

**HOUSE OF REPRESENTATIVES***Friday, March 19, 2021*

The House met at 1.30 p.m.

**PRAYERS**[MR. DEPUTY SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Mr. Deputy Speaker:** Hon. Members, I have received communication from, one, Mr. Dinesh Rambally, MP, Member for Chaguanas West; two, Mr. Arnold Ram, MP, Member for Caroni Central; and three, Mr. Davendranath Tancoo, MP, Member for Oropouche West, who have requested leave of absence from today's sitting. The leave which the Members seek is granted.

**ANTI-GANG BILL, 2021**

Bill to make provision for the maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and for other related matters, brought from the Senate [*The Attorney General*]; read the first time.

**PAPER LAID**

Annual Report and Audited Financial Statements of the Regulated Industries Commission for the year ended December 31, 2015. [*The Minister of Public Utilities (Hon. Marvin Gonzales)*]

**URGENT QUESTIONS****Sinopharm Vaccines  
(Purchase of)**

**Dr. Rishad Seecheran** (*Caroni East*): To the Minister of Health: In light of reported plans to purchase Sinopharm Vaccines from China, does the Government have a contingency plan, should World Health Organization approval not be granted in the short-term?

**UNREVISED**

**Mr. Deputy Speaker:** I call on the Minister of Health.

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, as we have stated many times, both in and out of the Parliament, the Government, in addition to bilateral deals with China and/or Sinopharm, is also pursuing the purchase of vaccines through the African medical council's platform, one; through the COVAX facility, two; and bilateral talks with both countries and individual vaccine manufacturers. We have said that both in and out of the Parliament on many, many occasions. Thank you very much, Mr. Deputy Speaker.

**Dr. Seecheran:** Supplemental.

**Mr. Deputy Speaker:** Member for Caroni East, proceed.

**Dr. Seecheran:** Can the Minister confirm that a pre-order from Sinopharm as reported in the newspapers has been made?

**Mr. Deputy Speaker:** The Minister of Health.

**Hon. T. Deyalsingh:** Thank you very much. As I indicated, we have placed indicative orders with Sinopharm and indicative orders with everyone we are talking to pending approval. So we have given them an indication that we would like X-thousand number of vaccines. So the answer is, we have placed indicative orders pending approval and pending their manufacturing capacity to provide those orders.

**Dr. Seecheran:** Still on my first question, he did not answer it.

**Mr. Deputy Speaker:** No, Member—

**Dr. Seecheran:** I would like to know what the number "X" stands for.

**Mr. Deputy Speaker:** Member, no—Member, hold on. Do you have another supplemental question?

**Dr. Seecheran:** Before I go to the other—

**Mr. Deputy Speaker:** Member, no, one second.

**Dr. Seecheran:** Okay. No problem.

**Mr. Deputy Speaker:** You cannot query or ask a question.

**Dr. Seecheran:** No problem. Okay.

**Mr. Deputy Speaker:** Do you have a next supplemental?

**Dr. Seecheran:** Yes.

**Mr. Deputy Speaker:** Kindly proceed, Member.

**Dr. Seecheran:** Can the Minister indicate when we are likely to receive our first allocation from the COVAX facility? [*Desk thumping*]

**Hon. T. Deyalsingh:** We are informed by PAHO—again, all things being equal—that the 33,600 doses should be here by the end of March. That is the current timeline that COVAX has given PAHO and which PAHO has passed on to us. Thank you very much. [*Desk thumping*]

**Private Entities  
(Provision of COVID-19 Vaccines)**

**Dr. Lackram Bodoie** (*Fyzabad*): Thank you, Mr. Deputy Speaker. To the Minister of Health: In view of the publicly reported intentions of private entities such as ANSA McAL and the Supermarkets Association of Trinidad and Tobago to take responsibility for providing COVID-19 vaccinations for their own employees, could the Minister indicate what process will be utilized to facilitate these entities?

**Mr. Deputy Speaker:** The Minister of Health.

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much. For completeness and transparency, I will read extracts of a letter which I sent to Ms. Frances Bain-Cumberbatch, Chief Legal and External Affairs Officer of ANSA.

Please note that the policy of the Government of Trinidad and Tobago is that only WHO authorized vaccines may be imported through our local distributor, provided that the vaccine has been approved through the national

regulatory process pursuant to the Food and Drugs Act. In this regard, WHO authorized licensed vaccines may be found on WHO's website.

We asked the following questions:

What is the source of these vaccines? Are these vaccines coming directly from SII or through the local AstraZeneca agent in Trinidad and Tobago or through another third party outside of Trinidad and Tobago? If the vaccine is being sourced through any other third parties listed above, please identify the third party and provide the necessary documents to confirm that the said third party is authorized by SII to distribute vaccines in Trinidad and Tobago. The Ministry of Health also requires specific information on the COVID-19 vaccine batch numbers of expiry dates. We also want evidence of the cold chain maintenance.

And we said lastly:

It should be noted, vaccine manufacturers have indicated that all purchasers shall enter into an indemnification and liability agreement.

That is what we told ANSA McAL.

To the Supermarket Association, Mr. Rajiv Diptee, same thing applies. I will not repeat it.

**Dr. Moonilal:** What is the date on that?

**Hon. T. Deyalsingh:** March 17<sup>th</sup>. We also asked Mr. Rajiv Diptee:

Please provide the name of your authorized local distributor importing vaccines on behalf of the Supermarket Association.

We advised him, same liable issue, same cold chain issue. We also asked him, because in his letter to me he indicated that two private entities, medical associations, medical hospitals have partnered with him to distribute these vaccines.

When I called those private hospitals, they had absolutely no knowledge, no agreement with the Supermarket Association to distribute vaccines. So that issue seems to be clouded in the controversy. The objective of this Government is not to sacrifice the safety of the population [*Desk thumping*] for expediency. How could the Supermarket Association write to me—

**Mr. Deputy Speaker:** Ten more seconds, Member. Supplemental, Member for Fyzabad.

**Dr. Bodoë:** Thank you very much, Mr. Deputy Speaker. Minister, thank you for that answer. Minister, can you guarantee that regardless of who eventually procures vaccines, that the distribution process will be prioritized on the stated roll-out plan of your Government to immunize those most at risk first?

**Mr. Deputy Speaker:** Minister of Health.

**Hon. T. Deyalsingh:** Thank you very much. Let me start by saying, it is dangerous to call a private medical institution as partnering with you and when the Minister of Health calls that institution to verify, they claim absolutely [*Desk thumping*] no knowledge of that. [*Desk thumping*] Let me put that on the record.

I have put on the record publicly several times, depending on the supply of vaccines, we will stick with the stated hierarchy. I have also said publicly, if we get more vaccines, if supply starts to exceed demand, we may look at doing things, not in parallel, but concurrently. So I have said that publicly, and I hope that answers the question. Thank you very much.

**1.40 p.m.**

**Mr. Deputy Speaker:** I recognize the Member for Oropouche East.

**Dr. Moonilal:** Thank you very much, Mr. Deputy Speaker. Mr. Minister, this matter, as you are aware, has been in the public domain for about a month now. You have written on March 17<sup>th</sup>, which I believe was two days ago. Have you

received any response to your letter yet? Will you also call, since you are very proactive in calling—

**Mr. Deputy Speaker:** Member, Member, one question. Which question would you like him to answer please, Member?

**Dr. Moonilal:** Have you received any response, whether in writing or otherwise, to that letter?

**Hon. T. Deyalsingh:** Thank you very much. [*Interruption*]

**Dr. Moonilal:** Mr. Deputy Speaker, the Member for Laventille West— [*Crosstalk*]

**Mr. Hinds:** Entitled! Entitled!

**Dr. Moonilal:** He needs an Indian injection.

**Mr. Indarsingh:** Mr. Deputy Speaker, Laventille West—

**Dr. Moonilal:** Laventille West is disturbing me. I cannot hear the answer to the question that I am asking. Laventille West is disturbing me. I really would like to hear the answer from the hon. Minister.

**Mr. Deputy Speaker:** Thank you, Member. Again, Members, it is very early in the sitting. I recognize the Minister of Health.

**Hon. T. Deyalsingh:** Thank you very much. Mr. Rajiv Diptee wrote me on Monday the 15<sup>th</sup> of March. On Tuesday 16 March, Mr. Diptee put out a press release stating they are working with the Ministry of Health, which was absolutely false. I responded to him in writing on March 17<sup>th</sup>, which was two days ago, after the media started to bombard me asking me what is the nature of this collaboration between the Government and the Supermarket Association.

I responded on March 17<sup>th</sup>. On March 17<sup>th</sup>, I called the private hospitals that Mr. Diptee claimed to have partnered with, and in the interest of the safety of this population, it is shocking—it is shocking that these private entities have denied all knowledge of any partnership with the Supermarket Association. So he wrote to

me on the 15<sup>th</sup>, he went public a day later, and I responded on the 17<sup>th</sup>. Thank you very much.

**Mr. Deputy Speaker:** Before I move on to the next question, again, it is very early in the sitting, and the mutterings and murmurings that I am hearing from various Members, please desist. Also, Members, remember, you are not to sit with your back to the Speaker's Chair. I will now recognize the Member for Moruga/Tableland.

### **Mandingo Road Landslip**

#### **(Funding for)**

**Ms. Michelle Benjamin** (*Moruga/Tableland*): To the Minister of Works and Transport: Given the recent landslip along Mandingo Road that has damaged homes, could the Minister state whether critical funding has been identified to alleviate this urgent problem affecting thousands of motorists and citizens?

**Mr. Deputy Speaker:** I recognize the Minister of Works and Transport.

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you, Mr. Deputy Speaker. Contrary to what was put into the public domain by residents of the area that the Minister of Finance has not released any money to the Ministry, that is a false statement. The Ministry has not been able to identify anybody saying that. The answer is yes, the Ministry has identified funding. In explaining on what that means, I need to let you know the steps we will be taking.

In the first instance, the region, the area is prone to this type of landslip activities based on a number of factors, the main being the soil type. As such, we are engaging with a specialist, affiliated to the UWI, to analyze the soil type. Out of the results, we will be able to pursue solutions for a medium and long term.

Immediately, we will try to restore one lane of traffic by a shoring and piling. However, we know this will not hold without doing the necessary

geotechnical surveys. I thank you.

**Mr. Deputy Speaker:** Member for Moruga/Tableland.

**Ms. Benjamin:** The Minister said urgent action would be taken. Can I ask the Minister when would relief work start, as families are under pressure today? [*Desk thumping*]

**Sen. The Hon. R. Sinanan:** Mr. Deputy Speaker, urgent works come in several aspects. As I said, we will attempt to do some shoring and piling to secure, at least, one lane on the roadway, while we await the geotechnical surveys that will be undertaken by a specialist geotechnical engineer. Thank you.

**Mr. Deputy Speaker:** Supplemental again, Member for Moruga/Tableland.

**Ms. Benjamin:** Yes, Deputy Speaker. Given the Government's liability or culpability, as reported by those affected, can the Minister give any assurance on whether compensation is going to be provided for homeowners who have suffered damages?

**Sen. The Hon. R. Sinanan:** Mr. Deputy Speaker, the question is based on information from the homeowners. I am sure there is a process, if there is a need for compensation, and that process does not lie with the Ministry of Works and Transport, so I cannot give any undertaking for such.

**Mr. Deputy Speaker:** Member for Couva South.

**Trinidad and Tobago Police Service  
(Number of Officers in Quarantine)**

**Mr. Rudranath Indarsingh** (*Couva South*): To the Minister of National Security: Given recent reports in the public domain which have revealed that 92 officers attached to the Central Division of the Trinidad and Tobago Police Service are currently in quarantine due to COVID-19, could the Minister inform this House of the total number of police officers, across the respective divisions of the TTPS, who are currently in quarantine?



**The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Mr. Deputy Speaker. As the country is aware and, through you, the way that the Ministry of Health personnel and experts have been dealing with COVID-19, and their advice is, once a person tests positive there is a contact tracing exercise that takes place. Primary contacts, secondary contacts and even tertiary contacts, which are the most distant, are immediately sent on quarantine as a precautionary measure, and that is exactly the protocol that was followed in the current matter.

Mr. Deputy Speaker, furthermore, there are not 92 officers in the Central Division on quarantine as a result of that contact tracing exercise. There are 87 officers. Out of those 87 officers, three were positive, two are primary contacts and 82 are secondary contacts in the Central Division. The whole police service, meaning police officers as well as TTPS employees, currently on quarantine, including those 87, is 128.

**Mr. Deputy Speaker:** Supplemental, Member for Couva South.

**Mr. Indarsingh:** Thank you very much. Minister, given the statistics that you have revealed, could you inform this House if the Freeport, Couva and Chaguanas Police Stations are up to strength in terms of their respective operations, taking into consideration the shifts that law enforcement officers are engaged in?

**Hon. S. Young:** Mr. Deputy Speaker, the Commissioner of Police and the administrative arm of the Trinidad and Tobago Police Service would have put the necessary arrangements in place, and I am certain that they have sufficient cover in those areas. Additionally, the whole ERP system would provide additional coverage in those instances, but that falls completely under the purview of the Commissioner of Police. In fact, I have seen a letter from the Member for Couva South to the Commissioner of Police recently, asking for certain meetings, et

cetera, to take place, and that is going to happen. The Commissioner of Police has given that assurance.

**Mr. Deputy Speaker:** Hon. Members, the time for Urgent Questions has now expired. Leader of the House.

### ORAL ANSWERS TO QUESTIONS

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

Mr. Deputy Speaker, there are 10 Questions on Notice for oral answer, we will be answering all. There are no questions for written response.

**Mr. Deputy Speaker:** Member for Tabaquite.

#### Public Service Freeze (Effect on Teaching Service)

**77. Ms. Anita Haynes (Tabaquite)** asked the hon. Minister of Education:

How does the freeze in the filling of all vacancies in the public service, announced by the Minister of Finance in the Budget Statement 2021, affect the teaching service?

**The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, the Teaching Service Commission is the body responsible for the filling of vacancies in the teaching service and not the Ministry of Education. In addition, the process for recruiting teachers is quite time consuming and, in the circumstances, notwithstanding the general freeze on filling of vacancies in the public sector in fiscal 2021, the Commission is continuing its work, so that teachers can be employed as necessary and when funds become available, in order to ensure continuity of education to our children.

**Mr. Deputy Speaker:** Supplemental, Member for Tabaquite.

**Ms. Haynes:** Mr. Deputy Speaker, can the Minister indicate how many vacancies currently exist in the teaching service?

**Hon. Dr. N. Gadsby-Dolly:** Mr. Deputy-Speaker, that information is not currently

with me. It can be provided at a later time, but the interviews and so on are still going on to ensure that they will be filled.

**Mr. Deputy Speaker:** Supplemental, Member for Tabaquite.

**Ms. Haynes:** Would the Minister be able to say how many vacancies would have been filled in the past year?

**Hon. Dr. N. Gadsby-Dolly:** Mr. Deputy Speaker, the information that is being required is very specific, and I will have to get back to the Teaching Service Commission.

**Mr. Deputy Speaker:** Member for Tabaquite, other question. Question No. 79.

**Laptop Devices for Students  
(Update on Procurement)**

**79. Ms. Anita Haynes** (*Tabaquite*) asked the hon. Minister of Education:

Could the Minister provide an update on the procurement of laptop devices for students through iGovTT?

**The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, the Ministry of Education, in collaboration with the National Information and Communication Technology Company Limited, iGovTT, has completed the procurement evaluation exercise for 20,000 laptops, and has recommended the award of contract to Memory Bank Computers Limited for the amount of TT \$45,000,700, VAT non-applicable.

The letter of award was issued to Memory Bank Computers Limited on Tuesday 02 February, 2021.

The Procurement Unit of iGovTT has finalized the two contracts required to manage funding and the completion of the procurement of laptops, which are the parent contract with the Ministry of Education and the contract with Memory Bank Computers Limited, and these would be signed shortly.

Notwithstanding, Memory Bank Computers Limited has indicated that the

laptop devices were ordered from the supplier on the date of the letter of award, with a one- to two-month time frame for delivery of the laptops to the Ministry of Education.

**Ms. Haynes:** So from your answer, the delivery to students would be within one to two months. That is correct?

**Hon. Dr. N. Gadsby-Dolly:** The arrival of the laptops in Trinidad and Tobago will be within one to two months. So we are now in March, and we expect that they will begin to come in, in April of 2021.

**Ms. Haynes:** So they will be delivered to students—so the laptops will be delivered to students by April of 2021?

**Hon. Dr. N. Gadsby-Dolly:** The delivery of the laptops in the country—the arrival in the country will be April 2021. We are expecting the first batch, because we are advised that they will come in batches. They will arrive in the country in April 2021, subsequent to which we will deliver them to students. [*Interruption*]

**Mr. Deputy Speaker:** Question No. 80, Member for Tabaquite.

**Mr. Hosein:** Mr. Deputy Speaker, I have a supplemental.

**Mr. Deputy Speaker:** Proceed.

**Mr. Hosein:** Thank you very much, Mr. Deputy Speaker. To the Minister. Minister, can you give us the criteria in which the laptops will be distributed to the schools? For example, the process for the distribution of these laptops?

**Mr. Deputy Speaker:** Member, I will not entertain that question at this time. You have a supplemental?

**Mr. Hosein:** Yes, please.

**Mr. Deputy Speaker:** Proceed.

**Mr. Hosein:** Can the Minister explain what procurement process was used for these laptops?

**Hon. Dr. N. Gadsby-Dolly:** Thank you. Mr. Deputy Speaker, the Ministry would have worked with iGovTT who would have engaged the procurement process and send out to tender, and responses to those tenders were evaluated, and one was awarded to a contractor.

**Mr. Deputy Speaker:** Final supplemental. Proceed.

**Mr. Hosein:** Could the Minister indicate whether or not this was by sole select tenders or whether by advertisements?

**Mr. Deputy Speaker:** Member, Member, I am not hearing you too clear.

**Mr. Hosein:** Could the Minister indicate whether or not this was done by sole select tendering please? [*Crosstalk*]

**Mr. Deputy Speaker:** Members, please. Minister of Education

**Hon. Dr. N. Gadsby-Dolly:** Mr. Deputy Speaker, it was not sole select. The RFP was open to bidders.

**Mr. Deputy Speaker:** Member for Tabaquite, next question.

**Virtual School  
(Plans for Students to Remain)**

**80. Ms. Anita Haynes** (*tabaquite*) asked the hon. Minister of Education:

Could the Minister indicate whether there are any plans or programmes to help ensure students remain in virtual school?

**The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly):** Mr. Deputy Speaker, as for physical school, the attendance of students online is taken every day as a record of student attendance in the virtual classrooms. Where students have repeated absences, as is the procedure physically, schools will make attempts to contact parents involving the staff of the Student Support Services Division.

Students who are having difficulty transitioning to the virtual environment have also been able to benefit from the services of school social workers and guidance counsellors online, and face to face, under COVID-19 protocols where

necessary. In addition to this, the Ministry of Education continues to facilitate the donation of devices to students, by corporate citizens, to bring more students into the online environment, even as the delivery of the 20,000 devices is expected imminently.

The Ministry is also arranging the procurement of 1,300 devices from CAF/UNICEF at this time to ensure that our students have equal access to virtual home-based learning.

**Mr. Deputy Speaker:** Supplemental, Member? Proceed.

**Ms. Haynes:** Thank you for your response, Minister of Education. The question sought to talk about the students who have been able to access virtual schools, but dropped out of the virtual school system. So in our joint select committee, we were told that—

**Mr. Deputy Speaker:** Member, question please.

**Ms. Haynes:**—some 47,000 students would have dropped out. So I am asking specifically, given that information came to the public domain within the last two months, have there been any—

**Mr. Deputy Speaker:** Question please, Member.

**Mr. Haynes:** Have there been any additional plans or programmes put into place, given the data that we currently have today?

**Hon. Dr. N. Gadsby-Dolly:** Mr. Deputy Speaker, I am not sure of the veracity or the context of what the Member has quoted in terms of figures. But I am certain that students who are not present on the online environment, who have access to the virtual environment, they are contacted through their teachers, by their parents, through the Social Services Division to ensure that if any issues arise with their attendance, that it is sorted to the best of the ability of the teachers and the school social workers and guidance counsellors.

**Mr. Deputy Speaker:** Supplemental, Member for Tabaquite.

**Ms. Haynes:** Has any additional support been given to Student Support Services, given that they would bear a significant responsibility in terms of keeping students within the virtual school system?

**Mr. Deputy Speaker:** Minister of Education.

**Hon. Dr. N. Gadsby-Dolly:** The school social workers have been trained to deliver online, and they have also been in contact with the students face to face, so that there is no gap in the delivery of their services. So that, if there are students experiencing difficulty, they are able to intervene whether online or face to face as necessary.

**Port of Port of Spain  
(Status of Decision of Private Sector Operator)**

**84. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Works and Transport:

Could the Minister inform this House of the status of the Government's decision to introduce a private sector operator for the Port of Port of Spain?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you, Mr. Deputy Speaker. In the Budget Statement of fiscal 2021, the Ministry of Works and Transport was mandated to take immediate steps to rationalize, by the end of fiscal 2021, the operations of the Port Authority of Trinidad and Tobago, and to introduce a private sector operator into the port handling operations now carried out by the Port of Port of Spain.

The purpose of this mandate is a measure to significantly improve the efficiencies of the operations of the port and reduce the economic burden that the port currently places on the existing commitments of the State.

In this context, Cabinet, in October 2020 agreed inter alia to the establishment of a Cabinet-appointed committee to consider the arrangement of the

privatization of the Port of Port of Spain. The committee's mandate was to address the following matters: the current state of the Port of Port of Spain and the implications of its continued operations; an insight into the operations of the world's top private run ports; the preferred approach to a PPP for the Port of Port of Spain, and the recommended road map for the privatization of the operations of the port, along with time frames and successful completion.

The committee comprised representatives from the following state entities and civil society groups, under the chairmanship of the Minister of Public Administration and Digital Transformation: the Ministry of Public Administration and Digital Transformation; the Ministry of Finance; the Ministry of Trade and Industry; Ministry of Works and Transport; Urban Development Corporation of Trinidad and Tobago; Trinidad and Tobago Chamber of Industry and Commerce; Trinidad and Tobago Manufacturers' Association, and President General of the Seamen and Waterfront Workers Trade Union.

In addition to the aforementioned—

**Mr. Deputy Speaker:** Ten more seconds, Member, to finish.

**Sen. The Hon. R. Sinanan:** Mr. Deputy Speaker, the final report was submitted for the consideration of the Cabinet by the Minister of Public Administration and Digital Transformation, the Chairman of the committee. In this regard, the Ministry of Works and Transport awaits the decision from the Cabinet on the way forward.

**Mr. Deputy Speaker:** Supplemental, Member for Couva South.

**Mr. Indarsingh:** Minister, could you inform this House whether the report of the committee which was headed by the Minister of Public Administration and Digital Transformation, that went to the Cabinet of Trinidad and Tobago—

**Mr. Deputy Speaker:** Question, please.



**Mr. Indarsingh:**—did not have the final sign-off of the stakeholders, inclusive of the Seamen and Waterfront Workers Trade Union?

**Sen. The Hon. R. Sinanan:** Mr. Deputy Speaker, I do not understand that question, if there is a sign-off. This was a committee that submitted a report. I do not know what the Member is speaking about, a sign-off from the union, if that is a requisite of the report. The report has been submitted to Cabinet and the Ministry, at this point, is waiting for a decision.

**Mr. Deputy Speaker:** Supplemental, Member for Couva South.

**Mr. Indarsingh:** Minister, I am simply asking whether the report, which went before the Cabinet of Trinidad and Tobago—there was a meeting which finalized the report and had the concurrence of all the stakeholders before it went to Cabinet of Trinidad and Tobago—

**Mr. Deputy Speaker:** Member, Member, one second. Member for Couva South, ask the question directly, please. Proceed.

**Mr. Indarsingh:** Thank you very much, Mr. Deputy Speaker. Minister, the report of the committee that was headed by the Minister of Public Administration and Digital Transformation on the restructuring of the Port of Port of Spain, did that said report, which is before the Cabinet of Trinidad and Tobago, did it have the sign off and concurrence of all the stakeholders before it was submitted to the cabinet?

**Sen. The Hon. R. Sinanan:** Mr. Deputy Speaker, a report was submitted to the Cabinet. I do not have the information as required. If that information is required, I am willing to—on a future question to be posed—and the information would be sought.

**Mr. Deputy Speaker:** Member for Couva South.

**Mr. Indarsingh:** Mr. Minister of Works and Transport, could you inform this

House whether there has been a timeline agreed to, by the Cabinet of Trinidad and Tobago, to implement the recommendations of the said report on the restructuring of the Port of Port of Spain?

**Sen. The Hon. R. Sinanan:** As indicated, Mr. Deputy Speaker, the Ministry of Works and Transport would have been given a mandate by the end of this fiscal year. The report has been submitted to Cabinet, and until that report comes back to the Ministry of Works and Transport for a direction, only there and then we will be able to get that time frame from the Cabinet.

**New Grant Rehabilitation Works  
(Commencement date for)**

**85. Ms. Michelle Benjamin** (*Moruga/Tableland*) asked the hon. Minister of Works and Transport:

Could the Minister state the expected commencement date for rehabilitation works on Naggee Road from Frederick to Hindustan Road, New Grant?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):**

Thank you again, Mr. Deputy Speaker. The Highways Division of the Ministry of Works and Transport had proposed a programme for sectional paving work to be executed in fiscal 2020/2021, via the award of contracts. However, because of financial constraints, many of these projects that were identified could not be undertaken.

As an interim measure, the Highways Division, through the Victoria East district, conducted periodic spot patching as part of its routine maintenance work along Hindustan Road, together with the limited patching at the Naggee Road.

The Victoria East district is proposed to undertake sectional paving work along the Naggee Road in fiscal 2021/2022. This will be subjected to the availability of funding. I thank you.

**Mr. Deputy Speaker:** Supplemental, Member for Moruga/Tableland.

**Ms. Benjamin:** Thank you, Mr. Deputy Speaker. Is the Minister aware this particular location is home to the Devil's Woodyard volcano facility, which has been earmarked as one of our local tourism sites, and that the road leading to this facility is in a deplorable state?

**Sen. The Hon. R. Sinanan:** Which is the question?

**Mr. Deputy Speaker:** Which question, Member?

**Sen. The Hon. R. Sinanan:** Which is the question?

**Mr. Deputy Speaker:** It is only one question. Which question would you like answered, please?

**Ms. Benjamin:** The Minister said that patching would have been done on the Hindustan Estate Road, and this was not so. The road is in a deplorable state.

**Mr. Deputy Speaker:** Member, one second—

**Ms. Benjamin:** Okay, that is a statement.

**Mr. Deputy Speaker:** Yes. The question please.

**Ms. Benjamin:** What would be done with regard to the Hindustan Estate Road or the road in the upcoming future, since the Minister is saying that the works were due to funding reassigned? [*Crosstalk*]

**Mr. Deputy Speaker:** Members, Members, please.

**Ms. Benjamin:** No, I needed the youth facility assistance.

**Mr. Deputy Speaker:** Member, one second. Member for Moruga/Tableland, I am giving you the opportunity to ask the question to the Minister. Kindly proceed now, please.

**Ms. Benjamin:** This particular area is home to the local tourism site, which is the Devil's Woodyard, and that—[*Crosstalk*]

**Mr. Deputy Speaker:** Question now, please. You could give the question now. Proceed, proceed.

**Ms. Benjamin:** How soon could something be done within this area? [*Desk thumping*]

**Sen. The Hon. R. Sinanan:** Mr. Deputy Speaker, as indicated in the original answer, as an interim measure, the Highways Division, through the Victoria East district, conducted periodic spot patching, and as part of its routine maintenance work along the Hindustan, together with the limited patching at the Naggee Road. The Victoria East district is proposed to undertake sectional paving work along the Naggee Road. In the next fiscal year, however, continuous in-house patching and maintenance will occur and is being done as we speak.

**Ms. Benjamin:** Could the Minister indicate how long these works will take to be completed?

**Sen. The Hon. R. Sinanan:** Mr. Deputy Speaker, routine maintenance work is done on a daily basis, and whatever work has been started for the day is completed in that day. So it is routine maintenance.

**Mr. Indarsingh:** Waiting for a routine maintenance on the [*Inaudible*] road.

**Mr. Deputy Speaker:** No, no, Member for Couva South. Member for Couva South, please, please. [*Crosstalk*] Hon. Members, I am on my legs. Members. Member for Moruga/Tableland, next question.

**Ms. Benjamin:** Question 87 to the Minister of Public Utilities.

**Mr. Deputy Speaker:** Minister of Public Utilities. [*Crosstalk*] Listen, Members, please. It is now 2.08, the session has only started just over 30 minutes ago. If it is that this is the way we would like to proceed, again, as the Speaker in the Chair, we will act accordingly. So, again, Members. Question to the Minister of Public Utilities. Please proceed.

**2.10 p.m.**

**Persistent Water Shortages in Moruga/Princes Town  
(Reasons for)**

**UNREVISED**

**87. Ms. Michelle Benjamin** (*Moruga/Tableland*) asked the hon. Minister of Public Utilities:

Could the Minister provide the reasons for the persistent water shortages in:

- a) Moruga:
  - (i) Marac Village; and
  - (ii) La Ruffin Road.
- b) Princes Town:
  - (i) Naggee Road;
  - (ii) Lengua Road;
  - (iii) Sixth Company Circular Road; and
  - (iv) Frederick Road?

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, the Water and Sewerage Authority supplies water to the Marac Village and the La Ruffin Road from the Trinity Water Treatment Plant. [*Interruption*] Well you know what it is.

WASA has advised there is presently a shortfall between available volumes and the demand for water by the residents of Moruga. Similarly, Mr. Deputy Speaker, the communities that are affected in Princes Town are supplied through the Navet transmission system and are affected by continuous maintenance issues at the St. Julien booster station. The St. Julien booster station needs to be upgraded to transmit larger volumes of water to these residents on the extremities of the system.

**Mr. Deputy Speaker:** Supplemental, Member?

**Ms. Benjamin:** In light of what the Minister just itemized as the problem, can the Minister state if any assistance will be afforded to these families through tanks, water tanks?

**Mr. Deputy Speaker:** Minister of Public Utilities.

**Hon. M. Gonzales:** Mr. Deputy Speaker, the Ministry of Public Utilities has a social programme where we assist members of the community who request water tank assistance. They can go online and make the requisite application, and once they are deemed suitable, then their application will receive consideration.

**Mr. Deputy Speaker:** Supplemental, Member for Moruga/Tableland.

**Ms. Benjamin:** From what the Minister described in his statement, everyone in that area should be deemed suitable. But my supplemental question is with regard to, would any assistance be given through trunk-borne water? And is there a funding or an increased funding due to what he has just described?

**Mr. Deputy Speaker:** One question only, Member.

**Ms. Benjamin:** Would any assistance be given through truck-borne supply of water?

**Mr. Deputy Speaker:** Right. Minister of Public Utilities.

**Hon. M. Gonzales:** Mr. Deputy Speaker, yes, truck borne—yes, the truck-borne service is always available to members of communities who are affected by a low water supply. And if constituents of the Member for Moruga are affected and they request the requisite services from WASA, it will be provided.

**Mr. Deputy Speaker:** Supplemental, Member for Princes Town.

**Mr. Padarath:** Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, to the hon. Minister. Minister, about two years ago the Government announced a replacement of the infrastructure in the Tableland area. Can you indicate whether or not this project has commenced and will be able to assist in alleviating the challenges in the areas identified in this question?

**Mr. Deputy Speaker:** Minister of Public Utilities.

**Hon. M. Gonzales:** Mr. Deputy Speaker, my response to that question is that once

funding is available, the requisite infrastructure work will be instituted in the communities.

**Moruga/Tableland Residents  
(Consistent Water Supply)**

**88. Ms. Michelle Benjamin** (*Moruga/Tableland*) asked the hon. Minister of Works and Transport:

Could the Minister provide the steps taken to ensure a consistent supply of water to the residents of Moruga/Tableland?

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you very much, Mr. Deputy Speaker. To improve water supply to residents of the Moruga/Tableland area, WASA is proposing to undertake extensive infrastructure works including the upgrade of the Trinity Water Treatment Plant, the upgrade of the booster pumping stations, the construction of a service reservoir and substantial pipeline installation and replacement.

Mr. Deputy Speaker, the works outlined by WASA to improve supply in the Moruga/Tableland area require significant capital injection. We are aware that the country is challenged by the current economic climate and as a result the infrastructure improvement will be undertaken when funding becomes available.

Mr. Deputy Speaker, I can assure the residents that the situation in Moruga/Tableland is under close investigation. The Ministry of Public Utilities is working on a water stabilization plan that would improve the water supply around the entire country while improving the efficiency of the Water and Sewerage Authority. The execution of this programme will also be subject to the availability of funding.

**Mr. Deputy Speaker:** Supplemental, Member for Moruga/Tableland.

**Ms. Benjamin:** Thank you, Mr. Deputy Speaker. Could the Minister indicate what is the total cost for improving the water supply?

**Mr. Deputy Speaker:** Minister of Public Utilities.

**Hon. M. Gonzales:** Mr. Deputy Speaker, I do not have that information at this point in time.

**Mr. Deputy Speaker:** Supplemental, Member.

**Ms. Benjamin:** Could the Minister indicate what percentage of the constituency has pipe-borne supply of water?

**Mr. Deputy Speaker:** Minister of Public Utilities.

**Hon. M. Gonzales:** Mr. Deputy Speaker, I do not have that information at this point in time.

**Mr. Deputy Speaker:** Member for Naparima. You have a supplemental, Princes Town? Proceed, Member.

**Mr. Padarath:** Thank you, Mr. Deputy Speaker. Minister, in light of the question that was just posed by the Member for Moruga/Tableland, there was great fanfare two years ago when you all indicated that the cost was 18 million. Can you indicate whether or not this has been abandoned? The identified cost that was announced by Government—

**Mr. Deputy Speaker:** Member.

**Mr. Padarath:**—two years ago was 18 million.

**Mr. Deputy Speaker:** Member, do you have a question there already?

**Mr. Padarath:** Yes. I am asking whether or not this project has been abandoned? The hon. Minister indicated he could not give a figure. We were advised two years ago that it would cost 18 million.

**Hon. M. Gonzales:** By whom?

**Mr. Padarath:** The project. Has this project been abandoned?

**Mr. Deputy Speaker:** Thank you, Member.

**Mr. Padarath:** Or it is something that will be pursued by Government?



**Mr. Deputy Speaker:** Member, thank you. I will not entertain that question at this time. I now proceed to the Member for Naparima.

**Police Officers with Body Cameras  
(Percentage of)**

**100. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of National Security:

Could the Minister indicate the percentage of police officers outfitted with body cameras as part of their official uniform?

**The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, body cameras are not individually distributed to police officers but rather to units and divisions of the Trinidad and Tobago Police Service in order to maximize their operational usage.

Accordingly, as at March 05, 2021, the Trinidad and Tobago Police Service would have distributed over 140 body cameras to several of its units and divisions for use by officers whilst on duty. The Trinidad and Tobago Police Service has also been granted approval for the purchase of an additional 500 devices. All of this falls under the remit of the Commissioner of Police as he is in charge of the financial and administrative aspects of the Trinidad and Tobago Police Service.

**Mr. Deputy Speaker:** Supplemental, Member for Naparima.

**Mr. Charles:** Thank you. The Commissioner of Police indicated in July 2020 that an order has been placed for 1,000 body cameras. Could the Minister indicate what is the status of that 1,000 body cameras?

**Mr. Deputy Speaker:** Minister of National Security.

**Hon. S. Young:** Mr. Deputy Speaker, that information will have to be derived from the Commissioner of Police. I do not have that information here.

**Mr. Deputy Speaker:** Supplemental, Member for Naparima.

**Mr. Charles:** The Minister is responsible for policy. Is it the Government's policy to have all police officers who need it, given their duties, equipped with body cameras? And if so, what is the percentage?

**Hon. S. Young:** Those are two questions.

**Mr. Deputy Speaker:** Which question, Member?

**Mr. Charles:** Is it the policy of the Government to have all police officers who need it, equipped with body cameras?

**Mr. Deputy Speaker:** Thank you.

**Hon. S. Young:** So, Mr. Deputy Speaker, the policy of the Government and the discussions between the Minister of National Security myself and the Commissioner of Police is, that it is advisable that as many police officers as possible be provided with body cameras. Ultimately the administrative side of decision making is that of the Commissioner of Police, so it is up to him to determine. So recently he along with his administrative arm were determining who in the police service should be given body cameras. The Government's policy is, as many police officers as possible for interacting with the public should be given body cameras.

**Mr. Deputy Speaker:** Supplemental, Member for Naparima.

**Mr. Charles:** Has the Minister in discussions with the Commissioner of Police gone beyond as many body cameras as possible to give a percentage figure in terms of police officers?

**Hon. S. Young:** No.

**Citizens in Northern Syria  
(Repatriation of)**

**101. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of National Security:

Could the Minister provide an update on the arrangements for the repatriation of 24 women and 70 children being held in detention camps in Northern Syria?

**The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Mr. Deputy Speaker, thank you. Mr. Deputy Speaker, the Government of Trinidad and Tobago is unable to provide information on this matter as it is now sub judice as there are several matters related to it before the High Court of Trinidad and Tobago.

**Mr. Charles:** Has Minister been able to indicate—

**Mr. Deputy Speaker:** Naparima.

**Mr. Charles:** Has the Minister been able to indicate what is the status of these stranded citizens in Syria?

**Mr. Deputy Speaker:** Are you in a position, Mr. Minister? Proceed.

**Hon. S. Young:** I do not know what he means by stranded citizens. There are persons who are in detention camps in northern Syria who are claiming to have citizenship in Trinidad and Tobago. I cannot say anything further with respect to this as the matters are currently before the courts.

**Mr. Deputy Speaker:** Supplemental, Member for Naparima.

**Mr. Charles:** Mr. Deputy Speaker, has the Government not even sought to find out if the claims are true? If they are citizens or not?

**Hon. S. Young:** The answer is yes. The Government has been through a verification process that is currently ongoing. Apart from that, there is nothing further that can be said.

**Mr. Charles:** Mr. Deputy Speaker, this issue has been going on for about a year and half—

**Mr. Deputy Speaker:** Question.

**Mr. Charles:**—for a year and a half. Is the Government—does it take more than a year and a half to find out whether they are being cared for? Or whether they are suffering?

**Mr. Deputy Speaker:** Thank you, Member. Minister of National Security.

**Hon. S. Young:** Mr. Deputy Speaker, these are refugee camps and prisoner camps in a war zone, a conflict zone. The Government certainly has no personnel and no state representative there to carry out any first-hand verification exercise. In those circumstances we depend on other agencies to provide information, and that exercise continues.

**Venezuelan Citizens in T&T  
(Accurate Number of)**

**102. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of National Security:

Could the Minister indicate what steps have been taken to determine the accurate number of Venezuelan citizens in our country?

**The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Mr. Deputy Speaker, during the period of May 31, 2019, to June 14, 2019, the Government embarked on a migration registration project in order to determine the accurate number of Venezuelan nationals in Trinidad and Tobago. This registration exercise was aimed at all Venezuelans in Trinidad and Tobago whether they were here legally or illegally.

The Government has decided to undertake a reregistration process for these Venezuelan migrants which is currently underway having started on the 8<sup>th</sup> of March, 2021, and will continue this until the 26<sup>th</sup> of March, 2021. The objective of this exercise would be to update the information on Venezuelans who participated in the original migration registration framework exercise in 2019.

**Mr. Deputy Speaker:** Supplemental, Member for Naparima.

**Mr. Charles:** Is the Minister going beyond the 16,000 that were previously registered in order to find the accurate number of Venezuelans in Trinidad?

**Mr. Deputy Speaker:** Minister of National Security.

**Hon. S. Young:** Thank you very much. Mr. Deputy Speaker, there are a number of ways that the Government derives information with respect to migrants, not only Venezuelan migrants. That information is derived in addition for the Venezuelans, in addition to the reregistration exercise from our Immigration officers and from the Trinidad and Tobago Police Service and the defence force when they come across Venezuelans who may not be properly registered and legally here in Trinidad.

In addition to that, Immigration would have the necessary records of Venezuelans outside of the reregistration and the registration exercise who have been granted permission to be here, for example, via the provision of visas.

**Mr. Deputy Speaker:** Supplemental, Member for Naparima.

**Mr. Charles:** Mr. Minister, the anecdotal evidence indicates that could be between 40,000 to 60,000 Venezuelans in Trinidad and Tobago. Are you in a position to confirm a figure?

**Mr. Deputy Speaker:** Minister of National Security.

**Hon. S. Young:** Thank you. Mr. Deputy Speaker, that anecdotal evidence very often comes from the mouth of the Member for Naparima. What we know is, in 2019 an exercise was conducted that allowed any Venezuelan who was present in Trinidad and Tobago whether here legally or illegally to register himself or herself. Sixteen thousand, five hundred registered during that exercise which completely showed the provision of 40,000, the suggestion of 40,000 Venezuelans in 2017 present in Trinidad and Tobago as being extremely unlikely.

So in addition to what this reregistration exercise is doing, there are records,

as I have just said, with Immigration and our protective services that will also give the Government a more valuable and accurate figure of Venezuelans who are here in Trinidad and Tobago than anecdotal suggestions.

**Mr. Deputy Speaker:** Supplemental, Member for Naparima.

**Mr. Charles:** I am thankful. Is the Minister confirming that he does know the number of Venezuelans resident in Trinidad and Tobago?

**Mr. Deputy Speaker:** I will not entertain that question, Member.

**MUTUAL ASSISTANCE IN  
CRIMINAL MATTERS (AMDT.) BILL, 2021**

*Order for second reading read.*

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

Thank you. [*Desk thumping*] Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I beg to move:

That a Bill to amend the Mutual Assistance in Criminal Matters Bill, Chap. 11:24, be now read a second time.

May I just, because I sit in both Houses, ask what the time is in this House again?

**Mr. Deputy Speaker:** Thirty minutes.

**Hon. F. Al-Rawi:** Thank you very much.

**Mr. Deputy Speaker:** Thirty minutes. The responder will also have 30 minutes and all other Members 20 minutes.

**Hon. F. Al-Rawi:** Thank you, Sir.

**Mr. Deputy Speaker:** So we start now.

**Hon. F. Al-Rawi:** Mr. Deputy Speaker, it gives me great pleasure to pilot the introduction of this amendment. The Bill before us is intended to address an immediate and important improvement to the manner in which mutual assistance in criminal matters is provided.

Mr. Deputy Speaker, the parent law itself, the Mutual Assistance in Criminal

Matters Act, Chap, 11:24, was born by Act No. 39 of 1997. It has been amended on four occasions, most notably in 2001 where section 40 of the parent Act was amended, and I will come back to that; in 2005, where significant amendments and improvements were brought into existence into the law; and in 2018. And this particular law, the Mutual Assistance in Criminal Matters Act is the embodiment of Trinidad and Tobago's commitment to providing assistance to other countries divided between two pots, Commonwealth countries and non-commonwealth countries, in respect of criminal matters.

In the parent Act, a:

“Commonwealth country”—at section 2—“means a sovereign and independent country within the Commonwealth, other than Trinidad and Tobago,”—and includes dependent territories.

Criminal proceedings, which this is all about, means for the purposes of the Act in the various regards proceedings what have been instituted or in investigations which have commenced in Trinidad and Tobago or elsewhere. In other words then, criminal proceedings includes, from the moment that police authorities are involved in investigations, they can reach out to Trinidad and Tobago or Trinidad and Tobago can reach out to Commonwealth countries and non-commonwealth countries for mutual assistance in criminal matters.

It is important to note that we are in the body of this law treating with a serious offence. And a serious offence in relation to Trinidad and Tobago is an offence against the Laws of Trinidad and Tobago for which a sentence of death or imprisonment for a minimum term of not less than one year may be. In other words then, only criminal matters under one year by way of an offence and conviction are to be excluded. Anywhere from above one year right up to the sentence of death can be the subject of proceedings for mutual criminal assistance. It is important to

note that section 4 of the parent Act is relevant to this debate today. Section 4 says:

“The Attorney General may, by Order, direct that the application of this Act in relation to a particular Commonwealth country shall be subject to such conditions, exceptions or qualifications as are specified in the Order, and in that event this Act shall apply accordingly.”

In other words then, section 4 of the Act relates to all Commonwealth countries, and all that needs to have is an order is specified which may or may not provide limitations or exceptions.

In this Act the Commonwealth countries that have already received the benefit of the order are Canada and the United Kingdom. Section 33 of the parent Act which this Bill proposes to amend is where we treat with non-commonwealth countries, and that is under Part IV of the parent Act and it deals with the application of the Act to countries other than Commonwealth countries. A non-commonwealth country is defined as including countries that are simply outside the Commonwealth, and importantly a treaty is referred to in section 32. And a treaty is described as including:

“...a convention, protocol, agreement or arrangement.”

Now, it is very important to note that under section 16 of the Interpretation Act the singular includes the plural and therefore a treaty includes a multilateral treaty and of course a bilateral treaty being just bare minimum treaty that you could have. So a treaty includes multiple treaties including multilateral treaties.

[MADAM SPEAKER *in the Chair*]

Section 33 of the parent Act which the Bill proposes to be amended—as I welcome you to the Chair, Madam Speaker—is such that:

“Where a treaty has been entered into between Trinidad and Tobago and a non-commonwealth country providing for mutual assistance in a criminal



matter, then upon the application of that country for assistance, the Attorney General may, by Order, subject to negative resolution...declare that country to be a country to which this Act applies.”

This means specifically that for non-commonwealth countries to receive the benefit of intrusive criminal assistance on a mutual basis as described under the Act, we must have a treaty with that non-commonwealth country. That means that there is a severe limitation for non-commonwealth countries and in fact the only non-commonwealth country that is the beneficiary of a treaty at present is the United States of America.

It is important to bear in mind that this law is not to be confused with extradition. This law is mutual assistance in criminal matters. We seek today to improve the pot of non-commonwealth countries by amending section 33 of the Act and in fact we are borrowing from the precedent in the amendment obtained in 2001 to the parent Act where we amended section 40 of the parent law specifically in the addition to section (1A), subsection (1A) of section 40, we added in 2001 that:

“Where a treaty has been concluded, whether before or after the commencement of this Act, between Trinidad and Tobago and any other territory, providing for mutual assistance in...”—criminal matters—“arising or criminal”—offences—“committed in Trinidad and Tobago or such other territory, not including a criminal offence...”—in relation to subsection (1).  
—which is to deal with drug trafficking offences—

“the Attorney General may, by Order, subject to negative resolution...”—  
declare the treaty to have force, et cetera.

Now let us translate what I have just said because it was important to put in the context of the law. The fact is, Trinidad and Tobago is a member of several

multilateral treaties including the intergovernmental agreement with the United States of America, including its entry in a fulsome context to the Global Forum, including its entry into the FATF world. Trinidad and Tobago is a member of the following multilateral treaties on criminal matters. Number one, the UN Convention against Drugs 1988; number two, the UN Convention against Corruption of 2005; number three, the UN Convention Against Transnational Organized Crime of 2000; number four, the UN Rome Statute of the International Criminal Court of 2002; number five, the Inter-American Convention on Mutual Assistance in Criminal Matters 1992; and number six, the Inter-American Convention Against Illicit Manufacturing and Trafficking of Firearms of 1988.

We are also members of the following double taxation treaties. Double taxation treaties with Brazil, Canada, Caricom, China, Denmark, France, Germany, India, Italy, Luxembourg, Norway, Spain, Sweden, Switzerland, United Kingdom, United States of America and Venezuela. We are the beneficiaries of multilateral and bilateral treaties in the bilateral context with the United States of America under the IGA the Intergovernmental Agreement, and in the Global Forum context we will become bilateral participants with 190 countries.

Now, the international law demonstrates if we have regard to precedence around us, when one has a view of the Mutual Legal Assistance in Criminal Matters Act of Canada of 1985, the Mutual Assistance in Criminal Matters Act 1987 of Australia, and the Crime (International Co-operation) Act 2003 of the United Kingdom, when one has regard to these laws, it is clear that the distinction between Commonwealth and non-commonwealth fell apart several years ago in the international context. And in that regard, Madam Speaker, the parent law in the definition section, section 2 refers to the scheme referring to the Harare scheme.

And I would like to put on record that the scheme relating to mutual legal

assistance, the Harare scheme, is a scheme which we are the beneficiaries of and which we have modelled, and in that being the scheme adopted by Commonwealth Law Ministers in 1986 in Harare in Zimbabwe, there has been a significant amount of reconsideration, and amendments and upgrades were done in 1990, in 2002 and in 2005. And very importantly, the Commonwealth has produced model legislation in its meetings in Edinburgh, in Scotland in 2008 and moving right through to September 2013 when draft model legislation was presented.

And that draft model legislation is the subject of scrutiny at the AG's Office right now. That draft model legislation removes the context of Commonwealth and non-commonwealth. It specifically includes the modern technologies that are in existence such as factoring information technology, interception of communication, the digital environment, the manner in which cybercrime affects all of criminality across the globe, and therefore, we propose specifically to introduce today the step before a full repeal and replace of this legislation. The step that we propose to introduce today is intended specifically to introduce an amendment to section 33 of the Act. And the amendment as set out in clause 3 of the Bill is very specific. It says:

“(1A) Where Trinidad and Tobago and a non-commonwealth country are both parties to a treaty...”—

And a treaty, of course, includes a multilateral treaty—

“...concluded whether before or after the commencement of this Act, and which contains provision dealing with criminal matters and there is no arrangement for mutual assistance in criminal matters between Trinidad and Tobago and that country, then upon the application of that country for assistance, the Attorney General may, by Order, subject to a negative resolution of Parliament declare the treaty as an arrangement to provide for

mutual assistance in criminal matters in respect of criminal matters falling within the scope of that treaty...”

We, of course, put the limitation to say that it shall not continue for longer than the treaty’s existence. What does this mean? Any one of the United Nations Kingdom convention treaties that I just mentioned. Any one of the IGA agreements, the Global Forum context, all of them having arrangements set out for mutual assistance in criminal matters are therefore liable upon the request of any country sitting in those pots to ask for mutual assistance in criminal matters. The Attorney General can approach the Parliament by having an order subject to negative resolution and therefore, the intrusive aspects of assistance in criminal matters can then apply.

And what are the intrusive aspects? Those intrusive aspects are set out in the parent law in Part II, Part III, and then in the miscellaneous aspects beginning at Part V and Part VI which has the tail end of the coming into force of treaties, et cetera. Specifically it allows for obtaining of evidence, locating or identifying persons, search and seizure, attendance of persons, safe conduct, assistance in securing prisoners in transportation, transfer of prisoners, serving documents, return of documents, restrictions on evidence, immunities and privileges, tracing of property, certain orders in relation to obtaining restraining orders, financial assistance.

We then go down to the manner in which we treat with escaping, transiting and arrest of persons, et cetera. What does this mean? The interrogation of criminal matters in the global network are allowed now, without discrimination, to apply to Trinidad and Tobago without reference to the two pots which our law currently creates that is, Commonwealth and non-commonwealth. It takes us now to a step closer to the modern version of Mutual Assistance in Criminal Matters Act having

removed the limitations set out against tax matters being interrogated and investigated, as we did in 2018 when we eliminated, we repealed section 22(2)(k) of the parent law which provided an ouster for tax matters, we now allow for complete investigation of matters.

**2.40p.m.**

Madam Speaker, it is important to bear in mind that Trinidad and Tobago has so far as a matter of fact—and I want to say that I am not permitted to go into the details of requests now before the Central Authority as I myself as Central Authority, the figure point, I am subjected to secrecy provisions that we just passed in law not more than a month ago, and that new section 41 of the Act therefore restrains me in the kind of information I can offer today to the Parliament. But I can say that we are dealing with corruption, money laundering, terrorist financing, allegations in certain cyber matters, discreditable conduct, child matters, pornography, et cetera, attempted murder, drug trafficking, robbery and theft, fraud, misconduct in public office, trafficking in persons, rape, grievous sexual assault, to name a few of the matters.

These matters are being processed with alacrity, they are being pushed through our criminal justice system, we have received very favourable mention from the Financial Action Task Force in particular, and if you have regard to the FIU's report, laid in Parliament a matter of two weeks ago, that is the Annual Report of the FIU ending 30 September, 2020, that report which demonstrates a significant uptick in investigation and reporting in the period, we received for that year 1,831 suspicious transaction reports and suspicious activity reports, representing an 80 per cent increase from the previous reporting year, and that translated in dollar and cents matters to approximately \$27 billion in suspicious transactions, 97 per cent of which were blocked by virtue of mechanisms that we

introduced into law. The report of the FIU is something that I recommend all Members have a look at. It is effectively, and I am going to say this quite boldly, an ode to Government. It reflects upon all of the legislation that the Government brought in the period 2015 to 2020, which resulted in the significant uptick in detection and blocking of criminal activity. [*Desk thumping*]

To have a 97 per cent block of \$27 billion, Madam Speaker, is no small feat, and therefore the amendment today before this House is intended to carry forward the very exercise of, in particular, the follow-the-money matters. Those money matters that relate to an international dynamic, those matters that foreign jurisdictions have asked us to have a look at, with sincerity, form the backbone of these particular amendments. I look forward to the contributions of my learned colleagues as to any improvements that may be considered, and I beg to move. [*Desk thumping*]

*Question proposed.*

**Mr. Saddam Hosein** (*Barataria/San Juan*): Thank you very much, Madam Speaker, for recognizing me to join this debate on the Mutual Assistance in Criminal Matters (Amdt.) Bill, 2021. And I was very surprised that—normally I know the Attorney General will use up all of his time, but it is a very short Bill before us dealing with one very substantive clause in the particular Bill which is clause 3, that deals with, as the Attorney General outlined, how Trinidad and Tobago now operates in the global environment when it comes to multilateral treaties and those countries that are not considered to be part of the Commonwealth countries.

Now, Madam Speaker, what we are dealing with is an amendment to section 33 of the Act. And section 33 of the Act already has a mechanism whereby Trinidad and Tobago can in fact lend and offer mutual assistance in criminal matters to

non-commonwealth countries. But with a literal and strict interpretation and reading of section 33 of the Act, it seems as though that we are restricted to bilateral treaties between countries, that is Trinidad and Tobago and a non-commonwealth country. And that treaty provides for mutual assistance, and then on an application to the Attorney General who is considered the Central Authority, then sharing will begin. When I read the particular amendment in this case, it is very similar. However, when you look at the interpretation note, the explanatory note, it deals with—and as the Attorney General outlined, that a treaty in this instance would mean a multilateral treaty—it is that if Trinidad and Tobago is a party to a multilateral treaty—this is my understanding of the Government's position—and there is a non-commonwealth country who is also a party to that multilateral treaty where there are no provisions or arrangements for mutual assistance, then the Attorney General by order subject to negative resolution of the Parliament can declare that treaty as an arrangement to provide for mutual assistance. Now, that would allow for some sharing of information between countries. As the Attorney General rightfully stated, that there are three jurisdictions whereby Trinidad and Tobago has mutual assistance agreements, and that is Canada, that is the United Kingdom, and that is the United States of America, and the USA being the only country that is not within the Commonwealth.

But, Madam Speaker, there are other provisions of the law that may seem to be very relevant, or whether or not we are creating a duplicity within the law in terms of whether or not we can use other provisions of the law to allow for sharing. I would not go too much in that, my colleague would in fact explain those matters. But that is to say, in the present circumstances whether or not this is required or we can rely on other provisions of the law. So that is one point.

The second point I want to make, Madam Speaker, is this: What is the clear intention for us to share information now? Is there a deficiency within our current framework that prompted this Parliament in order to bring this amendment to this particular Act? And I say this, Madam Speaker, because the Attorney General said that Trinidad and Tobago is party to various multilateral treaties, and I want to pay attention to one particular treaty, and that treaty deals with mutual assistance in tax matters. That is part of what we call the Global Forum scheme. And in the Global Forum scheme, Madam Speaker, Trinidad and Tobago, based on their last report, is not a signatory to that treaty as yet. And that is very instrumental because we have signed up for the Global Forum, one; two, we have not been able to reach our standards and fulfil the criteria of the Global Forum; and three, Trinidad and Tobago ended up on the blacklist since 2016, and up until this day we cannot come out of that blacklist. [*Desk thumping*]

Madam Speaker, you would remember in the last Parliament we were told by this Government that we had to amend some parts of the legislation, and also pass a particular Bill called the Multilateral Convention on Mutual Assistance in Tax Matters. We were told that we have to pass the Tax Information Exchange Agreement Act. We were told that we had to amend the Income Tax Act. Madam Speaker, we did all of these things.

**Mr. Al-Rawi:** I rise on 48(1), this is not tax information we are discussing, it is mutual assistance in criminal matters. I did not want to interrupt because it was partly relevant but it is now beyond, in my respectful view.

**Madam Speaker:** So, Member for Barataria/San Juan, I share the view of the Attorney General that this is not about tax matters, and while I initially understood what you are trying to do, I am going to give you a very narrow, narrow breadth. Okay? So, let me see where you are going with this, but you are really on the edge.



**Mr. S. Hosein:** Thank you very much, Madam Speaker. And, Madam Speaker, you see, the thing is, what is very relevant is that this particular amendment deals with mutual assistance in criminal matters, which is right. I admit that. And part of the Global Forum scheme and the multilateral convention is to in fact trap offences that are related to tax matters that fall within the criminal ambit, the exchange of information which is the criminal scheme. [*Desk thumping*]

Because, when we indicated to the Global Forum that we are going to sign that convention, we said that Trinidad and Tobago is ready to fight tax evasion which is a criminal offence in Trinidad and Tobago. [*Desk thumping*] And that is where I am going, Madam Speaker, because we have to understand how this particular amendment will now work with the laws that are existing that will be applicable to it, which is the multilateral convention that is already incorporated as an Act of Parliament on the 12<sup>th</sup> of March, 2020, in this current Parliament. And I am asking, Madam Speaker, whether or not this particular amendment today that we are dealing with, is relevant to that multilateral convention relating to the Global Forum in order to take Trinidad and Tobago off the blacklist? That is what I want to find out. Because, Madam Speaker, we were told, if we did not pass that particular piece of law that we would lose correspondent banking. We were told that we needed to pass that law—

**Madam Speaker:** What I am saying is, I am not going to let you go into that law. You have asked a question and to me that is it as far as this remains, which is before us. So, I am not going to let you go into the legislation with the Global Forum. Okay? What we are dealing is with what is before us.

**Mr. S. Hosein:** Yes.

**Madam Speaker:** Yes.

**Mr. S. Hosein:** Madam Speaker, with respect to the double taxation treaties which

are also part of the exchange of criminal matters, we already have 16 double taxation treaties. The Attorney General listed all of them in his contribution. Again, I am asking whether or not, if we pass this particular piece of law, we want an accurate answer from this Government, whether or not this will in fact take us off from the Global Forum blacklist because it is important for us to come off of that blacklist.

And, Madam Speaker, what we have seen in this amendment is that we are going to widen the scope now, but there is also need Attorney General, and I would ask you to consider this, is that whether or not we can make—I know the other provisions of the particular piece of law that resemble this have an order for negative resolution. I am asking whether or not we can go by way of affirmative resolution simply because this particular arrangement that we would intend to enter into will in fact be going with respect to multilateral treaties—it is not a bilateral treaty—and also where there were no provisions for mutual assistance. So, it gives a little more scrutiny, it gives a little more oversight over the particular treaties that we will be enforcing for the exchange of information. That is one point.

The other point, Madam Speaker, deals with, and I am looking at, Attorney General, section 40(1A) of the parent Act, which is very similar to this particular piece of law. And there is also one additional criteria in section 40(1A) which says that:

“Where a treaty has been concluded, whether before or after the commencement of this Act, between Trinidad and Tobago and any other territory, providing for mutual assistance in any criminal matter arising or criminal offence committed in Trinidad and Tobago or such other territory...”

Now, on reading of this Bill it does not require that a criminal offence be

committed in Trinidad and Tobago or that other territory. So I was wondering whether or not that is in fact a deliberate omission, because you want to capture a certain aspect of the law that section 40(1A) wanted to capture. So that is one of the queries that I would like to raise when it comes—maybe we can discuss that at the committee stage of the Bill when we are having a final glance of what is before us. And, Madam Speaker, I know and you already indicated that the scope and the ambit of this particular Bill is very limited, and I thank you very much.

[*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, I am not going to break the trend, and a welcome trend if I may call it that, that I see here this afternoon with the speakers before not utilizing their full amount of time. I was wondering what would be the debate on really a three-clause Bill where it is only one substantive matter that we are being asked to deal with here today.

Madam Speaker, I would like to use my time, respectfully, through you, to just assist the public and those who may have to read the *Hansard* later on, to put this particular insertion into context, and to explain to the public, through you, Madam Speaker, what really is meant by mutual assistance and MLATs as we call them in the legal world. The best way to do so is to explain the whole chain of custody and evidence that must be put before a court for a criminal prosecution, because that is what the vast majority of MLATs, mutual assistance, request for mutual assistance in criminal matters comes down to. And to explain that to build out a legal case one requires evidence. To gather that evidence, one of the most critical components is to have a proper chain of custody, meaning that this went from point A to point B, this is how it then went on to point C, et cetera.

Utilization of mutual assistance in criminal matters, I listened to the two previous speakers. Today in this day and age, in the globe, and the global economy and the type of global criminality that we are facing, this is of critical importance. So I could not understand, it still has not been explained to me, how there could be any resistance to this particular Bill here this afternoon. I think the best example, Madam Speaker, to give, or one of the best examples to give as to the utilization of this particular legislation is with respect to following the money. So you see, in this day and age where there is corruption, quite often what you have is persons who have engaged in corruption then filtering that money from bank accounts locally to foreign bank accounts, and to other jurisdictions. And when you follow the money you now need to build out that evidential chain, so you need to show that the money went from maybe this contractor, this award of a contract, to then this payment to a third party entity, and then from that third party entity to the subject person of interest who may then send that money onwards, maybe to the United Kingdom, maybe to the United States, maybe to Canada, maybe to India as well. And to now prosecute that person and to follow the chain, you have to make the requests. The criminal investigators make the requests through the Attorney General's Office, the Central Authority, who will then in turn send on a request pursuant to this particular legislation to the various jurisdictions. So, can you please tell me whether there are bank accounts in the name of, person X who is a national of Trinidad and Tobago, between these periods of time, et cetera.

And that is what this parent body of legislation can be utilized for. So in the fight against corruption in the following of the money schemes in the criminal courts, you have to make MLAT requests. Also, if for example, you are investigating, let us say a \$400 million scheme where criminal entities were and there are allegations with respect to certain former Ministers, et cetera, you want to

now build out the evidence from a witness who may be now in a foreign jurisdiction. Again, you go through this scheme to protect the evidence, to allow the law enforcement officers in that jurisdiction to interview person X in that jurisdiction and allow the information, the evidence, the documents, whatever it may be, come back through this whole mutual assistance in criminal matters piece of legislation.

And today what we are doing is we are amending it, and as we heard the Attorney General say, what you are now looking to do is you are looking to include multilateral treaties. And for the lay person what that is, whereas before and in annex to the parent legislation, we have treaties with the United States, with Canada, with the United Kingdom, with other Commonwealth countries, you are now having that you have signed up to a treaty where there are a number of different parties. So, it is no longer bilateral, a one on one Trinidad and Tobago and the United States. It might be the OECD countries, so we are now having the benefit of signing on to a treaty there and you can now go to Brussels, you can now go to Belgium, the Netherlands, Spain, Italy, et cetera in that whole exercise. And this provision is going to allow for that, where there are both parties to a treaty, that we can get that mutual criminal assistance with respect to the criminal investigations that are taking place. And just to let the population again know, through you, Madam Speaker, there is nothing new about this. In fact, there are these types of bodies, organizations set up in the Department of Justice in the United States, in the United Kingdom as well, to receive these requests for mutual legal assistance in criminal matters. But today what we are doing, as the Attorney General said, is he is trying to build out a simpler process for multilateral treaties where there are more than one party signed up to those treaties, by definition.

There was a lot of talk, and I am sure the Attorney General will deal with it

in his wrapping up, from the previous speaker about Global Forum and the blacklisting, et cetera; none of that is relevant here today. What we are being asked to do today, is just expand this parent piece of legislation to allow for multilateral treaties for non-commonwealth countries, for others, that the Attorney General may, by a simple order subject to negative resolution of Parliament, declare that that treaty is an arrangement to provide for the type of examples I have sought to give. Madam Speaker, without any further ado, I also would like to just say that there is absolutely—and you know, I always wait and listen for the red herrings. Always wait and listen for the misinformation, for the attempts to mislead the population. As night follows day, that is exactly how the Member for Barataria/San Juan started off his contribution unfortunately, by throwing out this red herring of, is this creating duplicity? And then warning us that a speaker to come will try to enhance this. I put on the record here immediately that that is absolutely false. There is no merit in that whatsoever. It is the typical attempt to mislead, because by definition the only way you can have mutual assistance in criminal matters to fulfil the chain of custody, to fulfil the evidential burdens, to assist in a criminal prosecution, is through the parent legislation here. So the same way it has been suggested in other legislation, well, do not support this legislation because it can be done via other means, I put that to rest here hopefully now, through you, Madam Speaker, that is completely untrue. There is no other piece of legislation that exists that will fulfil the chain of custody, the necessary tick boxes for evidence in criminal matters, but the parent legislation here today.

So, Madam Speaker, without any further ado, I would like to thank you for the opportunity to have contributed to this very short piece of legislation, three clauses, and to offer my full support for this Bill, because it is necessary in today's day and age when fighting corruption. Thank you. [*Desk thumping*]

**Mr. Rodney Charles** (*Naparima*): Thank you. Thank you, Madam Speaker. Today we are here to amend this legislation by the insertion of new sections 33(1A) and (1B), and an amendment to section 33(2). So put simply, section 33(1A) deals with providing assistance in criminal matters to non-commonwealth countries where no bilateral arrangement exists between them. So to state it hypothetically, to give a hypothetical example, if Trinidad and Tobago does not have a treaty for assistance in criminal matters with Brazil, and Trinidad and Tobago has signed the Inter-American Convention on Mutual Assistance in Criminal Matters under the OAS, and actually that is A-55, but Brazil has also signed that treaty under the OAS, so the OAS has the multilateral treaty, that is the Inter-American Convention on Mutual Assistance in Criminal Matters, Brazil has signed and Trinidad has signed, then if Brazil requests assistance in criminal matters from Trinidad and Tobago, it will be as if Trinidad and Tobago and Brazil have a bilateral arrangement between them to provide for assistance to each other in criminal matters.

So, Madam Speaker, a premise to this legislation is the fact that we have entered into, or we intend to enter, and the Attorney General has listed a number of multilateral treaties which we have signed. But it seems to me, when I look at the number of multilateral treaties, we are in need of signing and ratifying many of them. I could give a whole set of examples but that is a prerequisite for the operationalization of this legislation. I will just give one example: It is taken from the *Official Journal of the European Union*, 26 February, 2021, and the Council conclusion, and I quote:

“Trinidad and Tobago does not apply any automatic exchange of financial information...”

—et cetera, et cetera, but it goes on to say we have—

“...not signed and ratified the OECD Multilateral Convention on Mutual Administrative Assistance as amended...”

I will not labour the point except to say that there are critical multilateral treaties that need signing. We need to either do them *pari passu* or sign the treaties and have the mechanism to provide assistance in criminal matters.

The other point I would like to raise, Madam Speaker, is the fact that, if we are moving into the global arena where we are signing multilateral treaties, a critical component of that is the operationalization of the mechanisms for which the mutual assistance can be granted, and the basis for that is the Central Authority in Trinidad, and the Central Authority in the country making the request under a bilateral treaty to which both have signed. But, Madam Speaker, First World countries have a detailed mechanism for operationalizing their systems of exchanging information. For example, Madam Speaker, and I will not go into detail, just to make the point, that we need to not only pass the law, but have the mechanism to operationalize the law. And it is saying in—if we look at Brazil, if we look at Argentina, if we look at Canada, the United States, they would give you a detailed—you could go on the net and get a detailed step by step system for interacting in order to operationalize this treaty. For example, if you look at the Argentinians, I could go on the Net now, if I am a country interacting with Argentina, and I could see a step by step. It will indicate the principles under which the arrangement for exchange of information on criminal matters. It will indicate whether the request is made under a treaty or a convention, whether it is a non-treaty request, whether there is—step (iii) is:

“Dual Criminality is Generally not Required.”

The Central Authority, they give you contact persons. They tell you:

“Step 1: Consult with the Argentine Central Authority before submitting the



request.

Step 2: Indicate the mechanism used to seek assistance.

Step 3: Identify the authority conducting the investigation or prosecution.”

This is in the country making the request.

“Step 4: Summarize the case.

Step 5: Set out the applicable legal provisions.

Step 6: Identify the assistance being sought.”

I could go on and on. It is about 40 pages, but it tells you that passing law is not adequate if we do not have a mechanism in Trinidad for a country seeking to get assistance from us.

### **3.10 p.m.**

Madam Speaker, my main point today is whether this amendment is necessary at this time and further, is the Attorney General already empowered to enter into arrangements for mutual assistance in criminal matters with non-commonwealth countries? So the question basically is, do we really need this amendment? We are here today to create legislation to amend section 33 of the Mutual Assistance in Criminal Matters Act by inserting subsection (1A) and subsection (1B).

Madam Speaker, the wording of the new subsection (1A) is repeated practically verbatim or word for word in section 30(2) of the Anti-Terrorism Act. If this already exists in the Anti-Terrorism Act there is no need for an almost identical section in this Mutual Assistance in Criminal Matters Act. So the question is, are we wasting time? And I will read section 30 of the Anti-Terrorism Act. And it states, it will show how the Attorney General is already empowered to enter into an arrangement if countries are signatory to a multilateral treaty. I will read section 30(2) of the Anti-Terrorism Act. It states:

“Where Trinidad and Tobago becomes a party to a treaty...”

And that treaty, it is understood in the explanation to be a multilateral treaty or a bilateral treaty. So:

“Where Trinidad and Tobago becomes a party to a treaty and there is no arrangement between the Government of Trinidad and Tobago and another State which is a party to that treaty for mutual assistance in criminal matters, the Attorney General may, by Order, subject to a negative resolution of Parliament”—of Trinidad and Tobago—“and”—the—“State providing for mutual assistance in criminal matters in respect of offences falling within the scope of that treaty.”

So what this is saying essentially is if Trinidad and Tobago is:

“...party to a”—multilateral treat—“a treaty”—which could include a multilateral treaty—“and there is no arrangement between the Government of Trinidad and Tobago and”—that—“State which is a party to that treaty for mutual assistance in criminal matters, the Attorney General may, by Order, subject to...negative resolution of Parliament, treat the treaty as an arrangement between the Government of Trinidad and Tobago and that state providing mutual assistance...”

It already exists in the Anti-Terrorism Act. And I will prove later on that this is not only applicable to the Anti-Terrorism Act. It has applicability beyond that. Now, let us compare that to the proposed section 33(1A) of the mutual assistance in criminal matters before us today. And it reads:

“Where Trinidad and Tobago and a non-commonwealth country”—the ATA, the section under the ATA says:

“Where Trinidad and Tobago becomes party to a treaty and there is no arrangement...between Trinidad and Tobago and another State...”

And another state could be a Commonwealth state or a non-commonwealth state. So the question we are asking today is, why the need for this legislation? But I will read in detail what is before us:

“Where Trinidad and Tobago and a non-commonwealth country are both parties to a treaty, concluded whether before or after the commencement of this Act, and which contains provision dealing with criminal matters...between Trinidad and Tobago and that country, then upon the application of that country for assistance, the Attorney General may”—and I will talk about the problem about may, that discretion—“by Order, subject to a negative resolution of Parliament declare the treaty as an arrangement to provide...mutual assistance in criminal matters in respect of criminal matters falling within the scope of that treaty between Trinidad and Tobago and that country.”

Almost word for word, Madam Speaker. One can even argue that the amendment before us is weaker and more limited than the clause in the Anti-Terrorism Act. I mention this because the first page of the Mutual Assistance in Criminal Matters Act, which is the parent Act, Madam Speaker, it says that this Act, the parent Act, is amended by 07 of 2001, 14 of 2004 and it says 26 of 2005 by implication. So the parent Act already has sight of the relevant clause in the Anti-Terrorism Act. It implies—it says by implication it is understood to be part of this Act.

And if we had doubts, Madam Speaker, the note to the Act, this is the Mutual Assistance in Criminal Matters Act, the note on the Act, No. 26 of 2005, this is where the parent Act that we are amending has sight of the anti-terrorism clause. It says on page 2:

“See section 30 of Act No. 26 of 2005 which would enable a treaty to which

Trinidad and Tobago is party to be used as the basis for the mutual legal assistance in criminal matters in respect of offences falling within the scope of that treaty.”

So this parent Act, the Mutual Assistance in Criminal Matters has sight of the relevant clause in the Anti-Terrorism Act and it notes it on page 2 of the parent Act which we are amending. So we are amending something which the Act already has sight of and has indicated that it has relevance to the situation here today.

But, Madam Speaker, sometimes the question may come whether this clause is relevant only to the Anti-Terrorism Act. So sometimes when you want to find whether it has applicability beyond the Act you go to the debate in Parliament at the time the ATA was debated, that is the Anti-Terrorism Act was debated. And, Madam Speaker, section 30 of the Anti-Terrorism Act which is under Part IV of that Act was mentioned by the hon. Fitzgerald Hinds in *Hansard* on the 11<sup>th</sup> of February, 2005. So we look to say what was debated when they debated the Anti-Terrorism Act and did the debate envisage that it should have applicability beyond the Anti-Terrorism Act. And I quote from the hon. Fitzgerald Hinds, at that time he was the Minister of State in the Ministry of National Security and in the Ministry of Industry and Trade. And this is what he said, I quote, this is from *Hansard*:

“Part VI”—of the Anti-Terrorism Act—“deals with information-sharing”—it deals with—“extradition and”—it deals with—“mutual assistance in criminal matters.”

He goes on:

“As part of the international community, Trinidad and Tobago must be cognizant of the international issues and must, as far as possible, implement measures adopted at all international fora. This is the very purpose of Part

VI”—of the Anti-Terrorism Act. “It has to do, as I said, with information-sharing, extradition of persons when necessary and mutual assistance in criminal matters.”

Clearly, clearly, the fact that this parent Act cites by implication that clause in the Anti-Terrorism Act and in the debate, in the debate, the discussions indicated that it went beyond the Terrorism Act to have applicability beyond. So therefore the question we ask, is why are we here today, right?

Now let us see the key differences between the current provision under the ATA which we submit, empowers the Attorney General to enter into a bilateral arrangements with countries that are signatory to a multilateral treaty to which we have signed. The key differences between the current provision under the ATA and the mutual assistance in criminal matters amendment is one, section 30(2) of the ATA deals with treaties between Trinidad and Tobago and a state, a state. Section 33(1A) by contrast of the mutual assistance in criminal matters is limited to treaties between Trinidad and Tobago and non-commonwealth countries. So the ATA is broader and we submit that it already empowers the Attorney General to enter into arrangements for exchange of assistance in criminal matters.

Second difference, section 30(2) of the Anti-Terrorism Act relates to any treaty to which both parties are signatory and there is no arrangement between the parties for mutual assistance in criminal matters. Whereas, what is before us today is more limited in that section 33(1A) of the mutual assistance in criminal matters is specifically limited to treaties to which both parties are signatories and which contain provisions dealing with criminal matters. And there is no arrangement between the parties for mutual assistance in criminal matters. The provision is broader in the ATA as it deals with any treaty, not just the ones which contain provisions for criminal matters.

Madam Speaker, section 30(2) of the Anti-Terrorism Act cannot be applied retroactively, and this is the fundamental difference, and as such can only apply to treaties to which Trinidad and Tobago becomes a party from the date of enactment of the Anti-Terrorism Act on 13 September, 2005, and onwards. This amendment speaks to the question of retroactivity when it says that, in amendment, section 33(1A) of the mutual assistance in criminal matters includes treaties that were:

“...concluded before or after the commencement of the Act...”

Madam Speaker, when we get into the matter of retroactivity it requires a level of legislation and review and information that is greater than what was provided here today by the Attorney General. We are getting into fundamental—rights that existed today, that exist today when this amendment is passed this afternoon we might find, I do not—the individual citizens do not have those rights because the retroactivity clause kicks in. So to get a thorough idea of the implications of this amendment we would need a comprehensive list of the multilateral treaties that Trinidad is already signatory to and how does it apply in terms of the rights of citizens. And I will ask the Attorney General to provide the list of all multilateral treaties that we have signed so far so that we could have—and not only just list them, but let us have some sight of them so that we could have a clear understanding of the rights that citizens had before and whether they will be changed with this amendment.

So the issues we faced today, fundamental issues, there is going to be interpretational problems. In fact the staff had strong words, poor drafting is bound to create interpretational problems. Determining whether and to what extent section 30(2) of the Anti-Terrorism Act has been repealed and/or replaced and/or amended.

The second issue, to what extent section 30(2) of the ATA, Anti-Terrorism

Act would still remain applicable to mutual assistance in criminal matters. A third difference, whether there will be a conflict between the two pieces of legislation and how will they operate? Are they to operate simultaneously or will one supersede the other?

**Madam Speaker:** Member for Naparima, I guess you are most probably summarizing but your time is now spent.

**Mr. R. Charles:** Time spent. [*Desk thumping*]

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

**The Minister of Youth Development and National Service (Hon. Fitzgerald Hinds):** Thank you very kindly for recognizing me, Madam Speaker. Madam Speaker, I have listened to all of my colleagues in this House who have spoken in this debate, hitherto, and, Madam Speaker, I find substantial disagreement with the submission made by the Member for Naparima. He quoted yours truly in that Anti-Terrorism Bill debate and while the terms of that legislation says what it did and while one concedes that it is of broad application, the Member for Naparima was really telling us here today, in light of that provision in the anti-terrorism law we should not, it is not necessary for Trinidad and Tobago to engage in mutual assistance treaties otherwise, a ridiculous proposition that only has to be stated to be rejected.

Madam Speaker, that was terrorism law and this measure today or in fact in the mutual assistance treaty one of the offences that it considers in its dispensation is terrorism with money laundering and all the other elements as outlined by the Attorney General. So one understands that there is some kind of link between them but certainly the Member cannot be telling us today that we then need not have bilateral arrangements with any country in respect of mutual assistance in criminal matters. I reject that. The Member gave the example of Brazil and on his own

example, I submit, Madam Speaker, we will need a bilateral treaty with Brazil in the context of the example that he gave. But I do not want to spend all my time on the Member for Naparima. So let me press on.

As I said, I have listened to my colleagues, I listened particularly to the Attorney General. My own view, and I heard the Member for Naparima allude to it, but he said it in the context of, you need to have—it is no point just passing this law, you have to have clean procedures listed. And if he went on the Brazil website or Argentina, he will find all the principles and the methods by which they would go through this. The Member did not take time to look at the First Schedule of the parent legislation, the Mutual Assistance in Criminal Matters Act, Chap. 11:12, which we are amending today. And if he had looked in that First Schedule he would see at item one it outlines cleanly and clearly some of the matters that Trinidad and Tobago in this treaty are obliged to and in fact the Central Authority on every occasion pays attention to.

In that First Schedule it talks about:

“A request...”—“made under this Act by a Commonwealth country shall—

- (a) specify the assistance requested;
- (b) be initiated by a Judge, Magistrate, the Director of Public Prosecution or law enforcement agency;
- (c) identify the person, agency or authority that initiated the request...”

And it goes on. Apart from which we have been engaged in this mutual assistance arrangement since the passage of this law and even before through diplomatic means by what call letters—there were some diplomatic procedures by which states assisted, rogatory, assisted each other.

So we are well schooled in this and we are the subject of international



agreements as you have heard, we are parties to international agreement and we have been doing this successfully all the years. It means that the procedures are sufficiently known and sufficiently designed and meet the international standard for sharing assistance. So for the Member for Naparima to suggest that we need to do that it is almost like negotiating for what you already have and that too has to be rejected. But my own view is that if we pass these laws as indeed others and these measures, I submit that they are of no value without proper enforcement, I would rather spend my time paying attention to that.

So the FIU is one of the agencies that does this kind of analysis and enforcement, the police, the customs, real estate agents, all listed businesses, all are lined up in terms of our AML arrangements and they play a role in enforcing this kind of law in order to be able to give mutual assistance to another country or to receive information from them. Because we understand that this—the problem we are tackling in this amendment and with the parent law has to do with a global and transnational criminal activity and it requires a global response equally. That is why we are part of international conventions on this matter. And therefore all our institutions and all stakeholders must play a role in order to ensure this. We amend this law today in accordance with our Constitution with a view to good order and good governance, Madam Speaker, public order, public safety, these are the kinds of things we bear in mind.

The Minister of National Security explained in great detail how this law works, Madam Speaker. For example the purchase of land. I had to report, just by way of an example in terms of how does this works, I had to report to the FIU and the head of the investigating unit of the police service, Financial Investigating Unit, about some transactions, about nine of them, of land purchased by a young man called Christian—I will go no further—in this country and I know the matter

is under police investigation. It is the will, it is the enforcement that will give life to these provisions. So I agree with the Member for Naparima if you do not have that then these laws are of no real consequence. And I am looking forward to it. Because that young man became famous between 2010 and 2015 in Trinidad and Tobago. His name was mentioned in high political circles, male and female.

So if a person purchased land, nine pieces, valued at about \$20 million, in the space of two and half to three years, that is the kind of matter that will gain the attention of the FIU and the police and that is the kind of thing that this is aiming at as the Minister of National Security referenced for us earlier today. If you do not have no will, if you do not have no fight, if the police do not have the capacity, all of this and that is why there are some people walking around Trinidad and Tobago, Madam Speaker, shouting about corruption, offending my sensitivities as often, talking about corruption, accusing even the Government of Trinidad and Tobago of corruption and because these matters are not pursued with the vigour, because a lot of them who shouting should be in another place, they should be in jail.

So when we come here to amend this today, those of us who know understand and we also understand why there is some objection. Imagine the Member for Barataria/San Juan, Madam Speaker, in this debate on three clauses, in this amendment, tells us, nitpicking you know, that rather than the order, because this amendment says, for example, we are—when a non-commonwealth country wants to do business with us, wants assistance, once that non-commonwealth—in fact, let me actually read it for you, Madam Speaker, so that we will get the terms of it very, very, clear.

“Where Trinidad and Tobago and a non-commonwealth country are both parties to a treaty, concluded whether before or after the”—passage of this law—“dealing with criminal matters and there is no arrangement for mutual

arrangement in criminal matters and there is no arrangement for mutual”—arrangement—“in criminal matters between Trinidad and Tobago and that”—non-commonwealth—“country, then upon the application of that country for assistance...”—so if that country makes an application to us for assistance—“the Attorney General”—because of the facts as I have just described them can by way of order—“declare”—that that country, that—“the treaty...the Attorney General”—can—“declare”—that that—“treaty”—and see it—“as an arrangement to provide...mutual assistance in criminal matters in respect of...that country.”

So my example, Holland is a non-commonwealth country. The Member for Naparima told us about Brazil, and therefore in such cases the Attorney General makes the Order. That Order and that declaration in the Order is to be done by negative resolution. I heard the Member for Barataria/San Juan today asking that it be done by affirmative resolution. In other words, we must bring that simple matter here and have a long debate about it, nitpicking. I heard the Member for Naparima nitpicking, wondering whether the law itself, parent law, and the amendments today are necessary because he find a clause in the anti-terrorism law that suggests that we could do business in criminal matters. And that is posture of my friends on the other side that troubles me.

With this mutual assistance in criminal matters and with FATCA and with all the laws that we have passed in the last few years in this Parliament, follow-the-money laws, attempting to implement a property tax to identify every property. So in the case of Christian I told you a while ago we will get to know who is the owner of every piece.

**Mr. Hosein:** Madam Speaker, 48(1) please, this is about multilateral treaties.

**Madam Speaker:** Okay, so, Member while I understand how you are trying to—

**Hon. F. Hinds:** Yes, Madam Speaker.

**Madam Speaker:** Please really reign it in to the debate.

**Hon. F. Hinds:** Yes. And I am saying, just like you heard from the Member for Barataria/San Juan and the Member for Naparima, nitpicking, looking for reasons to object to this. And again we ask the question, why? But the point is, what is being structured here and the amendment today because like COVID-19 which is a pandemic, internationally deadly and it requires an international response as you are seeing, Madam Speaker. The amendments we come here with today is to allow a non-commonwealth country that wants assistance. So that is part of the global response, the more the merrier because we are fighting transnational and global criminal activity. So it is a blanket, it is a dragnet, it is a blanket to cover the whole world so no one shall escape from the measures that we are aiming at in these provisions. And it is as simple as that, nothing more sophisticated than that.

So, Madam Speaker, some of the matters, some of the matters, as the AG identified, that these provisions will cover has to do with corruption, money laundering, terrorist financing, cybercrime, discreditable conduct, wilfully exposing a child, robbery and theft, misconduct in public office and I said to you a while ago, Madam Speaker, if you do not have the will to fight, if you do not amend to meet the need like how we are bringing in that non-commonwealth country into the net, the dragnet, then your response to this international problem will be very weak and we have players running about here in Trinidad and Tobago, they do not want to see the passage of this law because it covers trafficking in persons, rape and grievous sexual assault as well, all of these things.

So in 2020 we had two in-coming requests for mutual assistance and six outgoing requests, where we requested from Canada, Grenada, Jamaica, St. Lucia, assistance and insofar as non-commonwealth countries, the United States of

America on 12 occasions, Poland, Colombia, we wanted information and assistance from them, non-commonwealth countries, very germane to what we are dealing with here today. And therefore over the period 2016 to 2021 the total number offences from Commonwealth countries based on mutual legal assistance request is 50, whereby 15 were offences emanating from incoming request and 35 from outgoing request. There is a lot happening. A lot is happening around us and we have to be alert to it. So when my friends on the other side come to show us frivolous reasons why we should not be doing these things, we have to wonder what are they talking about.

**3.40 p.m.**

And only recently it was laid in this House, the 2020 report of the FIU, where the FIU told us that for the first time they received a total of 1,831 STRs, Suspicious Transaction Reports and Suspicious Activity Reports—1,831. We heard the figure involved some time ago from the Minister of Finance. They also told us during this period, the FIU of Trinidad and Tobago noted 141 per cent increase in those STRs and SARs, submissions from financial institutions and an 80 per cent increase in submissions from listed businesses. I only tell you that, Madam Speaker, to say to us that there is a lot, a lot of activity taking place.

Their report goes on to tell us submissions from cooperative societies, insurance companies, investment companies, mortgage companies, jewellers, and others had also increased. And this, Madam Speaker:

“Of the 1,831 STRs/SARs received, 41% or 750 of them were primarily associated with the demonetisation of the cotton-based hundred dollar bills. This was due to Legal Notice No. 357 of 2019 which demonetised \$100...”—bills—“bearing any series before 2019... it was noted that 142 reports of suspicious transactions were submitted by the Central Bank under

section 52 of POCA.”

That too ties in with this.

When we identified there was a problem at Piarco Airport—and I cannot go deeply into it but this is already on public record—it was the anti-money laundering dragnet, blanket of the United States, that identified it and informed the Government of Trinidad and Tobago in the diplomatic means. This is the legal channel by which it is done, and that is what alerted the Government of Trinidad and Tobago, that America found money floating around internationally being laundered. They first thought it was drugs and then realized.

So, Madam Speaker, the amendment we proposed here today spreads the dragnet just a little more, and that is to collaborate with all the measures that we have taken with other laws in this country to ensure that those who have cocoa in the sun must look out for rain, and I know we have plenty cocoa farmers in Trinidad and Tobago. The only problem I have, sometimes I hear from spokespersons in this very House, looking at me in the eye from the other side, sounding as though, Madam Speaker, as I close, that they do not understand what cocoa farming is all about and shout the loudest about cocoa farming. Madam Speaker, I commend these measures to my colleagues and ask for their support in voting for them. Thank you very much, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** Member for Port of Spain South. [*Desk thumping*]

**Mr. Keith Scotland** (*Port of Spain South*): Madam Speaker, only simple minds will say that this amendment creates duplicity. The starting point must be that there is a lacuna in the legislative system and this is because the system, as it exists now, limits mutual assistance in criminal matters relative to non-commonwealth countries simply because a treaty between the parties does not provide for mutual assistance in these matters. By this amendment that lacuna is cured. As long as

there is a treaty between Trinidad and Tobago and a non-commonwealth country that contains a provision dealing with criminal matters, assistance can be granted mutually in any criminal matter.

The fault in the Act, the fault in the legislative framework is being corrected now, and I want to commend the hon. Attorney General and all my colleagues for making that provision and fixing it now. These proposed amendments, simple as they are, strengthens the reciprocity incorporation in criminal matters between Trinidad and Tobago and non-commonwealth countries, and as all responsible nations recognize, there is a need for cooperation and mutual assistance. And the reason for that, Madam Speaker, is because the criminals and criminal enterprises are cooperating themselves and consulting across the borders. Therefore, in response to that, there is a need for a modernized scheme that has expanded its ambit to meet globalized criminal activity and this is what this amendment is geared to achieve. With this amendment, Madam Speaker, mutual assistance will go beyond our geographical neighbours and historical partners.

The amendment is very important for Trinidad and Tobago because it recognizes, Madam Speaker, that due to the geographical location of Trinidad and Tobago, there is a prime location for the trans-shipment of illegal drugs and other illegal activities such as money laundering, illegal trafficking in human, illegal trafficking in firearms and ammunition, and offences related to corruption.

And, Madam Speaker, this Bill is important and this amendment is important, because the international criminal knows no boundary. Crime has now become transnational in nature, more so money laundering, where dirty money, Madam Speaker, can be moved from jurisdiction to jurisdiction by the mere click of a button. The Government being now aware of the dangers of money laundering, counter financing of terrorism, human trafficking, now knows and

recognizes that we cannot exist in isolation and keep doing business with our traditional partners. International cooperation is now the cornerstone of good governance, and this Government remains committed to good governance both nationally and internationally. [*Desk thumping*]

Madam Speaker, borders are now borderless. Criminals traverse the world with impunity and transnational crime is a problem, and the Government, by this amendment, recognizes this and is trying to fix it. This amendment is a simple one. It is a simple one because what it allows, Madam Speaker, is that it deals with crimes being transnational and recognizes it can take place anywhere in the world, and the lawmakers—and as lawmakers, we have a duty to do our best to stop crime. What this amendment does, it allows Trinidad and Tobago, and Panama, who have signed on to a treaty—for example, the United Nations Convention against Corruption, allows Panama to make a request to the Office of the Attorney General and Ministry of Legal Affairs for assistance in criminal matters. [*Interruption*] May I continue, Madam Speaker? And by this amendment, Trinidad and Tobago can assist countries who have signed on to, for example, the United Nations Convention on Narcotic Drugs—that Convention is, I think, the 1961 Convention—the UN Convention against Illicit Traffic in Narcotic Drug and Psychotropic Substances, Vienna; the UN Convention against Transnational Organized Crime of 2020, and the UN Convention against Corruption in 2003.

Madam Speaker, this Bill is, by no means, novel because in Canada, for example, there is the Mutual Legal Assistance in Criminal Matters, which came into force in October 1998 and allows for legal assistance in the absence of an agreement. So it proposes nothing new. I do not know what is the nitpicking, I do not know what is the furor. And this amendment, we say, is good law because it will enable Trinidad and Tobago to join in and play its part in the fight against



transnational organized crime.

Madam Speaker, in my research to make this contribution today, I came upon a speech as it relates to this very type of amendment from the then Secretary General of the United Nations, Kofi Annan, in 2004, and this is what he had to say about the scourge of international criminal activity. He said that:

“Criminal groups have wasted no time in embracing today’s globalized economy and the sophisticated technology that goes with it. But our efforts to combat them have remained up to now very fragmented and our weapons almost obsolete. The Convention gives us a new tool to address the scourge of crime as a global problem. With enhanced international cooperation, we have a real impact on the ability of international criminals to operate successfully and can help citizens everywhere in their often bitter struggle for safety...dignity in their homes and community.”

We say that this simple piece of legislation, as it is, is far-reaching but has that effect to obliterate, or to reduce, or to ameliorate the scourge of international organized criminal activity. Madam Speaker, this Government says that we are based on solid, sober governance, and let he who has ears hear and those who have eyes see, because the ill-gotten gains that have been skirted away from this country and elsewhere, we want it back. And, Madam Speaker, this Government does not exist in any la-la la-la land, you know. This is a Government of solid policy. And, as I end, I think of the immortal words of David Michael Rudder, Madam Speaker, “I going to Panama. I got to go to Panama”, because we know who they have over there and we want our money back.

Madam Speaker, I rise to support this amendment and I commend the hon. Attorney General for its introduction, and I hope that all right-thinking hon. Members in this House support this piece of legislation and I thank you. [*Desk*

*thumping]*

**Madam Speaker:** Attorney General.

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

Thank you, Madam Speaker. Madam Speaker, I wish to thank my hon. colleagues for their contributions, and I wish to say that I was honestly surprised today by the contribution from Naparima, genuinely. And I say this most respectfully, whoever wrote that speech for the hon. Member, in terms of the research done, came very close to identifying one of the real issues under consideration. Unfortunately, the researcher did not quite grasp the conflict between the Anti-Terrorism Act and the Mutual Assistance in Criminal Matters Act. I do not mean any insult to the hon. Member. Clearly, he was reading very carefully from the prepared text that he brought to the Parliament, but permit me to address that issue immediately. I am sorry the hon. Member is not here to listen to it.

The fact is, Madam Speaker, that we of course considered the amendments to the Anti-Terrorism Act. The Anti-Terrorism Act, which was amended in 2005—and of course, the Member read the speech from then Member of Parliament Fitzgerald Hinds in that debate in 2005. The Anti-Terrorism Act at section 30(1) and (2) are relevant to this debate, but there is a material and complete distinction between the two that is difficult to find if you are not trained in the law. So I can understand that, but let me point it out.

“(1) Where Trinidad and Tobago becomes a party to a treaty and there is in force, an arrangement between the Government of Trinidad and Tobago...”—et cetera.

I focus on the word “arrangement”. That is the Anti-Terrorism Act, section 30(1). What we proposed today is:

“(1A) Where Trinidad and Tobago and a non-commonwealth country are

both parties to a treaty, concluded whether before for after commencement...and which contains provision dealing with criminal matters and there is no arrangement for mutual assistance in criminal matters...and that country, then upon...”

So the Anti-Terrorism Act did treat with the concept of a treaty. The Anti-Terrorism Act went on to say that—this is important, Madam President, Madam Speaker, for the record. Section 30(1) says:

“...the arrangement shall be deemed, for the purposes of the Mutual Assistance in Criminal Matters Act, to...”—indicate—“provision for mutual assistance...”

“The arrangement”.

What we are doing today is we are bringing to life the treaty, and we do that because our system of law is a dualist system of law. International conventions including the comity of countries where you have reciprocity, et cetera—international conventions are not automatically upon execution or ratification made law because there is a distinction between the prerogative power, if we recall our constitutional law training. The prerogative power is different from the Parliament’s power. And if I translate that, in the United Kingdom system of laws, the Crown has the power to enter into law by treaty— forgive me. The Crown has the power to enter into treaty, and a treaty is exercisable on the prerogative of Her Majesty.

The Parliament has made it abundantly clear, and the courts in interpreting the laws of the United Kingdom say, that is not to be confused with the power of the Parliament, and only the Parliament, to make law. So what we proposed today in the amendment to section 33 of the Mutual Assistance in Criminal Matters Act is to provide the mechanism for the treaty, because here is what we say:

“...the Attorney General may, by Order subject to a negative resolution of Parliament, declare the treaty as an arrangement...”

So there is a material difference between the arrangement having effect under the Anti-Terrorism Act and the treaty having force of law, in accordance with our reception of laws principal, which is the dualist system of law where we need to take an international event, a treaty, a multilateral treaty, and make it primary law by way of an Act of Parliament or, in this case, an order which is a subsidiary piece of legislation, and there is nothing wrong with orders. One need only look at the Tax Information Exchange Agreement Act, et cetera, and you can see that this is tried and tested mechanism of the law.

So to answer the contribution for the hon. Member from Naparima, there is no conflict between the Anti-Terrorism Act, section 30, and the proposed amendments to section 33 of the Mutual Assistance in Criminal Matters Act. And very importantly, because we want to operate within the robust structure of mutual assistance, search and seizure, arrest, interrogation, the hard side of mutual assistance, we want to make sure that there is no challenge to the non-commonwealth countries' request because people now say, “Well, look, you made the arrangement in the Anti-Terrorism Act but you did not declare the treaty to have effect, and therefore, you are acting ultra vires the Constitution”. So what we are doing today is a very careful, studied, and prepared approach to the amendment of the law, and that is why we proposed to amplify the provisions in the Mutual Assistance in Criminal Matters Act, as opposed to just relying upon the arrangements via treaties in section 30 of the Anti-Terrorism Act.

Permit to address one further point, Madam Speaker, and that is tax information exchange in the context of the Global Forum, as raised by both Naparima and Barataria/San Juan, is not what we are on about. There is a

connected relevance, which both Members addressed and that relevance is that the treaty for double taxation or tax information under the Tax Information Exchange Agreement Act or under a double taxation relief arrangement, that is something which may contain provisions for mutual criminal assistance.

Insofar as that is the case, it is important to say what we are on about is the police power and the judicial power, which is an amplification to the letters rogatory arrangement which exists from non-commonwealth countries, and let me explain that. Letters rogatory are basically a foreign court in a non-commonwealth country like France, or Denmark, or wherever else. Their courts issue a request to Trinidad and Tobago under our Mutual Assistance in Criminal Matters Act. That judicial request it call a letters rogatory. That letters rogatory comes to the Attorney General under the Mutual Assistance in Criminal Matters Act because the Attorney General is the point authority as the Central Authority. That administrative arrangement is not as powerful because the Mutual Assistance in Criminal Matters Act did not give the breadth of powers to “non-commonwealthers” as they did to the “commonwealthers”. And so far, the only country that is the beneficiary of an order as a non-commonwealth country, in our country, in our laws, is the United States of America.

Recognizing, as the Member for Port of Spain South said, that we are now borderless and that crime is borderless, cybercrime, money laundering—and I want to thank the Minister of National Security because he painted some very significant examples that people can relate to; examples of corruption and the flow of moneys, et cetera. In fact, the Member for Port of Spain South referred to this being no la-la land, and that Panama Papers obviously comes to mind. If you look at the Panama Papers scandal and the la-la land example, you will understand, double-entendre included, that we are talking about people that leave this country and run with their

money into countries that have no extradition laws. Panama has no extradition law. Trinidad and Tobago cannot extradite people from Panama because we have no arrangement with them.

So some people in a very calculated way choose jurisdictions like that. We know of the safe haven in Switzerland, we know of Panama, et cetera. But we also know of WikiLeaks and we know of the Panama Papers, and we know that in Trinidad and Tobago we have to be extremely careful about cross-border flows, and that there is a risk now in the non-commonwealth countries, particularly the European Union, we have to pay attention to how we manage request for assistance from non-commonwealth countries. I need to answer, in very short and simple measure, the allegation that we are blacklisted by the Global Forum.

Madam Speaker, hon. Members opposite ought to know that then Minister of Finance, Larry Howai, in October 2014, went to Berlin, signed up the agreement to enter into Global Forum, undertook that Trinidad and Tobago will be ready. That required Trinidad and Tobago to enter into 17 separate treaties with 17 countries to meet Global Forum. Unfortunately, absolutely nothing was done. It took Minister of Finance Colm Imbert, the Member for Diego Martin North/East, to enter into the equation and ask the Global Forum to give us the opportunity to abandon the need for 17 treaties which takes a decade, and instead to enter into a multilateral convention treaty. To do that, they said to us, you cannot enter this stance until you amend the law. You need to amend your tax information exchange, you need to amend your Income Tax Act, et cetera. And the record will demonstrate that the Opposition refused to support the legislation and therefore, we were years limping along in this horrible situation.

Now that the legislation was passed after song and dance, and bawl and gnashing of teeth, which only ended in 2020, in 2020, it is when the UNC finally

capitulated to public pressure and allowed the Global Forum to be unlocked. The last steps, as I wrap up on this point, are that we cannot sign on to the multilateral treaty until we deal with the special economic zones to replace free zones, and until we deal with the base erosion profit issues, otherwise known as BEPs issues, to eliminate harmful tax practices. In those circumstances, I would again urge the Opposition to just stop it. We just cannot have misinformation of this type because people in the Global Forum pay attention to what parliamentarians say, and they assume that Members in Parliament actually had done their research and are comparing apples with apples.

There is one final point. The European Community, the Commission itself, has put Trinidad and Tobago into negative listing. They have indicated to Trinidad and Tobago that fortunately, because we passed the miscellaneous provisions, registration of deeds package laws, and because we have the opportunity to create a register of trusts that are on the basis of that, together with our operationalization of administrative measures pursuant to Recommendation 35 of the Financial Action Task Force, that they would lift us out of that difficulty. So we are well on our way to complete success. I say this most sincerely and not disrespectfully, no thanks to the UNC because they refused to submit to any form of agreement until we had to literally face the gun of the international community. And I think it is a tragedy and a shame that an Opposition would put a country into that kind of risk.

Madam Speaker, I believe that I have traversed all of the elements. I want to indicate that the Government proposes a small amendment to clause 3. And also, in keeping with the harmony of the amendment we proposed to clause 3, to cause an amendment in a new clause to section 40 of the Act, and if I could just explain that for a moment. There is the room to hold a view that because section 32 of Act says a treaty means and it goes through a treaty, et cetera, et cetera, when you combine

that with section 16 of the Interpretation Act, the view is that a treaty includes the plural, “treaties”. Out of an abundance of caution, we believe it necessary, even though it flies in the face of standard drafting practice, we think it necessary to be expressed that a treaty also includes a bilateral or a multilateral treaty, because we do not want to have any argument which has to be settled by the court as to what this means.

The Chief Parliamentary Counsel is not in favour of that form of amendment, but the civil law jurisdictions, the non-commonwealth jurisdictions who assess us, prefer to have the excessive form of explanation. In those circumstances, Madam Speaker, I have asked the CPC’s department to prepare certain amendments to the Bill and also to introduce an amendment to section 40 of the Act. I have not seen that finalized amendment yet.

**4.10 p.m.**

A draft came to me which I returned as having an error on it and I would like the opportunity to just settle that draft if you do not mind. So if we get to the stage of final position, I think my colleague, the Minister of Planning, has just received the draft, if I could just reflect upon it. This is the one that needs a tweak. So, Madam Speaker, after we move to the next stage, if I could ask for a short break just to confirm the amendment, just a five-minute break to discuss with my team, I would be grateful.

Madam Speaker, in all the circumstances—[*Interruption*] I would think 15 minutes. In all of these circumstances, I hold the view and I submit that this law is proportionate, it is necessary, it is an aid to the fight against crime. Following the money is an integral mechanism of this Government’s fight against crime and we are very much anxious to get this law into effect and I beg to move.

**Madam Speaker:** Okay. So, Attorney General and for the information of all



Members, before I put the question, I am just going to clarify what the position is. We shall go into the Committee and then suspend. All right. So we are going to go through all the stages, convene the Committee and then suspend. Yes?

**Hon. Al-Rawi:** Yes.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

**Madam Chairman:** Okay, so might I ask how much time will be needed? Leader of the House.

**Mrs. Robinson-Regis:** Madam Chairman, could we have 30 minutes please?

**Madam Chairman:** All right. So it means that I guess Members will have an opportunity to refresh themselves so that we will reconvene at 4.45 p.m. Okay. So this Committee meeting is now suspended.

**Mrs. Robinson-Regis:** Thank you very kindly.

**Madam Chairman:** 4.45.

**4.12 p.m.:** *Committee suspended.*

**4.45 p.m.:** *Committee resumed.*

**Madam Chairman:** We have started, this Committee meeting is now reconvened for those of us who are not present with us in the real sense of presence. Leader of the House.

**Mrs. Robinson-Regis:** Thank you very much, Madam Chair. The Attorney General needs another 10 minutes, Ma'am. Will that be possible?

**Madam Chairman:** So the amendments have not been circulated as yet?

**Mrs. Robinson-Regis:** No.

**Madam Chairman:** All right, so just let me—they are not ready?

**Mrs. Robinson-Regis:** No.

**Mr. Young:** What is not ready, Ma'am?

**Mrs. Robinson-Regis:** The amendment.

**Madam Chairman:** All right, so we would say 10 minutes. Leader of the House, could you kindly let my office know?

**Mrs. Robinson-Regis:** I will let your office know. Thank you kindly.

**Madam Chairman:** All right, so it is now 4.47.

**Mr. Young:** The AG reach.

**Madam Chairman:** Would you like an opportunity to just check with the Attorney General?

**Mrs. Robinson-Regis:** Yes. I will. Thank you very much. *[Pause]* If you could give us a few minutes to distribute?

**Madam Chairman:** Yeah, well of course, it is not just a question of really distributing the paper, it will be for it to get to Parliament so that it could get to the Rotunda and that we consider circulation. Okay. So has it got to the Rotunda as yet?

**Mrs. Robinson-Regis:** No, Ma'am.

**Madam Chairman:** All right, So what I am going to say is that we will reconvene at five o'clock.

**Mrs. Robinson-Regis:** Thank you.

**Madam Chairman:** If it is at all possible that we are ready before then—

**Mrs. Robinson-Regis:** I will let your office know.

**Madam Chairman:**—would you send to my Chamber, I will come back.

**Mrs. Robinson-Regis:** Thank you very much.

**4.48 p.m.:** *Committee suspended.*

**5.00 p.m.:** *Committee resumed.*

**Madam Chairman:** Okay, so this Committee meeting is now reconvened and I take it that everybody now has the amendments. All right? So can we do clauses 1 to 3? 1 to 2, I am sorry.

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

*Clause 3.*

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

**Mr. Al-Rawi:** Madam Chair, just for clarity.

**Madam Chairman:** Yes.

**Mr. Al-Rawi:** We are proposing and perhaps this may come at the end, the new clause 3 and then we do the renumbering. So I was just wondering insofar as we propose that clause 3 be renumbered and amended, how we deal with that because we are in fact proposing an amendment?

**Madam Chairman:** So the current clause 3 becomes clause 4.

**Mr. Al-Rawi:** And also there are some amendments to the body of it as well. So insofar as you have put the question that clause 3 stand part of the Bill, I would like to say that we have an amendment circulated which will then be subsequently renumbered.

**Madam Chairman:** Yes, so what we will do is we will put the clause 3 as it is, take the amendment, we would then do the new clauses which will be your new clause 3 and the renumbering will happen automatically.

**Mr. Al-Rawi:** Much obliged. In those circumstances—

**Madam Chairman:** So let me put back the question is. So, call clause 3 again please.

*Clause 3.*

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

A. Renumber as clause 4

- B. In the renumbered clause 4, at paragraph (a), in the proposed subsection (1A) –
- (a) delete the word “contains” and substitute the word “includes”;  
and
  - (b) at line 15 delete word “a”.

**Madam Chairman:** Attorney General.

**Mr. Al-Rawi:** Thank you, Madam Chair. We propose that clause 3 be amended as circulated specifically that at that clause in the proposed subsection (1A), we delete the word “contains” and substitute the word “includes” allowing for better legislative speak and picking up upon a contribution made in the debate and that we tidy up by removing the word “a” before negative resolution so that we can just keep with the normal phraseology of negative resolution. Those are the proposed amendments to clause 3.

**Madam Chairman:** Okay, so Whip.

*Question put and agreed to.*

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

**Madam Chairman:** So we now do the new clauses.

*New clause 3.*

Insert after clause 2, the following new clause:

“Section 32            3.        Section 32 of the Act is amended in the  
amended                            definition of the word “treaty” by inserting after  
the word “includes” the words “a multilateral  
treaty”.

*New clause 3 read the first time.*

*Question proposed:* That new clause 3 be read a second time.

**Madam Chairman:** Attorney General.

**Mr. Al-Rawi:** Thank you, Madam Chair. Even though the Interpretation Act at section 16 says that the singular includes the plural, because of the conflict of laws in interpretation between the non-Commonwealth jurisdictions and our jurisdiction, we are constrained to go with slightly more expansive definition, therefore, we propose that we be on the excessive side of description that treaty include a multilateral treaty apart from it also being a convention, protocol, agreement or arrangement. This would allow for there to be no doubt whatsoever that multilaterals are included as opposed to multiple individual treaties. That is the rationale for the proposed amendment.

**Madam Chairman:** Member for Siparia.

**Mrs. Persad-Bissessar SC:** Thank you. Madam Chair, the Opposition has no objection to the proposed amendment.

**Madam Chairman:** Okay.

*Question put and agreed to.*

*Question proposed:* That the new clause 3 be added to the Bill.

*Question put and agreed to.*

*New clause 3 added to the Bill.*

**Madam Chairman:** Of course, the previous clause 3 will become clause 4.

*New clause 5.*

Insert after renumbered clause 4, the following new clause:

“Section 40            4.    Section 40(4) of the Act is amended in the amended            definition of the word “treaty”, by inserting after the words “convention, treaty,” the words “multilateral treaty”.”

*New clause 5 read the first time.*

*Question proposed:* That the new clause 5 be read a second time.

**Madam Chairman:** AG.

**Mr. Al-Rawi:** Madam Chair, in keeping with the rationale for the insertion of a new clause 3 for the expansive use of terminology to specifically capture a multilateral treaty, we propose that section 40 of the Act be amended. Section 40 was included by way of an amendment in 2001 and that specifically allowed for this route of a treaty to be brought into force where it included matters of mutual legal assistance for criminal matters. There is a specific definition for the word “treaty” in subclause (4) of that section and to harmonize it with that which we just did to section 33 of the Act, we propose the specific inclusion of multilateral so that we can harmonize the two approaches.

**Madam Chairman:** Member for Siparia.

**Mrs. Persad-Bissessar SC:** Thank you, Madam Chair, and the Opposition has no objection to the amendment. It is in keeping consistent with the previous amendment, so we support it.

**Madam Chairman:** I do not know if the Member for Barataria/San Juan has— Leader of the Opposition, Member for Barataria/San Juan may be trying get your attention.

Member for Barataria/San Juan.

**Mr. Hosein:** Thank you, Madam Chair. Thank you very much. AG, just on reflection like a minute ago, I saw when we amended section 32, we have convention, protocol, agreement or arrangement. When you look at 40(4), the word “protocol” is not there. I do not know if you would want to include “protocol” also as part of the definition.

**Madam Chairman:** This is in the new clause 5?

**Mr. Hosein:** Yes, this is in new clause 5.

**Madam Chairman:** Yes.

**Mr. Al-Rawi:** Just give me a moment. The Member is correct that the terminology between subsection (4) of 40 is different from 32 of the Act and the word “protocol” is the sole difference between them and I am just looking at it in the context of the expressed version. In this section, “treaty” means convention, treaty, agreement or arrangement for the time being in force. We are inserting after the word “treaty” after the words “convention, treaty,” the words “multilateral treaty”.

Madam Chair, what we could do is after the words in the circulated draft just before the end of the paragraph, you see “multilateral treaty” in inverted commas, if we just put a “, protocol,” and then close the quotation.

**Madam Chairman:** All right, so just let me clarify. So it will read that section 40(4) of the Act is amended in the definition of the word “treaty” by inserting after the words “convention, treaty,” the words “multilateral treaty, protocol”—comma or full stop?

**Mr. Al-Rawi:** Comma.

**Madam Chairman:** Comma, closed inverted commas.

**Mr. Al-Rawi:** Yes, Ma’am.

**Madam Chairman:** Do we all have that? Member for Barataria/San Juan? Yes? So the question is that new clause 5 be amended to insert after the words “multilateral treaty”—well to delete the closed bracket and then insert a comma, the words “, protocol,” and then the closed quotes.

**Mr. Al-Rawi:** Yes, Ma’am.

**Madam Chairman:** Do we have that?

*Question put and agreed to.*

*Question proposed:* That the new clause 5 be added to the Bill.

*Question put and agreed to.*

*New clause 5 added to the Bill.*

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

*House resumed.*

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

### ADJOURNMENT

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

Thank you very much, Madam Speaker. I beg to move that this House do now adjourn to Friday the 26<sup>th</sup> day of March at 1.30 p.m. Madam Speaker, that is Private Members' Day and my friend and I have had a discussion. Are you going to tell us now?

**Mr. Lee:** Thank you, Madam Speaker, through you, to the Leader of Government Business, we will be doing No. 4 on our Motion of private business.

**Madam Speaker:** Okay. Hon. Members, there is one matter that qualifies to be raised on the Motion for the Adjournment of the House. Whip.

**Mr. Lee:** Madam Speaker, the Member is absent today so he has asked for a deferral of one week.

**Madam Speaker:** Okay, so this matter on the adjournment is deferred to the next sitting of the House and therefore I will now put the question.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 5.14 p.m.*