

SENATE*Thursday, September 13, 2018*

The Senate met at 2.00 p.m.

PRAYERS[MR. VICE-PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Mr. Vice-President: Hon. Senators, I have granted leave of absence to Sen. Melissa Ramkissoon and Sen. H.R. Ian Roach, both of whom are ill.

SENATORS' APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received the following correspondence from Her Excellency the Acting President, Christine Kangaloo:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE KANGALOO
Acting President of the Republic of Trinidad
and Tobago and Commander-in-Chief of the
Armed Forces.

/s/ Christine Kangaloo
Acting President.

TO: MS. ZOLA L. PHILLIPS

WHEREAS Senator Melissa Ramkissoon is incapable of performing her duties as a Senator by reason of illness:

NOW, THEREFORE, I, CHRISTINE KANGALOO, acting President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ZOLA PHILLIPS, to be temporarily a

UNREVISED

member of the Senate with effect from 13th September, 2018 and continuing during the absence of Senator Melissa Ramkissoon by reason of illness.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 13th day of September, 2018."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE KANGALOO
Acting President of the Republic of Trinidad
and Tobago and Commander-in-Chief of the
Armed Forces.

/s/ Christine Kangaloo

Acting President.

TO: PASTOR CLIVE DOTTIN

WHEREAS Senator Ian Roach is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, CHRISTINE KANGALOO, acting President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, PASTOR CLIVE DOTTIN, to be temporarily a member of the Senate with effect from 13th September, 2018 and continuing during the absence of Senator Ian Roach, by reason of illness.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and

UNREVISED

Tobago at the Office of the President, St. Ann's, this 13th day of September, 2018.”

OATH OF ALLEGIANCE

Senators Zola Phillips and Pastor Clive Dottin took and subscribed the Oath of Allegiance as required by law.

PAPERS LAID

1. Special Report of the Auditor General of the Republic of Trinidad and Tobago on a Follow-Up Audit of the Targeted Conditional Cash Transfer Programme (TCCTP) of the Ministry of Social Development and Family Services. [*The Minister in the Ministry of Finance (Sen. The Hon. Allyson West)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Children's Authority of Trinidad and Tobago, Children Authority Fund for the year ended September 30, 2017. [*Sen The Hon. A. West*]
3. Ministerial Response of the Ministry of Works and Transport to the Eighteenth Report of the Public Accounts Committee, Third Session (2017/2018), Eleventh Parliament on the Examination of the Audited Financial Statements of the Airports Authority of Trinidad and Tobago (AATT) for the financial years 2008 to 2012. [*The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan)*]
4. Audited Financial Statements of the Trinidad and Tobago Bureau of Standards for the year ended September 30, 2016. [*The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon)*]

5. Delegation Report on the Annual Conference of the Caribbean, the Americas & the Atlantic Region of the Commonwealth Parliamentary Association held in Cayman Islands. [*Sen. Ronald Huggins*]

URGENT QUESTIONS

Cedros Flooding

(Assistance for Victims of)

Sen. Wade Mark: To the hon. Minister of Rural Development and Local Government: Can the Minister inform the Senate what urgent measures are being taken to assist scores of Cedros families whose homes were completely inundated by unprecedented flood waters and whose households have suffered severe losses?

The Minister of Rural Development and Local Government (Sen. The Hon. Kazim Hosein): Thank you very much, Mr. Vice-President, and once again I will like to thank my colleague, Sen. Mark, for asking me this urgent question.

The Disaster Management Unit of the Siparia Regional Corporation assessed flood damages in Cedros following heavy rains which occurred on Tuesday, 11 September, 2018 and generated damage assessment letters for 38 households located in the National Housing Scheme in Bonasse Village which were affected. These affected families can now take their letters to the Ministry of Social Development and Family Services to receive compensation for their losses.

The corporation will also take the undertaking to follow through with the Ministry of Social Development and Family Services electronically to facilitate the process for the applicants.

As an immediate response, the corporation was able to provide cleaning products to these residents to assist them in restoring their homes. Thank you very much.

Sen. Mark: Mr. Vice-President, can the Minister indicate whether the Ministry,

his Ministry, in collaboration with the ODPM were able to conduct any assessment as it relates to the value of losses to these households as a result of the unprecedented floods that occurred, a total picture of what is the value of the possible losses?

Sen. The Hon. K. Hosein: Thank you very much again, Mr. Vice-President and Sen. Mark. I just want to bring to the attention of this honourable House that I do not have a Ministry, but I work at the Ministry of Local Government and Rural Development. You know, some people always say they have a Ministry. I work at the Ministry of Rural Development and Local Government. “Ah cyar take it when ah going.”

The disaster coordinator and the field officers conducted damages and assessments over the two-day period. The Siparia Corporation does not currently have hampers, tarpaulins or mattresses. They are liaising with the Point Fortin Borough Corporation and also the Penal/Debe Corporation. Thank you very much.

Sen. Mark: Mr. Vice-President, can the Minister indicate how soon relief would reach those families, having regard to their current state, current condition. How soon?

Sen. The Hon. K. Hosein: Mr. Vice-President, once again this is an urgent matter. It will be as soon as possible.

Mr. Vice-President: Sen. Mark, next question.

Cedros Bridge/Floodgates

(Completion of)

Sen. Wade Mark: Could the hon. Minister of Works and Transport: In light of reports of severe flooding in Cedros, can the Minister inform this Senate of the measures being taken to urgently complete the Cedros Bridge and floodgates?

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

Thank you, Mr. Vice-President. In light of the reports of severe flooding in Cedros, the Ministry of Works and Transport through its Bridge Division has completed the main bridge structure. Other works in progress are as follows: the paving of the bridge will be completed, weather permitting, by September 16, 2018. Pavement markings will be applied after the asphalt has been allowed to cure for a few days and will be done on or before September 21, 2018. Construction of a downstream drain structure from the bridge has already been completed. There are no floodgates at the bridge structure. A slight adjustment to be made on the wall of the drain on the south-western side by the end of September 2018.

Mr. Vice-President, flooding in Cedros cannot be attributed to the bridge. The bridge was not overtopped during the rain. Flooding in the area can be a combination of the following: weather in high tide, three upstream drains meeting at an inlet of the bridge and clogged drains with garbage. I thank you.

Sen. Mark: Mr. Vice-President, can the hon. Minister indicate what initiatives are going to be taken by his Ministry to address those reasons or factors that he has outlined. Outside of the rising tide—because you cannot deal with that; that is nature and God—but the other two areas that you have mentioned, what efforts are you going to pursue to address those?

Sen. The Hon. R. Sinanan: Mr. Vice-President, the three upstream drains there is a challenge because of the structure of private dwelling houses in that area. So the Ministry, working with local government, will be looking at any solutions going forward. And in terms of clogged drains with garbage, again, educating the population as to the effects of dumping in watercourses. I thank you.

Contractors' Employment of Non-nationals

(UDeCOTT Action)

Sen. Wade Mark: Well, I want to welcome my colleague who was former Minister of National Security. I am glad to see you back in a new capacity, so refreshing.

To the hon. Minister of Housing and Urban Development: Can the Minister state what actions are being taken by UDeCOTT to deal with contractors who continue to openly flout the immigration laws of the country by their continued employment of non-nationals without the relevant work permit documents?

The Minister of Housing and Urban Development (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Mr. Vice-President. With respect to the questions raised concerning the employment of non-nationals without the relevant work permits, I wish to assure this House that the UDeCOTT has taken an initiative whereby when this was brought to the public domain, they in fact wrote letters to the contractors outlining the immigration laws with respect to the relevant work permits. Additionally, UDeCOTT has in fact done random checks at all their sites between July, August and within this current month, and has assured me that to date there is no one on any of their sites, non-nationals, without the relevant work permits.

I also would like to put out in the public domain that the immigration laws clearly state, and again you have to do a lot of investigation, because a non-national can come into this country as long as they declare to the immigration officer they are coming to work, they can work without a work permit for 30 days, and they can do so once in any one year. So that there are individuals who are non-nationals who can work for 30 days in this country without a work permit. So I want to put it out there.

So therefore, UDeCOTT has done their examination. They have assured me that to date on their sites there are no non-nationals without the relevant work

permits. Therefore, we must not jump to conclusions that because there is a non-national working, that they are working without a work permit and it is illegal, because they can do so for 30 days, and in any one calendar year without a work permit, once they declare that on entrance to the immigration officer.

Sen. Mark: I want to tell the hon. Minister, do not take advice from the Attorney General—

Mr. Vice-President: Sen. Mark, is there a supplemental question?

Sen. Mark: Yes—because you will “loss” your job because of that.

Mr. Vice-President: Sen. Mark, a supplemental question.

Sen. Mark: Mr. Vice-President, may I address this question through you to the hon. Minister. Could the hon. Minister share with this Senate what sanctions would be imposed by UDeCOTT for those delinquent contractors who, given your qualification of 30 days, continue to employ non-nationals without the relevant documentation? What sanctions are in place by UDeCOTT to take action against those contractors? That is a question, Mr. Vice-President.

Hon. Maj. Gen. E. Dillon: Mr. Vice-President, any contractual arrangement would be put in place and of course immigration law will hold wherever respectively.

Mr. Vice-President: Hon. Members, that is the end of the Urgent Questions period.

ORAL ANSWERS TO QUESTIONS

The Minister of Energy and Energy Affairs (Sen. The Hon. Franklin Khan):

Mr. Vice President, the Government is pleased to announce that it will be answering questions number 170, 171 and 176. **Nephrotic Syndrome**

(Assistance to Child Suffering from)

170. Sen. Wade Mark asked the hon. Minister of Health:

Can the hon. Minister indicate what, if any, assistance is being granted to the two-year-old reported to be suffering from nephrotic syndrome?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Mr. Vice-President, and I thank my colleague Sen. Mark for the question, and the answer is as follows: All persons in the public health sector suffering from nephrotic syndrome are getting the appropriate care. Thank you very much, Mr. Vice-President.

Sen. Mark: In the instance of this case involving this young child, could the Minister indicate whether that infant is in fact in receipt of the necessary care and attention, and does not require any major surgery?

Hon. T. Deyalsingh: Mr. Vice-President, let me read into the record the question as posed, so the public could understand that the follow-up question is null and void. The question as posed is: Can the Minister indicate what, if any, assistance is being granted to the two-year-old reported to be suffering from nephrotic syndrome? Which two-year-old? And the question goes further, wants me—
[*Crosstalk*]

Mr. Vice-President: Please allow the Minister to make his response as he deems fit to do so. Minister, continue.

Hon. T. Deyalsingh: And, Mr. Vice-President, any person in the public health care system is entitled to their privacy under the Patient Charter. It is quite irresponsible of me as a Minister, to come to this House and read into the public record, the name of anybody, the treatment they are getting, whether they require surgery. That is quite improper. And I am prepared to be taken before a Privileges Committee, because people in the public health care system should be comforted that their Minister of Health would not come here and violate their privacy. [*Desk thumping*] So you can take me to the Privileges Committee, but I have said clearly

that all persons, whether you are two years, five years, 200 years, in the public health care system, are receiving the appropriate care. And I will not come to this House and violate patient privilege. Thank you very much, Mr. Vice-President.

Sen. Mark: Mr. Vice-President, can the Minister indicate whether, in light of his utterances, the newspapers in this country that have published this matter, should action be taken against these newspapers?

Hon. T. Deyalsingh: That is entirely beyond—

Mr. Vice-President: I will not allow that question. Next supplemental question.

Sen. Mark: May I ask, Mr. Vice-President, whether the Minister intends to amend the Children's Life Fund in order to permit assistance to children suffering with the condition that is outlined in this particular—

Mr. Vice-President: I will not allow that question, Sen. Mark. Last supplemental on this particular question?

Sen. Mark: No, I will go on.

Mr. Vice-President: No? Next question.

Trinidad and Tobago Volleyball Federation

(Provision of Funding for)

171. Sen. Wade Mark asked the hon. Minister of Sport and Youth Affairs: Can the Minister indicate what, if any, efforts are being made to provide funding to the Trinidad and Tobago Volleyball Federation?

The Minister of Sport and Youth Affairs (Hon. Shamfa Cudjoe): Thank you, Mr. Vice-President. With regard to question no. 171, in the fiscal year 2018 the Trinidad and Tobago Volleyball Federation received a total of \$748,143; \$450,000 from the Ministry of Sport and Youth Affairs and \$298,143 from SPORTT. Thank you.

**TTMA Members
(VAT Refund for)**

176. Sen. W. Mark asked the hon. Minister of Finance:

Having regard to the economic turnaround announced by the Minister of Finance, what measures, if any, are being put in place to refund value added tax owed by the Government to the TTMA's members as well as other businesses?

The Minister in the Ministry of Finance (Sen. The Hon. Allyson West): Thank you, Mr. Vice-President. The refund of value added tax is an ongoing activity of the Board of Inland Revenue, and is governed by the VAT Act, Chap. 75:06, of the Laws of the Republic of Trinidad and Tobago. In addressing the issue of VAT refunds, cognizance is taken of the country's prevailing economic climate and its impact on Government fiscal accounts and its cash management capability. Accordingly, the level of refunds falls among one of several economic variables which are constantly monitored to ensure that Government's overall macro fiscal objectives are maintained in a scenario of other competing demands for financial resources. Additionally, the issue of refunds must also be viewed in the context of compliance, and as such the Board of Inland Revenue must perform the necessary audits and regulatory practices as a monitoring agency.

Government is mindful that business entities rely on VAT refunds to support their cash flow requirements. Accordingly, the assurance is given that the level of VAT refunds is closely monitored in the context of the prevailing economic climate, and once its threshold level of revenue inflows are achieved, the commensurate adjustments to the level of VAT refunds would be effected.

In fiscal 2016, Government issued approximately \$3.75 billion in VAT refunds to businesses, or \$312 million per month. In fiscal 2017, in an effort to

reduce the backlog, the Government issued VAT refunds in amount of \$4.2 billion or \$347 million per month to businesses.

Refunds have continued in 2018, and as our economic circumstances continue to progress, Government will make every effort to increase the level of VAT refunds and reduce the backlog in the shortest possible time.

I thank you, Mr. Vice-President.

Sen. Mark: Mr. Vice-President, could the hon. Minister indicate what is the exact quantum of VAT owed to the business community as of this time?

Sen. The Hon. A. West: Mr. Vice-President, I do not have that information before me.

Sen. Mark: Would you indicate whether the Government is meeting with the various business organizations, particularly the TTMA, which organization has been clamouring for the Government to refund them the VAT that is owed to that organization, which is among many other organizations that—

Mr. Vice-President: Sen. Mark, that is not a supplemental question.

Sen. Mark: No, I am trying to get the hon. Minister to indicate whether the Government has met with the various business organizations that have been clamouring for VAT refund, including the TTMA?

Sen. The Hon. A. West: Mr. Vice-President, the Government is aware of the various claims or entreaties that have been made by the various associations. We have indicated to them the Government's position, and as I said previously we are seeking to address it as quickly as possible.

Sen. Mark: Through you again, Mr. Vice-President, can the Minister offer this Senate an appreciation of the amount of moneys owed to the various major business organizations? Like the TTMA as an example, what is the sum?

Mr. Vice-President: Sen. Mark, you asked a very similar question a little earlier,

so I will not allowed that question. That makes no. 4 in supplemental, and that is the end of supplementals.

Sen. Mark: No, no, this is only three, Sir.

Mr. Vice-President: Okay, sorry; my bad.

Sen. Mark: I think you are speeding up. I think you are operating digitally. I am very alert in terms of my rights.

Mr. Vice-President, may I ask through you, Sir, if the hon. Minister is prepared to share with us as she indicated in her reply, the several economic and financial variables that would in fact inform the Government when issuing refunds? This is what she said, the hon. Minister said, in her response to my question. So I want her to identify for us those “several” as she called it, economic and financial variables. If she can identify those for the Parliament and the public.

2.30 p.m.

Sen. The Hon. A. West: Mr. Vice-President, the various issues that would impact on the Government’s cash flow and ability to settle any of its debts include the level of collection by the Board of Inland Revenue and the Customs and Excise Division at any particular month. Other demands on the coffers of the Government including: salaries and wages of public servants, social welfare support services, demands by the Ministries of Education and National Security and so on and so forth.

Sen. Mark: I know that we are finished, Mr. Vice-President, but I want to just engage you or indulge you for one moment and to seek your guidance.

Mr. Vice-President, as you are aware, question no. 121 remains outstanding for some time now. And also, if you go to the Appendix, you will see where another question has been outstanding for exactly one session because we are coming to a close on the 28th or the 29th. So, I would like you, Sir, to guide me on

these two matters as to when the Government would be able to supply the Opposition and the Parliament with answers to those questions that are outstanding.

Mr. Vice-President: Leader of Government Business, in relation to question 121, specifically, I will address—I assume it is question 13 you are referring to, Sen. Mark?

Sen. Mark: Yes. Yes.

Mr. Vice-President: So question 121, Leader of Government Business.

Sen. The Hon. Franklin Khan: Mr. Vice-President, the Government will make its best efforts, obviously, because we respect the Standing Orders and the rules of the Parliament.

Mr. Vice-President: In relation to question 13, Sen. Mark, as you asked about it, that particular question is being treated with currently by the President of the Senate.

Sen. Mark: Okay.

DEFINITE URGENT MATTER

(LEAVE)

Schools in Trinidad and Tobago

(Government's Failure to Prevent Closure)

Sen. Saddam Hosein: [*Desk thumping*] Thank you very much, Mr. Vice-President. In accordance with Standing Order 16, I hereby request your leave to move the Adjournment of the Senate at today's sitting for the purpose of discussing the following Definite Matter of Urgent Public Importance.

The lack of preparedness and failure of the Government to prevent the closure of over 25 schools across Trinidad and Tobago as at the beginning of the new school year on September 03, 2018.

The matter is definite because it relates to the closure of over 25 primary and secondary schools throughout the country at the start of the new school term and academic year on September 03, 2018.

These schools have been closed because of a lack of preparedness and the failure of the Minister of Education to implement the necessary preventative and remedial measures in a timely manner, thus preventing thousands of our nation's students from attending classes since the opening of the new school term.

The matter is urgent because of the critical need to reverse the deleterious impact on our nation's youth who are being denied an education, as well as crucial exam preparation time, as a result of the closure of their schools.

The matter is also urgent because of the failure of the Minister of Education to inspect and assess schools to render them fit for occupation [*Interruption*] Mr. Vice-President, I am being disturbed—in the aftermath of the severe 6.9 magnitude earthquake that took place on August 21, 2018.

The matter is of public importance because according to the late Dr. Eric Williams, the future of this nation lies in the school bag of our children. This future is being jeopardized by the failure of the Minister of Education in performing one of his primary responsibilities of addressing the many issues that have prevented far too many schools from being operational at this critical time.

The matter is also of public importance because it further demonstrates an overall lack of caring by this Government for the educational needs of our citizens through its continued failure after three years, to complete work on some 72 educational facilities. I thank you. [*Desk thumping*]

Mr. Vice-President: Hon. Senators, I have considered the Motion of the Senator, and I am not satisfied that this matter as presented qualified under this Standing Order. [*Crosstalk*] Continue, Clerk.

JOINT SELECT COMMITTEE**Gambling (Gaming and Betting) Control Bill, 2016****(Extension of Time)**

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Mr. Vice-President, having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016, I beg to move that the Committee be granted an extension to September 26, 2018, to complete its work and submit a final report.

Question put and agreed to.

**MISCELLANEOUS PROVISIONS (SUPREME COURT OF
JUDICATURE AND CHILDREN) BILL, 2018**

[Second Day]

Order read for resuming adjourned debate on question [July 02, 2018]:

That the Bill be now read a second time.

Question again proposed.

Mr. Vice-President: List of those who spoke would have been the mover of the Motion, the Attorney General. Attorney General, you have 30 minutes of speaking time remaining.

Hon. F. Al-Rawi: Thank you, Mr. Vice-President. [*Desk thumping*] Mr. Vice-President, just by way of quick recap, this Bill is a particularly important Bill. We seek to amend 12 pieces of law. We actually also seek to amend references in all written laws, certain aspects that have now become accepted, and I refer specifically to the definition of “child” being a person under 18 years of age.

This Bill is required specifically—main intent, these 12 laws to be amended and references in all written laws otherwise, specifically to harmonize the work which we did in passing the Family and Children Division Act. That Act of

Parliament which came about in 2016, was an Act which itself amended 19 pieces of law at the same time. In particular, the Fifth Schedule to the Family and Children Division Act had a massive amount of work undertaken by the Government to bring the laws in relation to the supervision, care, control and the justice system surrounding children, into conformity with the parameters of acceptability as is both in an international context accepted and from a local perspective, now the law.

These particular 12 pieces of law are required to be reflected upon, and we do so not only to bring material in line with other laws, that being one of the main subset objectives, but importantly to also bring in some very important measures of relief into these laws.

I should ask you to note immediately, Mr. Vice-President, that the Indictable Offences (Preliminary Enquiry) Act is not proposed to be amended. In fact, it is going to be the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, and we will propose an amendment to take care of that particular reference in the long title in particular.

We do also propose having had the benefit of last stopping on this debate on July 2nd and having had over 2 months of consideration to receive the submissions of the Law Association in particular, we have had the benefit of doing some further fine-tuning.

The Law Association had on the 2nd of July, a day or so before, noted that they wished an opportunity to make some consideration and to also provide commentary on this particular Bill. We were pleased to adjourn to facilitate that recommendation of the Law Association.

I am pleased to inform that on July 20, 2018, the Law Association did in

fact, respond. They essentially had three submissions to make. The large part of their submission concerns the proposed amendments that we proposed for the Supreme Court of Judicature Act. This Bill proposes that effectively this Government will be increasing the Judiciary from the period when we came into Government to now, by 77 per cent, and that is so because we now propose to move up to 64 High Court judges. When we came into Office, the limit under the Supreme Court of Judicature Act was 36; we are now proposing to go to 64.

We also propose to increase the judicial complement in the Court of Appeal from 12 to 15. Very importantly, the Bill proposes that we allow for the appointment to the Bench in accordance with the Constitution, in accordance with the JLSC provisions which have existed since Independence, we propose that we now change that to allow a wider pool by allowing lawyers from the Commonwealth to be eligible for consideration by the JLSC.

Now, that is not uncommon in the Commonwealth. In Belize, for instance, several of our locals, in fact, the President of the Law Association himself sits quite often as a judge in the courts of Belize. Many of our locals sit in the Turks and Caicos—sit across the Commonwealth and Commonwealth Caribbean as judges.

Trinidad and Tobago is now saying, let us have that opportunity because one of the roadblocks to justice in this country, and in particular accountability, is the fact that we do not have enough judges and not enough courts. We have spent our first year in the Chair, and second year in the Chair, and the last, this session as we come to an end, treating with reform in the criminal justice system, we have introduced Criminal Procedure Rules. We have introduced masters of court, we have built two brand new courts, we have computerized the Magistracy. Just this

week we effected CourtPay, and today in the newspapers we see Ali's Doubles with a LINX machine and credit card machine. Finally, the Judiciary of Trinidad and Tobago could match Ali's Doubles [*Laughter*] and manage to actually have electronic payments. And this Senate was a participant in that historical move by allowing our Judiciary to modernize itself.

In fact this year, we will be removing 70,000 cases, because we have passed the law, we are ready to operationalize from the motor vehicle end of the Magistracy. The Magistracy has 143,000 new cases a year, 77,000 of them are road traffic offences; that is to be a thing of the past. So, we are removing bottlenecks, we are removing road stops, we are making sure that the system of justice can function. That marries in with the work that we did on the fraud and corruption packages as well.

Now, that is by way of recap because I have addressed some of these points. I can say that the Law Association's commentary in respect of that particular point is, please consider that this is an important milestone. They have asked that judges for selection, in fact, be done firstly, by way of exhausting all local lawyers first.

Secondly, going to Caricom lawyers, Caribbean Commonwealth lawyers, and then to the wider pool, and they have asked specifically that no Commonwealth lawyer come into the Court of Appeal. That, of course, is not something that one can accept easily because it comes on the back of a very specific recommendation from the Law Association that now is the time to fix the JLSC.

I remind that the Judicial and Legal Service Commission is a creature of the Constitution of the Republic of Trinidad and Tobago, and the JLSC as it is entrenched, will require by far, more than a special majority of agreement across

Benches to be considered.

Most respectfully, the Government's view right now, is that that work product can continue into its analysis and work out, but that we will rely upon the Constitution as it has been operationalized with respect to the appointment of judges since Independence onwards, and I dare say, since prior to Independence. I am sure that a lot will be said on that particular point, but we will treat with that in the course of the debate and certainly in wrap up and at committee stage.

Permit me to also indicate that the Law Association's other comments, the other two comments were very minor comments, but very useful nonetheless. One was a perspective on the Child Rehabilitation Centre Act where they asked for a reflection to be addressed. And I am sure that at committee stage I can explain why the provision that they have volunteered should be removed/should not be removed.

And secondly, they have asked us to change the word "voice" of the child, to the "views" of the child. Again, something which we prefer not to agree to because "the voice of the child" is the terminology used in the Family Court, but we can come to that in specific detail. There are some explosively awesome provisions in this package of laws, Mr. Vice-President.

The Interpretation Act which is to be treated with at clause 2, simply harmonizes that a child is now, once and for all in this country, under 18 years of age. Why? We abolished child marriage in particular which was one of the key facts to that particular definition. And I am pleased to say that is now part of the body of laws of Trinidad and Tobago.

Clause 3, I have treated with on the last occasion, and now which is the broadening of judicial appointments in expanding the number of judges at both the

High Court and the Court of Appeal level, upward by 25 per cent in the Court of Appeal, and 77 per cent from where we started in 2015 at the High Court.

Let us move next to Schedule V, item 3, and we look at the Summary Courts Act. The Summary Courts Act, Chap. 4:20, is proposed to be amended. Mr. Vice-President, what time must I precisely end?

Mr. Vice-President: 3.07.

Hon. F. Al-Rawi: 3.07, much obliged. If we look to this Summary Courts Act we are really causing a consideration for an amendment of section 2, section 63A and section 99, section 39(1). In particular, we are now harmonizing the fact that the definition of a “child” should be split between two characteristics which are not far off from what the old law said, but we are now going into the introduction of a child being under 18 years. We are dividing out the old concept of a young person being a person who is above 14 years of age, and treating with the two categories that existed there. We are introducing now the concept of a younger child, an older child.

And we do that specifically because in the Summary Courts Act we are proposing that they be treated with in section 63A in a specific fashion when we treat with witness evidence of younger children. Effectively it is a change in terminology, we are harmonizing the language to be more appropriate with the policy decision taken to move away from the concepts of youth offenders and otherwise and to come into more of a rehabilitative sense of justice as opposed to a more difficult sense of justice.

Section 99 of the Summary Courts Act, again, we are treating with the concepts of younger child and older child and in particular changing terminology, but yet preserving where a “younger child” operates, how that matter is to be

treated with, which is, of course, summarily. And where an “older child” is located, we preserve, again, the route of having it explained, and then the election, as I am sure my learned colleagues will speak to.

The next Act that we are proposing to amend is the Bail Act. We are in the Bail Act, inserting the definition in section 3 of that Act, of a “child offender”, harmonizing that with the Child Rehabilitation Centre Act. And that, in effect, is the main provision that we are looking at until we get to section 12(5)(a) where we move the age limit from 16 years to 18 years, again, harmonizing with the standard of age, if I can put it that way, as to what is, in fact, a “child” right now.

What we are saying in the amendment to section 12 of that Act is that we move up from 16 years, preserve it at 18 years, so that where a child is in the circumstance of a parent under a surety presenting him or herself, that where it is apparent that the child will soon be 18 years, that there is the provision that the parent or guardian, who has consented to be a surety of the child, that that parent or guardian is not under an imposition of the court in the circumstances set out there. So, we are easing it up, but harmonizing it to 18 years as opposed to 16 years.

The DNA Act, if I can call it that, Chap. 5:34, the Administration of Justice (Deoxyribonucleic Acid) Act, we are proposing an amendment to section 4, section 13(2)(d), 14(6)(d). And we are, in effect, moving the terminology away from “juvenile residential facility” because that no longer exists after we changed the Young Offenders Detention Act otherwise known as YODA, to a “child rehabilitation centre”. So we have kept the language now in keeping with what ought to be done, and we have just tweaked the law to move away from “juvenile residential facility” to “rehabilitation centres”.

The Legal Aid and Advice Act presented a small anomaly because you

could have legal aid and advice representation for everything except motor vehicle offences. And what we have done here now, by an amendment proposed to Chap. 7:07, is to say let us treat with the amendment at the First Schedule, Part I, item 1(b), which relates to section 16, and let us allow children who are charged with motor vehicle offences—because the child is now 18, a child gets a licence at 17—let us allow that age gap of 17 to 18 where a child is in that bracket to have access to legal aid. And again, that is in keeping with the facilities of treating children differently from adults. That is the amendment to the Legal Aid and Advice Act.

The Child Rehabilitation Centre Act—which I remind my learned colleagues was previously called the youth detention (YODA), as we called it—positions, we are introducing here some very important provisions. We are harmonizing how we treat with rehabilitation centres, and we are making sure that we bring into line how we manage some of the aspects.

It was necessary because of the change in the 2016 package of laws that we did, to move away from the references to “rehabilitation centre” to now “community residences” because of the manner in which we changed the laws in 2016. That is important to bear in mind. We have added in, in particular, the rehabilitation centre to be managed and under the control of the Commissioner of Prisons subject to the Children’s Authority Act, because we remind that a rehabilitation centre may also include a state rehabilitation centre such as what was called YTC which is now a child rehabilitation centre. There you have a sort of a hybrid scenario where the Commissioner of Prisons had the benefit of an Inspector of Prisons.

Now we are making sure that we bridge that gap between the Commissioner of Prison’s supervision, and having the Children’s Authority setting certain aspects

and management, et cetera. So, we preserve the Commissioner of Prison's locus standing over prisons officers, et cetera, as he must under law, but we have now introduced into that the strategies for rehabilitation, et cetera, and the coordination with the Children's Authority and how we deal with those plans. So, we have in essence managed to marry two streams which did not particularly mix previously.

We have a very important provision where we seek to insert new sections 12A and 12B. And that, Mr. Vice-President, is a very important point where we allow a very unique level of intervention for the benefit of the child. Where we allow a child in more defined circumstances to have the permission or leave to leave the incarceration centre for certain purposes, and then we traversed what must be done to get there.

So where we wish to have a child moving out of the centre for periods of time, for instance, for education or where better care and control can be had, we are allowing that specifically by including a new section 12A to be a feature of the law.

And at 12B, we set out the conditions where a person is proposing to be a host for a resident. Because we seek in the law that we are carving and bettering on each past that we get, to make sure that children are not put to the simple categorization of "you are locked away". The ability to leave the centre, the ability to have somebody who is willing to care for the child as a host is now set out in this law where we can actually have somebody say, "Look, I am prepared to look after this child. I will satisfy the terms and conditions", vetted and approved in the fashion that we propose between new section 12A and new section 12B as we propose to put them in, involving the Children's Authority, the children probation officers, the consideration of the court. And therefore, 12A, 12B, 12C, 12D are

landmark improvements to the law and manner in which we treat our children, and it fits in with the Government's philosophy of creating the Family and Children Division Courts in particular, division of court and the children's court in particular.

The Children Act, I wish I had an hour to speak on. I think Sen. Ramdeen and I share a number of concerns that we have raised in previous debates, in particular when we dealt with "judge only" and we were dealing with certain aspects of committing, in fact, children for the crime of murder. I know that is a live issue which will no doubt be raised. We had cause to now harmonize some of the laws which we amended in the Children Act. We are proposing to treat with sections 3, 4, 51A, 51B, 54A and importantly 40. And very importantly, by the introduction of a new section, a new Part which we propose to introduce for children in need of supervision.

We also propose amendments to section 70, 72, 73, 74, 75, 76, 81, 82, 83, 88. And, Mr. Vice-President, importantly we have introduced the concept of "appropriate adult". An appropriate adult has been introduced because when we come to a child who is to be interviewed in a police station or a child who is to be treated in a particular way, the person with responsibility for the child needed to be broadened into the categories of what is an appropriate adult, and that is set out in our amendments.

We have defined and harmonized other definitions. We have importantly preserved the type of treatment. Remember, in the Children Act we had abolished corporal punishment, but we are making sure now in children's nurseries, children's homes, foster homes and in rehabilitation centres, how we treat with the management of that.

We are also very importantly treating with amendments to add in the concept of an exception to the law for members of the Children's Authority who would have found themselves victims, in one sense, because they would have been committing crimes if they were handling evidence treating with child pornography. So, we had to cause an exception for persons working for the Children's Authority where they are investigating matters where, for instance, there is a video of child pornography, et cetera, so that they did not offend the law themselves.

We then, Mr. Vice-President, treated with children in need of supervision by proposing after section 50, the introduction of a section 50A. And here it is where we change the law in an important way.

We are removing section 61 which was appearing later on in that Act. And now we are proposing that where a person alleges that a child is beyond control, as we call it, he may apply to the court. Before the court had a different standard of looking at this. The child was presented to court, the child was inevitably taken away. Now we are saying, if you are the adult coming to say that your child is beyond control, you have a certain standard of proof to get there. And then we involve the agencies and other bodies to actually treat with this. And that is an important—may not be spotted by many, but it is an important shift in the right direction to make sure that people do not just come and dump their children into St. Michael's or St. Jude's as has existed previously.

Mr. Vice-President, we are also treating with how we treat with when a child is apprehended. That is, again, who should be notified, the persons with responsibility for the child. And again, the concept of the appropriate adult.

We are dealing with the interchange between the children's home and the child rehabilitation centre. We are allowing for that interoperation to go on, and in

particularly now modifying the manner in which children who have aged out, who have passed over 18 years can be treated. Because having spent 10 or 12 years in a child rehabilitation centre, aging out where you are in pre-trial detention, and mixing in an adult population may be a retrograde step.

Mr. Vice-President, in the Children Act as well, we are treating with a concept of management as we deal with children for murder in section 75A that we now propose to introduce. In section 75A as we propose to introduce:

“Where a child has been convicted of murder and the Court is of the opinion that no punishment”—et cetera, of the type under the Act and— “it is authorized to impose is appropriate, the court may sentence the offender to be placed at a Community Residence...”

And that mixes with the provisions in section 59 and section 60. And I know my colleague Sen. Ramdeen has a bit to say about that and I look forward to hearing his submission for consideration at this opportunity.

3.00 p.m.

Mr. Vice-President, if I move on, in the whole eight minutes that I have left, to the Children’s Community Residences, Foster Care and Nurseries Act, which is clause 11, I want to point out in particular what we propose at 17A, section 26 and section 27 of that legislation. What we are proposing, Mr. Vice-President, is that we manage the management of—if I could put it that way, it is rather inelegant—the licensing for temporary homes because temporary licenses have not managed to succeed very well because there are some homes that provide yeoman service that are not able to have full licensing, for instance, for reasons of compliance with Town and Country Planning, that they will never meet Town and Country Planning requirements because the boundary distances are wrong for instance. There is an

old structure where there is a four-foot setback and not an 11-foot setback. So we managed the temporary licence position in a slightly different way.

But when we get to 17A, and we are treating with prohibited forms of punishment, we have proposed an introduction of a 17A. We are making sure that we manage the strictures of how children are punished. No corporal punishment, no restraint or force as a form of punishment, no reduction in diet as a form of punishment, no restriction in denial of contact with family as a form of punishment. And then we are treating with penalizing people that breach those laws quite importantly, because our country has had umpteen examples of children who have been abused in the system, children who have died in the system, and we are now proposing to amend these facilities in that fashion.

Mr. Vice-President, when we treat with the reception of a child, we oblige in the amendments to section 26 that a care plan be developed. When we are treating with temporary placement of a child in a children's home, we are adding again this concept of where a person is willing to receive and care for a child that that person can apply to the manager of a children's home, allowing for that access out of that bitter environment into a safe home, approved by a court, approved by a structure, so that we avoid this tragedy to the child of just a bare incarceration where they are forgotten, Mr. Vice-President.

Similarly, the period of leave to be determined as a part time of placement, we propose a new section 26B, and that a parent can be summoned to produce a child in the new 26C as you will see come forward. We are very importantly also allowing a huge improvement to the law—and I know Sen. Ramdeen in particular will appreciate this one—in the amendment to section 27 where we are allowing now that you can go in—an officer from the Authority—enter a community

residence, enter those which are state run without warrant, same fashion that the inspector of prisons would have had under the state facilities, and that you can go in and do things like take pictures, require information, take notes; things which lawyers have had to go to court before and demand the right to do, and be denied right to take images of children who are beaten and who may have bruise marks, et cetera, where they are being kept away from their lawyers. We are now legislating that in the amendments to section 27. [*Interruption*] We could call it that, yes.

Mr. Vice-President, we are also making sure that the welfare of the child is managed in the amendments to section 53. In the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, which is clause 12, we are proposing to treat with payments into court. Congratulations to the hon. Members of the Senate, except of course the Members of the Opposition who voted down that improvement into the law to allow us to match Ali's Doubles. [*Laughter*] The Opposition prefers that Ali's Doubles has payments to be made online and e-payments, but not maintenance payments and not other payments, but that is for the Leader of the Opposition Bench, Sen. Mark, to hold and regale as his mark of success.

Mr. Vice-President, we are proposing to bring this law into order. We are proposing that the payments—[*Crosstalk*]

Mr. Vice-President: Attorney General, one second. One second. Let me have the time. The noise is getting a “lil bit” loud, so much so that the Attorney General has to talk louder in order to come above that so that I can hear. So if you could just tone it down ever so slightly. Thank you, continue.

Hon. F. Al Rawi: I hope I get a few minutes extra. Mr. Vice-President, because it is important law. So notwithstanding the Opposition making a joke of this, it is

important law. Mr. Vice-President, when we look to enforcement in section 26, we are again harmonizing that which the Senate, except the Opposition, has approved, in dealing with the payments into court which we think is a move in the right direction.

Mr. Vice-President, let us move to the Children's Authority Act. Very importantly, we are proposing an amendment to the manner in which the board is appointed. Number one, the Children's Authority does yeoman service; number two, they just do not have enough bodies on the board to get their job done in the subcommittees and in the various aspects of management, for instance adoption, foster care, et cetera. So we are proposing an easier formula and a broadening of the number of persons that can sit on that body because every board, under the last Government, under this Government, has done yeoman service to the Children's Authority and they all complained of one thing, and that was the lack of ability to populate their subcommittees in the manner that is appropriate for sheer lack of numbers. So we are putting that the board should have a minimum of nine members and no more than 15 persons, which is an improvement in the number and capacity issues there.

If we deal with the Family and Children Division Act, we are proposing amendments to sections 3, 8, 16, 27, 34, 59, and in the Fifth Schedule, a small amendment there. Importantly, we are proposing, Mr. Vice-President, that we amend, and it is clauses that jump up out to us in particular—would really be the improvements into section 34, where we repeal and replace certain provisions, and then also in section—forgive me. I believe it is 16; in section 16 where we cause amendments, and we are dealing with how one holds office and up to what particular period, we are allowing in the improvement to a new section 27A that a

magistrate may receive complaints, which is again to allow for the ease of management in the children's court. We are allowing in a proposed repeal and replace of section 34, that in proceedings of the children's court, that the court may at its own instance restrict publication. We are dealing with the anonymity of certain aspects in a tighter fashion. We are preserving the proceedings to be held in camera and not published, and we are allowing for the court, of course, to do this of its own volition and at the invitation of any party.

Sen. Ramdeen: You have one minute.

Hon. F. Al Rawi: Thank you. Mr. Vice-President, it is hard to do justice to this, but fortunately we have had two and a half months to consider this. We do have amendments that we propose at committee stage to be considered. We propose to circulate a draft amended version of what we propose be amended to my learned colleagues, again as a matter of courtesy. On an inspection of that you will see that it is nothing that is of great moment. I am confident that this is the type of Bill that can receive good support from perhaps all Members present, and I look forward to the debate, as we will be taking keen interest in same, and I beg to move.

Question proposed. [Desk thumping]

Sen. Gerald Ramdeen: *[Desk thumping]* Mr. Vice-President, thank you for the opportunity to reply to the hon. Attorney General in what is a very important piece of legislation.

And it is a very important piece of legislation because on the last occasion when the hon. Attorney General piloted this piece of legislation, and earlier on in his presentation this afternoon, we were told that this piece of legislation, these 13 amendments, are geared towards continuing the approach of the Government to improve the criminal justice system, and it will provide what is necessary to bring

some form of relief to our country and to the citizens of Trinidad and Tobago who—I do not think anyone can dispute. The most important issue that faces our country and the citizens of our country today is their safety and security, and the only relief that they can look to is the criminal justice system. So, before I get into the actual amendments, Mr. Vice-President, I think it is important the Attorney General, having said that the Government has opened new courts, they have put money into the criminal justice system, they have spent money on national security—the Attorney General was very clear in all of the attempts that the Government has made to deal with the very serious issue of crime and criminality.

So, allow me, Mr. Vice-President, to let the country know that after spending \$26 billion on national security and after having spent three years and three legislative agendas we are going soon into the Fourth Parliament. Let us see what the results have been—sorry, the Fourth Session, I thank you, of this Parliament. Let us see what the results have been, Mr. Vice-President. We have spent, and you have spent—we have all contributed to numerous debates on a very heavy legislative agenda. The country as a whole has spent over \$26 billion on national security alone. The Ministry of the Attorney General has gotten hundreds of millions of dollars. What has been the result? Before we decide that we are going to move forward with 13 more amendments, what has been the result? Mr. Vice-President, the statistics from the office of the Commissioner of Police, which is called the COMPSTAT. Let me just read into the *Hansard* where we are at today. These are the figures as at the 4th of September, 2018:

- As at the 1st of September, 2018, the number of serious crimes that have been committed in our country is 8,787. That represents the extent of the criminality that we are faced with as a country. And let me go

straight to what is important in terms of those figures. Let me just give you a ballpark overview of what we face as a country, and what we expect this legislation to change, or to bring some kind of change. With respect to murders, between 2017 and 2018 there has been a 13 per cent increase, 366 at the time these figures were compiled.

- With respect to rapes, incest and other sexual offences, there has been a 29 per cent increase.
- Serious indecency, 50 per cent increase.
- Kidnapping, 32 per cent increase. And after spending \$26 billion on national security between 2017 and 2018, kidnapping for ransom, 133 per cent increase.
- Robberies, 10 per cent increase.
- Narcotics offences, 8 per cent increase.
- Possession of firearms and ammunitions, 11 per cent increase.

Mr. Vice-President, you know what this shows us? That despite the legislative agenda of the Government, despite the money that has been put into national security, despite the support that the Independent Bench, the Opposition, has given to the Government over the past three years, and going into four, the people of Trinidad and Tobago have gotten absolutely no relief as a country [*Desk thumping*] from the measures that have been taking place. And while the Attorney General, as is expected, he expects that the these provisions, these 13 amendments, are going to bring some kind of relief to the criminal justice system and all of us would hope that we can get—that the people of this country could get some kind of relief. I am not as hopeful that what we are doing here is going to bring to the people of this country the relief that they need. This is going to affect the end product, Mr.

Vice-President. This is going to deal with the end product of the criminal justice system, about where you detain people, where you put them, where you will detain the children, what is going to happen with the DNA.

But, Mr. Vice-President, let me tell you what the problem is. There is no use in providing legislative measures to detain people if you “ain’t” catching them. That is the problem. [*Desk thumping*] So, let us take the classic example. We are here, called out here to do this, and we are prepared to do the work, but let us take the classic example. The 28th of September is going to be a significant day for all of us. And I will tell you why. The 28th of September is going to be the four-month anniversary of the proclamation of a very important piece, perhaps what we were told was the most important piece of legislation that we passed within the last three years. You know what that was, Mr. Vice-President? You yourself contributed. The Anti-Gang Act. In December of last year when that Bill was brought to the Parliament, and it failed in another place, you know what the Government told us? “Blood is on the hands of the UNC”, and “blame them for every murder that is committed”.

When the 28th of September reaches and four months have passed—as we speak today on the 13th of September there has been not a single arrest under the anti-gang legislation. [*Desk thumping*] Not a single arrest. And you know what we were told, Mr. Vice-President? You know what we were told? You know what the country was told, Mr. Vice-President? Not us, what the country was told? That the Trinidad and Tobago Police Service are the people who were begging for this legislation. You know what we were told, Mr. Vice-President, just like the Attorney General tells us with respect to statistics? We were told that the Trinidad and Tobago Police Service, by virtue of an affidavit sworn by the former

Commissioner of Police, they had the address of every gang member. They told us they had the address of every gang. They told us they knew where every gang was. So, Mr. Vice-President, four months on, where has that information gone? Where is the begging by the Trinidad and Tobago Police Service? They have it. We gave them the support. The ammunition is there. They said they had a special unit set up to do all of this.

And today, today, Mr. Vice-President, as we speak and are being asked to pass 13 more pieces of legislation, to amend 13 more pieces of law, as a country after we passed the anti-gang, where is the relief? Where is the relief that the country has gotten? And what is going to be the relief that the country is going to get if we pass and support these pieces of legislation? What? What has been the value to the ordinary citizens of Trinidad and Tobago, Mr. Vice-President? Mr. Vice-President, we are in a very dangerous path. We are going down a very dangerous path in this country, a very, very dangerous path, Mr. Vice-President, and unless we get serious about the safety and security of the citizens of Trinidad and Tobago, we will lose our country to the hands of the criminal element. [*Desk thumping*] I am not sure that this that we are presented with here today, these 13 pieces of amendments to 13 pieces of law and all that we have done thus far is going to bring to the country the relief that they want.

Mr. Vice-President, as a Parliament we are asked to amend these pieces of laws. They said this is in the best interest of the people of Trinidad and Tobago, each one of them; the Interpretation Act, the Supreme Court of Judicature Act. Mr. Vice-President, let me posit this to you. Today we are being asked to increase the number of judges from 49 to 64, in the Court of Appeal from 12 to 15, and the Attorney General, perhaps—I am sure, it is because the Attorney General did not

have enough time to read into the *Hansard* his response to the Law Association. The Attorney General said in his response to the Law Association, if you would allow me, Mr. Vice-President, on the 3rd of July, 2018, dealing with the Miscellaneous Provisions (Supreme Court of Judicature and Children) Bill, the Attorney General—and allow me to quote the hon. Attorney General, writing to Mr. Douglas Mendes, Senior Counsel, President of Law Association. He says:

The Government has revealed statistics that demonstrate inter alia—

1. There are over 29,000 preliminary enquiries in backlog. Two-thirds of the prison population is in pre-trial detention with matters over 17 to 20 years in delay. There are over 94,000 matters pending at the Magistrates' Court with the backlog growing year on year. If trials for murder alone occupy the full attention of the existing complement of judges in the Assizes it will take at least 10 years to deal with the backlog. The other 12 laws—that was the Attorney General's response on the amendment to the Supreme Court of Judicature Act—to be addressed in the Miscellaneous Provisions (Supreme Court of Judicature and Children) Bill relate to matters that the Government has observed in the operationalization of 19 laws amended by the introduction of the Family and Children Division Act, none of which have come from the Law Association in nearly two years since the assent of the law.

So it is very clear, Mr. Vice-President, from the response of the Attorney General to the president of the Law Association that what we are doing here is supposed to improve the criminal justice system. But I want to ask this, Mr. Vice-President. On almost every single debate that I have contributed to in this Parliament and had

the privilege of contributing to in this Senate, I have raised the issue: What about the Witness Protection Programme? What about the Justice Protection Act? That we were told, for years has been the reason why people do not come forward to give evidence in critical criminal prosecutions. We were told that since 1995 by the former Attorney General, Mr. Ramesh Lawrence Maharaj. So, while we continue to repeat the fact that you are spending \$26 billion on national security, why is it that we cannot have a proper witness protection programme that is financed out of the funding of the \$26 billion that you are spending? [*Desk thumping*] You know what that would do, Mr. Vice-President? That will allow the Trinidad and Tobago Police Service to get what they need to capture the people who are rampaging through the lives and causing havoc on the lives of the people of Trinidad and Tobago. That is what will do it, not this. That is what would cause the Trinidad and Tobago Police Service to have the evidence so that they could prosecute people and bring them before the court, and at the end of that process these 13 pieces of legislation will finally bear some fruit.

A few days ago, Mr. Vice-President, I do not think any of us could have been as happy as the Attorney General was, when the Attorney General and the Minister of National Security attended with the Commissioner of Police, and announced to the country that out of the good work of the Trinidad and Tobago Police Service Ms. Natalie Pollonais was rescued. Everybody in the country was overjoyed about that. I did not even realize that my friend the hon. Attorney General was there when it took place because what really happened was that the camera was so focused on the Commissioner of Police and the Minister of National Security the AG was almost even left out. It was after the conference that we actually saw him there. [*Laughter*] And I do not think that was fair to the

Attorney General. I think the Minister of National Security should have given him a “lil” play. [*Laughter and desk thumping*] I do not think that we should have treated our Attorney General like that, because he is the Attorney General for all of us. [*Interruption*] No, no, no. And we thought that since the Minister was on the right hand side, the Attorney General “could ah geh a lil” play on the left hand side. [*Laughter*] I mean, “doh” leave him out like that. It is not right. It is not right.

But, Mr. Vice-President, there is a serious matter out of this, eh. And the serious matter out of this is, just like I can tell you that on the 28th of September will be the four-month anniversary of the anti-gang legislation being proclaimed. The 29th—[*Interruption*] I am not repeating. On the 29th of September—let me inform the Minister of Trade and Industry that on the 29th of September it would be the two-year anniversary of the kidnapping of Ria Sookdeo.

Hon. Al-Rawi: And we have leads on that.

Sen. G. Ramdeen: I am happy to hear that. I am elated to hear that they have leads on that. But what I want to ask the Attorney General to do—

Hon. Senator: Tell Ian Alleyne.

Sen. G. Ramdeen: No, I would not tell Ian Alleyne. What I want to tell the Attorney General to do is this, with the same exuberance that we announced for Ms. Natalie Pollonais, today when the PNM goes to San Fernando, and they go to City Hall, you know what I want them to do, Mr. Vice-President?

Hon. Al-Rawi: “You coming with meh”?

Sen. G. Ramdeen: Before they go—no, I “doh” want to come, because I am not part of the Government. It is not my duty to protect and serve. What I want the PNM to do is this. With the greatest of respect to the PNM, and with all

seriousness, is that just before they go to City Hall, I want them to drive down Penitence Street, and when they drive down Penitence Street and they cross High Street, and they go up the hill, I want them to make a left, on the second left that they meet, and go up Chacon Street, and the second four-road junction that they meet there is a property there that every one of us who in San Fernando know is called Trinizuela College. I want them to stop there, and with the same exuberance that they had to go and hold a press conference, I want them to go—and I am sure the Minister of Energy and Energy Industries knows who I am talking about. I want them to go there and meet Mrs. Linda Mohammed, the wife of Mr. Selwyn Mohammed, late, who is the mother of Kirby Mohammed. And I want them to go and tell her, that the same exuberance that they used to get back Natalie Pollonais they will use to get some kind of relief for Kirby Mohammed, and to give some kind of closure to that family. It is a family that I have grown up with, Mr. Vice-President, and having done, and having done, and having done, that the Attorney General is saying, the country does not know that, and it is important for the country to know that. Because as we speak, those people are entitled to the same protection, and they are entitled to the same rights, and they are entitled to the same privileges as every other citizen of Trinidad and Tobago. [*Desk thumping*] And, as the Attorney General said, that is his constituent in San Fernando West.

Hon. Al-Rawi: I have been many times.

Sen. G. Ramdeen: With all the many times that you have gone the problem is that we do not know, and the country does not know. And the way in which, Attorney General, the way in which the country—[*Interruption*—no, the way in which the country will know that you are doing your job, just like how it was important for you to go and have the press conference with Gary, and with the Minister of

National Security, it is important for the country to know what you are doing for the people you do not find as well. [*Desk thumping*] It is important for the country to know that the law enforcement agencies are continuing to work on these cold cases so we and the people of this country will have confidence that those cases have not been forgotten. Because, you have done it, and I am sure the Minister of National Security will say he has done it, but the truth about it is, I really only heard Frankie Rajkumar, who is the father of Ria Sookdeo, talk again about Ria Sookdeo about a week ago, you know. And I did not hear him say anybody come and meet him. That is the one I did not understand, because he may have forgotten to tell the country that, that you all have been meeting, and meeting, and meeting every day.

Hon. Al-Rawi: I tell you it have Kamla style.

Sen. G. Ramdeen: But you see, Kamla is not in Government. Right? And the reason why Kamla is not in Government is because they voted you all there because you all promised to bring relief to the country. And the truth about it is, after three years, you have been an abominable failure in terms of national security. [*Desk thumping*]

So, we “doh” want to hear about Kamla. We doh want to hear about Kamla. Right? We want to hear about you are in Government. You control the national security apparatus. You control the national security apparatus, you control the operations centre, you control the TTPS, you control the SSA, you control all, the whole list that the Commissioner of Police announced a few days ago that were all working in concert; the special branch, everybody. You all control everything. So, take responsibility when you fail. That is all. [*Desk thumping*] Take responsibility when you fail.

Because, all of the meetings [*Cell phone rings*] and all of the visits, and all that has been done has brought absolutely no relief to many people in this country, Mr. Vice-President. And as we speak here today, these figures that I am speaking about and telling you about, Mr. Vice-President, that sets out the framework in which we are being asked to amend all these laws, it is a moving target. This was a week ago. A week ago at the COMPSTAT the murder figure was 317, at the COMPSTAT. You know where it is today, Mr. Vice-President? It is approaching 380. Next week it will approach 390. Mr. Vice-President, we cannot continue like this. We just cannot continue like this.

So, Mr. Vice-President, let us get down to the amendment to the Supreme Court of Judicature Act. And just as I did with crime, allow me to set the framework of what we are being asked to do when we amend the Supreme Court of Judicature Act to give the Judicial and Legal Service Commission, as it is presently constitutionally given the duty to do under the Constitution, to appoint, to make these recommendations—well, that is another story by itself. Because it is only last year that we were told that the JLSC does not appoint anybody. They make recommendations to Her Excellency, and it is Her Excellency that exercises those powers.

Mr. Vice-President, just to put it in context so that we will all understand where we are. The JLSC, the Judicial and Legal Service Commission, is set up under section 110 of the Constitution, and its constitutional powers are set out at section 111(1) of the Constitution. And just for the sake of completeness, Mr. Vice-President, it says:

“Subject to the provisions of this section, power to appoint persons to hold or act in the offices to which this section applies, including power to make

appointments on promotion and transfer and to confirm appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Judicial and Legal Service Commission.”

And for completeness, Mr. Vice-President, section 111 subsection (4) says:

“This section applies to such public offices as may be prescribed, for appointment to which persons are required to possess legal qualifications.”

Which is what takes us to the point of they having the power to make the recommendations for the appointment of judges.

3.30 p.m.

So, Mr. Vice-President, let me set out to you that the Attorney General has come and said, let us increase the puisne judges in the High Court by 15—77 per cent he says, since 2015—and let us add three more to the Court of Appeal. Mr. Vice-President, we, all of us as a country, have been enjoying independence for 56 years and there has been no time since 1962 that the administration of justice in our country has been at a lower level than we experience now. [*Desk thumping*] Whether that is coincidentally as a result of the Government of the day, it does not matter. The point about it is the administration of justice and the confidence that the ordinary citizen of Trinidad and Tobago has in the administration of justice has never been lower. The person who chairs that committee, that service commission that I just indicated to you, under section 111 is the hon. Chief Justice.

Mr. Vice-President, while we are being asked here, today, to increase the number of High Court judges by 15 and to increase the number of Court of Appeal judges by three, let me outline to you, Mr. Vice-President, the context in which we are being asked to do that. As we speak, less than a month ago we just had a decision that was handed down, it was handed down—so it is not sub judice—by

the Judicial Committee of the Privy Council, where the Chief Justice was embroiled in litigation with the Law Association of Trinidad and Tobago with respect to the right of the Law Association to investigate allegations that have been made against a sitting Chief Justice. The Chief Justice lost that matter and that investigation is ongoing.

So we have an ongoing investigation by the Law Association of Trinidad and Tobago exercising its statutory powers under section 5 of the Legal Profession Act, to investigate allegations made against the Chief Justice. That is number one. Number two: While we speak and are asked to amend the Supreme Court of Judicature Act there is a matter before the High Court where a former judge has sued the Chief Justice and the Office of the President alleging—

Mr. Vice-President: I want to give some guidance on that matter in relation to cases ongoing, specifically regarding the Chief Justice. And when you say Office of the President, I assume you are speaking Republic—of the Republic, not of the Association. Yes?

Sen. G. Ramdeen: Yes, Sir.

Mr. Vice-President: So comments and arguments utilizing those offices stay away from.

Sen. G. Ramdeen: As you please, Mr. Vice-President. Mr. Vice-President, there is an ongoing matter where there are serious allegations made against high office holders in this country and I am leaving that there. Good. While we speak, Mr. Vice-President, in a month's time, in a month's time, the Judicial Committee of the Privy Council is going to determine the legality of the composition of the JLSC in making appointments that we are asked here to amend. That is, to the High Court and to the Court of Appeal, in the exercise of their powers under section 111 of the

Constitution. That will be determined in a month's time before the Judicial Committee of the Privy Council.

Mr. Vice-President, while that is all going on, in April of last year I held a press conference and brought to the attention of the people of Trinidad and Tobago that there was something going wrong with the process that we engage as a country in appointing judicial officers to the High Court. That is April of last year. Mr. Vice-President, since April of last year there were three appointments made subsequent to that press conference. I am not going to go into the details of any and make any allegations against anyone, but those appointments have in and of itself raised their own questions since then. You know what that led to that, Mr. Vice- President? That led to the Law Association of Trinidad and Tobago setting up a committee to deal specifically with the process for the appointment of judicial officers in this country.

Mr. Vice-President, having said all of that, how could anyone or any right-thinking Government could come to the Parliament at this point in time and tell the country that we are going to increase the number of High Court judges by 15 and engage that same process that I have outlined, one after the other, is before the court, that is the subject of a report?

Mr. Vice-President, this is not an ordinary report you know. This was a report that was chaired, this committee was chaired by Justice Desiree Bernard, a former judge of the CCJ; Dr. Terrence Farrell, a very friend of the Government; Mr. David Abdullah; Mr. Rajiv Persad, the Vice-President of the Law Association; one of the most highly respected jurists of the Commonwealth Caribbean, Ms. Tracy Robinson; Ms. Vanessa Gopaul, Attorney-at-Law and Mr. Rishi Dass, Attorney-at-Law.

Mr. Vice-President, the Attorney General wears many different hats in holding the Office of Attorney General. He holds the Office of Attorney General as the legal advisor to the Government under section 76 of the Constitution. He holds the Office of Attorney General, as titular head of the Private Bar. And he holds the Office of Attorney General as the guardian of the public interest. And the discharge of all of those functions, Mr. Vice-President, I am disappointed that in these circumstances in discharging each of those functions, and more particularly, the most important, as guardian of the public interest, that the Attorney General will bring to Parliament a Bill at this point in time and ask us at this point in time—I am not saying it is not required, you know—at this point in time to increase the number of judges using that system that is under challenge. [*Desk thumping*]

Mr. Vice-President, there was a World Justice Project that was set up in 2017/2018 dealing with this issue about appointments and the quality of the administration of justice and the rule of law throughout countries throughout the world. Let me tell you, as we speak, as we are being asked to do this today—Mr. Vice-President, when do I stop, if I can ask you?

Mr. Vice-President: Finished at 3.48p.m.

Sen. G. Ramdeen: 3.48 p.m. Thank you, Mr. Vice-President. Mr. Vice-President, as we speak today and engage ourselves in this debate, let me tell you what the World Justice Project, the results of that project were.

“The World Justice Project proposes four (4) ‘universal’ principles underpinning the ‘rule of law’—Accountability, Just Laws, Open Government, and Accessible and Impartial Dispute Resolutions. These four principles are used to derive eight (8) factors and forty-four (44) sub-factors

which aggregated, weighted and indexed on a scale ranging from zero to one...”

Mr. Vice-President, listen to where we are, eh:

“...allow for cross-country comparisons of the rule of law. Across all countries,”—across all countries—“those with scores of less than 0.60 are held to have ‘weaker adherence to the rule of law’”—[*Interruption*]—2017/2018.

This is in the Report of the Committee on the Judicial Appointments at page 9.

Mr. Vice-President, at paragraph 2.5 of the report of the committee, hear where we are as a country when we are being asked to increase the number of judicial officers in the High Court and the Court of Appeal:

“Trinidad and Tobago emerges with a score of 0.56...”

I want to repeat:

“Across all countries, those with scores of less than 0.60 are held to have ‘weaker adherence to the rule of law’.

Trinidad and Tobago emerges with a score of 0.56 and a ranking of 48 out of 113 countries. Of Caribbean countries, only Guyana”—scoring 0.5 and ranking 73 out of 113—“is lower are than Trinidad and Tobago. The score and ranking of Trinidad and Tobago is significantly impacted by the low scores achieved for Criminal Justice (0.39) and Absence of Corruption (0.50).”

Hon. Al-Rawi: If I could just enquire what the reporting period was, not the date of the report? That obviously must have been in arrears.

Sen. G. Ramdeen: AG, we would adjourn just now and you would have the time to research up all that. Let me just finish because I have a little bit of time, nine

minutes. So the point about it is, Mr. Vice-President, as we speak today we are in a very dark place when it comes to the administration of justice and the rule of law. And, Mr. Vice-President, let me say without any reservation at all that this Opposition will not sacrifice the Constitution, the rule of law and the rights of our citizens on the altar of expediency at any point in time. [*Desk thumping*] Because the mistakes that we make in this kind of matter by putting the power of a High Court judge and a Court of Appeal judge into a process that we are not confident will turn out the people that we think are the best to administer the rule of law, to protect the rights of citizens, to uphold the Constitution, will bring unparalleled danger and destroy the democracy that we understand as Trinidad and Tobago. [*Desk thumping*]

Mr. Vice-President, we cannot do that. Because you have people in prison for 17 years and 20 years, that means we must pack the Judiciary with every Tom, Dick and whoever else we could find in the Commonwealth and put them in the Judiciary? How you can ask us to do that? How you can ask us to do that, Mr. Vice-President?

Mr. Vice-President, this comes—

Hon. Al-Rawi: So what is the alternative?

Sen. G. Ramdeen: This comes—Mr. Vice-President, it is not about what are the alternatives, you know. You see that is the focus of the Attorney General and that is wrong. It is not about what are the alternatives. It is, what is the sacrifice that we are making and putting the Constitution and the rights of people on the altar of expediency? We are not prepared to do that. [*Desk thumping*] You want to tell us about what—we do not care about what the alternatives are. What we care about is that our forefathers fought for a Constitution. We are told, the Attorney General

went to the same university that I went to. We were told that our Constitutions are not revolutionary. That is why so often, Mr. Vice-President, we take these rights for granted.

The fact that we have a strong Judiciary, you take that for granted. The fact that we have the rule of law, you take that for granted. But look at places in the Middle East, look at the examples that are before us. Do not look in the Middle East. You know what to do?—look right across the Gulf of Paria and you will see what—not what the alternatives are, you know, you will see what the result could be when you get it wrong. Look right across the Gulf of Paria, we are not prepared to do that.

We have a committee that—set up by distinguish jurists—and they told us what the answers are, not what the alternative is. If the Government is serious about solving the problems in this country they will do the right thing, not the expedient thing, [*Desk thumping*] if they are serious about solving the problems in this country.

Mr. Vice-President, let me give you an example of what I am speaking about. These 13 laws that we are asked here—you know why I raised that issue, Mr. Vice-President, it now came back to me. You know why I raised that issue about that press conference that they had a few days ago?—I will tell you why. Why I raised that issue is this, while everybody was smiling you know what Trinidad and Tobago was doing?

Mr. Vice-President: Senator, you have five minutes.

Sen. G. Ramdeen: Thank you, Mr. President. You know what Trinidad and Tobago was doing while everybody was smiling? Trinidad and Tobago was gripped in fear, because what was announced on the one hand, which was the

successful rescue of a citizen who was in danger, the flip side of that was that—you know who put her in danger? You know who put her in danger?—the people who are sworn to protect and serve each and every single citizen of this country. And while we were being told about the extraction—the extraction—I did not know if it was, at one point in time I thought it was, I thought I was in a dentist office, the amount of time I was hearing about extraction.

The point about it is, the people of this country could not have any relief—you know why? Because while they saw a citizen being rescued by the Trinidad and Tobago Police Service they did not know if when they were going home that night and a police officer stop them if they should stop or drive past. And these 13 pieces of amendments are not going to change that. It is not going to take away the fear that every citizen has as we speak today.

That roundabout that Natalie Pollonais was kidnapped at is the roundabout that I pass every night, half past 12 in the night, to go back to Palmiste, because she lives in Block 2 and I live in Block 1. So the fear that grips all of us when you see a police vehicle there and you do not know if to stop when they stop you, that is what we want to know. The population wants to know how we are dealing with that. The population wants to know what are the solutions you are going to provide to that? And you know what, the population wants to know, while we are happy that you extract Natalie Pollonais, you know what we want to extract? We want to extract the criminal element out of the TTPS and the prison service. [*Desk thumping*] That is what we want to extract. And the day you bring legislation to tell us how you are going to do that extraction, you will get the support of every single person here.

You will get the support of every single person in the Parliament and outside

the Parliament. But this that we are being asked to do here today is not going to solve that problem. And this that we are being asked to do here today is going to perpetuate what we as a country have been suffering for the last three years, after we spent \$26 billion on national security and we have three budgets where you spend over—over and in excess of \$150 billion. The people of this country are still crying out and they are still gripped in fear that when they leave their homes and their children leave their homes every morning, they do not know if they will return in the night. Because when Natalie Pollonais left her home that morning, as is said in the newspaper today, it was just an ordinary day. It is an ordinary day for every one of us, but when it is an ordinary day for us and we step out of our homes, or step out of our offices, we face an unparalleled amount of danger in this country, and that is what citizens want to know. Bring legislation that will effectively bring safety and security back to the people of this country. [*Desk thumping*]

And I want to say, Mr. Vice-President—I said on the last occasion when we were here on Tuesday, the only brief that this Opposition holds is a brief on behalf of the people of Trinidad and Tobago. [*Desk thumping*] We do not hold any brief for anybody else. And you know why I say that, because as lawyers all of us are wondering, next week Monday, or Tuesday, or whenever the Law Term opens, one wonders, what are we going to hear about the administration of justice for the past year? Who is going to tell us what? What is going to be the story that we are going to hear? And you know what I wonder, Mr. Vice-President?—if what we have been asked to do on Tuesday and Thursday and Friday is going to form the subject matter of what we are going to hear on Monday, “I doh hold no brief for nobody.” [*Desk thumping*] “I doh hold no brief for anybody.” [*Desk thumping*]

I hold a brief for all the right-thinking citizens of Trinidad and Tobago; and

it is wrong, it is wrong to come here and tell the country that you are amending 13 pieces of law, that you open courts, that you do this—Family Court, family division, criminal division, probate division—and at the end of the day not a single citizen of this country, after three years, feels any much safer. We cannot support that, Mr. Vice-President. I thank you. [*Desk thumping*]

Sen. Elton Prescott SC: Thank you very much. Thank you very much, Mr. Vice-President, for the opportunity to contribute on this Bill; and permit me to congratulate Sen. Ramdeen on his very impassioned [*Desk thumping*] and well-researched contribution. I am certain that I am not permitted to join him [*Laughter*] if I am to maintain my independence here, but what fell from his lips will require the Attorney General's attention. I am, myself, inclined to focus on those parts of this Bill which are known to me and with which I am familiar and therefore you would find that I will not address the matters which impact upon the criminal law or the criminal justice system.

My main focus will be on the amendment to the Supreme Court of Judicature Act. And that is because I observed that the Attorney General commenced his statement in relation to that aspect of it by lamenting that there were not enough judges and not enough courts. And since he offered no other reason or justification, I assumed that he is saying that it is that lack of human resources, that failure of human resources that prompts his administration to now recommend to the Parliament that we should increase the number of judges at both levels.

And I want to enquire, what management tools have been applied in determining, (a) what is the cause? Why is there this paucity of judges? Why are our people who are otherwise qualified not accepting positions in the court? And

equally importantly, what does the increase in the number of judges or courts bring about? Does it change the output of the Judiciary? Those of us who practise in the courts fear that it is not quantum of human resources that is required, but management systems. [*Desk thumping*] And you may recall that in the lead-up to 2006 when the Civil Proceedings Rules came into effect, there was a sea change in the management systems which has led to some improvement in the rapidity with which we are able to dispose of civil matters. And of late there is a move within the criminal jurisdiction to do similar things.

So that I am not inclined to say without the benefit of the data that we are embarking upon the correct remedy for what ails us in the civil jurisdiction and as well in the Judiciary, broadly and generally. If it were available, I should like the Attorney General to tell us the data, tell us what leads the Government to think that to prop up the courts by increasing the number of judges, we have found the Holy Grail. I suspect that it is not the answer.

There is another matter that troubles me and I hope that other members of the society feel the same way. I am satisfied that today the judges that are available to us are really of good sterling quality. [*Desk thumping*] I cannot imagine anybody thinking that we do not have the quality of scholarliness—scholarship, if you like— within the society, that we do not have sufficiently qualified professionals in the society to make the system work. It therefore irks me that we are seeking to introduce by way of this amendment a new reservoir of talent, and I use the word “talent” advisedly, by going to any Commonwealth country to find judges. What has been proposed is an amendment to section 7 of the Supreme Court of Judicature Act which says:

“(1) A person shall not be appointed to be a Judge of the High Court unless

he is a member of the Bar of England or is an Attorney-at-law within the meaning of the Legal Profession Act and is of not less than ten years standing.”

What is being proposed is that we should now add a third group: “a member of the Bar of England or any Commonwealth country...”

I know we are sometimes accused of island thinking, if you like, limited island thinking, and we do not want to go out of our comfort zone, but what data prompts the Attorney General to tell us that there are citizens who are themselves practising lawyers. Sorry, did I say citizens? There are people who are qualified in the law outside of Trinidad and Tobago who are not citizens of Trinidad and Tobago, who are as good as or better than those whom we have here. It is not enough to say that our lawyers, those who are practising here and making oodles of money and therefore not interested in the Bench, that is not necessarily true.

We have had examples within the last 20 or 30 years—

Hon. Al-Rawi: Senator. Much obliged for giving way. I am very intrigued by your argument. If I could just ask you to reflect in your fulminations upon the submission just made against the existence in Trinidad and Tobago of the CCJ itself, which is comprised of people trained in the law who are not citizens of Trinidad and Tobago and who adjudicate upon matters of original jurisdiction under the Treaty of Chaguaramas. Could you kindly assist me in understanding the distinction between the argument as perhaps reflected that way?

Sen. E. Prescott SC: Thank you. I propose to make some reference to the CCJ and how it is constituted and it may answer the things that concern you. I think I was embarking on a critique of this looking-outward to the so-called Commonwealth country. That is the word? The Commonwealth countries to see

what they have that we do not have. And I was reminding the country that sometime within the last 20 or 30 years, at the very least, two outstanding members of the Private Bar went into the Judiciary and did exceedingly well. I do not need to call names, but we all know that you can bring from the Private Bar lawyers who are demonstrating the qualities that you require for the Bench. What might be required are different terms and conditions that are more attractive. [*Desk thumping*]

Within the last month or so, people would have read of the plight of a former Chief Justice of some eminence.

Sen. Richards: Tragic.

Sen. E. Prescott SC: And—“tragic” is the word you used, okay. But it really was quite sad to know that the thing that mattered most to this judge in his twilight years, this former Chief Justice, is that the pension was inadequate. And that nobody seemed to be doing anything about it.

I have been in this Parliament and there came before it a piece of legislation pertaining to judges’ pensions and there were submissions made by judges who are now themselves pensioners and they were saying look at it again, I cannot go into what was then Hi-Lo and do what I see some of my neighbours are doing. People who have not achieved the office of higher authority that I have are shopping in that lane and I am shopping—what you call it?—basket, for savings. This is just my way of making more graphic the point.

There are people who would not mind and I have met attorneys who really would like to become judges because they feel that they have a special quality. Not everybody is suited to the advocacy at the Bar. Not everybody wants to sit in the office and be a conveyancer or a long-time solicitor. There are people who

have what it takes to become judges. It is not just a question of practising for 10 years, but there are certain characteristics that ought to become a judge than to become a practitioner so that he or she presents as a good judge. And we need to look at and tweak that. We need to go out there and recruit those people who are judges.

In the colonial times, they used to say somebody would give you a touch on the shoulder and invite you to make an application. Make it known that you are interested and in little or no time you would get there. This is Trinidad and Tobago. There are those who would say, well, the brothers scratch the brothers' back and it is all a gentlemen's club and so, but we can get over that. We are growing in our democracy, we are ageing and we will come to terms with the fact that what you might find is that you have a better quality of judge, or that all of the judges that you get are of good quality and that they are able to do the work. That and a management system will get you what you want.

Now, let me read into the record something that came to my attention about this. In the CCJ there are regulations, if you wish to call them that, pertaining to the constitution of the court. The Act is the Caribbean Court of Justice Act, Chap. 4:02, of our laws and in its First Schedule the agreement establishing the Caribbean Court of Justice is set out and it deals with appointments to the court, the qualifications that are necessary. And paragraphs 10 and 11 of Article IV of the agreement contains some passages which I want to read into the record with your leave; 10 says:

“A person shall not be qualified to be appointed to hold or to act in the office of Judge of the Court, unless that person satisfies the criteria mentioned in paragraph 11...”

So before we go into whether you have two degrees or three or four, you ever passed the Bar, or sat at the Bar. Paragraph 11 says this:

“In making appointments to the office of Judge, regard shall be had to the following criteria: high moral character”—not surprising—“intellectual and analytical ability”—not surprising—“sound judgment”—not surprising—“integrity”—equally not surprising; and the following—“...understanding of people and society.”

4.00 p.m.

Now, I suspect that this means understanding of the people and the society of this region. And so I ask the hon. Attorney General, through you, is this criterion too much to ask? Why do we have to go outside of Trinidad and Tobago to find people who understand the people and society of Trinidad and Tobago? [*Desk thumping*] Let me put it differently because—I will frame it in the form of a question. But those people of that place called the Commonwealth country to whom we now look, will they be able to satisfy this criterion? I know it is not in our laws. It ought to have been, and I am sure it is in the mind of those who do the recruiting. I imagine the legal service commission, when it sits to interview potential judges, will ask of itself: “What do you know about us?” And so, where is he going to come from—the Seychelles, Fiji, Kenya, Mauritius?

You know, strangely enough—and forgive me because I am not much into research, but I am looking at the updated version, 2014, of the Constitution, because I saw the reference to people from a Commonwealth country. And, hon. Attorney General, I will not be in the least ashamed if you corrected me and told me it was a wider group of people. The Constitution says at section 3:

“‘the Commonwealth’ means Trinidad and Tobago, any country to which

section 18 applies and any dependency of any such country;”

As at 2014, according to the librarian here, those countries were—section 18(3):

“...Australia, the Bahamas, Bangladesh...”

It is in alphabetical order, so that one would have thought Antigua and Barbuda would have preceded Australia. They are not here, but there might be an explanation for this:

“...Barbados, Botswana, Canada, Cyprus, Fiji, The Gambia...”

Our society, Sir—what is the word?—“understanding of our people and our society?” A Bahamian might, possibly; Barbadians certainly do not. Fiji? [*Laughter*] I do not have a copy of the *Hansard*. Bahamians might; Barbadians do not understand our people and our society. Lesotho? Is that still a country? The names may have changed.

Hon. Senator: It is still a country.

Sen. E. Prescott SC: Malawi? Singapore? Sri Lanka? Tonga? Uganda? The United Kingdom and Colonies? Well, Western Samoa and Zambia. I only called a few. But I noted these omissions: St. Kitts and Nevis. If Barbadians understand us, a Kittitian might. Bermuda: I believe that the Bermudans understand us; there are a substantial number of our diasporic people living there. Pakistan, Zimbabwe, South Africa are not on this list. If, indeed, my list is not up to date, I am not embarrassed to accept a correction. But, certainly, if you were inclined to go outside of Trinidad and Tobago to look for lawyers who will become judges and who, it appears to you, understand our society and our people, you ought not to be looking for them in some of these places that I have called.

Is there a cohort of lawyers somewhere that the Government of Trinidad and Tobago thinks are standing by ready to take up jobs here? Is there some—there

cannot be anything sinister about this, hon. Attorney General. It could not be that we already know where this group is coming from. But there must be something that tells us if we approach the recruitment differently, we are bound to find people who have an understanding of our people and our society.

If we did the management exercises I was suggesting, better, it would tell us what are the data on the kinds of cases that come to our court; how many of them are not esoteric, or some specialized area of law? But they deal with people's lives; the family court people's lives. Which judge from Botswana could understand? Maybe I should not choose Botswana. Let me go for another place.

Hon. Senator: Zambia.

Sen. E. Prescott SC: Nah. Canada.

Hon. Al-Rawi: How about financial crimes, specialist areas?

Sen. E. Prescott SC: That is what I said. Outside of the specialist areas, do the data tell us that there is an overwhelming amount of civil cases that are requiring of an understanding of the people and the society? The answer is bound to be yes. The bulk of the civil cases that come to our courts are not those esoteric things. Like even patent law or copyright law, you "doh" hear about here. Now and then some lawyer might "geh a little work in dat".

Mr. Vice-President, if I cannot make the point any better it is because I lack the language. All I am saying is, if you look at the data, you are bound to find every day in our courts that the preponderance of case law that has to be addressed by our judges require our judges to understand our people and our society, [*Desk thumping*] and we are unlikely to find them in any other Commonwealth country. The CCJ has permitted others to become part of it, (a), because it is made up of an amalgam of people from within the region. It is an international court. But it is an

apex court, so that whatever they say brings an end to the matter. And it is a court that allows for—

[Cell phone rings]

Mr. Vice-President: Could the offending Member please step outside for 10 minutes to turn off the device? And other Members, again, we had this same problem on Tuesday and now we are having it again. We are ending the Third Session, going into the Fourth Session and we keep having to talk about devices interrupting speakers. Could everybody take the opportunity to just make sure that their phones and their other devices that could go off and make a noise are on silent? Senator, continue.

Sen. E. Prescott SC: I am much obliged to you, Mr. Vice-President. Thank you very much. In the little break I was able to find the passage I wanted. In the Caribbean Court of Justice, Schedule 1, we find that, once again because of the regionality of the Court that they have considered that there might be people outside of the immediate jurisdiction who might form part of the judicial bench. So I am reading Article IV, clause 10 again, that a person who, in order to qualify, should have been:

“...a Judge of a court of unlimited jurisdiction in civil and criminal matters in the territory of a Contracting Party”—naturally—“or in some part of the Commonwealth, or in a State exercising civil law jurisprudence common to Contracting Parties, or a court having jurisdiction in appeals from any such court and who, in the opinion of the Commission, has distinguished himself or herself in that office; or”—a person who:

“is or has been engaged in the practice or teaching of law for a period or periods amounting in the aggregate to not less than fifteen years in a

Member State”—et cetera.

If these were the criteria that were now being introduced into this piece of legislation, there are few who would reject it. I am not recommending it, but I am certainly not supportive of what has been recommended by way of amendment to this piece of legislation for the reasons that I have put forward.

Hon. Al-Rawi: Last interruption. Thank you again for so graciously giving way. Could I please have the benefit of your thoughts in relation to the fact that the law as proposed is a recommendation to the Bar to which you belong? So that an Australian who is qualified at the English Bar can actually come to Trinidad and Tobago; a man from Togo; a man from Zambia; a man from anywhere who is a member of the English Bar, under our current law can come there. All that is required is the Bar admission. It is not that you are a citizen of that country. So could I have the benefit of your thinking in relation to that? Because they are vastly different things.

Sen. E. Prescott SC: I am certain that I did not take that interpretation from what was recommended. The law says:

“A person shall not be appointed to be a judge of the High Court unless he is a member of the Bar of England or any Commonwealth country...”

Hon. Al-Rawi: The Bar.

Sen. E. Prescott SC: So that we are now talking about Texans who have satisfied the English Bar coming here to conduct business?

Hon. Al-Rawi: You know that is the existing law.

Sen. E. Prescott SC: The existing law allows people who have been at the Bar in England, yeah, but we are now going a little broader—

Hon. Al-Rawi: What you are talking about is citizenship—

Sen. E. Prescott SC: Mr. Vice-President, I accept the correction of the hon. Attorney General. It appears that what is intended is that you must be first admitted to that Bar and it would not matter which country you came from. I do not need to repeat the concerns that I have about the understanding of our society. I am actually urging that the CCJ has it right. The agreement establishing it has a “more right”, if there is such a term—a more right approach to how you find judges of high character and quality who are likely to understand the mores of this society—and this society does have mores—and understand its people and their practices. But I thank you, hon. Attorney General. You have brought home to me the error of my ways.

What I am fearful of is that it now says to us that if you have come through that process, you can become a Judge of Appeal in this country, similarly. Now, at first I was talking mainly about who might qualify to become a puisne judge, but you can equally go directly into the Court of Appeal, being a member of the Bar of any of those countries that I have called, and you may feel that ascension to the Court of Appeal bench would require even more perspicacity, even more caution about who gets there. And it would not be discriminatory to say of a candidate, “We are not satisfied that you understand the society that we live in, and we cannot have you.” But you would not want him, getting judicial review, successfully to say that he is a member of the Bar of Fiji and he should be practising here because he spent 10 years in Fiji. It is just not going to happen. And I am quite comfortable saying we are not going to be better served by people who are coming from those other places. [*Desk thumping*]

I am going to wrap up. Just one observation I would like to make for the benefit of the hon. Attorney General. Maybe when we come into committee stage

it might matter. But if you look at what is proposed in clause 4 of the Bill, there are two definitions, one of “older child” and one of “younger child”. And whereas older child is a person 14 years of age or upwards, I note that younger child is 7 years of age with no reference to “or upwards”. If there is a distinction, perhaps you might want to bring it to our attention when the opportunity arises, or perhaps you might want to bring them in line with each other, that it should read seven years of age or upwards.

That, if it pleases you, Mr. Vice-President, is the extent of my contribution. Thank you very much. [*Desk thumping*]

Mr. Vice-President: Minister of Labour and Small Enterprise Development [*Desk thumping*]

The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus): Thank you very much, Mr. Vice-President, for this opportunity to contribute this afternoon to the very solemn work that we have gathered here to do. Mr. Vice-President, we have before us the Miscellaneous Provisions (Supreme Court of Judicature and Children) Bill, 2018, which is really an omnibus Bill, and it seeks to amend 12 pieces of legislation to allow for the streamlining—

Sen. Ameen: Thirteen.

Sen. The Hon. J. Baptiste-Primus: Thank you, Khadijah—Senator—13 pieces of legislation to allow for the streamlining of the processes as it relates to the treatment of children and children matters. I will not re-list the said pieces of legislation but I have noted that you have put all into the records.

Mr. Vice-President, there is absolutely no doubt that in Trinidad and Tobago our children are crying out, and they are crying out to us, those of us who are

parents, those of us who are leaders, for a better society within which to grow up. And as I begin my contribution this afternoon, I would like to remind Members, and share with those who did not have the opportunity to read or to listen to certain statements made by one of our practising counselling psychologists, Anna Maria Mora, when she said, and I quote:

“If our children are ‘criminals’ it is because adults who have the responsibility for creating the nurturing environment in which they would thrive and become productive and mentally-healthy citizens are not living up to their responsibility.”

But, Mr. Vice-President, it is without a doubt that crimes committed by our children—because they are our children; they may not be our biological children, but they are the children of Trinidad and Tobago. The crimes committed are more serious—represent some very serious problems. The number of youths who have become perpetrators and victims to crime has increased. Our very young people have not been deterred in any large measure from entering a life of crime by the traditional punitive approach of our criminal justice system.

Mr. Vice-President, this Government has been making meaningful changes to our criminal justice system, and in that context I would want to commend our hon. Attorney General for his tremendous efforts in this regard. This particular Bill represents a continuation of that work and it reflects our commitment to holistic, meaningful changes as we seek to modernize the criminal justice system as it relates to our children of this country.

Mr. Vice-President, in May of this year the Child Protection Unit of the Trinidad and Tobago Police Service advised that there has been a drastic reduction in the number of cases involving children who have been charged with serious

criminal offences. The statistics for the period January 01 to May19, 2018 show that there have been 53 child offenders, as compared to 96 for the same period last year, thereby reflecting a 45 per cent reduction—the prevalent offences committed being robbery, possession of firearms and possession of ammunition.

Mr. Vice-President, let us look at juvenile delinquency in Trinidad and Tobago. Juvenile delinquency is defined as a violation of the law committed by a person under the age of 18, which would be considered a crime if it was committed by a person 18 years or older. What is important to note is that most juvenile offenders under Trinidad and Tobago laws are sent to a designated children's home or the Youth Training Centre. And I can tell you, I have sense of understanding the frustration—sometimes the frustration that exists—because some years ago I would have served on a committee which had to interface with the youths at the YTC. In addition to that, a friend of the family whose son ended up at the YTC participated in the Royal Bank Youth debate a few years ago when those youths at the YTC won the debate and the rest was history for those two particular young men.

Mr. Vice-President, in his paper entitled “Is incarceration the Best Method for Altering the Life Trajectory of Juvenile Offenders in Trinidad and Tobago?”, Dr. Wendell C. Wallace, who is a part-time lecturer and researcher at the University of the West Indies, Criminology Unit, stated that Trinidad and Tobago has one of the highest rates of child imprisonment in the Caribbean and one of the lowest ages of criminal responsibility which is seven years. Dr. Wallace also noted this, and I quote:

In a series of interviews conducted in 2007 with 60 per cent of the pre-release lads at the Youth Training Centre, popularly known as the YTC, it

was revealed that more than half of them experienced feelings of sadness, anxiety and anger when they were separated from their parents or guardians. The majority of lads resented being sentenced to the centre and, as a result, got into frequent fights at the initial stages of their sentence. Twenty-four per cent of them indicated that they cried a lot and although they have been at the institution for months they still missed and longed for the day they can be permanently reunited with their families.

Mr. Vice-President, Dr. Wallace further opined, and I quote:

Trinidad and Tobago must forge ahead with a changed outlook away from the existing archaic justice system for juveniles which focuses on incarceration as a primary tool of rehabilitation policies and the mindset of our enforcement and social service agencies, as well as the general society in treating with juvenile offenders. As guardians of future generations, we must seek to make the most appropriate decisions that will help to foster the healthy growth and development in the lives of our adolescent males and females, even though they may be juvenile offenders who are the parents, leaders and future workforce of this society.

Mr. Vice-President, I would just like to pay some attention to the key provisions of this Bill. An analysis of the Bill demonstrates that a lot of the amendments relate to the Children Act, the Children's Authority Act, the Children's Community Residences, Foster Care and Nurseries Act, Chap. 46:04 and the Child Rehabilitation Centre Act, 13:05. The Bill emphasizes the rehabilitative approach as opposed to the punitive approach, which is clearly not working, to be used for child offenders with benefits for the child and the wider society as it is.

It provides an environment conducive to the resolution of children's matters

and appropriate services and programmes. The Bill also ensures the employment of dedicated, judicial, administrative, professional and support staff, specially trained and having the suitable temperament for dealing with children. The Bill also emphasizes programmes, policies and procedures which may divert children away from conflict with the law. It also ensures access to the appropriate court or agency in which to obtain family justice.

Mr. Vice-President, clause 4 amends the Summary Courts Act, Chap. 4:20, by deleting the definitions of “child” and “young person” and substituting them with a new definition of the word “child” and definitions for the words “older child” and “younger child”. The differentiation here between an older child, that is 14 to 18 years, and a younger child between the ages of seven to 14 years, is vital as this speaks to the age of criminal responsibility. A prerequisite for a child being subjected to the penal provisions of the juvenile justice system is that such child must be of the age of criminal responsibility.

Clause 8 of the Bill amends the Child Rehabilitation Centre Act, Chap. 13:05, to provide opportunities for growth and job access by having the Commissioner of Prisons prepare policies, such as applications to the court for permission for a resident over the age of 16 years to engage in on-the-job training outside of the rehabilitation centre. Mr. Vice-President, as Minister of Labour and Small Enterprise Development under which the on-the-job training programme is now a division of the Ministry, we would be happy to assist with the rehabilitation and reintegration of a child offender into society via the on-the-job training programme. [*Desk thumping*]

Mr. Vice-President, clause 8 further provides for changes in the administrative organization and management of the rehabilitation centres and the

residents under the purview of the Commissioner of Prisons by deeming the superintendent to be the manager of the rehabilitation centre. The Commissioner of Prisons will remain the licensee and retain overall supervisory authority and policy-making responsibility of the rehabilitation centre in collaboration with an advisory board.

Mr. Vice-President, The Children's Authority is empowered, via the proposed amendment of the Child Rehabilitation Centre Act, to set standards for the management of all rehabilitation centres and would provide judicial oversight of the Commissioner's power to grant a resident leave from the rehabilitation centre which would also be subject to investigation by the children's probation officer assigned to the resident who is subject to the leave application. The period of the leave would be deemed to be part of a resident's period of placement at the rehabilitation centre and would also empower the court to issue a summons for the production of a resident whose period of leave has been rescinded but where the resident subsequently fails to return to the rehabilitation centre. Mr. Vice-President, there are also provisions should a proposed host wish to have a resident who is a child offender spend leave with him or her for a stated purpose. This provision would aid the child offender in not feeling excluded or simply forgotten.

Mr. Vice-President, clause 10 amends the Children Act, Chap. 46:01, to provide that corporal punishment ought not to be used in relation to a child in a nursery, a resident in the rehabilitation centre or a child in custody, care and control of someone, a person who is deemed to be fit. The amendment would further provide for a person employed by the Authority to investigate the abuse of a child of any offence against a child, to be exempt from committing offences in

relation to child pornography. And clause 10 also inserts a new Part IXA to provide for the implementation of a new procedure for the management of cases involving a child in need of supervision.

Mr. Vice-President, where a parent or a guardian is unable to control a child, he or she may apply to the court for an order deeming the child to be a child in need of supervision where assistance may be obtained. Clause 10 further provides for the officer in charge of a police station to inform the parent, the guardian, persons with responsibility for the child, the appropriate adult and the Legal Aid and Advisory Authority where a child is apprehended. It would also provide for a child who is charged with an offence to be remanded to a children's home where the child is over the age of 10 years.

The court would also be empowered to make certain placement arrangements where a child charged with an offence but not convicted of the offence and attains the age of 18 years.

4.30 p.m.

So that, Mr. Vice-President, the proposed amendment of the Children Act enhances procedures to be adopted by the authority, the commissioner, the children's probation officer and the courts with respect to applications made for the temporary placement of a child placed in the care of the children's home with a person outside of the children's home, or in respect of an application for the grant of permission for leave for a stated purpose for a resident of a rehabilitation centre. Provisions are also included for the rescission of such permissions where the resident escapes or simply refuses to return to the rehabilitation centre.

Mr. Vice-President, clause 10 further empowers the court to order that a child offender or a child charged be transferred from one rehabilitation centre to

another, or from a rehabilitation centre to a children's home, or from one children's home to another. It would provide for the court to sentence a child convicted of murder to be placed at a community residence for a specified period, the sanction for the breach of rules of a children's home, and for the assignment of a senior children's attorney to represent the voice of a child or the voice of that child, safeguard the child's interest and the child's right to be heard.

Clause 11 amends the Children's Community Residences, Foster Care and Nurseries Act, Chap. 46:04, by removing the requirement for a manager or a rehabilitation centre to apply for a residence licence, to provide for the authority to investigate the suitability of an applicant to be granted a residence licence, and by providing for a residence license to be valid for a two-year period. Clause 11 also streamlines the provision of leave for children placed at a children's home with the procedure under the Children Act and for regulations to be made in respect of the welfare of children in a rehabilitation centre, and for the management of a children's home and the disciplining of children residing within that particular home.

Mr. Vice-President, clause 12 amends the Family Law—that is—(Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08, to provide for, among other things, the electronic receipt of deposits and payments by the collecting officer, and to provide for the use of electronic records by the registrar as evidence of proof of payment. It would also vest the rules committee, instead of the Minister, with the power to make rules, prescribe forms and impose fees under the Act.

Mr. Vice-President, clause 13 amends the Children's Authority Act, Chap. 46:10, by inserting definitions of the terms "child offender" and "residence

licence”, amending the definition of what or who is a fit person, clarifying the configuration of the board of the Children’s Authority and the qualifications of its members and expressly stating that a fit person order is to be construed as a care order. It would also reduce the penalty for the offence of assisting a child who has run away from the care and authority, and by replacing the terms “young offender” and “youthful offender” with the term “child offender”. Clause 13 will also amend how the board is to be constituted.

Clause 14 amends the Family and Children Division Act, No. 6 of 2016, by clarifying the definition of the term “children matter” with respect to paragraph (f) of the definition. It will also provide for proceedings to be held in camera, the redacting of judgments and rulings by the court records management sub-unit, the sealing of the transcript of proceedings and other relevant documents, the imposition of a complete prohibition against publication, and mandating that where permitted publication shall be done in a manner which preserves the identity of the children involved.

So that, Mr. Vice-President, when commenting on the juvenile system in the United Kingdom, Thomas Hammarberg, Council of Europe Commissioner for Human Rights stated in 2013, he made a very profound statement that I would just like to repeat as part of my presentation in support of this piece of legislation. He stated:

“The state’s response to juvenile crime should focus more on rehabilitation...”

Mr. Vice-President, and I dare say that with the passage of this specific Bill, we, as a country, will be moving toward a juvenile justice system which focuses less on punitive measures and more on the rehabilitation of the child.

Mr. Vice-President, sometime ago it was reported that a minor was expected to appear before an Arima magistrate charged with robbery, with violence, and the January 13, 2018, murder of a security guard. These types of headlines must become a thing of the past. Our children must be empowered to be children and to enjoy all the benefits of youth and childhood. However, for that to happen, we, all of us, all of us in this Chamber—the Government, the Opposition, the Independents—within the wider society, the religious leaders, the parents, the guardians, the caretakers, all of us, we must support them and encourage them to be children, and also to ensure that they enjoy the tremendous benefits and self-actualization from the numerous Government programmes that exist for their very empowerment.

I would like to close, Mr. Vice-President, by focusing a little on child labour day. On June 12th Trinidad and Tobago joined the international community in the observance of World Day Against Child Labour. Child labour defined by the International Labour Organization (ILO), is work that is mentally, physical, socially or morally dangerous and harmful to children, and interferes with their schooling by depriving them of the opportunity to attend school. It is estimated that there are 152 million children—not 152. One hundred and fifty-two million children—age five to 17 worldwide who are subjected to child labour. Of this 152 million, just 50 per cent, or 73 million, perform work which is classified as hazardous because of the nature of the work or the circumstances in which the work is carried out.

At present, the Ministry of Labour and Small Enterprise Development, the Ministry I have the honour to lead, is in the process of establishing a national steering committee for the prevention and elimination of child labour. The Cabinet

of this country has already approved the establishment of this committee. This committee will bring together representatives from government agencies, trade unions, employer organizations, non-governmental organizations and academia, and has the mandate to develop a child labour policy and action plan to address this issue of child labour in Trinidad and Tobago.

Finally, Mr. Vice-President, I urge the nation to continue to work together to ensure that our most precious assets are protected, unscarred by the scourge of child labour, that the universal rights continue to be upheld, and that they are provided with ample support to blossom into happy and productive members of our society. The welfare of our children is paramount. It must be more than top of the list. All circumstances must be taken into account and weighed, and the course that will be in the best interest of our children's welfare must be chosen. The amendments being proposed by this Bill are part of a holistic undertaking to improve the lives of our children who interact with the criminal justice system, and I therefore urge Members of this honourable House, the Opposition and the Independents, to support the passage of this Bill.

Mr. Vice-President, I thank you for this opportunity. [*Desk thumping*]

Sen. Khadijah Ameen: Thank you very much, Mr. Vice-President. Mr. Vice-President, the Bill before us, the miscellaneous provisions Bill, is so very wide and the Attorney General was very correct when he indicated that he could talk for one hour on just one of the sections. It is with a sad heart that I am contributing to this debate that really essentially deals with how we treat our children in custody, and I say so because this Government, in the three years it has been in office, has really taken no steps to implement any programmes and policies to prevent at-risk youth from crime, from becoming victims or perpetrators of crime.

Our young people are being preyed upon. They are victims even when they are recruited by seasoned criminals, by gang leaders. Earlier, my colleague spoke about the failure of the Government to deal with gang leaders and deal with gang activities even after they chastised the Opposition for demanding better law, and even when we did have better law in the Anti-Gang legislation we have seen no action from the Government. But, Mr. Vice-President, it is more than just the hard part of cracking down on criminals when you come to dealing with children. In my view, the social circumstances created by the present Government leads to a sense of injustice and inequality that creates an atmosphere that caused many children to become vulnerable to crime and criminality. [*Desk thumping*]

Mr. Vice-President, when I speak of lack of opportunities and that sense of injustice, I want to share one simple situation with you. I have a son who recently started secondary school—he is in Form 1—and from Standards 4 and 5 the Ministry of Education approved a programme to prepare children for SEA which was an app called Pennacool. They needed to have laptops or tablets to complete this work. This is a Ministry-approved programme, how do you think the children who had no devices felt? The parents put up moneys to buy the tablets for children to share in the school, but certainly those who did not have a device to take home could not do the homework. I raise this because the impact on children who do not have the tools, the impact that that has on their ability to fit into society has an impact on their involvement or their potential to be involved in crime and criminality and, of course, I cannot say that without mentioning the Government's decision to stop giving laptops to secondary school children. I know we have many times called on the Government to reconsider that decision, to return the laptops so that every child could have a laptop to go home and do their homework

and to become responsible for that device.

Mr. Vice-President, also contributing to this atmosphere and where our children are at risk is the Government's failure to open 25 primary and secondary schools at the beginning of September this term. They have failed to complete work on 72 educational institutions in this country and the people who suffer are the children, and when those children are at home, very often unsupervised, they become prey, they become very susceptible to gang leaders and to criminal activities in general, and that is solely on the hands of this PNM Government.

[Desk thumping]

Yesterday, Mr. Vice-President, I was in Quarry Road in Laventille, the San Juan/Laventille area, and I met a young man, bright face, he is a 12-year-old, just passed for San Juan Secondary, he is at home for weeks because the school has been closed and they do not when it will open. His parents—and he lives in at PNM constituency by the way. Mr. Rowley once visited that home during a walk about. Sorry. The hon. Prime Minister of this country on a walk about in preparation for elections once visited that home. That is a PNM constituency. It is St. Ann's East/Laventille. But the fact is that the effects of the incompetence of the PNM on the education system is affecting children across constituencies across Trinidad and in Tobago. And where parents can, they scrape up money to send children to lessons, but think about where those who cannot go to lessons and those whose parents are working, who are unsupervised, what happens to them. You, this PNM Government, is responsible for sending the children of our nation into the hands of criminals and gangs.

Another area of opportunity that I feel this Government has done a lot of damage to, Mr. President—*[Interruption]*

Sen. S. Hosein: Vice-President.

Sen. K. Ameen:—Mr. Vice-President, is in the area of sport. Just earlier into today's sitting there were questions about moneys towards a particular group, and while I was happy to hear the Minister indicated that some funds were given, there are so many athletes in Trinidad and Tobago who are begging for funds, who are raising bar-b-que—*[Interruption]*

Mr. Vice-President: Senator, I am understanding that you are creating the framework especially with the part of the Bill that deals with Children Act and Children's Authority Act and what not, but do not take too long. You are going down that road with sports and athletes and what not and I am assuming, just assuming, that children who engage in sports and you are taking that particular argument and going down, but do not take too long in creating that context, so much so that it becomes the meat of your argument. So make that point and then try to at least tie it specifically to the Bill and the particular amendments that are being proposed.

Sen. K. Ameen: Thank you, Mr. Vice-President. I am making the point about the situation in schools, in sports and in extracurricular activities because I intend to specifically tie several of the clauses here and the proposals to these items. I know that the Members opposite have a meeting this evening. You are anxious to go to your meeting, I wish you the best in that. It would not help you in the next election though. Mr. Vice-President, I want to make an appeal for the support of athletes in sports when they reach to the—*[Interruption]*

Mr. Vice-President: Just again, if you going to engage in talking across the floor, keep it to a lower level so that the speaker does not have to raise their voice over that so that I can hear. Continue, Sen. Ameen.

Sen. K. Ameen: Thank you. I want to make an appeal for athletes in Trinidad and Tobago to receive better support particularly when they have to represent this country, but also when they are participating within Trinidad and Tobago, and I want to make an appeal in many instances where funding has been cut for extracurricular activities in schools because that is where we identify many people with potential in sport. So, Mr. Vice-President, if we have to speak about how we are going to treat our children when they commit criminal acts, we have to speak about preventing criminal acts amongst children.

One of the measures proposed in clause 3 speaks about extending the maximum number of puisne judges in the High Court from 49 to 64 and the maximum number of Judges of Appeal from 12 to 15 respectively, and it is said that this amendment is proposed as being required to facilitate the implementation of the consequential increase in judicial responsibilities. It sounds good, where you are putting them?

Sen. Ramdeen: Exactly.

Sen. K. Ameen: Where are you putting them? [Desk *thumping*] In almost every debate in this Parliament that has anything to do with the Judiciary, one of the main complaints has to do with the conditions of the existing facilities for courts. The lack of accommodation, the lack of space, how inappropriate those spaces are even when new spaces are obtained and, I think at some point into the debate, I hope to hear from the other side what they intend to do to expand the spaces available for courts in Trinidad and Tobago.

I know that sometime ago there was a proposal to build a judicial complex in Trincity that also would have had features to deal with children and to treat with the counselling services described in some of the clauses here in that very building

without it being an exercise that would be traumatic to children and to families—and that proposal was done by People’s Partnership in government [*Desk thumping*]*—*and even though this present Government has decided not to go ahead with it, it is very clear that there is still a need for it, and had they decided to continue by now, who knows, they may have been opening that facility, but they seem to have something against opening things done by the People’s Partnership Government like the Couva children’s hospital.

Mr. Vice-President, I want to go to another section that I just want to make a brief mention where the legal aid is mentioned and this is where the Legal Aid and Advice Act would be amended to provide for the grant of legal aid to minors charged with any criminal offence in the court of summary jurisdiction. Of course, this is another area that I think many people in the legal professional have spoken about, making legal aid more attractive, making it more efficient and more effective, and while you are extending it to allow minors to access the services those issues are still very relevant and they must be dealt with.

Mr. Vice-President, the amendments in the child rehabilitation Act, in clause 8 there are several amendments, but I would just want to go to the subclause that makes the commissioner—that is the Commissioner of Prisons—the licensee of a rehabilitation centre and a superintendent the manager of rehabilitation centre. Well, I should also mention and then I will go into the full explanation, subclause (1) which vests the management and control of a rehabilitation centre in the commissioner of prisons subject to certain statutory provisions, and my concern is that I do not believe that these facilities should be under the management of the commissioner of prisons. [*Desk thumping*]

The present YTEPP is under the management of the same commissioner of

prisons and although the motto of our prison service is to treat and rehabilitate—
[*Interruption*]

Sen. Ramdeen: To hold and—[*Interruption*]

Sen. K. Ameen: To hold and treat, sorry, rehabilitation has not been a strong point to put it nicely, and the record coming out in terms of adults going in and becoming hardened criminals, but even in YTC while we have many success stories, the story behind those stories really breaks your heart. So I feel, I strongly believe that it should not be managed by the Commissioner of Prisons.

There is a subclause which gives the Minister of Education the power to appoint education instructors including special education instructors for a rehabilitation centre after consultation with the Commissioner of Prisons. And while I agree that the Ministry of Education should have a role, I believe that the Ministry of Education should have a greater role, or the Ministry responsible for social services, or even youth development because this is an aspect of youth development. When we send those young people there, it is not to really—you want to avoid them becoming criminals. So in my view, the management of the facility is something I think should be placed—the greater responsibility for the management of those rehabilitation centres should be placed somewhere else.

This brings me to my other point which has to do with, where there is a new clause A that further empowers the commissioner—that is the Commissioner of Prisons—to make policies in several areas, and those areas have to do with strategy for rehabilitation and the reduction of recidivism of residents, the residents of the rehabilitation centre. It also empowers the commissioner to make policy for training programmes for officers and residents of the rehabilitation centre. I want to ask, Mr. Vice-President, what gives the Government or anyone the impression

that the Commissioner of Prisons that this is an area that they can really deliver in?

Again, the rate of recidivism, the result when young people come out of the system speaks for itself and that is something that I want to again ask because if these persons when they are discharged from the centre have to be fit and ready to be reintegrated—I heard the speaker before me, the hon. Minister of Labour and Small Enterprise Development, speak about reintegrating into society and I am happy that she shared her first-hand experience with some persons who were detainees, young people who were detainees, it adds to the point, it strengthens the point that young people who find themselves in these rehabilitation centres, the point is not to punish but to rehabilitate them and get them ready to be reintegrated into society. [*Desk thumping*]

Mr. Vice-President, there are also other matters relating to the management, maintenance or operations of the rehabilitation centre and the protection of residents which fall under the commissioner. The maintenance of the facilities is one thing, but the operations is another thing. The physical facility is maintained based on the resources given to it. Over the years, we have had really poor facilities in the youth centres, even in the national prison, but because I feel both of them are managed together they operate on the same standard. They are stretching their resources and what obtains for the adult prison often obtains for the youth facility, and I fear that these rehabilitation centres if managed by the Commissioner of Prisons will fall in that same bracket and that it not something I think that lives up to the standard that is expected after we sit and go through these amendments. So that is something I want to also mention.

Mr. Vice-President, my next point that I want to go into has to do—
[*Interruption*]

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Mr. Vice-President, I beg to move that this Senate do now adjourn to Friday 14th September, 2018—that is tomorrow—at 1.30 p.m. During that sitting we will continue debate on this Bill.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.00 p.m.