

Could the Minister state the value of real estate, including houses and bungalows, previously owned by Petrotrin, that have been sold or were in the process of being sold between the period December 01, 2018 and December 31, 2020?

Madam Speaker: Minister of Energy and Energy Industries.

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam Speaker. Madam Speaker, no real estate assets belonging to Petrotrin, including its 383 houses and bungalows, have been sold and neither was any formal process launched for the sale of Petrotrin real estate assets over the course of the period from December 01, 2018 to December 31, 2020. An official market valuation of all real estate assets of Petrotrin has not been completed. A market valuation for the bungalows/houses, which was conducted by a valuation firm in 2019 put the market value of the stock of houses and bungalows at Petrotrin at TT \$515 million, that is exclusive of land value.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Minister, could you inform this House of the name of the firm which conducted that valuation exercise?

Madam Speaker: Minister of Energy and Energy Industries.

Sen. The Hon. F. Khan: Certainly. That is easy information to pass to the Parliament.

Mr. Indarsingh: And when this firm was contracted and the cost that was incurred in terms of paying in fulfilling the contract for valuation, how much did the firm charge?

Sen The Hon. F. Khan: If you pose the question, I will surely answer it.

Madam Speaker: Member for Fyzabad.

COVID-19 Vaccine mRNA

69. Dr. Lackram Bodoë (*Member for Fyzabad*) asked the hon. Minister of Health:

In view of the fact that the World Health Organization (WHO) listed the Comirnaty COVID-19 mRNA vaccine for emergency use on December 31, 2020, could the Minister indicate whether this pathway will be utilized to expedite the introduction of this vaccine for Trinidad and Tobago nationals?

Madam Speaker: Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. Yes, the Ministry of Health is currently aggressively pursuing three options in sourcing an approved vaccine by the World Health Organization, including, the Pfizer vaccine for which the question is posed for Trinidad and Tobago, and these include:

1. Firstly, the use of the COVID-19 vaccines Global Access Facility, commonly known as COVAX, where an agreement was signed on September 18, 2020, and a down payment of US \$1,477,344, approximately \$10 million TT was made on September 29, 2020. It must be noted, Madam Speaker, that Pfizer was not initially a part of the COVAX facility, but subsequently joined in January 22, 2021.
2. Secondly, bilateral discussions with the vaccine manufacturer Pfizer Incorporated and the Ministry of Health began in earnest on December 22, 2020, with the intention of purchasing vaccines for use; and
3. Thirdly, the use of the Caricom initiative where Trinidad and Tobago is registered as a purchaser of vaccines via the African Medicines Council.

Thank you very much, Madam Speaker.

Madam Speaker: Supplemental, Member for Fyzabad.

Dr. Bodoë: Thank you very much, Minister, for that answer. Minister, could you update us on the state with regard to the negotiations with Pfizer, outside of the COVAX facility?

Madam Speaker: Minister of Health.

Hon. T. Deyalsingh: Sure, so as I said, we began in earnest with bilateral talks on December 22, 2020. Since then, we have signed a confidentiality agreement with Pfizer which prohibits me from disclosing any details until a contract is actually signed. So, we have reached the point with Pfizer where we have received a confidentiality agreement which we have signed on to and that is where we are with the bilateral talks with Pfizer. Thank you.

Madam Speaker: Supplemental, Member for Fyzabad.

Dr. Bodoë: Thank you, Minister, I understand but would you be in a position to indicate at all to the country when vaccines might be available without disclosing details from the separate arrangement outside of COVAX?

Madam Speaker: Minister of Health.

Hon. T. Deyalsingh: Sorry, do you mean outside of COVAX? Okay, so we do not have a firm date yet for receiving vaccines outside of COVAX. We have a firm date from PAHO from within COVAX which I have announced. They are saying by the end of February beginning of March we will get between 100,000 to a 117, a 120,000 doses of the AstraZeneca vaccine. Outside of COVAX we are having bilateral talks not only with Pfizer, we have had talks with Moderna, Sinopharm. We are also going to be having separate bilateral talks with Johnson & Johnson. So those are all the avenues we are exploring outside of COVAX. Thank you very much.

Madam Speaker: Supplemental, Member for Fyzabad.

Dr. Bodoë: Thank you, Minister. With regard to the Caricom initiative, can you provide an update as to where that is?

Madam Speaker: Minister of Health.

Hon. T. Deyalsingh: Sure, thank you. So with the Caricom initiative, we are now firmly registered as a country authorized to receive vaccines via this initiative. We have been allocated roughly about 226,000 doses of whichever vaccine we get via the Caricom initiative, which is being managed by the African Medicines Council using a COVAX-like type structure. Okay, so that is where we are, but we do not have firm dates as yet. We are trying to get not only the quantity, but also price arrangements and so on. So we are working behind the scenes very hard to do all of those things. Thank you very much, Madam Speaker.

STATEMENT BY MINISTER

Trinidad and Tobago National Youth Policy (2020—2025)

The Minister of Youth Development and National Service (Hon. Fitzgerald Hinds): Thank you very, very much, Madam Speaker. I have been authorized by the Cabinet of the Republic of Trinidad and Tobago to make the following statement.

Madam Speaker, it is certainly with more than usual pleasure for me as Minister of Youth Development and National Service to present this statement on the National Youth Policy of Trinidad and Tobago (2020—2025) to this very distinguished House, following the authority of the Cabinet to do so.

Madam Speaker, the Cabinet of the Government of the Republic of Trinidad and Tobago granted its approval of the National Youth Policy for

Trinidad and Tobago on Thursday, January the 14th, 2021. This policy was formulated using a widely participatory process and was informed by the findings of several community consultations, key informant stakeholder surveys and interviews, desk and peer reviews, focus group discussions with youth, youth leaders, representatives of youth serving organizations and civil society, as well as a National Youth Survey. The policy was also informed by pertinent aspects of the emerging global youth and policy development discourse, both regionally and internationally, including 30 plans, policies and reports. A few examples of these include our own:

- Vision 2030 - National Development Strategy for Trinidad and Tobago;
- The Roadmap to Recovery for Trinidad and Tobago: Post COVID-19;
- The Sustainable Development Goals (SDGs);
- The Caribbean Community Youth Development Action Plan (CYDAP);
- The Global Youth Development Index (GYDI); and
- The International Convention on the Rights of the Child.

Madam Speaker, the National Youth Policy provides the Government and other key youth development stakeholders, with a guiding framework that will, among other things:

- Positively influence and transform the youth development landscape;
- Support the institutional strengthening and strategic repositioning of youth development agencies;
- Support the mainstreaming in youth development processes in Trinidad and Tobago;
- Facilitate stakeholder engagement and participation in youth development initiatives;

- Provide a virtual tributary of Trinidad and Tobago's post COVID-19 Recovery Plan and the wider 2030 Sustainable Development Agenda.

The Ministry of Youth Development and National Service and the Government will take a positive youth development approach. This approach does not perceive our youth as a problem to be solved or fixed. Rather, through this approach we see youth as a national treasure, a national resource, an asset and as a socio economic growth pole. More importantly, we see them as co-creators and contributors to sustainable development.

Young people are to be respected, nurtured, positively influenced, guided, supported and moulded for the benefit of themselves, their peers, their families, their community and our country. They are not only leaders of tomorrow, but leaders of today. And we at the Ministry of Youth Development and National Service with the assistance of our key stakeholders, Government Ministries, Police Youth Clubs, youth-led and youth-serving organizations, volunteer groups, NGOs and FBOs, will guide them steadfastly along this path, in keeping with the principles of the National Youth Policy.

One of the major highlights of this policy, Madam Speaker, is the widening of the definition of our youth cohort. The previous National Youth Policy defined youth as persons ranging from ages 12 to 29. However, this new National Youth Policy defines youth as a person between the ages of 10 and 35 years. With this, Madam Speaker, we have adopted a life cycle approach to youth development and have considered the unique and diverse needs of young people in their middle childhood, adolescent years, and as well, those in early adulthood and those transitioning from youth. In this regard, the youth population constitutes approximately 40 per cent of the national population, that

is, some 436,000 persons. We propose to leave absolutely no youth behind.

Madam Speaker, in this policy it is bolstered by eight strategic pillars, which worked cohesively to enhance the overall quality of life of our nation's youth, in order that they may make purpose-filled strides to becoming civic minded citizens who contribute to the sustainable development of Trinidad and Tobago. These pillars, Madam Speaker, are:

1. Prioritizing youth economic participation and empowerment;
2. Harnessing youth social and intellectual capital;
3. Facilitating inclusive and active youth participation in the civic and democratic life of Trinidad and Tobago;
4. Creating safe spaces, peaceful communities, and environments;
5. Accentuating holistic youth health and well-being;
6. Emphasizing youth contributions to rural transformation, agricultural production and food security;

—pause to say we intend to put a significant amount of our resources and focus upon that.

7. Supporting youth action on climate change, environmental sustainability and climate justice; and
8. Creating an enabling environment for positive youth development.

These pillars, Madam Speaker, will be operationalized through strategic development interventions, utilizing youth mainstreaming strategy, and will be supported by timely investments in youth empowerment initiatives, inclusive and active participation of young people, responsive and functional institutional arrangements, functional strategic partnerships among crucial youth

development stakeholders, and a professionalized youth development work culture.

The Government of the Republic of Trinidad and Tobago and the Ministry of Youth Development and National Service remain committed and steadfast in our focus and commitment to the youth and will continue to play a critical role in the successful life cycle of future generations and the leadership of our twin-island Republic.

The safety of our youth has always been and continues to be vested in the hands of the family, and extended family members, inclusive of neighbours and teachers. While this type of nurturing is still fundamental, it has changed considerably, driving the Government to assume greater responsibility for the care of the youth—sometimes adopting a paternalistic posture.

Colleagues and fellow citizens, the radical change we wish to see for our youth will not be achieved overnight or in isolation. It is imperative that all players and stakeholders highlighted in this policy, that is to say parents, guardians, teachers, private and public sectors, FBOs, NGOs, join this movement and contribute towards the upward trajectory of our nation's youth.

The critical undertaking and advance of our youth is not one that we at the Ministry take lightly. Thus, we have and will continue to create opportunities to engage all stakeholders in an attempt to achieve the objectives of this youth policy. Hence, our Policy Mission, Madam Speaker, is to, and I quote,

...contribute to the development of intellectually accomplished, politically conscious, culturally literate, economically empowered, socially connected, technologically savvy, healthy young people, living in

peaceful, diverse circumstances, communities and nurturing environments and are strategically engaged as active citizens and co-creators of Trinidad and Tobago's economic recovery and sustainable futures.

I implore all stakeholders to join us at the Ministry of Youth Development and National Service, as we do right by our nation's youth by the implementation of the targeted programmes, guided and undergirded by this new National Youth Policy for Trinidad and Tobago. I thank you. [*Desk thumping*]

EVIDENCE (AMDT.) BILL, 2020

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi):

Thank you, thank you Madam Speaker. Madam Speaker, I beg to move:

That a Bill to amend the Evidence Act, Chap. 7:02 to provide for the use of different identification procedures, interviews, and oral admissions, special measure evidence by video link and matters related thereto, be now read a second time.

Madam Speaker, we stand as a Parliament today receiving the work of the Senate where the entire Independent Bench agreed with the Government Bench to support critical amendments to the evidence laws of Trinidad and Tobago for the peace, order and good governance of Trinidad and Tobago. The Opposition, unfortunately, has stoutly refused to support this law and that is entirely their democratic privilege and surely in today's debate, we will hear why.

Madam Speaker, Trinidad and Tobago wrestles on a daily basis with monsters, monsters who savage our children, our elderly, our loved ones. This Evidence Bill primarily seeks to treat with the evidence on how it is garnered

against monsters. It also includes aspects of the civil law and certainly, Madam Speaker, the civil law amendments actually form part of the crime fighting measures as the follow-the-money trail is tied into that. But today, as our country is engaged in a reactionary, though periodic cycle of coming out of our traditional caves, and making a cry and plea for better society by each person holding their part, today we have an opportunity in this Parliament, all of us, to stop monsters. [*Desk thumping*]

Madam Speaker, the law before us proposes an amendment to the Evidence Act, Chap. 7:02. That Act is now 171 years long, in vintage. We propose today in 12 clauses to make radical amendments that the country has been crying out for, for decades. Madam Speaker, fortunately, this Bill has received wide-scale public consultation. This Bill originally introduced in 2018, taken to 2019 in the previous Parliament, was the subject of a Special Select Committee of the Senate. And in that Special Select Committee, Madam Speaker, permit me to put on record the fact that the Judiciary, the Director of Public Prosecutions, the Legal Aid and Advisory Authority, Trinidad and Tobago Police Service, Trinidad and Tobago Prison Service, Ministry of National Security, Forensic Science Center, DNA Bank, Children's Authority, the Law Association of Trinidad and Tobago, the Justice of the Peace Association, the Assembly of Southern Lawyers, the University of the West Indies—the Trinidad Tobago Prison Service, the Children's Authority, the Justice of the Peace Association, all provided comment, all had their submissions entertained, all support this law.

2.20 p.m.

Madam Speaker, this law originated out of decades of work, as I said before.

But very importantly and usefully, the records of the Cabinet of the Republic of Trinidad and Tobago demonstrate that in 2013—October 03, 2013, Cabinet Minute No. 2831, under Prime Minister Kamla Persad-Bissessar, the Member for Siparia, approved the policy for amendments to the Evidence Act, a lot of which and critical important measures of which are included in this law; 2013, 2014, 2015; 2015 is election coming into effect, nothing was done. But very importantly, whilst there are many people that support this law, the Opposition does not. And in particular, in the Special Select Committee, the hand of one, then Sen. Saddam Hosein, put in a minority report strenuously objecting to a very critical provision called, “anonymous witness evidence”.

Anonymous witness evidence would have required us to have a three-fifths majority support. Even though the Independent Bench supported and every stakeholder supported, it was clear that that Bill in the Senate in the last Parliament would not see the light of day in the House. Unfortunately, Madam Speaker, as we get to the policy that this Bill incorporates as it relates to the approved policy of the Cabinet of Trinidad and Tobago, I am compelled to put on the record that the 2013 UNC policy included vulnerable witnesses and special measures accorded to them, protection, and specifically under proposed legislative amendments at page 40 of the approved policy behind this Bill, the following features were to be included: use of a screen, video link, closed proceedings, support persons, aids to communication, video recorded evidence, all of which are in this Bill—and hear this one, “witness anonymity orders”.

So the witness anonymity orders which give witnesses a fighting chance so that their lives can be preserved, so that they could turn up into court and give evidence and not have trials limping along or having accused walk free as they must when their cases are discharged because witnesses do not turn up, the fighting

chance to preserve the lives of witnesses by the use of witness anonymous orders approved by the Member for Siparia when Prime Minister fell into odium and disgrace under the hand of one Sen. Saddam Hosein. And today I ask this country, what is different between 2013 policy approved under the Member for Siparia and the law which we as a country [*Desk thumping*] have to now fight? You see, Madam Speaker, it is all well and good to pick up a candle and hold a vigil [*Desk thumping*] when we each have an opportunity, as in this House today we do, to take our respective role seriously, stop playing games. No need to hold a candle on a pavement crying for a citizen of this country, a child murdered, when you could turn up in Parliament and [*Desk thumping*] be consistent—and be consistent with your policy to reform the laws of Trinidad and Tobago.

So let us get to the Bill and let us leave aside those who wish to protect monsters for a moment. This Bill, clause 1, simple, title; proclamation. Clause 2, the Act is meant to be Evidence Act. Clause 3, the interpretation section is being amended by the inclusion of a new clause 1A, section 1A, and in that section 1A, permit me to say, it is a critical amendment where we chop off the provisions of section 14(1) of the Evidence Act and we put the general interpretation to the whole Act. Why? We want a business, a document and a statement for the benefit of the entire Act because when we get to following the money and complex fraud and complex crime, and terabytes of information and millions of documents have to be admitted into evidence, you do not want to have to spent 20 years tendering each paper document. And therefore, clause 3 is a critical amendment because if you take the money out of crime, you stop monsters from profiting, Madam Speaker.

Madam Speaker, clause 4, it is the most lengthy clause; clause 4 produces a new Part 1A, the “Police and Criminal Evidence”, Division. Madam Speaker,

permit me to say in clause 4, which spans many pages, which spans new proposed introduced sections 12A right down, Madam Speaker, to section AL, as in ‘Lima’, we now propose to harmonize a number of facets. You see, Madam Speaker, in our laws, we have the position where having amended our laws in a piecemeal fashion, we must now look to consistency of evidence. Why is a person with 70 charges out on bail? It is a question in the minds of the citizens of Trinidad and Tobago. Why do trials collapse? Why are people not restricted in terms of bail in the existing systems? Forget the Opposition’s refusal for a moment to support bail amendments. The answer is to be found in the fact that there is an inconsistency in the evidence management and whilst we have the rules of the Supreme Court, we have the Criminal Procedure Act, Chap. 12:02.

We have the rules made under section 78(A) in the Criminal Procedure Rules brought by this Government. We have the rules amended again in Legal Notice No. 141, in Legal Notice No. 114. Whilst we have the *Judges’ Rules and Administrative Directions to the Police* made by the Trinidad and Tobago Ministry of Home Affairs in 1965 and which still prevail; whilst we have the identification parades, Judges’ Rules published in 1994 in Trinidad and Tobago; whilst we have the Trinidad and Tobago Police Service, Standing Order 29; whilst we take reflective benefit on the common law and the incorporative practice in Code D in the police and criminal UK provisions; whilst we have all of that, what we see happening is that Trinidad and Tobago continues to be burnt to the ground, monsters walk because nobody will take the courage—courageous step to fix the evidence laws. And today this Bill treats with that, Madam Speaker, in a very profound way. After years of consultation, special select committee, umpteen stakeholders, the only thing holding us back from success is the passage of this law. Because this is not going to be a magic bullet, a panacea to crime but it is us

doing our part on the systems of evidence.

And permit me to say, as it relates to the common law, we are not abolishing the common law, we preserve the common law. We are not throwing out the issues and inconsistencies in relation to confessions, we preserve those because we uphold the fairness of trials. We exclude unfair evidence as we see in section 12AL—in clause 4, new section 12AL, but what we are doing is we are harmonizing the law so that the police have a consistent approach and standard so that success can happen in prosecution. May I ask what time is full time?

Madam Speaker: 2.45:23.

Hon. F. Al-Rawi: Much obliged. Madam Speaker, permit me to get to the Bill and to link the concepts in some greater detail.

So, Madam Speaker, as I said, the new Part 1A proposed to be introduced by clause 4 in five divisions and the five divisions treating with the disaggregation in certain matters. The first division that we come up in clause 4 is where we introduce identification procedures. We come up with the concept of first description. We come up with the management of investigating officers. We come up with the investigating officer standing apart from the identification officer. We have incorporated, in a nutshell, Madam Speaker, the primary, well-recognized provisions of our Judges' Rules, the Trinidad and Tobago Police, Standing Order 29, as well as Code D, annexes A, B, C of the PACE, the Police and Criminal Evidence Act, 1984, of the United Kingdom because, Madam Speaker, we are required to make sure we harmonize the law.

We introduced the use of technology. We introduced the use of video mechanisms for identification of photographic mechanisms for identification, et cetera. So in clause 4, in Division 1, in the new proposed sections 12A to 12P, we treat with eyewitness matters. And we treat, Madam Speaker, specifically with the

cautions and prescriptions offered in classic case law such as the Turnbull guidelines, well known to practising attorneys. Madam Speaker, when we get to that particular clause 4, we are also minded to reflect upon the harmonization of a number of amendments that we made to the law. We are harmonizing the concept of appropriate adult as found in the Children Act, Chap. 46:01, as we deal in the Sexual Offences Act, Madam Speaker.

We deal with the concept as well, Madam Speaker, of how we manage child witnesses. The breadth and expansion of courts which we had in our Criminal Division, et cetera, we must harmonize those laws. We deal, Madam Speaker, with the concept of interview and interviewer and who the investigating officer—and also, we widen the category of police officers to specifically allow Special Reserve Police Officers. Why? Because we now use Special Reserve Police Officers, SRPs, all 3,399 of them in the Homicide Bureau and in the white collar arena, and therefore, we want to capture the utilization of SRPs. Madam Speaker, when we get to Division 3, which is the other aspect of clause 4, permit me to put on record as we go through the proposed sections 12Q to 12Y, we are looking there now at the whole management of interview and oral admissions in 10 proposed new sections. And in looking at that procedure and prescription as we set out in the Bill, we are looking to capture a consistent approach, Madam Speaker, to how we manage the hierarchical use of evidence procedures.

We introduced detailed guidelines for the conduct of those procedures. We allow for the management of the preference moving from physical interview and aspects, from use of technology, from identification in the aspects of public place with consent, public place without consent, right down to confrontation, Madam Speaker, which can be quite traumatic for witnesses. But this new part in this new division provides the prescriptive measures to be followed in how we use the

technology, how the master copy of video evidence is to be maintained, how the evidence is to be certified, when the utilization of Justice of the Peace is required, when it is considered to be wrong to be in possession of, as you will see later in the Bill, the original technology. All of these aspects are bound inside of, when we look to the new proposed section 12R, matters including the introduction of a register of interviews.

Gone are the days, if this law is reality, of somebody saying, “Ah loss meh station diary. Ah cyah find de pages. Ah can’t find my pocket book.” It is intended to use the technology so that you have a register of interviews so that when you are getting to the court, the court knows when it happened, who it happened before, who the Justice of the Peace is and the rights of the individual, every objection, every statement, every purpose, all recorded in the register of interviews, in addition to the individual aspects. Madam Speaker, when we get to Division 4 of clause 4, seven sections, sections 12AA to 12AG, as in “Golf”, we are looking to the critical aspect of special measures and evidence by video link, and here it is where we allow the court the privilege of special measures.

Now, it is true that under our Children Act, Chap. 46:01, and our Sexual Offences Act, Chap. 11:28, we have the use of special measures, special aids, special tools so that vulnerable witnesses, children, et cetera, people with incapacities, in terms of their mind or their body, can be managed in that system. But when we look to these special measures, Madam Speaker, we also balance it against the rights of the accused and therefore we provide for due process and fairness of trial. We provide for the utilization of attorneys-at-law. You have the constitutional right to consult your attorney under section 5 of the Constitution. All of these are carefully balanced to ensure that the law remains proportionate.

Madam Speaker, it is in this particular location that we lost, thanks to then

Sen. Saddam Hosein, thanks to the Opposition's position, as the UNC Opposition, that we lost the provision of witness anonymity orders. That was in a previous version of the law. We were compelled to remove "anonymous witness orders" which would otherwise require a three-fifths majority support because the Opposition simply will not support it even though [*Desk thumping*] the Cabinet approved policy, under the Member for Siparia as Prime Minister, specifically and in writing, approved the chapter and verse of the law.

Madam Speaker, let us get to Division 5 of clause 4 and let us reflect upon the supplemental provisions in the five sections proposed to be introduced in new sections 12AG, as in Alpha/Golf, and AL, 12AL as in Alpha/Lima. This is where we see the introduction of video evidence in CCTV. The Minister of National Security is working assiduously to ensure that "eyes everywhere" becomes a reality in Trinidad and Tobago. It is tied in to the Minister of Works and Transport and other aspects where we introduce radio frequency ID plates. It is tied into the motor vehicles and road traffic arena. It is intended that with your RF tag IDs and with your "eyes everywhere", your CCTV evidence can be admissible under the law without going through loopholes to get there. And therefore, in the months ahead when this is operationalized, monsters driving cars, as pretended taxi drivers or as PH drivers, monsters become known to the law. But here we rely upon the admissibility of CCTV evidence so that you are not traumatizing a witness to step forward and say, "I, Faris Al-Rawi, I am pointing out John Brown as the person," and therefore putting family in risk.

Madam Speaker, when we get to the proposals for 12AI, 12AH as it has been renumbered, that is the ability of the Minister to make regulations. I will put on record that we have already circulated the regulations. They are drafted already so we can immediately proclaim this law. They lie since November with the

Commissioner of Police and the DPP. They have been circulated to the House and to the Senate, and those regulations are ready to rock and roll. Madam Speaker, when we get down to the proposals in 12AJ, 12AK—sorry, AI and AJ, we are looking at the preservation of the children's route. We are specifically preserving the children's route. Now, mind you, I want to repeat again, we are not abolishing the common law. If we had intended to abolish the common law, we would have to say so expressly in the law and we are not doing that. I draw in aid when we wanted to abolish the concept of recent complaint or to abolish the concept of bad character evidence, the parent law had to say that you are abolishing the common law and we are not doing that here. So we are preserving the children's routes.

Madam Speaker, I turn now to clause 5. Clause 5 proposes, Madam Speaker, a very important provision, the right of the prosecutor to not be constrained in doing a reply. Currently the law is deficient. Currently the law only allows for a reply to happen if the accused take certain steps. In this instance here, the prosecutor is being given the statutory right to address and to give a reply, and this is critical if we want to ensure a better chance at safe prosecutions. Madam Speaker, clause 6 and clause 8 are tied in. Clause 6 proposes an amendment to section 14B of the rules in relation to computer evidence, admissibility for criminal matters and clause 8 proposes an amendment to section 40 which deals with the civil standard of computer evidence admissibility. These two matters will result in complex fraud matters being able to be successfully managed so that we do not go through the insanity of paper admission of marking each and every document and having to prove the old school performance of computers.

I ask you to note, Madam Speaker, our current section 14B and section 40 were designed on the basis of the United Kingdom approach at a particular point in time. When we adopted these rules in 1996, the year after in 1997, the UK

abolished that approach. And therefore, since 1997 to 2021, we have been working on something since 1996 and 1997 determined to be unworkable in the United Kingdom or with complications; we fixed that today. Madam Speaker, it is clause—forgive me, clause 5 I made incorrect reference to. Clause 5 is to remove the definition section back to clause 3. It is clause 7 that treats with the right of reply, as I have described it, for the prosecution and safe prosecution. I apologize for the mix up there.

Madam Speaker, clause 10, clause 11 are also in line with clause 9. Here is where we tidy up and make consequential amendments because of the adjustment of the provisions for definition in section 41, for other amendments in section 43 in light of the proposed amendments that this Bill ties in. Madam Speaker, clause 11 introduces an amendment into the First Schedule by providing the forms for the youth certification by the Justice of the Peace on an identification procedure. And clause 12 very importantly adds the Director of the Financial Intelligence Unit into a category of persons, alongside law enforcement, so that the FIU's power in following the money is made somewhat easier.

Madam Speaker, this Bill is good law. [*Desk thumping*] This Bill stands to the benefit of the people of Trinidad and Tobago. This Bill has been in the works for decades. This Bill has received wide-scale public sector consultation. [*Desk thumping*] This Bill has been supported by the entire Independent Bench. [*Desk thumping*] This Bill is in line with policy approved by the UNC. [*Desk thumping*] This Bill is a companion Bill to the Bail (Amdt.) Bill. This Bill is a companion Bill to the “follow the money” suite of law. This Bill is a companion Bill to the modernization of the Judiciary. This Bill is a companion Bill to the elimination of backlog and delay. This Bill is in line with the Judiciary's hard push and the Law Association's hard push and the DPP's hard push measures, now added by the

Legal Aid and Advisory Authority and the Public Defenders into the entire criminal justice system.

This Bill is in line with the radical amendments at the prisons. And I would like to put on record here today in answer of one query coming from the Prison Officers' Association. I confirmed yesterday with the Commissioner of Prisons that as a result of litigation brought by the Attorney General's Office in the COVID pandemic and the early release of prisoners, over 900 prisoners have been released and have had the benefit of a radical approach. [*Desk thumping*] Madam Speaker, the Magistracy's caseload is now reduced by over 112,000 cases from 146,000 cases. There are better days. But, Madam Speaker, I end by saying, this Bill is in line with the aspirations of the people of Trinidad and Tobago, [*Desk thumping*] and each one of us must do our part.

The path of an elected parliamentarian is in the Parliament where the privilege to make law lies. I call upon the Opposition and the Leader of the Opposition to put the people of the Republic of Trinidad and Tobago first. [*Desk thumping*] I call upon the charade to end. The crocodile tears on a pavement after a tragedy does not help the people of Trinidad and Tobago. [*Desk thumping*] What helps is passing good law, pass the Bail (Amdt.) Bill, pass witness protection, pass the anti-gang law, pass the Evidence Bill. Madam Speaker, I will pay close attention to the submissions from my friends opposite because in the Senate, we were not regaled with any sensible submission and certainly no submission of length. I hope the House today has those submissions. I note the absence of the Leader of the Opposition, the Member for Siparia, and I wait with bated breath. I now end by saying quite simply, I beg to move. [*Desk thumping*]

Question proposed.

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

Mr. Dinesh Rambally (*Chaguanas West*): Thank you. Thank you, Madam Speaker, for the opportunity to contribute to this debate. Madam Speaker, it would be remiss of me if at the very inception that I do not express some sentiments on behalf of all of my colleagues on this side as this nation mourns the horrific murder of a beloved child and a beautiful daughter of our soil, Andrea Bharatt. Let me firstly express my deepest sympathy to her family and loved ones. I want to say to them, on behalf of those on this side, that your grief is not yours alone, all of Trinidad and Tobago is weeping with you. [*Desk thumping*] May you find solace to cope and the strength to go on knowing full well that you are not alone. You see, Madam Speaker, Andrea's death has taught us many lessons and chief among them is that we are bound together. As a people, we are bound together by bonds of love and compassion when we feel someone else's grief as our very own. Trinidad and Tobago is united in mourning the loss of Andrea, and I say in conclusion on these sentiments, may she find eternal rest with her creator.

Madam Speaker, that having been said, I have to say that I do not think—now is hardly the time to try and seek political points and to talk about—I heard my good friend, the hon. Attorney General, talking about Bail Bill and anti-gang legislation and policies that were there before. There will be ample time to ventilate those issues. But it is a pity, and I have to say to my good friend that we have even had to confront that sensitivity, or I should say, insensitivity this afternoon, nonetheless we will have to deal with some of those. You see, it is a sad day for my friend, the hon. Attorney General, to come here and use a crisis to seek to exploit the grief of a nation to try and push through a piece of legislation which we really need to get proper; we need to get it right [*Desk thumping*] and that is what we are here for.

At the outset, Madam Speaker, I want to say that this Evidence Bill, it does

nothing—I want to make it abundantly clear, it does nothing to protect women of this country and we need to stop politicizing violence against women. This Bill is sterile. It is lip service and it would not protect our womenfolk. So I want to say that very clearly. Before I seek to delve into some deeper aspects of the Bill, I want to say that, hon. Attorney General, you have spoken and in the other place you spoke as well about what is the theme of this and the gist, the thrust of this Bill to seek to bring in evidence. And what is happening here is that what you are saying is that you are in effect trying to attempt a culture change when in the system as it stands—it is not I am saying this, if you talk to practitioners, you talk to the police men, you talk to law enforcement, they do not have the basic tools which they require to fight and to propagate law enforcement, and in the court system, in terms of investigations, they do not even have pocket diaries.

2.50 p.m.

So you are talking about moving away from pocket diaries, you are talking about codifying everything, but you have not spoken to the fact that it is a culture change. Policemen will have to record everything, and that is fine, but by seeking to record everything what you are in effect doing is that when that is not their culture, you are elevating simple breaches that exist now when they do not record things in their diaries, to what would be breaches of a statutory duty.

Now, it is very simple. When they do not record these breaches, what is going to happen? The evidence will fall apart. You could imagine, this is not rocket science. What you have is any attorney—you are giving them a lot of latitude to change the evidence now. So an attorney will basically ask, “Sir, as an officer of this court and as an officer fighting law enforcement, do you appreciate what your duties are?” “Yes.” Of course the officer will say that. “Have you sworn an oath to uphold the law?” “Yes, I have sworn an oath to uphold the law.” “So

you tell us now, Sir, how it is that having sworn an oath, explain to this jury why it is you failed to obey the law and just simply codify something and record it?” What would happen at that stage? The evidence would then become more subjective, more questionable in terms of its admissibility because you would say, “Members of the jury, ask this officer why is it that he failed to record something knowing fully well that he has to uphold the law. What is it to make us believe him on any other issue when he is already breaching simple laws?”

So these are things that may sound as though lightweight can be made of it, but these are very serious issues for those attorneys who actually practise in the criminal jurisdiction particularly. They will tell you that it makes the question of evidence admissibility something very elusive. So I say that before I get into it.

Now, my friend, the hon. Attorney General, in talking about some of the issues that he had raised about wanting to have the screens, we are not objecting to those things. We will not object to giving tools that law enforcement can use to, first of all, investigate; secondly, prosecute, and then you would want that the court system itself has the necessary tools to push through these trials in a very expeditious manner.

But when you are dealing with this Evidence (Amdt.) Bill, 2020, that is here, we have to answer the real hard questions: Do these agencies have the tools which they require? They do not, Madam Speaker. I want to say outright that they do not. Even today in this House we have heard about CCTV cameras and whether they are functioning and not functioning, and how many are actually functioning. These are all issues. They are real issues. So I do not think that we should just politicize something and seek to score points because the mood of the country is one that is crying out. What the people are crying out for is for good law. They are crying out for implementation of good law [*Desk thumping*] and they want to see trials being

done expeditiously.

So, Madam Speaker, one of the things that I want to say now is that when we look in particular at the Bill, there are certain errors that are obvious in terms of the drafting. But let me say that the Bill that is before us, it is supposed to represent the cusp for which we transition, and according to our hon. Attorney General, supposedly from the old ways of dealing with evidence to a new and more relevant way of doing so.

So, Madam Speaker, the Bill seems to have been drawn from several pieces of legislation around the world. I have heard common phrases like “PACE”, that is criminal procedure and practice originating out of the UK. This is not something that we should really boast of, that we are just cutting and pasting from different pieces of legislation from different countries. What I think we have here is that we have ran the risk of ending up—this is what this present Bill represents—we have ended up with what I would say is a ragbag of legislative provisions. What it does, it is actually promoting confusion and uncertainty, and in law, one of the key principles of the rule of law is that law must be certain. So both of these things, I point it out, because it really runs contrary to the rule of law and to the good administration of justice.

When we look at the Police and Criminal Evidence Act, 1984, out of the United Kingdom, known as “PACE”, this is one of several pieces of legislation that has provided guidance in that jurisdiction as well as ours. Now PACE was an Act meant to carefully balance police powers. I want to repeat: PACE was meant to balance police powers against the rights of the persons engaged in the criminal justice system, such as the witnesses, the suspects and the accused persons. I have not heard the Attorney General provide examples within this Bill, which seek to illustrate this, where the rights are being balanced. What I heard him talk about is

in relation to having to remove some provisions so that we do not need to pass it with a special majority.

The reason for objecting to certain laws by colleagues was because, if those rights were not balanced, or that we perceive that there would be an infringement of fundamental rights, that is not the type of law we are prepared to support. We have to see that there are systems and implementation of systems so that rights are balanced. People's rights are protected.

The UK has taken this balancing act rather seriously. I want to say, with the greatest of respect to my good friend, it seems as though by piloting this Bill, we have not. So sadly, we have not taken these rights properly into account.

I start with the definition section, please, Madam Speaker. Very early on—because this point has been made by our hon. Attorney General when he piloted the Bill in the other place, and even today—that you are looking to protect the vulnerable in the society; you are looking to protect the children in our society. So if we are seeking to do that, I want to start with the phrase, “appropriate adult”. These are not just two arbitrary words in the Bill, “appropriate adult”. In fact, they carry very specific meaning, and the specific meaning in the context of this kind of legislation is critical.

What I would say, before I dig down into the details, is that it has failed to capture the significance of what really is an appropriate adult. So the criminal justice system—and this is the comparison that we have to look at now—in the United Kingdom, post the PACE era, was seen as a welcome restart button for the United Kingdom. Under that system, the appropriate adult is practically an institution in its own rights. You have a body, a department that is set up, that you are training persons called “appropriate adults”. So it is not just somebody who you could pick up at the side of the road and say, “You, you need to show up in

court because we need an appropriate adult.” It does not work like that. You have an institution that—it is called the National Appropriate Adult Network. So they have appropriate adult schemes and there is government guidance of what an appropriate adult ought to do. We have heard nothing about that throughout the piloting of this particular Bill before us. [*Interruption*]

So, Madam Speaker, it is not coincidence that they use “appropriate adult” twice. What happens is that I think—

Madam Speaker: Member. Okay, Members, please settle down. I am hearing a lot of talk. It is interfering with my ability to hear the Member. Sorry, Member, please continue.

Mr. D. Rambally: Thank you, Madam Speaker. I was just about to make the point that the Bill before us has wandered far, far away from stating the duties, the roles and the functions of the appropriate adult, and it betrays a lack of proper foresight. This Bill merely states who can pass as an appropriate adult, but it does not go further to state what such a person must do, or what the appropriate adult must be capable of doing. These duties must be precisely defined in the interest of the administration of justice.

Allow me to point out how we have fallen very short of properly positioning the appropriate adult in the right places in this supposedly game-changing piece of legislation.

Based on section 12, we can feel comfortable that the appropriate adult is meant to assist in proceedings in the police station, where a witness might be a child or is a child with a particular disability. So under section 12Z(3) we get a definition of “vulnerable witnesses” in respect of whom an appropriate adult may be necessary. That is accepted, we do not fight that.

“‘vulnerable witness’ means a witness whose ability to give evidence or the

quality of whose evidence is likely to be affected by reason of—

- (a) the age or immaturity...
- (b) ...physical disability or mental disorder...
- (c) ...trauma suffered by the witness...
- (d) ...fear of intimidation of the witness...
- (e) the witness being a virtual complainant in proceedings for a sexual offence.”

Madam Speaker, what about when the child or the disabled person is not a witness but is, in fact, an accused? The definition does not take that into account.

So this vulnerable person or vulnerable witness, when you seek to appoint an appropriate adult, it is only in respect of a vulnerable witness, but not a vulnerable accused.

This is what I want to repeat because this is where we say that rights have to be balanced. The rights of the accused are fundamental. That is where I think Members on the other side and particularly my good friend, the hon. Attorney General, fails to appreciate. We will support law where rights are balanced, where fundamental rights are upheld. [*Desk thumping*] You see, fundamental rights are critical to the delivery of justice. So when we are talking, it is not a lynching session that we want to unleash in the courts. We want to unleash a proper functioning justice system. There is a distinction.

So, in this Bill, there is no specific mention of the role of an appropriate adult for a child accused or an accused who is somehow disabled. So that is one way in which we have fallen short in terms of the definition.

As a matter of fact, there is also no mention of the functions and duties of an appropriate adult whatsoever. So you have a named person. This is a new player, a new character that you are introducing in the criminal justice system, but you do

not make any mention of what their functions and duties are. Again, if you have cited it or you have adopted it from PACE, the fact is in the UK, you can go in the UK Home Office website, you can go anywhere in their criminal justice system online or wherever, look at their learning, and you would see that you have a department, an entire department where these people are trained, what their functions are.

The very casual presumption that we could look at is that everyone knows what is an appropriate adult, but that that is not so. Do we know what is an appropriate adult? Again, bearing in mind that the appropriate adult is the person who is now being assigned to ensure the rights of a witness, a vulnerable witness. So, what are the duties of such a person, Madam Speaker? This is a clear underestimation by the drafters of the significance of the appropriate adult in this particular piece of legislation.

It is not enough to say they must be over 18 years old. It is not enough to say they must be well known to a child. It is not enough to say these things without stating exactly what their function and their role is. Appropriate adults ideally have to be familiar with the rights of the accused. They have to become aware of the various procedures that may take place in the police station. They must understand the full implications of an accused not providing answers to the officer. They must be brave and assertive enough to speak to the police officers in the event something is going amiss and, most importantly, they must be confident that they are entitled to do so without victimization. These are the persons who we are appointing to protect the vulnerable.

This Bill could have afforded them that confidence, if it was properly drafted, but sadly it was not. The role of an appropriate adult is designed, I repeat, to protect the vulnerable. It does not include giving legal advice to a suspect.

Though the inclusion by the Attorney General in the piloting of this Bill—though the inclusion of appropriate adult, in the absence of guidelines as to the role and the remit of an appropriate adult, I have already said it, can lead to confusion. This glaring deficiency, I go further, has to be rectified, please. We must have rectification on this point. Is it that you are squarely saying that the appropriate adult is only going to deal with vulnerable witnesses, or is it that it is meant to deal with vulnerable accused persons? Because in other jurisdictions, the appropriate adult actually is assigned to two categories of persons, at least. One is the accused who is 18 years and over, those who are—sorry, vulnerable, meaning persons who may be labouring under some kind of disorder, whether it be mental or otherwise, of being age 18 and over. Then you have those who are 18 and under, and that is in terms of witnesses. Then you also have appropriate adults, as I said before, for accused persons 18 and over, and also below 18, if they are suffering from, you know, I would say mental disorder or something that renders them vulnerable to the system.

Now, Madam Speaker, another key deficiency in this, and I point it out because it is exactly who can qualify as the appropriate adult. We go to the particular Bill itself that we have before us:

“‘appropriate adult’ means a person eighteen years of age and over and who is a—

- (a) social worker;
- (b) welfare worker;...
- (c) Justice of the Peace;”

And I stick a pin here with Justices of the Peace. I know it has been cited in the other place, that really and truly whether you should have the Justice of the Peace just simply being slotted in to perform functions in the criminal justice system

when, in truth and in fact, that we know that these are persons, no disrespect meant to them, who are familiar with the process. They are familiar with the law enforcement officers and therefore, they may be somewhat sympathetic to what is being laid out on one side of the coin.

So I continue with that definition of “appropriate adult” that is before us. So:

- “(c) Justice of the Peace;
- (d) Children’s attorney as defined under section 88 of the Children Act;
- (e) any other responsible person with whom the Child is comfortable; or”—that is (e)—
- “(f) in the case of a person with a disability, the appropriate professional...”

“but does not...”—the section goes on further—“but does not include...”—then you have a list of items there.

Madam Speaker, what I want to say is that when we look at this section 12 and this definition of “appropriate adult”, what we notice is that the parent and the family members are not explicitly included.

So you have a definition section—and why I am delving into these details is because if we are looking at protecting the vulnerable in the society, and you are talking about passing legislation that would protect the vulnerable, this is one key area which is where we have to test— this is the litmus test for this particular Bill. We have to see if this does not work, really, why are we wasting time with the other parts of the Bill? Let us get it right. So appropriate adult, it does not explicitly define that a parent or family members are included.

What it does is that as an afterthought in the drafting, we note that they may be merely implied under 12(e), which is a generic category of persons, which is:

“any other responsible person with whom the child is comfortable;”

Now, Madam Speaker, it cannot be right that you are seeking to put a guardian or a parent under a category which says:

“any other responsible person with whom the child is comfortable;”

So you cannot include parents under the exclusion of the definition section. So I say this because parents are specifically addressed mostly in excluded groups in this Bill. So at different points in time, you would see that the parents of a child are actually addressed in the exclusion clause. So that is something that I say it is as though it is an afterthought.

An appropriate adult cannot be someone with a previous conviction relating to a child or on probation, or working in the police and/or rehabilitative services, unless that person also happens to be a parent. So look at where the parent comes in. It is not defined as “appropriate adult”, but it comes in the “unless” part of the exclusion of who is an appropriate adult. So I say this not to be facetious. I hope that the Attorney General looks carefully at these things, and we try to get it right.

By contrast, according to the United Kingdom Government’s “Guidance for Appropriate Adults”, the police’s preferred options for an appropriate adult are: the child or young person’s parent or guardian, a representative of the organization responsible for their care. So, Madam Speaker, we would like to see parents enjoy a more explicitly preferential designation under appropriate adult.

Now, Madam Speaker, when we look at subsection (e), child is comfortable with the person, or a person is well known to a child, I wish to take issue with the appropriate adult being someone with whom the child is comfortable, or who the child knows well. That by itself does not mean that the child is going to be safe.

Madam Speaker, according to 12(k)(ii), the particular clause, a person employed in a rehabilitation centre and is well known to the child, is not

sufficiently solid ground simply because just about anyone can be a well-known person. So a well-known person by itself, it does not suggest the protective relationship for which an appropriate adult is established under this Act to do.

Where the child shares a relationship of respect and trust, we have to look for persons with whom the child has that relationship, a person who is reasonable, respectable and responsible. So appropriate adults are expected to transact on the child's behalf with a certain skill set, and interact with the justice system with some sort of savvy. The professional appropriate adult whose services can be paid for and accessed is what—we have to make sure we have the infrastructure for that in this Bill.

So, Madam Speaker, I think I have made the point loud and clear. There is nothing of quality in this Bill about saying who the person appointed as appropriate adult should really be. I want to move on now. When we look at later on in the Bill, there is mention of who is a representative.

A—“representative”, in relation to a person, means—

(a) his Attorney-at-law;

(b)...his parent or guardian...”—et cetera.

So while the word “representative” can be interchangeably used for parent or guardian, it still does not refer to who is an appropriate adult. So, therefore, there is a clear, explicit exclusion of parents from being an appropriate adult. So I raise all of that with the hope that it can be taken on board.

We would like to see, inserted in this Bill, a provision which the parent or guardian of any child detained for questioning must be contacted, not attempts ought to be made. They must be contacted when it is you have these vulnerable persons, and I say accused now, being held. Once they are being detained for some reason, their parents must be contacted. I do not see that in the Bill. It is not as

clear as that.

So, Madam Speaker, I want to say that what can happen is that you should have inserted in the draft Bill itself at 12(j) where if the suspect is a child or vulnerable person, the parent, guardian, caregiver, representative of institution, representative of the suspect be contacted as soon as possible by an officer, to inform them of the suspect's detention. So all of these things is to ensure, as I started off, the balance of rights.

Madam Speaker, points made about the Justice of the Peace, I have referred to that, that really you should not be using them interchangeably, because they are very familiar with the persons.

We are talking about forensic artists. This again, when we are talking about the criminal justice system, we have mentioned of visible description, "computerised or artist's composite", image, composite or sketch. This is the language that we are seeing in the different clauses. If we are talking about a new era of evidence, there is no provision here about trained forensic and facial imaging artists, who have been specifically trained to assist victims in creating a composite image of a suspect. That is not mentioned anywhere here. You just have "sketches", and that already obtains, and that could only go so far in terms of pinning criminals down in a criminal trial.

We are talking about specialist hardware and sketching tools and equipment. These are things that you have an entire discipline in international universities that you can trained these persons. So it ought to be included and designed to be part of the legal procedure.

Madam Speaker, I want to say that where you have the word "practicable"—I am referring particularly now to section 12F(2), we must object to words like "if practicable". That is a very questionable and subjective condition to impose where

the fundamental rights of a suspect are at stake, so we have to make sure. The issue of independent legal advice has to be maintained as a pillar of justice, especially to those who may be unable to secure legal representation for whatever reason.

Madam Speaker, in conclusion, I want to say that a Bill is only as good as its application. We do not want to be in the situation of the Joint Consultative Council for the Construction Industry, who has called out the Attorney General to prove that corruption has declined because the laws are there on paper to theoretically support the possibility of a decline. We have no proof that we are better off in practice.

There is a saying, after all is said and done, more is said than done. So I want to caution against this kind of approach with this Bill. The enactment to the Bill, it looks good on paper, but it does not translate into redress for the accused. It does not translate into proper protection for vulnerable witnesses, for minors, for the disabled. This piece of law can only be deemed a success, if and when we can depend on it to help us move away from the present state of affairs, in which police stations are still using ordinary printing paper for photos, which becomes a crucial part of court documents later on; where there are still old black and white photos being used in the identification process; where people are not being given station diaries; where forms have to be endlessly filled, according to this Bill, and replicated, despite the dawn of the technological age; where cases are thrown out for lack of proper documentation; where suspects are treated with a certain level of discourtesy; where vulnerable witnesses are not protected properly. We need to consider this Bill again.

I heard the hon. Attorney General make reference to the regulations. We certainly look forward to seeing the regulations, but the Bill as presented leaves a lot to be desired. On this side, we want to move to a state where we have DNA

analysis taking the centre stage, especially where given all the touting that it has been enjoying in different forums, we want to move to fingerprint technology being upgraded to modern international standards; where backscatter x-ray systems can be accessible in all police stations, not only in ports of entry; where we can have these equipment that will detect weapons and narcotics, and where the resources necessary for the modernization of the police service are so applied.

Madam Speaker, these are my contributions. My friends will continue the debate, but I want to say to the hon. Attorney General—

Madam Speaker: Minister of Youth Development and National Service.

The Minister of Youth Development and National Services (Hon. Fitzgerald Hinds): Thank you very much, Madam Speaker. Of course, we conduct this debate in the wake, in the dark and painful shadow of the discovery and kidnap and murder of a young citizen, which has traumatized and aggrieved all of us in this nation. My friend made reference to it. I too would like to extend, on behalf of all of us, and all of the people of Trinidad and Tobago, particularly the young people, our deep and sincere condolences.

My friend from Chaguanas East though, in his comments, gave the impression that the discussion, the debate today is following on that development, but the AG made it very clear that this is not an overnight thing. [*Desk thumping*] His Cabinet approved the policy since 2013 or 2014. This matter has been gaining the attention of this Parliament, or the recent Parliament, since 2018. And therefore, if anyone got the impression that my friend was saying that the debate today comes in the wake of what transpired in the last 48 hours in Trinidad and Tobago, that is to be rejected as UNC rubbish. [*Desk thumping*]

We are the nation's leaders in some respects in this Parliament and we are being partly blamed for some of what is happening, not inappropriately or

incorrectly so, because we are the legislators, and the law is an important component in the struggle against criminal encroachment.

The Government has proposed these amendments, and as the AG pointed out, the UNC has objected to them. I want to know, on behalf of the people, what is wrong with my friends on the other side? Are they possessed of some matter outside of my own logic and understanding? What is wrong with them?

Madam Speaker, you heard Chaguanas West. It was the most pathetic defence of their objection and neglect that I have ever heard in this Parliament. I credit it to his newness. I credit it as well to his “UNC-ness”, but it was a pathetic defence. As a practitioner of the criminal law, I felt embarrassed.

For one thing, he told us the law should say the parent must be contacted. “What if de parents dead? What if de parents in Germany?” So to say in law the parents must be contacted is not the language of the law. He betrayed his ignorance. Reasonable attempts must be made to find the parents or the guardians or those responsible for the child.

3.20 p.m.

So he comes here and makes a song and dance and tells us rubbish, and he tells us that the Bill does nothing to protect women. If as the Attorney General easily convinced all right-thinking and sober citizens that these measures are to improve the practice and the law of evidence which is critical to civil and criminal matters in any court, are women not victims of crime?

So when persons are charged and you improve the evidence arrangements and you secure convictions or you improve your chances of convictions, are women not protected because they are as well victims of crime? What is my friend from Chaguanas East—West or East saying? But the public will judge him as the first spokesperson for the UNC in this House and they will assess the pathetic

response and the nothingness of it and ask themselves, as I do, why is the UNC objecting to this? I think I know why but it may be unparliamentary so I will skip past that for the time being. He highlighted a number of what he perceived to be big problems.

Madam Speaker: Hon. Member.

Hon. F. Hinds: Yes. He perceived to be problems, he talked about police resources, pocket diaries and lack of resources. Many years ago a former Member of Parliament here, Rambachan, Suruj Rambachan told us that he had to give copy paper to a police station. Since then it is like an anthem to them. All police in all stations need copy paper from somebody. That is not true, that is a myth and we do not want to be regaled with that kind of rubbish in a serious time like now, when the nation is in the trauma that we are in, and that has nothing to do with evidence in this context.

He told us as well that they “doh” have resources but the Commissioner of Police came before a joint select committee which I chaired a few months ago and told us categorically among other things that they were not short on resources in the sense that you will always need more but we cannot be now heard to say, we do not have enough resources to fight criminals. The Commissioner said so but he comes here today and tells us that. He gave us a flimsy example about police evidence—

Madam Speaker: So, Member, while I know it might be artificial to say “the hon. Member” all the time—[*Interruption*] Okay? You have to try to remember to use it.

Hon. F. Hinds: Thank you very much.

Madam Speaker: Thank you.

Hon. F. Hinds: I concur. Madam Speaker, but you must excuse a certain measure

of irascibility, Madam Speaker, because this is a serious time, a serious situation and the nation is looking at us to provide solutions to some of their problems and the flimsiness troubles me. He tells us about police evidence but the very amendments we are debating here and there were debated in the other place are amendments to—

Madam Speaker: Member. Let me hear.

Mr. Ratiram: The hon. Member continues to—

Mr. Al-Rawi: Standing Order.

Mr. Ratiram: Standing Order 45.

Madam Speaker: Okay. So we understand. I mean, while the Standing Orders say you refer to the Member by portfolio, hon. Member, we cannot say it all the time. But, again, I understand your passion but I do not think the passion could excuse the failure to honour the Standing Orders. Okay? Thank you.

Hon. F. Hinds: But the very amendments we are debating here, Madam Speaker, are amendments to the Evidence Act to codify all of the procedures in relation to certain aspects of the law of evidence. So I still want to know, why are they not supporting it? He tells us and I quote: we will not object to giving tools to law enforcement. But this amendment, these amendments are a tool [*Desk thumping*] which the DPP, the Chief Justice, the police, the Law Association, the prison, Justices of the Peace and a long list of critical stakeholders all agreed to and all support; is a tool.

He finds another flimsy offering to tell us that we took things from all over the world. The AG told us that. What a nation looks for is the best practice internationally and the police and the Criminal Evidence Act which I studied in criminal law when I studied in the University of London at the hands of Prof. Hogan and others who wrote the text that we read, tells us that that is a tried and

tested formula in terms of police relations and evidence which has worked. But he describes it as a rag bag of confusion because we drew elements from different jurisdictions including PACE. The independence in the other place, criminal practice experience, Sen. Vieira, Sen. Welch, especially Sen. Welch all had no problem with this. But the Member for Chaguanas East and the Member for Siparia and the Member for Barataria/San Juan have a problem with it. Again, the people of Trinidad and Tobago must ask themselves, why? [*Desk thumping*]

Madam Speaker: The Member for Chaguanas West spoke—[*Interruption*] No, no. The Member for Chaguanas West who preceded you.

Hon. F. Hinds: Chaguanas West.

Madam Speaker: Yes, please.

Hon. F. Hinds: Quite independently of all of that, let me just say, folly in the east, folly in the north, folly in the west, folly in the south, same folly.

Madam Speaker: Not just that, you know, a consistent error may be taken in a particular way.

Hon. F. Hinds: And instead of following the wisdom and the experience of Sen. Vieira and Sen. Welch in the other place, they decided to follow the Member for Siparia, Senior Counsel but I do not want to discuss that. All I know is that I remember the story about putting your hand in the cookie jar. But, Madam Speaker, he also spoke about balancing of rights and he told us that in the PACE out of UK, Police and Criminal Evidence Act that—

Mr. Ratiram: Standing Order 48(5), please.

Hon. F. Hinds: Member for Chaguanas West—

Mr. Ratiram: Unexperienced—

Hon. F. Hinds: Member for Chaguanas West—

Madam Speaker: All right. Yes. All right. Or just “the hon. Member” will do.

Hon. F. Hinds: Thank you. Tells us that he understands—the Member for Chaguanas West understands full well that the PACE out of England respects and achieves a balancing of the rights of the police against the accused and the suspects and all of that. And on the other hand, reminded us, that Member, that the AG is taking elements of that, and if that be so then we are balancing rights too. But the Member for Chaguanas West, one of his problems is that we are not balancing rights; nit-picking and frivolity to the highest, talked about vulnerable witnesses and talked about appropriate adult. Well, this is defined, the term “appropriate adult” is the defined in the Children Act, Chap, 46:01, and we are importing into this law all of the elements of that Act and all other laws pertaining to children. In fact, the new AI, 12AI tells us and I am quoting from the Bill, the proposed section 12AJ, now AI would provide that:

“Notwithstanding the provisions of this Part, where a person under this Part is a child, the provisions of the Sexual Offences Act, the Children Act, the Judges Rules for Children, 2016 and any other written law relating to a child, shall apply as necessary.”

Mr. Al-Rawi: Exactly.

Hon. F. Hinds: But the Member spent a lot of time telling us about his fears and concerns about “appropriate adult” and other issues around children when the law is in front of him. So I want to suggest that he uses the iPad that the Parliament gave him and research the law. [*Desk thumping*] And I want to suggest that, unlike the Member for Siparia he reads the Bill before he comes here—the Member for Chaguanas West reads the Bill before he comes here. This is an absolute embarrassment.

And worse, Madam Speaker, it is offered as for reasons as to why they will not support these measures to strengthen, improve the evidence law so that we

could get more convictions and deal with criminals in this country the way the citizens want us to. [*Desk thumping*] It is quite disturbing but I told you I have a theory as to why they are not supporting law, criminal law. And I understand what the Minister of National Security said earlier when a Member on that side has a fixation with everything about national security, what police are doing, where they are going, who they are talking to; very concerned. I did criminology at post-graduate level and that is the behaviour of people who have criminogenic tendencies. So that this Evidence (Amdt.) Bill must be read along with other laws, all other laws related to children, Madam Speaker.

Madam Speaker, the AG—and you know, I am at a point where I do not find, because I am a man of common sense, I am a sober man, I am an experienced parliamentarian, I have been here since 1995, I have seen many laws amended, many laws created, of all descriptions. I have participated in a multiplicity of debates over the years. I do not feel, Madam Speaker, that I am at the point where I need to explain the provisions of these to my colleagues on the other side, they understand them well. In fact they approved the policy for this. They sat in a joint select committee for months churning over this which makes it worse for the Member for Chaguanas West, because all the little nit-picking that we heard from him, from the Member here today, could have been ironed out in the Joint Select Committee. But they have the uncanny habit, inexplicable behaviour of coming to a joint select committee, spending nine months, going in the Senate to debate it and still objecting to the law.

So the Attorney General had to make massive adjustments to that law in the Senate because they would not support it with a special majority that was necessary because—to introduce the anonymous witness order provision, we would have required the support of three fifths of the Members of the House, and

they signalled that they are not doing it. And then the Member for Chaguanas West comes to tell us about vulnerable witnesses, meaning, a person who might be afraid to give evidence because I representing Laventille West, and I having represented Laventille East/Morvant have had people speak personally to me who would have witnessed serious crimes and afraid to give evidence because the current arrangements which would have worked well in past decades are not suitable for dealing with criminality in this time.

So the Attorney General expressing the authority of the Cabinet, we as Members of Parliament and appointed Senators representing the people of Trinidad and Tobago, he came here with a list of these and I am not going to into the technical elements of one because we have been through joint select committee, they approved a policy since 2013, we started this discussion on this Bill since 2018, 2019, 2020; this is 2021. It is not for ignorance, it is either wickedness or some other inexplicable reason which will become clearer later on, maybe the police will have to assist us. But we know one thing—

Mr. Rambally: Madam Speaker, I rise—[*Inaudible*]

Madam Speaker: Overruled.

Hon. F. Hinds: We know one thing, the police are among the key stakeholders who told the Attorney General and the Government of Trinidad and Tobago as we now stand, that they wanted. So this Bill, just for the benefit of the public, if not for my strange behaving friends on the other side who have demonstrated a tendency to oppose all serious and penetrating attempts at modernizing legislation to deal with criminals, those who speak the loudest about the police failure to detect and the conviction rate is low, the Chief Justice is saying, we want these amendments. But Kam—the Member for Siparia and the Member for Barataria/San Juan, the Member for Chaguanas West and the whole “ah dem”, they do not want it. “What

wrong with dem?” Why are they standing in the way of the safety, the protection, the advancement of the people of Trinidad and Tobago? Why? [*Desk thumping*]

So these measures deal essentially with identification and I will not go into the technical issues, I have read every piece of it, they are long and I can say as a former practitioner in the field of criminal law at all levels, Magistrates’ Court, High Court and a very successful record at the Court of Appeal, ask Senior Counsel Israel Khan and others, I am in a position to say, very sensible measures codifying things that we did for years in terms of first description evidence and all the elaborate procedures. I want to commend the Attorney General, all of that he has now put into legalese [*Desk thumping*] and offer that to this nation but it has to pass through the nation’s Parliament, and the UNC stands firmly in objection to it. Madam Speaker, I close by saying, in my view and to quote George Chambers in the past, they are too wicked. Thank you. [*Desk thumping*]

Madam Speaker: Member for Barataria/San Juan.

Mr. Saddam Hosein (*Barataria/San Juan*): Thank you very much, Madam Speaker, [*Desk thumping*] for recognizing me to join this debate on this Evidence (Amdt.) Bill. And, Madam Speaker, I heard the very animated Member for Laventille West in that very weak and poor contribution [*Desk thumping*] that he has a sterling track record in the Court of Appeal in terms of success rates. But, Madam Speaker, carrying Senior Counsel’s bag in the Court of Appeal is not an achievement. [*Desk thumping*]

And, you know what, this Member has boasted that he has been in the Parliament since 1995, and to see such a contribution like this where you have some changes to the law boasting that he was a criminal practitioner and not mention a single clause in the Bill. [*Desk thumping*] Not a single clause. Not a single clause the Member bothered to mention, because I am of the view maybe the

Member did not read the Bill at all. So the same iPad that all of us got in this Parliament, he should make use of that iPad and read the Bill. Read it [*Desk thumping*] and then he may have been able to recommend some changes to the Attorney General.

And I would like, Madam Speaker, to put something on the record, that he was absolutely wrong when he said that this Bill was committed to a joint select committee. Let him bring that report. This Bill was committed to a special select committee of the Senate, it is something totally different. He said a joint select committee. So had he read the report of the special select committee, Madam Speaker, he would have known the objections in the Bill. It is not that the Opposition was just objecting to the Bill. Madam Speaker, I as the only Opposition Member on that special select committee had a 15-page minority report indicating [*Desk thumping*] why we did not support the legislation. Fifteen pages, Madam Speaker, under my authorship, because I understood the far-reaching consequences that this Bill [*Desk thumping*] can pose on the criminal justice system.

Madam Speaker, what they are trying to do is reform the law in such a manner that the system does not work with it. So you have an outdated system, Madam Speaker, very outdated, and then you want to implement this very brand new rules of evidence when you know that if you proclaim this in the morning it will not work. It will not work. That is, Madam Speaker, like putting a pensioner to run a youth Ministry. That is like putting a Porsche engine in a Tiida. This is what they want to do, Madam Speaker, in Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, what you have to—what you hear them say in the Government, right—[*Crosstalk*] Madam Speaker, I am disturbed by some very ignorant and very “insultive” comments from the Member for Laventille West.

Madam Speaker: All right. So—

Mr. S. Hosein: I seek your protection.

Madam Speaker: Yes. Okay. So while you may be disturbed and seek my protection, I hope you will also not allow the disturbance to affect your composure and your general comradery and your general respect which you are known for. Okay? So I would ask all Members, while we allow some banter, it is unparliamentary to harass, molest a Member while making his contribution. It can be considered higher than unparliamentary. Continue, Member for Barataria/San Juan.

Mr. S. Hosein: Thank you very much, Madam Speaker, for your protection. And, Madam Speaker, I would just like to respond to a few points that the Attorney General would have made. And he said that we must stop the monsters. And I agree that we must stop the monsters, because evidence is what is required in any court of law to secure a conviction, and we must stop the monsters. But, Madam Speaker, we must first find the monsters, we must first have the evidence, we must first have the court systems, we must first have the judges, we must first have the jury, we must first have the prisons available in order to stop these monsters [*Desk thumping*] and that is what we do not have currently in Trinidad and Tobago. And this is all because there has been a failure of consecutively six years of mismanagement of the national security apparatus [*Desk thumping*] and the criminal justice system in Trinidad and Tobago. Madam Speaker, if we pass this Evidence (Amdt.) Bill, this is not going to solve the problem that we currently face. [*Desk thumping*] This is not going to solve the problem.

Madam Speaker, I heard that the Attorney General said that we must give witnesses a fighting chance. Yes, we must give them a fighting chance. But, Madam Speaker, when you look at what is currently happening in Trinidad and Tobago, the Bill does have some level of security only when you reach the stage of

a trial. Let me make that abundantly clear. The witness special measures only come in at the stage of the trial according to this Bill, because the witness is now being allowed to give evidence behind screens or through video link. But, Madam Speaker, what happens to that witness when the case, when the accused is now charged. He has to wait 15 years in witness protection before he could be protected by this piece of legislation that we are passing. Why did you not bring some reform to the Justice Protection Act to protect those witnesses now, [*Desk thumping*] so that they will come forward and remain in the programme?

Madam Speaker, last week we had a debate on this and there were several contributions especially the Member for Pointe-a-Pierre who spoke of witnesses who want to leave the programme because you do not have the resources, they do not have food, they do not have the proper protection, Madam Speaker, and then you are going to bring a Bill to now protect them when it is the trial. What were you doing with them for the last 15 years, Madam Speaker? We have to protect them straight through. Why is it a witness in this country must wait 15 years before he testifies? If we really want justice in this country, we have to fix the court system, and this Bill is not going to fix the court system. [*Desk thumping*] It is not. What this Bill is going to do is make investigations being conducted by the police very complex. You are going to add to the complexity of the evidence.

And, Madam Speaker, we have seen cases, and you may be familiar, that in the court system there is always a challenge being made by the defence counsel on the admissibility of evidence because the investigating officers may not have been doing what they were supposed to do. They may not have been following the Police Standing Orders. They many have been in breach of the Judges Rules, Madam Speaker, a variety, a plethora of reasons why the evidence may not be admissible in court. And what you are doing now is, you are adding an extra layer

of complexity on the investigating method, Madam Speaker, and when you do that you can easily cause officers to not follow certain procedures because there may have been a lack of training when using this new Evidence (Amdt.) Bill.

Not one of them on the Government Bench stood up and said, well, we are going to train these officers under this new regime. Nothing like that, Madam Speaker. This requires some intensive training and some legal background in terms of how the investigations are being conducted, because you are now codifying what we already know as the Turnbull guidelines, that is basically what you are doing, you know. So when they say that it is a radical improvement to the law, it is codifying what the common law really says. So, Madam Speaker, it will talk about the description of witnesses. We have seen that in the division that deals with the identification procedure.

So those are some of the issues when it comes to the ID part of the Bill. It is really the Turnbull guidelines by a report being done by Lord Devlin in the UK that is now being really codified following from the PACE model from the United Kingdom. So that is what they are doing in this place.

And, Madam Speaker, one of the points that my colleague from Chaguanas West raised, who I find had a very sterling and brilliant contribution, [*Desk thumping*] was the definition of an “appropriate adult”. And, Madam Speaker, in the Special Select Committee we did receive submissions from various stakeholders, and some of those submissions related to the definition of an “appropriate adult”. And I did not see it in the Bill that came from the Senate, where they were asking that as part of the definition for “appropriate adult” we include adopted parent or guardian, you include fit persons appointed by the courts and you include fosters parents as defined under the children’s community residences Act. Those are three categories of persons that were left out of the

definition of an appropriate adult, and those are some of the issues that Chaguanas West had raised, and had the Member for Laventille West bothered to read the Special Select Committee report, he would have been able to respond in a more brilliant manner. But what we got, Madam Speaker, is a very poor contribution by Laventille West, something that we always expect on this side.

And, Madam Speaker, I want to look at the division that deals with confessions and admissions. Now, the confessions and admissions in court, it is one—it is a type of evidence in which if a prosecution has this, you have a very strong case because it is the accused, the suspect's admitting or confessing to the crime. But they may do that at the stage of the investigation, and then subsequently when you reach the stage of the trial, they change their mind and say, well, we do not want to confess to this again. While they were in custody, they may have been beaten, so that the statement may not have been given voluntarily because that is the crux of it. In order to determine the admissibility of a confession or an admission, there must be voluntariness of the statement. There have been issues where confessions and admissions have been thrown out of the courts of Trinidad and Tobago based on the fact that those statements were not given voluntarily, and that is the right of the accused which must be protected.

But, Madam Speaker, what happens is that, you would have a series, you will have something called a trial within a trial which is deemed as a voir dire and sometimes the voir dire in certain circumstances takes longer than the actual trial of the substantive offence. And, Madam Speaker, again you have nothing in this piece of legislation that is being proposed to this honourable House that will deal with the expediency of voir dire, because what you are doing now is you are increasing, again, the complexity of the confessions and admissions in the legislation as compared to what is ordinarily done. You are now putting an

additional requirement that the statements be written and also be taken through video recording.

Now, Madam Speaker, if a police station in this country does not have toilet paper or copy paper, you really think that they are going to have devices to ensure that statements are being recorded? [*Desk thumping*] I wish that the TTPS could have gotten \$23 million extra so that they could have bought copy paper [*Desk thumping*] and they could have bought cameras, and they could have bought other recording devices in order to carry out the work so that citizens in this country can have justice, Madam Speaker, so that they could have justice.

And, Madam Speaker, ultimately when we have evidence, what we try to do is to secure a conviction, because at the end of the day that is what the criminal justice system is about. So we are trying to have the best evidence available in order to properly convict someone. But, Madam Speaker, in this very Parliament a Bill was brought, and I see a lot of persons calling for this in the country right now because of what is happening, for the death penalty. So you must have had the evidence before you could reach the stage of that. So the ultimate sentence for murder is death by hanging in this country.

Madam Speaker, the People's Partnership Government brought a Bill to this Parliament in order to try to enforce the death penalty in Trinidad and Tobago. And you know what, Madam Speaker? The then Opposition, the PNM Opposition, the Attorney General who was part of that caucus voted against that particular piece of legislation in this Parliament. The parliamentary record will show.

So when they come to say that they do not know why we are not supporting legislation, they must have a look in the mirror. They must remember the song that Cro Cro sang. That is what they must do.

3.50 p.m.

Madam Speaker, when you go on again to looking at different parts of this particular Bill, you would have seen that there are certain changes that have to be made. The DPP at section 12A(3) spoke of composite sketches, and he found that those were very broad and it was not defined. And the Director of Public Prosecutions is asking, and he made a recommendation, that some level of definition be given to what this composite sketch is about. There are other instances where, when you have evidence that is gathered or collected or recorded by the police, that there must be a level of retention, and that that evidence must not be destroyed by the court. So, those are some of the other recommendations that the Director of Public Prosecutions have given.

When you look at section 12G, section 12G says that if a person who is in custody and has to undergo some level of identification procedure that that person must in fact have been able to contact his representative who must come within nine hours. Nine hours! Madam Speaker, we find that that is too low. The current standing orders, the current Police Standing Orders provide for 12 hours, to allow fairness of the person who is in custody, so that they can have time in order to contact these persons and the relevant arrangements can be made, and this will ensure fairness of the procedure so that there can be a better and more efficient conviction in terms of the evidence that is being used to convict that person.

Now, Madam Speaker, when you look at section 12H, section 12H talks about where there is no representative that is present, and that the Justice of the Peace will attend. Now, Madam Speaker, there is a particular area at the form that is also included as part of the Bill that deals with unusual occurrences, meaning that there may have been a breach of some procedure when they were conducting the identification of the suspect. Madam Speaker, all the form has in it is whether or not an unusual occurrence has occurred, yes or no. I think we have to go further,

and the Justice of the Peace must actually point out what was the flaw. So, therefore there is a contemporaneous record so that if there are any challenges being made that you will absolutely know where the challenge can be.

Madam Speaker, you also have at section 12L, and in section 12L it deals with the eyewitness in an identification parade, and there was one particular section where it says that the eyewitness shall not communicate with any person who is part of the parade. I think it should be included—they have to go further to talk about they should not communicate with the investigating officers. At subsection (7), also if a suspect indicates to the identification officer that he no longer wishes to participate in the parade, they have the power to stop the parade, and the reasons will be given, and a form will be completed in terms of the reasons for stopping the parade.

Madam Speaker, what if any other member of the parade, who is not the suspect, objects? Then the entire parade must also stop. Because then it will be unfair to continue to conduct that identification parade based on the fact that a proper parade was not carried out and the person could have easily identified whether they have positively identified the suspect or not. So, those are some of the issues that will cause challenges in the future. So what we are doing right now is begging the Government to pass a good piece of law, because we want to see convictions in this country, because we want citizens in this country to get justice, Madam Speaker. That is what we want! [*Desk thumping*] And we could only accomplish this task by having good law.

And, Madam Speaker, before I take my seat, because I know my time is almost at an end, just to underscore the state of our criminal justice system, I saw a *Newsday* article dated, this was, I believe, yesterday, “State still to get Sean Luke DNA results 15 years after murder”. Fifteen years, Madam Speaker, 15 years! And

if you would allow me to quote:

The prosecutor in the case said that the DNA analysis was still outstanding but samples had been sent—[*Interruption*]

Mr. Al-Rawi: I respectfully rise on Standing Order 48(2), sub judice.

Madam Speaker: Please go on to something else.

Mr. S. Hosein: Thank you very much. Madam Speaker, I beg your pardon?

Madam Speaker: I uphold, please go on to something else.

Mr. S. Hosein: Okay. Thank you very much, Madam Speaker. Madam Speaker, in conclusion, I am saying that we are committed on this side to passing good legislation. If the Government brings the good legislation, we will lend that support to the Government, because there is need for change. [*Desk thumping*] And I thank you very much for this opportunity. [*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, just to bring the debate back into context and to assist those who might be looking on, and then those who might also be wondering, what exactly this legislation that we are here to debate today is all about. What are the changes this legislation would bring about? Why this legislation is absolutely necessary. I use my time and the opportunity to just bring things back into context.

As legislators, Madam Speaker, I have said on many occasions before, we can attempt to assist the criminal justice system by improving the processes. That is about as far as we can go. This Bill, Madam Speaker, is an important one as it attempts to modernize parts of the criminal justice system, and provides for the use of technology that is absolutely necessary. I stood, not stood, I sat here today waiting, waiting with some level and degree of anticipation to hear what were the reasons, how could the Opposition justify, justify to the population out there who

rightly are requiring us as legislators to fix the problems. To make it easier for investigations, to make it easier to get successful convictions of the criminals, and to bring a stop or a pause to the criminality that is taking place out there, and I have to say I am saddened. I am saddened that no speaker on the other side has put forward a single, justifiable reason as to why this legislation should not be supported today.

Not a single one of the two previous speakers who were practitioners in the courts, have provided us, the citizens, and more importantly us here in the Chamber, with any reason for pause, for reflection as to why this legislation should not be supported. [*Desk thumping*] Because you see, this legislation provides for one, Madam Speaker, the use of different identification procedures. And to break that down for the lay people, what we are doing here is absolutely necessary. The archaic system of identifying a perpetrator, a victim of crime having to go and touch the shoulder of someone who has perpetrated a crime against them. Let us say one of the most heinous crimes of rape, and to continue to require the victims of crime to go through that process. That is what the UNC is telling the population they want to continue, and I am wondering why? Because this legislation, Madam Speaker, one of the things it does is now provide for one-way mirror systems, and I want the population to understand that. [*Desk thumping*] It is the simple, simple processes.

So to come here and to scream and shout about resources, and the last speaker talking about toilet paper and copy paper in police stations. I want the population to know that the audio visual recording equipment is already in police stations throughout Trinidad and Tobago. [*Desk thumping*] You see, it is the constant scream and constant cry and the constant attempt to mislead the population that we are bored of now, that we have to sit here and listen to them

every single week, mislead. Right there in Belmont Police Station, there is an audio visual suite. Riverside Plaza there is an audio visual suite, and throughout the country in the various divisions there are audio visual suites. And to explain to the population the benefit which this legislation is bringing forward, of the use of video and audio recording, it runs contrary to all that they have said before. Because you see, the Member for Barataria/San Juan talking about confessions and admissions and this type of—audio visual equipment gives the best opportunity to get it right. What we are doing with this legislation is allowing the use of cameras and audio microphones to see how the police are asking questions, how they are interviewing witnesses. So when that gets to a trial, the jury can now see first-hand the statement that was given.

I heard him try to mislead, as is usual for him, and his insults that he has continuously throwing across the floor, no practice experience whatsoever, and having the audacity to talk about carrying a red bag up into court up and down. I have never read a single judgment attributed to his name. But what this audio visual equipment does, it allows a jury to look on and see the demeanour of a witness. When the witness is giving a statement it gets rid of the allegations of witnesses being beaten to give admissions. So let the UNC tell the population today, because they have failed to do so, so far, why they do not want that. [*Desk thumping*] Audio visual equipment protections not only the person being interrogated by the police, but also the police officers themselves. Because very often what happens when you get to trial, is a witness may then want to change, maybe a confession and an admission and say, “well hold on, it was beaten out of me”. But if we now as the jury can see the whole recording in front of us on a screen, of how the statement was taken, what the witness said. That the witness was on that side of the desk, the police officer on this side of the desk. Where is the

beating? So immediately you eradicate that.

We have not heard any attempt by any speaker? And you know why? Because it is impossible. It is impossible. So you get rid of that whole line of cross-examination in a trial. Because you can now see as the jury, the court sitting there can see exactly how the accused who has been charged with a crime, what it is he or she said to the police in an admission or a confession. But no, come here and talk about toilet paper, and always this demeaning attitude, completely misleading, attempting to mislead the population. That is to do with the interviews and admissions. So there is absolutely no justifiable reason that any sensible, law-abiding, and maybe this is it, because I sat there wondering what it is. [*Desk thumping*] But no sensible law-abiding citizen would want to prevent video/audio recordings being used and utilised, and that is one of the main pillars of this legislation here today.

The other one is the use of different identification procedures. And I heard the first speaker, Madam Speaker, for the Opposition, talk about, there is not protection, and they like to throw in these key words. It is obviously handed to them by someone. Right? So the Bill is sterile. The Bill will do nothing to protect women. Well first of all, that is completely refuted. The Bill not only protects victims who are men or women, but use the example I have just given, let us talk about the identification procedure now. As it currently stands we have an archaic identification procedure where a victim of crime, as I just said, must go and touch the shoulder. So you are looking at these people in front of you, and you must now go and touch the shoulder and identify which of these men it is that raped you. And the legislation we are bringing here today is to now provide a process that protects everyone along the way, that I will get into in a short while. But now why would you want to say that you cannot use a one-way mirror where the victim of crime

who has had to—violently treated in the worst possible manner, why can she not now stand behind a mirror system, identify which of the eight or the 12 individuals in front is in fact the person who perpetrated that crime. The UNC must explain to the population here today, why they want to prevent that from happening, why they want to keep us in this archaic way of identification. And it is complete rubbish, complete rubbish to say that rights are not being balanced and infringement of fundamental rights. [*Desk thumping*]

Because when you look at legislation, and maybe they do not, maybe they just pick up the piece of paper in the room and come and read. But when you look at the legislation, the first 20-something pages of it which go step by step describing the new identification methodology throughout the whole thing, I counted it. It is six or seven stages. The first stage is at 12A:

“Before any identification procedure takes place, a record shall be taken by the investigating officer of the first description of the suspect given by the eye-witness.”

You know what that does? It protects not only the victim, not only the police officer who is investigating, but it also protects potentially the person who may be wrongly accused. What it means, is the victim must now say prior to an identification, this is what I recall the person looking like, being like, et cetera, et cetera, and that is properly recorded. And every single step, all six stages require in law, that it must be properly recorded, that the people, not only the person who is the victim, but also the accused has an opportunity to see it, et cetera. And you know what we have to hear here today? We have to hear the Opposition stand up, Madam Speaker, and tell the population, “doh do dat, because it is giving defence lawyers an opportunity to cross-examine and to say, oh, well, the police officer did not have a notebook, and the police officer recorded what I said wrong”. But, you

see, that is typical UNC style. And to hear them on the other side here today try to mislead the population again, I want to remind the population, through you, Madam Speaker, the irony, the hypocrisy of having to listen, pass legislation, and you “cah” implement it, because you have no resources. We have heard here time and time again, the UNC, on their way out, passed and proclaimed the children’s legislation, the suite of children’s legislation [*Desk thumping*] without establishing a single resource. Right! And then—I am coming to that—the same person, high ranking official in the UNC, is the same person who then turned around and then sued the State time after time, after proclaiming the legislation without even a building in place to fulfil the requirements of the legislation. But that is not how this administration does it. [*Desk thumping*]

So, come and scream about toilet paper, come and scream about copy paper. The fact is, the police service already has the resources for it. And we cannot sit here and allow the non-use of the one-way mirrors, and allow no use of audio visual equipment. And I continue to ask the question, and the population will ask the question: why is it that the Opposition Members do not want us to use this technology? Because it makes a trial that much better, not only for the victim who will get his or her day in court, but also for the accused. Because the accused cannot be beaten in front of a camera. The accused cannot be threatened in front of a camera and audio visual, and they will get the demeanour. The whole identification process, Madam Speaker, the 20-odd pages of it set out every step of the way, how to use the video and audio recording of the eyewitness. It is the use of technology throughout the whole process, so you do not have to sit down and sketch. It even sets out for the use of photographs. I heard the facetiousness on the other side, they are still using black and white photographs. They say how does he know that? How does he know that? When last has he gone to a police station to

identify anything? It also provides the protection.

So the previous speaker, the first speaker, pretending, rights not being balanced, infringement of fundamental rights, completely contrary to that submission is the Bill before us. At every single stage there is protection built in for all of the players in this process, for the investigator, for the victim who is called, the eyewitness and for the person who is accused. I do not have the time to go into every clause, but it sets out there, even so many processes that allows for, okay, eyewitness do you want to identify? It provides for the different scenarios. So where there is this archaic methodology that currently exists that you have to go and touch the shoulder, et cetera, it is even now providing for consensual, outside of police station identification. And what that means is, as happens in other countries, you go to the scene of the crime, you get 20 people to walk around, and the parties are consenting, okay, eyewitness now try and point out who it is in those 20 people. So, you are not even bound by the police station environment. And this is where we are looking to take this country forward as legislators, because we have no control [*Desk thumping*] over the judicial process. And that is only part of it.

The Division 3, you get to the interviews and oral admissions. The one problem, the one problem I had with this Bill, and spoke to the Attorney General this morning, and he explained it, and I understood it, is that even when we are going to use the video audio recording equipment, we are still requiring the police to record things in writing. And he explained to me it was the Independent Senators that wanted that. Maybe one day in the future we can move away from that, because that slows down the process. But to stand here and not hear one single plausible, legitimate explanation, why this should not be supported, it bothers me. We must get out of this role of hypocrisy, and listening to the irony of

resources, resources, resources, when they were infamous for it.

The next thing that this Bill does, and throughout the process, Madam Speaker, completely contrary to what was being suggested, it provides protection for everyone, as I have just said. Another thing that is fundamental, and that we are to be applauded for bringing here today, is special division force. Special measures and evidence by video link, and that is to protect the same—the first speaker stood up here, the Bill is sterile, the Bill will do nothing to protect women, and then wants to vote against us allowing women victims the opportunity to not have to give testimony in court. That is what this Bill is doing. It allows a victim, a child, a woman, anyone who feels intimidated in going to a court to face the person who may have committed that crime against them, to sit down and do it via video link. Why do you still want to force? Go outside there and explain to the population, why you still want to force victims to have to go into court, in a Magistrates' Court and have the person [*Desk thumping*] who perpetrated a crime standing six feet behind them, when this Bill is now providing that you could be in safe room providing evidence via video link. Read the Bill! “Doh” just come here and read a speech! Stop being hypocrites! [*Desk thumping*]

This also, Madam Speaker, this Bill also provides now for the CCTV. The topic that they love, CCTV. Throw the CCTV, throw the CCTV. But the population knows that the CCTV contract they love to refer to, we have saved \$700 million in terminating it. This Bill at Division 5 section 12AH:

“A video recording recorded by means of a close circuit television camera shall be admissible as evidence.”

So for this purpose I expect the Member for Oropouche East to support, [*Desk thumping*] because he believes in the use of CCTV, and that is what this does. So why you want to resist that? Is it that you are trying to protect somebody

in the criminal justice system who is currently charged and going to be prosecuted using CCTV evidence, is that what? And also what this Bill does, and I was very happy and impressed to see it, it also does it with respect to civil proceedings. So it is not only on the criminal law side. Clause 8, 40—clause 8 of this Bill introduces a new section 40 into the Evidence Act, that says, 40(1):

“In any civil proceedings, nothing in any written law or the common law shall apply to deny the admissibility of an electronic record in evidence on the sole ground that it is an electronic record.”

And that is when I understood. That is when I understood the resistance to this. [*Desk thumping*] That is when I understood that a Member on the other side was there in the newspapers saying, “ah not coming to support it”. Well, there is a Standing Order that you must declare a conflict, and I know they do not like to declare conflict and recuse themselves. But if there is any Member who is going to be affected by that particular clause, that particular piece of law that there is civil action, and the civil action will allow the electronic means for the same types of case the Attorney General spoke about, complex fraud, use of cell phone, text messages, bring this, bring that, this cheque, that cheque, pave this, pave that, do it just before an election. I now begun, Madam Speaker, to understand what may be, may be, [*Desk thumping*] is part of the reason for the resistance.

But you see, and I say this without fear of contradiction, as a citizen of this country and as a person who practised extensively in the courts of Trinidad and Tobago, and few cases in the Privy Council, this is good legislation, Madam Speaker. This is legislation [*Desk thumping*] that will allow the criminal justice system to be that bit more efficient. This is legislation that does protect the vulnerable in our society. This is legislation that will also assist in the civil trials. But to say that this legislation does not protect the vulnerable women, and does

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nothing for the women, or the children, et cetera, is a complete fallacy, Madam Speaker, and I reject it outright. And as the Member for Port of Spain North/St. Ann's West, and a citizen of this great twin island State, I give my full support to this Bill here today. [*Desk thumping*]

Dr. Roodal Moonilal (*Oropouche East*): Thank you. Thank you very much, Madam Speaker, for the opportunity to join this important debate on this most distressing day.

Madam Speaker, this is not a pleasurable task, and the times we live in are not pleasurable times. But we persevere and do what we have to, and we take positions that demand that we stand strong, we stand for certain values and principles. Notwithstanding any attempt to bully us, to hound us down, to insult, to humiliate, we must stand firm for what we believe in. Because when you start jumping around all over the place and wavering, it means in the first place you have no principle. [*Desk thumping*] You have nothing to stand for. And the position of the Opposition today is a very principled position. It has been articulated by speakers before me, beginning with the comprehensive analysis from the Member for Chaguanas West, followed by a very incisive contribution from the Member for Barataria/San Juan, both of whom have significant experience in the legal profession, and brought to bear that expertise and that understanding.

Madam Speaker, the attempt by the Government today to railroad this administration, is not strange, it is not new, it is an attempt to do something—continuing to do something outside of your normal parliamentary practice, and we have taken a position today to stand on certain issues. I had very little intention to speak, or to speak early in this debate, but by a strange assortment of experiences today, by the way events unfolded, I would say it was rather coincidental, if you can believe that, that we came today to debate the Evidence Bill and focus, as the

Minister did a few minutes ago, on this matter of CCTV cameras. And I would tell the Minister, I have an obsession with this, and I am obsessed because I know first-hand how criminals, bandits, kidnappers and murderers can go free because CCTV cameras are not working in strategic places in Trinidad and Tobago. I know that. It is not only a personal experience involving myself, where in a matter of a motor vehicular accident some years ago, I was confident when I looked around a particular roundabout, and I saw four CCTV cameras erected, I was confident that we will find the driver of what was a hit and run, only to be told by the police weeks after, “Well, boss, those cameras not working, you know”. That was a hit and run. In the context of serious crime it may not have been a big thing, but in the context of kidnapping and murder, that is a big thing.

And when we come and we raise these issues, the Minister and others, we obsessed. We obsessed. But in the First World, in developing countries, you think you could go New York, and 50 per cent of the CCTV cameras in Manhattan not working? You can go London, you can go Paris? You cannot. When it happens in Trinidad they accuse the Opposition, well, you have some personal interest in that.

4.20 p.m.

Madam Speaker, the *Daily Express*, Friday 05 February, 2021, today, a quotation from the Commissioner of Police under the heading:

“Old public camera system not...”—working.

The Commissioner of Police says, and I want to put it on the record:

“‘We have 1,800 cameras in this country the TTPS has access to. Less than 1,000 are operational,’ Griffith said.”

And today the Minister of National Security comes boasting about a suite in what, Salvatori Building; a suite in Riverside Plaza; a suite all about the place. But almost 50 per cent of the cameras are not working. What is the purpose of the Bill?

And I want to read—well, the Minister touched it, “Supplemental Provisions”, 12AH.

“A video recording recorded by means of a closed circuit television camera shall be admissible as evidence.”

Well, this obtains already, but there is a process in common law that you use it, there is a process. Now they really want to codify this. Now, it can still be challenged but they are codifying it to make it now part of the statute. But you are doing this, Madam Speaker, when for six years you cannot fix the cameras that are there. [*Desk thumping*] So what is the purpose of this? What exactly is the purpose of this? And you know we had, we should have taken note because I want to draw reference to the accompanying document, the Special Select Committee, Senate Report on the Evidence (Amdt.) Bill, 2019 that deals with this Bill of course. And I was shocked like my friend, the Member for Barataria/San Juan, when the Member for Laventille West spoke and kept referencing to a joint select committee report. I thought there was a joint select committee and of course nobody told me, nobody invited me and I knew nothing. But only to be told by the Member for Barataria/San Juan it is not a joint select committee, it was a special select committee. But then my friend, the Member for Laventille West may have been obsessed with a joint!—select committee. He may have been obsessed with a joint—select committee. [*Desk thumping*] And maybe that is why it led him to that joint—select committee. [*Crosstalk*]

Madam Speaker, I will ignore him, but on the 1st of November, 2019, the DPP sent a very important correspondence to the joint select committee—the select committee, sorry. I was just helping my friend, the Member for Laventille West, he likes to hear that. [*Crosstalk*] Madam Speaker, the—Madam Speaker, he is not disturbing me so I will not stop. In the letter November 01, 2019, the DPP—this is

from the hon. Director Mr. Roger Gaspard, Senior Counsel, under K, Special Measures and CCTV Footage. The DPP is saying and I quote:

It is submitted that the proposal making CCTV footage automatically admissible is a quite welcome proposal given the multitude of views expressed—and so on.

So that we were alerted in November 2019, that this is something that is good, this is something that the DPP is suggesting that we may use given the problems associated with the common law and some of the challenges and so on. But since November 2019 to today, do you know more cameras are not operational than two years ago? [*Desk thumping*] And you know when the Minister has to respond to this, one day he said that he saved 300 million, today he saved 700 million, by next week they save a billion. It changes every week. They save more and more. But I want to tell the Minister, “Oh God, man, have a heart”, all the millions you are saving, what are you saying? The life of Andrea Bharatt is worth less than the millions you are saving? The life of a kidnap/murder victim is worth less, you have to save?

Had they left that process there with TSTT, we would have had a situation where all 800 cameras would have been working today. [*Desk thumping*] In September 2020, I put on the record that there was a blotched and corrupt process for tendering for CCTV cameras where the tenderers put in their bid. And last minute they got instructions from national security to cancel the process, because somebody did not put in a bid on time. I ask the National Security Minister, who did not put in the bid on time? [*Desk thumping*] Do you know? Who did not put in a proper bid that at the last moment a division in National Security cancelled a tendering process? Then, went secretly, surreptitiously to persons unknown and put a next process in place where before in September they were asking for hardware,

software and operational capacity, by January 2020, they were only taking hardware. And one bidder from Canada with links in Trinidad, which we will speak about another time, was the successful bidder only for hardware, meaning camera. But up to now we do not know who is going to operationalize this. Today, mouth open, story jumps out, we hear it is the very same TSTT back. How many lives could have been saved if they did not foul up—

Madam Speaker: So, Member, I allowed you some leeway. But remember, this is not about the procurement of CCTV cameras and so on. Okay? Yes.

Dr. R. Moonilal: Let me leave that there, I have said enough. I just want to touch on one or two other matters and to reinforce a point made with a new example, in that the Bill speaks of the process and codifying the various rules and so on, that have been existing for time immemorial, really. One matter, you know, the Minister made a lot of, is this matter of identification parade and so on, because those on our side are very practical; we are practical people. And you know, I will give the example of being practical. One government gave children laptops, another bought paintings. It is really the fundamental difference between the two administrations: one gave laptops, one bought paintings. So you enjoy painting. But in this matter of identification is the Minister aware that there are—first to begin these two-way mirrors are only available in a few police stations throughout the country. That is a fact. Do you know that some these identification areas and parade room areas are not working?

I am told now even in Chaguanas, in Chaguanas, in the Chaguanas Police Station the intercom is down, not working. And this is the problem that we have cited before. The police service is not being provided with the resources to do the maintenance, the nuts and bolts, fixing of police stations and critical equipment. And that is a fundamental problem. So you come today, beat your chest, “pass law,

pass law, we want to save from monsters, monsters around”. When the monsters came? What, the monsters came from Mars this morning? We had monsters here for many years, we had these barbaric criminal elements for many years and if you had a heart you would have provided the TTPS with \$100 million that they need, more, to pay their bills, to fix police cars and let me get back to identification because that is in the Bill. So that in one police station, for example, identification is a problem.

In Chaguanas the intercom is not working, Madam Speaker. Another critical issue with the criminal justice system is this issue of getting persons to participate in a parade. Persons are not likely to be volunteering to participate in a parade because they are asked to participate because they resemble the description of a rapist. They are not sure, they are scared and so on, that is a serious issue. Things break down all the time in police stations. I am told when intercom systems break down, lights are not working, it takes sometimes a year because the resources are not available to fix. And resource transfer is a matter for national security.

Mr. Deyalsingh: Madam Speaker, I rise regrettably on Standing Order 48(1) and 55(1)(b). Both speakers spoke about the police service and resources.

Madam Speaker: Okay. So Member, one, with respect to 48(1), while I hear you talking about resources, again, I would ask you to come back to the Bill, because this Bill is not talking about resources and I think I understand the point—

Dr. R. Moonilal: Sure.

Madam Speaker:—but it is a general point—

Dr. R. Moonilal: Sure, thank you very much.

Madam Speaker:—that has been made throughout. So please move on to something else.

Dr. R. Moonilal: Yeah. Madam Speaker, we support any measure that is sound to

strengthen the criminal justice system, [*Desk thumping*] to ensure that the police have the resources, they have the institutional capacity that law gives. Law provides institutional and administrative capacity. That is what we are debating today. And we support any measure to strengthen that. A critical part of the problem we face today, which has been in the public domain, the Attorney General knows it, is this matter—it came up recently because of the dreadful events of the last few days where police officers do not show up in court, they do not show up. And maybe the Attorney General can consider—and I want to congratulate the Commissioner of Police who has been addressing this matter in the recent past. It is an age old matter. And the Attorney General should consider in this Bill whether or not the time has come to create an offence where police officers failed, wilfully failed without excuse to appear in court to prosecute in certain matters.

Many cases are thrown out because of that and while the Commissioner can do his best, he may not have the law on his side in dealing with this and I want to ask the Attorney General that he should consider making an offence where police officers, clearly, wilfully, deliberately or for some other hidden reason fail to appear so that criminals, barbaric criminals go free. Madam Speaker, I thank you.
[*Desk thumping*]

The Minister of Housing and Urban Development (Hon. Pennelope Beckles):

[*Desk thumping*] Thank you very much, Madam Speaker. And, Madam Speaker, I join this debate on this Bill to amend the Evidence Act. I just want to address a couple of issues raised by the last speaker. I have been listening to this debate and I am yet to hear one single reason from any Member of the Opposition as to why they are not supporting this Bill. Not one credible reason. You know, Madam Speaker, it is very, very easy to use your time allotted to say that CCTV cameras are not working.

[MR. DEPUTY SPEAKER *in the Chair*]

To talk about no pocket diaries, to talk about the fact that you are not satisfied about the financing of the police service, but at the same time to give no single credible explanation as to why you are not supporting the Bill. [*Desk thumping*]

Now, Mr. Deputy Speaker, I want to join my colleagues who expressed condolences to the family of Andrea Bharatt. And for me it is particularly distressing because the body was found in my constituency in the Heights of Aripo, a very quiet village and a village that is nestled in the Northern Range and it is well known for bird watching because that village of course has the largest cave system in Trinidad and Tobago and is known especially for watercress. And you know it is amazing how some people do certain acts that cause areas to get a bad name.

But you know what is unfortunate about this debate today is that when some speakers have nothing to say, they cause to get in and to try to be so very petty, because I am so surprised that two of the speakers in this debate want to make a distinction between a joint select committee and a special select committee to try and distract from the substance of my colleague, [*Desk thumping*] the Member of Parliament for Laventille West. So that is the best you could say. And not only that, as someone who was called to the Bar in 1988, I am so disappointed in my colleague, the hon. Member of Parliament for Barataria/San Juan to talk about the fact that the only thing the Member of Parliament of Laventille West did was to carry the bag of a Senior. Now, I am proud, I am proud, at any point in time in my life to carry the bag of a Senior Counsel. [*Desk thumping*]

Now, somehow I think that—and I want to talk about the fact that my colleague again, the hon. Member, because he is an attorney and he spoke about the fact that the Member of Parliament for Laventille West did not refer to sections

of the Bill. And because he did not refer to sections of the Bill it meant he did not read the Bill. Now, the hon. Attorney General went through the Bill in detail. [*Desk thumping*] And you know what is so ironic? All the speakers on the Opposition did not go through any section either. [*Desk thumping*] And at the end of the day we are quite satisfied that the hon. Attorney General went through the clauses in the Bill and therefore what we are looking at is a further development of our position as it relates to this Bill. And what is the Bill seeking to address? It is seeking to address the issues relating to the procedures that relate to identification; the procedures relating to conducting and registering interviews of persons in custody, using technology, how you preserve evidence and the procedures when a Justice of the Peace is needed, procedures for ensuring that the accused person is entitled to a telephone call and ensuring the proper procedure for representation and consultation with attorneys.

Now, I am not saying and I think no Member of the Government is saying that there are not challenges, we are not saying that there are not certain things in the judicial system that need to be fixed. But this is one aspect of it that we are dealing with. So how is it that you want to take this particular Bill and you want to bring in every single aspect of the criminal justice system to justify your reason for not voting for the Bill.

Mr. Deputy Speaker, that makes absolutely no sense. If you are here and you want to propose some amendment to our legislation, you are not happy with it, you have a clause, you have something, well, come and do that. [*Desk thumping*] But they have stood there today and they have not made one single amendment or recommendation to change any clause. What—speaker, after speaker, after speaker, they have used this debate today to say that everything is wrong with the system. The police, either they do not have diaries, they do not have CCTV

cameras, they do not have this and they do not have that. But the fact is that the hon. Attorney General has brought before this House a specific piece of legislation which we believe will make it a lot easier and make it much more comfortable for witnesses to give evidence. And not only that, the fact that you have evidence recorded, you now have video footage, you now have a link, it means there is a certain measure of comfort for witnesses, they have sought to go back to the debate and talk about witnesses being killed and the length of time that it takes for cases; well, yes, I think a number of us are not happy with the fact that some cases are taking too long. But that is not a reason for you to come today and say that you are voting against the Bill.

Mr. Deputy Speaker, what this legislation seeks to do is to ensure that there is a consistency in the approach and procedures as it relates to how evidence is taken. We know that this COVID pandemic has taught us about the importance of technology and this particular amendment is an amendment that a number of attorneys, the judges have been waiting for, for a very long time. And many persons who have been practising in the criminal arena are aware that this aspect that we are dealing, this debate that we are dealing today, the issues that we are dealing with causes many, many cases to be thrown out. So it is a question of getting it right, it is a question of ensuring that you are reducing the chances of the accused person saying that, "I was not able to speak with my attorney, I was not able to get a phone call", that "that is not the statement that I gave", because it is going to be videotaped. And if it is going to be taped, it means to say that the jury, the judge and everyone has what you call the best possible evidence before it. That is what this debate is all about. [*Desk thumping*]

So, Mr. Deputy Speaker, I therefore am still waiting to hear from my colleagues on the other side what exactly is their recommendation, what really is

your objection, because you would have had an opportunity when you were in government a couple of years ago to make some changes, but did you do that? Did you do that? We have had no choice, as the hon. Attorney General said, to remove the witness anonymity clause from the Bill in order—hoping, of course, because this is one of the objections at the time of the hon. Member for Barataria/San Juan and here it is that we on this side believe that having removed that clause, we would get the support of the Opposition because that is the main clause in which you objected. But lo and behold, you come today again and you are still not supporting the Bill and you are giving all these frivolous excuses. We are not—this is not a Bill about CCTV cameras, this is not a debate on financing of the police service, this is a debate about the amendment of the Evidence Act in order to ensure that the judicial system and the criminal justice system work in the best interest, [*Desk thumping*] not just of the accused but also for the witnesses.

Thank you, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Arnold Ram (*Caroni Central*): Thank you very much, Mr. Deputy Speaker, for recognizing me and giving me an opportunity to debate this very important Bill, a Bill to amend the Evidence Act, Chap. 7:02. Mr. Deputy Speaker, after hearing Members opposite, they will give an indication or they indicated or they will give an impression that this Bill is an all it and beyond Bill, wherein when this Bill is passed, the criminal justice system will be repaired. And like any other function or process that is there, it calls for all the parts to be working together. [*Desk thumping*] And we in this House debated many failures that are part of the criminal justice system. Just last week, Mr. Deputy Speaker, Members on this side went on to indicate the failures of the Minister of National Security which impacts the criminal justice system. So, I say that to say, Mr. Deputy Speaker, we could have the best Bill here and debate the best changes and amend this legislation, but

without the working parts we are just “spinning top in mud”. [*Desk thumping*]

Mr. Deputy Speaker, I will then traverse the Bill and provide some of my thoughts as I proceed throughout the Bill. And, Mr. Deputy Speaker, there is throughout the Bill a form referred to as the Approved Form, and in the definition clause it says:

“‘approved form’ means a form approved by the Commissioner of Police;”

Now, this is mentioned throughout the Bill.

Now, Mr. Deputy Speaker, we would have appreciated today a draft form to be laid together with the Bill. If the Government and the hon. Attorney General are so prepared and ready to run with this legislation tomorrow if it is passed today, we would have at least expected a draft form before this House so that we can provide some scrutiny, we could also provide some guidance, we could also provide some views on same, but that has not been laid before this Parliament. And just like other legislation that has been brought to this Parliament where regulations are required and for the Attorney General to indicate that it is forthcoming, we have everything there, some of it has not even reached this House.

So I move on, Mr. Deputy Speaker, from that point to some form of—in section 12A in particular, Division 2, “Identification Procedures”. And there is an anomaly there, Mr. Deputy Speaker, and I think when we reach to the committee stage, if it reaches to that stage, that the hon. Attorney General will address wherein section 12A, sub (2) it says, in retrospect of a first description:

“can be given to the suspect...”

When at sub (6) it says:

“...investigating officer shall provide the suspect...”

So, there is an anomaly there where in one case you are saying it “can” be provided and in another case, it “shall” be provided. So which one is it?

Mr. Deputy Speaker, the persons may have already indicated that what we are doing with this piece of legislation before this House is to codify many of the things that we have in practice and one such thing is what we would call the Turnbull guidelines which are now before the House today, wherein somebody giving identification of someone, normally defence attorneys at the Magistrates' Court or at the High Court would indicate how far you were from the person, the lighting conditions and the length of time the person was in your view, et cetera. We are now codifying those things. But we are also introducing administrative burdens on the police service without even indicating whether we are properly training them to do so.

Mr. Deyalsingh: Mr. Deputy Speaker, 48(1) again. This is not about the equipping of the police service, the Speaker has already ruled on that, 48(1) and 55(1)(b).

Mr. Deputy Speaker: Again Member, right, kindly proceed to your other point.

Mr. A. Ram: Thank you, Mr. Deputy Speaker. So I move on from the Turnbull guidelines which are indicated—the word “Turnbull” is not indicated in the legislation, but for practising attorneys we are all familiar with the Turnbull guidelines and maybe my friend, my colleague, the Member for St. Joseph may not have been privy to that piece of information.

And, Mr. Deputy Speaker, as I move on [*Crosstalk*] I have also looked at the comments of the—

Mr. Deputy Speaker: Silence.

Mr. A. Ram:—Law Association of Trinidad and Tobago and maybe the Attorney General could clarify wherein he has accepted—Mr. Attorney General, you have accepted the comments of the Law Association wherein they have indicated that the words, “the investigating officer” has been changed to “an investigating officer”. But it does not go on in 12A(3) and (4) and (5), it still says, “the

investigating officer” to mean there is one person and you will appreciate that we are still in the stages where there may be more than one investigating officer so that we may want to revisit and change those provisions to “an investigating officer” in those other subsections, Mr. Attorney General. [*Crosstalk*]

I move on to 12B, Mr. Deputy Speaker—

Mr. Indarsingh: Mr. Deputy Speaker, 53(1)(e), (f) and (g) please.

Mr. Deputy Speaker: Again Members, please, there is the necessary Standing Orders pertaining to when Members are speaking, and again as the Speaker I would like to hear the discourse please. So, again, minimal chatting please.

Mr. A. Ram: Mr. Deputy Speaker, the others who are speaking had their opportunity and we did not disturb them. I will say that and I will move on to section 12B of the Bill before us and it deals with photographs to assist in establishing the identity of a suspect. Photographs, this Bill being laid by the hon. Attorney General, it is just ironic in my view about the identity of using photographs. And as I move on to another provision in the law or in the Bill, section 12G(3) which says:

“a suspect shall be given at least nine hours’ notice...”

4.50 p.m.

In the Police Standing Orders the period of time given for such time for the identification procedure and for a representative to be there is 12 hours, and there has been no justification proffered by the hon. Attorney General to indicate to us where this nine hours was arrived at.

Mr. Al-Rawi: Mr. Deputy Speaker, I rise on Standing Order 55(1)(b). This is the third time we have heard that particular point on 12 versus nine and the Law Association.

Dr. Deputy Speaker: Overruled.

Mr. A. Ram: Thank you. And we have to be practical in terms of how our system operates. We can pass the best laws, Mr. Deputy Speaker, but if you have a system that is not ready for that, then—

Mr. Al-Rawi: I rise on Standing Order 55(1)(b), Mr. Deputy Speaker.

Dr. Deputy Speaker: Overruled.

Mr. A. Ram: Thank you. Thank you, Mr. Deputy Speaker. For example, Mr. Deputy Speaker, it is common in this country for suspects to be held on a Friday afternoon, like now, between 4.00 and 5.00— Mr. Deputy Speaker, I seek your guidance from this noise I am hearing on the floor, please.

Mr. Deyalsingh: Mr. Deputy Speaker, I rise on Standing Order 55(1)(b). The hon. Member is rehashing territory already covered by his three previous colleagues.

Dr. Deputy Speaker: Member, I will give you some leeway to tie in the point.

Mr. A. Ram: Thank you.

Dr. Deputy Speaker: Other than that we will probably have to move on.

Mr. A. Ram: Yes, please. So I was saying, Mr. Deputy Speaker, before the Standing Order was constantly being raised, that practicability is very important in the way in which laws are being—

Mr. Al-Rawi: Honestly and respectfully, Mr. Deputy Speaker, it is the same point, 55(1)(b). This is—

Mr. A. Ram: Mr. Deputy Speaker, I have not been able to make my point.

Dr. Deputy Speaker: Proceed Member. Overruled.

Mr. A. Ram: We have a system where suspects would be taken in on a Friday afternoon, and as a practising attorney and you call the police station for an update saying that you have a client who is in custody and you want an update, it is always investigations are continuing, until late Sunday night that they are then charged to appear in court on a Monday morning, Mr. Deputy Speaker. So

sometimes 48 hours will pass, close to 72 hours sometimes before someone is charged and/or released. And therefore, we are saying if we are codifying some of the things according to the Standing Orders we should leave the 12 hours' notice that is required.

Mr. Deputy Speaker, as I move on, and maybe the hon. Attorney General will clarify 12I which states that the eye witness to be informed that the person he saw may not be in the identification procedure, I am not certain, Mr. Attorney General, and maybe in your wind up you could indicate, whether this also has to be recorded. I am not certain and maybe in your wind up you will indicate so. Right? I see a shake of head. I am just simply asking a question because it is not certain there. For clarification, for us moving forward, is something that we will require.

Mr. Deputy Speaker, I then move on to Division 3, "Interviews and Oral Admissions", and this part of the Bill dealing with interviews and oral admissions I have seen many of it in another place in particular Code F of the Police and Criminal Evidence Act of United Kingdom. And whilst many parts of it are reproduced here, one part I think that we ought to also include, Mr. Deputy Speaker, and it goes to say:

When the recording medium is placed in the recorder and it is switched on to record, the correct date, time, in hours, minutes and seconds, will be superimposed automatically, second by second, during the whole recording. That has not been captured in our version of this legislation here today, and that is something I think will go a long way to protect the further integrity of the recording system that we are intending to debate in this House here today.

Additionally, Mr. Deputy Speaker, in that same Code F, something we did not capture in our version is that:

The recording media must be wrapped or otherwise opened in the presence

of the suspect.

This is before the interview is taking place to verify that a new tape is being used. So those are the two points with respect to the interview and recording of interview.

And as I am about to close, Mr. Deputy Speaker, one last point to indicate that the entire criminal justice system may or may not be affected by this piece of legislation. It can only do so if all the parts are working together. It will also work if other Members, especially the Minister of National Security, delivers in some of the promises that he have made in the last two years in particular—

Mr. Deyalsingh: Mr. Deputy Speaker, Standing Order 48(1) and 55(1(b)). Again regrettably.

Mr. A. Ram: So therefore, Mr. Deputy Speaker—

Dr. Deputy Speaker: Overruled.

Mr. A. Ram: Thank you, Mr. Deputy Speaker. And with those few words, Mr. Deputy Speaker, I thank you. [*Desk thumping*]

Dr. Deputy Speaker: I recognize the Member for Lopinot/Bon Air.

The Minister of Public Utilities (Hon. Marvin Gonzalez): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, we on this side will use our 22 votes to pass laws for the peace, order and good governance of the people of Trinidad and Tobago. [*Desk thumping*] Mr. Deputy Speaker, the Opposition has once again collapsed, [*Desk thumping*] the Opposition has once again come here unprepared, the Opposition has once again come here floundering [*Desk thumping*] and it seems as though we are speaking to ourselves, but we are going to use our 22 votes to pass laws for the good order, and peace for the people of Trinidad and Tobago. [*Desk thumping*]

ADJOURNMENT

UNREVISED

The Minister of Health (Hon. Terrence Deyalsingh): Mr. Deputy Speaker, I beg to move that this House do now adjourn to next Friday, the 12th of February at 1.30 p.m. At that time we will continue debate on the Evidence (Amdt.) Bill and time permitting any matters that come down from the Senate particularly the Tobacco Regulations. Thank you very much.

Mr. Deputy Speaker: Hon. Members, there are three matters that qualify to be raised on the Motion for the Adjournment of the House. I will now call on the Member for Barataria/San Juan.

**San Juan Boys' and Girls' Government Primary School
(Non-completion of)**

Mr. Saddam Hosein (*Barataria/San Juan*): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, the matter that I wish to raise today deals with the non-completion of the San Juan Boys' and Girls' Government Primary School. Mr. Deputy Speaker, it has been a policy of the Kamla Persad-Bissessar-led administration between the period of 2010 to 2015 to ensure that every child has a space and a comfortable space in a primary school of Trinidad and Tobago. She has ensured that that Government for the last five years invested in the young people and especially the education of those young people right here, and one of those schools that was being built under her administration was the San Juan Boys' and Girls' Government Primary School.

Mr. Deputy Speaker, when we left office this school was 97 per cent completed and did not require much more to be opened—97 per cent completed. Today, Mr. Deputy Speaker, that school is still unfinished and unopened by this Government after they have been in power for the last five years. It is absolutely shameless. [*Desk thumping*] Mr. Deputy Speaker, there were a lot of protests by the parents, by the PTA, by the teachers and the students, even the neighbours,

because you have basically a construction site existing there for over five years affecting the residents who live right where the school is being constructed.

Mr. Deputy Speaker, you would know from newspaper reports that there was a lot of vandalization and the building was allowed to deteriorate. Things were stolen such as the toilets, the windows and galvanize. The school had become a den for drugs. The neighbours, as I said, Mr. Deputy Speaker, complained about the condition of the area. It was sheer wickedness and politics that the school was not opened. And it was only on the eve, the eve of the 2020 general election, they put a backhoe by the school to make it look as though that they are going to do work for that school to reopened. Most of the students, Mr. Deputy Speaker, live in Malick and in the upper San Juan areas, and there are about 200 students who are affected by the non-completion of this school.

Mr. Deputy Speaker, they for four years have been housed at a building in Tunapuna on the Eastern Main Road. The school is currently occupied by street dwellers since the COVID pandemic, and these students are asked to go out during a pandemic in the very near future. This school should have been opened so that we can protect those children. [*Desk thumping*] And the area in which those students are currently housed, those 200 students, in front of that area is where PTSC buses pick up and drop off students and that is also unkempt. The holding areas of the toilets are not working and the flooring in which the toilet stands is rotted posing a health hazard to the children. Students lose hours of learning every day because they have to be on time to catch the bus on mornings and evenings.

So you move them from Malick and San Juan and they have to now travel to Tunapuna. When they could have walked to school, when they could have probably taken one taxi or one maxi and reach to school, you have these children having to travel from San Juan to Tunapuna losing learning hours every day

because they have to seek transportation. A functional computer lab at the school has had to be shut down where they have been currently housed for more than four years.

Mr. Deputy Speaker, I call upon the Minister of Education, her constituency is very close to where the school lies. Mr. Deputy Speaker, I ask and I plead with the Minister of Education and this Government to please open the San Juan Boys' and Girls' Government Primary School. Please complete the school for these students. I thank you very much. [*Desk thumping*]

Mr. Deputy Speaker: Before I call on the hon. Minister of Education, as confirmed by the Chief Whip, we will be only dealing with the one matter on the adjournment this afternoon. Minister of Education.

The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I wish to advise this honourable House that on March 14, 2014, the Education Facilities Company Limited, on behalf of the Ministry of Education, awarded a contract to Delmar Contractors and Maintenance Company Limited for the reconstruction of the San Juan Boys' and Girls' Primary School. The contract's sum was approximately \$34 million.

Mr. Deputy Speaker, I am informed that this school was only one of the 116 incomplete school construction projects embarked upon by the Ministry of Education during the period 2010 to 2015 for which no financing had been arranged. Consequently, in September 2015 all these projects were incomplete and represented a total financial commitment of \$3 billion.

Mr. Deputy Speaker, in light of the fact that this construction programme was not well financed, not well planned, the fiscal burden was unsustainable and in the ensuing years resulted in a series of suspensions and terminations of contracts by contractors over unpaid invoices. And if anyone should be accused of

wickedness, it is the Minister and Government who allowed this to occur. [*Desk thumping*]

The Ministry did not have the resources to meet the outstanding debt of \$5.2 million to Delmar Construction and Maintenance Company within the contractually stipulated time frame, and the contractor suspended work on January 12, 2016. At that date, the construction work was 58 per cent completed, not 97 per cent completed as the Member for Barataria/San Juan content. The contractor eventually filed the matter in the High Court as an action against the EFCL and was successful in the award of the judgment in his favour.

Mr. Deputy Speaker, in view of the massive debt burden and economic challenge arising from this unwieldy and inadequately planned construction programme, one of the practical approaches taken was to develop a priority listing for schools for completion. This priority largely comprised incomplete early childhood care and education centres, primary school and secondary school projects, and also included a few completely new projects. In 2017, Cabinet initially approved a focus of 12 priority projects for urgent completion. This list was later expanded in 2019 to 27 projects. Completion of construction of the San Juan Boys' and Girls' Primary School was included in this list.

Cabinet agreed to finance the completion of the priority projects through Government guaranteed borrowing in tranches of \$400 million. The first tranche is currently being drawn down and work resumed on 14 of the priority projects including the San Juan Boys' and Girls' Primary School. Work on the school recommenced January 2020 with an expected completion date of June 2020. However, Mr. Deputy Speaker, due to the necessary measures taken by the Government to curtail the spread of the COVID-19 virus, construction on the San Juan Boys' and Girls' Primary School was delayed, and the new completion date is

San Juan Boys' and Girls' Government Primary School
Hon. Dr. N. Gadsby-Dolly

2021.02.05

28 February, 2021. Outfitting is expected to be completed by 31 March, 2021, and the school should open in April 2021. Thank you, Mr. Deputy Speaker. [*Desk thumping*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.08 p.m.