

HOUSE OF REPRESENTATIVES

Wednesday, April 14, 2021

The House met at 1.30 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, I have received correspondence from 18 Members of the Opposition of their absence from today's sitting.

**ELECTRONIC PAYMENTS INTO AND OUT OF COURT
(AMDT.) BILL, 2021**

Bill to amend the Electronic Payments into and out of Court Act, brought from the Senate [*The Attorney General*]; read for the first time.

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

Question put and agreed to.

ORAL ANSWERS TO QUESTIONS

Members Michelle Benjamin, Rudranath Indarsingh, Dr. Roodal Moonilal, Rodney Charles, Anita Haynes, Davendranath Tancoo and Barry Padarath not being present, the following questions (96, 98, 99, 110, 111, 112, 114, 115, 116, 117, 118, 122, 123, 124, 125, 133, 134 and 135) were not dealt with:

**Moruga Sporting Facility
(Status Update on)**

- 96.** Could the hon. Minister of Sport and Community Development provide:
- a) a status update on the Moruga Sporting Facility since its opening in August 2020; and

- b) indicate when the formal handover of the facility by UDeCOTT occurred?

Construction of the Jetty in La Ruffin, Moruga

98. Could the hon. Minister of Agriculture, Land and Fisheries provide the steps that will be taken to accommodate the requests made by the fisherfolk of Moruga for the construction of the jetty in La Ruffin, Moruga?

**Extension of Phase One at Gomez Trace
(Leaking Sewer Plant)**

99. Could the hon. Minister of Housing and Urban Development indicate whether the state of the leaking sewer plant will affect the progress of the extension of Phase One of the Housing Development Corporation's development at Gomez Trace?

**WASA Executive Director
(Appointment Date and Tenure of)**

110. Could the hon. Minister of Public Utilities state the effective date of the appointment and the tenure of the Chairman of the Water and Sewerage Authority (WASA) as Executive Director?

**WASA Industrial Relations Matters
(Details of)**

111. Could the hon. Minister of Public Utilities inform this House of the number of industrial relations matters involving the Water and Sewerage Authority (WASA) which are before:
- a) the Ministry of Labour;
- b) the Industrial Court?

**Water and Sewerage Authority
(Human Resource Audit)**

- 112.** Could the hon. Minister of Public Utilities inform this House when will the management of Water and Sewerage Authority (WASA) commence a human resource audit?

**Acquisition of Scotiabank's Guyana Assets
(Government's Support to FCB)**

- 114.** Could the hon. Minister of Finance indicate whether the Government has given support to the First Citizens Bank (FCB) to acquire Scotiabank's assets in Guyana?

**COVAX Facility/African Medical Supplies Platform
(Cost of Vaccines)**

- 115.** Could the hon. Minister of Health state what exactly is the unit cost of vaccines provided via the COVAX facility and the African Medical Supplies Platform?

**Payment of Local Quarantine Facilities
(Policy Guidelines)**

- 116.** Could the hon. Minister of Health explain the policy guiding the payment by returning nationals for local quarantine facilities?

**COVID Vaccines
(Update of Negotiations)**

- 117.** Could the hon. Minister of Health provide an update on the status of negotiations with Pfizer, Moderna, Serum Institute of India and Johnson and Johnson for the supply of COVID vaccines?

**Registered and Unregistered Venezuelans
(Plans to Address)**

- 118.** Could the hon. Minister of National Security inform the House of the Government's long term plans to address registered and unregistered Venezuelans resident in Trinidad and Tobago?

**Christopher Columbus Monuments
(Delay in the Submission of Response)**

122. In an oral response to the Senate on January 26, 2021, the Minister indicated that within one month the Ministry would submit to the House its response to the Petition to remove the Christopher Columbus Monuments in Trinidad and Tobago with its recommendations on the way forward. Could the hon. Minister of Tourism Culture and the Arts advise:

- a) the reason(s) for the delay in the submission of the response; and
- b) when will the response be laid?

**Trinidad and Tobago Police Service Vehicles
(Number/Availability/Allocation of)**

- 123.** A. Could the hon. Minister of National Security provide the number of fully functional vehicles currently available for use by the Trinidad and Tobago Police Service (TTPS); and
- B. Could the Minister give the breakdown of the number allocated to each Police station throughout all Police divisions in Trinidad and Tobago?

**Regional Corporations
(Allocation of Moneys to)**

- 124.** Could the hon. Minister of Finance advise the House what quantum of money has been allocated and released to each of the fourteen (14) Regional Corporations in Trinidad and Tobago as of February 28, 2021?

**Financial Assistance to Nationals Abroad
(Details of)**

- 125.** Following the Government's closure of the borders, could the hon. Minister of Foreign and Caricom Affairs advise the House of the number and locations of nationals abroad who have:
- a) applied for financial assistance announced for the purpose; and
 - b) received financial assistance?

**Craignish Village Landslip
(Construction/Roadway Rehabilitation)**

133. In light of the major landslip in Craignish Village along the Naparima Mayaro Road, could the hon. Minister of Works and Transport indicate when will construction of a proper retaining wall and roadway rehabilitation begin?

**Additional Scholarships
(Granting of)**

134. Could the hon. Minister of Education indicate whether the Government intends to grant additional scholarships outside of the 100 approved?

**Sisters Road, Hardbargain
(Rehabilitation Works)**

135. In light of the deteriorated road conditions of Sisters Road, Hardbargain, could the hon. Minister of Works and Transport indicate when will rehabilitation works begin?

Madam Speaker: Hon. Members in light of the absence of the Members in whose names questions on today's Order Paper stand, these 18 questions on notice for oral answer have now lapsed. Attorney General.

**ELECTRONIC PAYMENTS INTO AND OUT OF COURT
(AMDT.) BILL, 2021**

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

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

That a Bill to amend the Electronic Payments into and out of Court Act, 2018, be now read a second time.

Madam Speaker, as we begin the Holy Month of Ramadan today, I say, Ramadan Mubarak to the Muslim community of Trinidad and Tobago, and extend that equally to all of our brothers and sisters across every religious sphere. Madam Speaker, I say that because today we are graced with a significant amount of calm,

and we are here assembled to make laws for the peace, order and good governance of our society, for the betterment of the situation in which we stand.

The Bill before us, Madam Speaker, proposes an amendment to the Electronic Payments into and out of Court Act, 2018. The Bill has in it a proclamation clause for commencement and then the substantive clause, clause 3, proposes an insertion of a new section to the parent law. This new section is a new section 16 and provides that: “Where electronic payments are to be made into Court, the Judiciary of Trinidad and Tobago may, by agreement with a Financial Intermediary, cause the bank charges, credit card charges, debit card charges, chargeback, administrative and other fees to be deducted from the Custodial Bank Account referred to in section 5(1) and (2) of the”—parent—“Act”.

I have taken care to refer to those particular provisions, conscious of the fact that we amended this parent law twice already, firstly, by section 30 of the Finance Act, 2018, which is Act No. 19 of 2018, and secondly, by section 34 of the Miscellaneous Amendment (No. 2) Act, 2020, where we brought about improvements to the law, always taking those steps to do that.

Now, Madam Speaker, it is important to put this in the context of the other laws that operate together with this particular Bill and the parent Act. And I am doing now so specifically for the purposes of *Hansard*. This law coordinates under and inferior to the Constitution of the Republic of Trinidad and Tobago. Secondly, this law also operates in conjunction with, that is, alongside the Exchequer and Audit Act, Chap. 69:01; the Exchequer and Audit (Electronic Funds Transfer) Regulations, 2015; the Electronic Transactions Act; the Financial Institutions Act; the Electronic Transfer of Funds Crime Act and, Madam Speaker, therefore, the law must be read as a whole. And I am saying this because, by this particular Bill,

we are proposing to set a template for the digitization of this economy and also for the move towards as much a cashless society as is possible.

This Bill is also tacked onto and drives the process of delivering relief to a category of people that are referred to as “the unbanked”. The unbanked in society are a large number of our citizens who do not have the benefit of a bank account and who have to conduct business, very often involving merchants or services that require electronic payments, but which they cannot access because they do not have bank accounts.

Now, the parent law speaks in conjunction with this amendment and the parent law is very, very, very important because it provides the structure by which we must treat with these particular provisions. Permit me therefore, to address that in the context of the amendments now before us.

The parent law sets out, Madam Speaker, who the collector of revenue is in section 3, that is under the Financial Regulations, 1965; what the court is, that is every court including the Magistrates’ Court. The parent law sets out what a custodial bank account is. This is critically important because there are two types of custodial bank accounts. There are custodial revenue bank accounts and there are custodial trust bank accounts. It sets out who the Financial Intermediary is and that is the intermediary approved by the Minister of Finance, acting as Treasury, pursuant to the Exchequer and Audit (Electronic Funds Transfer) Regulations, 2015.

The parent law who says—parent law sets out the receiver of revenue and the parent law sets out at section 5 that fines, fees and any other monies in the nature of revenue may, by an order of court or rules of court—they are one category all together that must go to the custodial revenue bank account and then

they set out maintenance payments or other payments which are not by their nature revenue, for instance, where you pay moneys into court by way of security for costs, et cetera. That money does not belong to the State and the State, Madam Speaker, includes the Judiciary. The State includes statutory authorities. The State includes bodies that fall across the whole panoply of arrangements that comprise the State.

And what we do, Madam Speaker, in this parent law, is we specifically say that you must put this money into a bank account held in the name of the Treasury—of the Judiciary as approved by the Treasury. Why do we do that? This has been the case since time in memorial, since before our independence Constitution, since before our republican Constitution, where the Judiciary has held bank accounts approved by the Minister of Finance, acting in the capacity as Treasury.

Enter, Madam Speaker, the modern world. In the modern world and in this Government's push for digitization, in this Government's push for the removal of fraud and for the ability to follow the money for benefit, we say that we wish to encourage citizens to avoid going to the court, to avoid the indignity of the court record being lost if you are making a maintenance payment. A husband turns up at the court or a wife turns up at the court and pays maintenance for a child ordered by the court, the paperwork is delayed or it gets lost and then there is a warrant issued for arrest when the person has made payment. All of these things disappear in an electronic environment where there is a real time, minute by minute, second by second tracking of where the money is and to whose account it stands.

In this particular amendment, we seek to allow for electronic payments and for the reconciliation of electronic payments to be made in keeping with what the

whole world does. The ability to go on a laptop, on a phone, on a computer, to stand up at a kiosk, to go to a merchant, to go to TSTT and to pay for fines for motor vehicle and road traffic offences, to pay for mask wearing, to pay for fines ordered by the court, to pay for maintenance money for a child, all of these things can be done from the privacy of your home, from the convenience of your telephone as a smart device, and what we do, Madam Speaker, very clearly and very properly is to say that revenue is to never be touched. Why do I say that? Section 112 of the Constitution sets out that revenue must go to the Consolidated Fund. Wherever revenue comes from, revenue of the State, the Judiciary comprising the third limb of the State is included, revenue from the State must go to the Consolidated Fund.

What we say in this Bill is that charges which are not revenue—a bank charge—in this case, the Judiciary has negotiated with a financial intermediary, is 0.8 per cent transaction fee. That is not a 3 per cent transaction fee which is standard in the world for the use of a credit card or electronic payment. They have negotiated and the current price is 0.8 per cent. They have said that 0.8 per cent which must go to the corresponding bank, that is the United States bank that takes its fee for Mastercard, or Visa, or whatever it may be, that money can never be considered to be revenue. And therefore, because the international world does real-time transactions, we say the merchant agreement, the commercial arrangement between the Judiciary and the financial intermediary, a bank in Trinidad and Tobago, which by the way is approved in the usual fashion by the institutions of governance, that merchant agreement can provide for the automatic direct deduction of charges, because that can never be revenue. That is akin to what we call “caution money”.

If we take a witness and we want to take the witness to court, and you get \$100 in conduct money, that is for the witness to turn up at court. That does not comprise revenue of the State. So what this does, it allows us to avoid the paper restrictions of waiting for one month to reconcile gross payments. That is the fine—let us say you have a fine of \$1,000 and the charge by the bank is \$8 to make that \$1,000. If we were to leave this law unsettled, what would happen is the \$1,008 would have to go into the Consolidated Fund. One month later, the \$8 would have to be viewed as a bank charge and the \$8 will have to be paid out of the Consolidated Fund to the bank, and then the bank would pay to the financial intermediary. That is nonsense.

In the real world of where digital transactions are, the paper dynamic can never restrict the virtual supremacy of the Constitution. The Constitution in section 112 says that Consolidated Fund is to receive revenue. What we want to separate out here is what is not revenue and what is not revenue is approved by the governance cycles of the whole of government and the Ministry of Finance arrangements, Madam Speaker. That is why I said this law works alongside the Exchequer and Audit Act. That is why I say, for instance, section 13 of the Exchequer and Audit Act and section 52 of the Exchequer and Audit Act continue to have relevance in respect of what is revenue.

If we look to section 13 of the Exchequer and Audit Act, it says:

“All revenue shall be paid, at such times and in such manner as the Treasury may direct, into the Exchequer Account and the revenue shall form the Consolidated Fund, but—

- b) the Treasury may, if it thinks fit from time to time authorise receivers of revenue who are accounting officers to defray in the

first instance from revenue collected by them, expenditure...”—et cetera.

If we looked to section 52 of the Exchequer and Audit Act, Madam Speaker, and we get to the provisions in the regulations—forgive me, the Financial Regulations, 52(1):

“Receivers of revenue shall not make any payment whatever from revenue takings without the prior approval of the Treasury.”

If the Judiciary, in the merchant agreement, was proposing to touch revenue, these provisions would apply. We are saying specifically in the law here now that charges which are not revenue will be taken out, paid to whom they are owed on an instantaneous basis.

But, Madam Speaker, I want to remind the Exchequer and Audit Act is not the supreme law of the Republic of Trinidad and Tobago, the Constitution is. And in the Constitution, when we look to section 116 of the Constitution, we must remember that the Constitution provides for the Auditor General. We have declared in the 2018 payments into and out of court legislation that this law is subject to section 116 of the Constitution. The Auditor General has oversight over the Judiciary and in any event, the Exchequer and Audit Act, which provides for the functionality of the Auditor General in prescriptive law, also provides for the Auditor General to make sure that everything is literally above the board, that the finances of the Republic of Trinidad and Tobago that comprise the Consolidated Fund are whole and integral and balanced. But what this amendment allows is for charges which are not revenue, which are still subject to the supervision of the Auditor General, for those charges to be deducted in accordance with what section 112 of the Constitution provides, which is by way of an Act of Parliament.

Now, I have taken care to put that on the record, Madam Speaker. I would like to inform that yesterday, after the sitting in the Senate when this Bill was considered, I received correspondence from the Law Association of Trinidad and Tobago asking certain enquiries. I asked for responses for those enquiries to be sent to the Law Association, and they were today. We have addressed some of the small issues that were raised there, largely based upon some misconceptions as to the operation of the Government financial structures. I do not mean to be pejorative or demeaning in any way to the honorable President of the Law Association who caused the letter to be sent. I welcome the letter and have answered it, but there was nothing concerning the Bill itself, which occupies any concern into today's processes and sitting, Madam Speaker. Obviously, this is a Bill which deals with the process and not the money, and therefore, we are within safe parameters to consider this law as a whole. In those circumstances, I beg to move. [*Desk thumping*]

Question proposed.

1.50 p.m.

The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi): Madam Speaker, I thank the hon. Members of this House for their support in this legislation, and I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Hon. F. Al-Rawi: It is properly déjà vu. In this case, I have already said it and not seen it. So, Madam Speaker, I thank hon. Members for their kind support, and I beg to move.

Madam Speaker: It is not committed to the committee?

Electronic Payments Into and Out
of Court (Amdt.) Bill, 2021
Hon. F. Al-Rawi (cont'd)

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Hon. F. Al Rawi: I am using the Deputy Speaker's Order Paper and not mine. Forgive me.

Madam Speaker, in accordance with Standing Order 68(1), I beg to move that the Electronic Payments into and out of Court (Amdt.) Bill, 2021, be committed to the committee of the whole.

Bill committed to a committee of the whole House.

House in committee.

Madam Chairman: Attorney General, can we take them en bloc?

Mr. Al-Rawi: Yes, Madam Chairman.

Clauses 1 to 3 ordered to stand part of the Bill.

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

House resumed.

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

**POLICE SERVICE COMMISSION
(NOMINATION OF MS. BLISS SEEPERSAD)**

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. Good to see you here, Madam Speaker. Madam Speaker, Motion No. 1, Notification of the Nomination of Ms. Bliss Seepersad as a Member of the Police Service Commission. Sorry, Madam Speaker, I beg to move the following Motion:

Whereas section 122(3) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 ("the Act") provides that the President shall, after consultation with the Prime Minister and Leader of the Opposition nominate persons, who are qualified and experienced in the disciplines of law, finance, sociology or management, to be appointed as members of the Police Service

Police Service Commission
(Nomination of Ms. Bliss Seepersad)
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Commission;

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

And whereas the President has nominated Ms. Bliss Seepersad to be appointed as a member of the Police Service Commission;

And whereas the President has on the 26th day of March, 2021 made a Notification in respect of the nomination;

And whereas it is expedient to approve the Notification:

Be it resolved that the Notification of the nomination of Ms. Bliss Seepersad as a member of the Police Service Commission be approved.

Madam Speaker, we are here today, as we were just a few days ago, doing important business and doing the business of the people of Trinidad and Tobago, subject to and under the guidance of the Constitution of Trinidad and Tobago.

On the last occasion we were here, on Friday of last week, what we did, from a national security perspective, was extremely important and critical to the continuation of the national security apparatus of Trinidad and Tobago, when we dealt with the nomination of a Deputy Commissioner of Police. Here today, a few days later, we are dealing with a notification from Her Excellency the President, with respect to her nominee, her nomination, of a person who served as the former Chairman of the Police Service Commission. And it saddens me that, once again, in the space of less than a week, we, the elected Members of this House of Representatives, who took an oath to Trinidad and Tobago, an oath to serve our country without fear, favour, malice or ill-will find ourselves absent of 19

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Members, elected Members, of the House of Representatives of Trinidad and Tobago.

And it would be remiss of me, as a citizen of Trinidad and Tobago, someone who sees it as a privilege to be elected by the people of Trinidad and Tobago, in particular from Port of Spain North/St. Ann's West, to not place on the *Hansard* my great disappointment at the shenanigans, the theatrics and the continued misinformation, false premises, relied upon by those who are absent on the other side, and how they tried to politicize, politicize, a medical condition of the hon. Prime Minister. And I stand here today, and I chastise them in their absence, and I will say to them in their face and I also put on record, my personal condemnation as a Member of Parliament for the absence, once again, of the Opposition and there is absolutely no scientific or no medical data to support their absence here today whatsoever.

Having said all of that, Madam Speaker, we are here today to do the people's business, and, in particular, in accordance with the Constitution, to deal with the nomination of Her Excellency the President of Ms. Bliss Seepersad. Ms. Bliss Seepersad is one of those persons in private life who rose to the call and a call to serve Trinidad and Tobago by Her Excellency the President. Ms. Bliss Seepersad served—I believe it was a three-year term. As the Chairman of the Police Service Commission and during her tenure chairing the Police Service Commission, we have gone through two processes, again, in accordance with the Constitution; one, for the selection of a Commissioner of Police and I remind the population, once again, the current Commissioner of Police was not supported by the absent Opposition, and then on the last occasion we were here, we also dealt with the successful conclusion of a recruitment process in accordance with the

Constitution of a Deputy Commissioner of Police, Mr. Jacob.

What we are here today as a Government to do is to endorse, fully, the nomination of Her Excellency the President, and to say that we the Government of Trinidad and Tobago, who take our duties very seriously—in addition, national security falls under us, so we are here today to make sure that national security can function properly by having a proper quorum of a Police Service Commission, and we fully endorse and support the nomination of Ms. Bliss Seepersad. If my colleagues would just bear with me, as I take a few minutes just to put on the *Hansard* the exemplar that Ms. Bliss Seepersad is.

She has, as her areas of expertise, financial and investment management, loan negotiation, debt restructuring, strategic planning and development, compliance management. She is a facilitator and a trainer in compliance, financial and risk assessment for lending; preparation of business continuity plan and disaster preparedness plans; tax services for individuals, partnerships, small businesses; preparation of feasibility studies for new business ventures; conference planning and management; process reengineering; client development and networking. To have a citizen of Trinidad and Tobago with this level of expertise in that area come forward, offer herself up and, once again, be nominated by Her Excellency to serve as a member of the Police Service Commission, that should be taken note by all other citizens out there, rise to the occasion of service.

I am pleased to say one of her key accomplishments, Madam Speaker, that she was the first woman elected to the Management Committee of the Queen's Park Cricket Club. She is the first woman elected as the President of the Trinidad Building and Loan Association. She has reduced delinquency in the mortgage portfolio from '95 to 20 per cent to ensure the viability of Workers Bank. She

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successfully increased market share of the mortgage market at Scotiabank between 1995 and 1998.

Madam Speaker, briefly, her education. In 1977 to 1980, she achieved a Bachelor of Arts, Honours, in Geography and History; 1981 to 1982, a Master of Arts in Urban Geography and Planning from Michigan State University; 1984 to 1987, she completed level-two papers of the Chartered Association of Certified Accountants; 1992 to 1994, a Post-Graduate Diploma in Business Administration; 1997 an IBOTT Post-Graduate Certificate course in Global Trends and Financial Markets.

Madam Speaker, if I had to go through Ms. Seepersad's CV, we would be here for a bit more time than I would like to detain my colleagues. What I can say is that the Government, without hesitation, under the guidance of the Member for Diego Martin West, the hon. Prime Minister has absolutely no hesitation in accepting the nomination of Her Excellency the President, and we fully endorse, without any reservation, that Ms. Bliss Seepersad be returned as a member of the Police Service Commission. Madam Speaker, I beg to move.*Question proposed.*

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): I beg to move, Madam Speaker.

Question put and agreed to.

Resolved:

That the Notification of the nomination of Ms. Bliss Seepersad as a member of the Police Service Commission be approved.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis):
Thank you very kindly, Madam Speaker. Madam Speaker, we have concluded all

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the Government's business on the Order Paper. As a consequence of that, we will adjourn to a date to be fixed. Thank you very kindly, Madam Speaker.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 2.04 p.m.