HOUSE OF REPRESENTATIVES

Friday, February 11, 2022

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, I have received communication from the hon. Kamla Persad-Bissessar SC, MP, Member for Siparia and from Ms. Khadijah Ameen, MP, Member for St. Augustine, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

JOINT SELECT COMMITTEE (APPOINTMENT OF)

Madam Speaker: Hon. Members, correspondence has been received from the President of the Senate dated February 09, 2022, which states as follows:

"Dear Speaker,

Re: Establishment and Appointment of Members to Joint Select Committee

Reference is made to the subject at caption.

At a sitting held on Tuesday, February 08, 2022, the Senate agreed to the following resolution:

'BE IT RESOLVED that the Senate concur with the House of Representatives in the establishment of a Joint Select Committee to consider and report on the Representation of the People (Amendment) Bill, 2020, and that the following six (6) Senators be appointed to serve on this Committee:

Mr. Clarence Rambharat;

Mr. Nigel de Freitas;

Mr. Randall Mitchell;

Mr. Wade Mark;

Dr. Maria Dillon-Remy; and

Mr. Deoroop Teemal.'

Accordingly, I respectfully request that the House of Representatives be informed of this decision at the earliest convenience please.

Thank you.

Respectfully,

Senator the Hon. Christine Kangaloo

President of the Senate"

PAPERS LAID

1. Noise Pollution Control (Amendment) Rules, 2022. [*The Attorney General and Minister of Legal Affairs* (*Hon. Faris Al-Rawi*)]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Airports Authority of Trinidad and Tobago for the year ended 31 December, 2017. [*The Minister of Finance* (*Hon. Colm Imbert*)]
3. Report on the Operations of the National Insurance Board of Trinidad and Tobago and the Audited Financial Statements for the financial year ended June 30, 2021. [*Hon. C. Imbert*]

Papers 2 and 3 to be referred to the Public Accounts Committee.

4. Ministerial Response of the Ministry of Planning and Development to the Second Report of the Joint Select Committee on Finance and Legal Affairs on an inquiry into the Status of Un-proclaimed Legislation (Part 1): The Planning and Facilitation of Development Act, 2014 and the Data Protection Act, Chapter 22:04, First Session (2020/2021), Twelfth

Parliament. [*The Minister of Planning and Development* (*Hon. Camille Robinson-Regis*)]

5. Ministerial Response of the Ministry of Rural Development and Local Government to the Second Report of the Joint Select Committee on Finance and Legal Affairs on an inquiry into the Status of Un-proclaimed Legislation (Part 1): The Planning and Facilitation of Development Act, 2014 and the Data Protection Act, Chapter 22:04, First Session (2020/2021), Twelfth Parliament. [*Hon. C. Robinson-Regis*]

6. Ministerial Response of the Office of the Prime Minister – Communications to the Second Report of the Joint Select Committee on Finance and Legal Affairs on an inquiry into the Status of Un-proclaimed Legislation (Part 1): The Planning and Facilitation of Development Act, 2014 and the Data Protection Act, Chapter 22:04, First Session (2020/2021), Twelfth Parliament. [*Hon. C. Robinson-Regis*]

7. Ministerial Response of the Ministry of Public Utilities to the Second Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into the Management of the Trinidad and Tobago Electricity Commission (T&TEC) and related Recommendations. [*Hon. C. Robinson-Regis*]

8. Motor Vehicles and Road Traffic (Amendment to the Ninth Schedule) Order, 2022. [*Hon. C. Robinson-Regis*]

9. Arbitration between A&V Oil and Gas Limited, the Claimant and the Petroleum Company of Trinidad and Tobago Limited, the Respondent/Counterclaimant. [*The Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister* (*Hon. Stuart Young*)]

JOINT SELECT COMMITTEES

(Presentation)

Shipping Bill, 2020

The Minister of Public Utilities (Hon. Marvin Gonzales): Thank you very much, Madam Speaker. Madam Speaker, I have the honour to present:

> Interim Report of the Joint Select Committee appointed to consider and report on the Shipping Bill, 2020, Second Session (2021/2022), Twelfth Parliament.

Fisheries Management (No. 2) Bill, 2020

The Minister in the Ministry of Finance (Hon. Brian Manning): Thank you, Madam Speaker. Madam Speaker, I have the honour to present:

> Interim Report of the Joint Select Committee appointed to consider and report on the Fisheries Management (No. 2) Bill, 2020, Second Session (2021/2022), Twelfth Parliament.

PRIME MINISTER'S QUESTIONS

Cardiac Catheterization Lab – Scarborough General Hospital (Restart of Services)

Madam Speaker: Member for Couva South.

Hon. Members: [*Desk thumping*]

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker. Prime Minister: Will the Prime Minister indicate how soon the Government intends to restart services with the cardiac catheterization lab at the Scarborough General Hospital?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Thank you, Madam Speaker. Madam Speaker, I too like my colleague from Couva South read the papers, as I

read them today and yesterday and would have seen this article which has triggered this question. I can advise the House that the Secretary of Health in the Tobago House of Assembly will be meeting with the CEO of the Tobago Regional Health Authority on Monday, 14th of February, 2022, to discuss the matter and chart a way forward. This is a matter that is under urgent consideration and action by the Tobago House of Assembly.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Prime Minister, as the head of the Government of Trinidad and Tobago, are you aware that on the 16th of March, 2016, that a contract was executed with Caribbean Heart Care Limited and it was terminated on September 2017, the 30th? Are you in a position to inform this House why that said contract was terminated?

Madam Speaker: Member, that question does not arise. Member for Couva South.

Mr. Indarsingh: Prime Minister, based on what you have informed this House in relation to a meeting which will take place on Monday coming, could you make an undertaking to ensure that there is adequate staff as it relates to the operation of this particular lab facility in Tobago?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, what I have just said holds. This matter is a matter that is being attended to and such commitment and undertaking, as requested by my colleague, can only come from the Tobago House of Assembly and the Regional Health Authority in Tobago. You know, Madam Speaker, if I do otherwise and poke my nose at that depth into Tobago, he will be the same person to get up and accuse me of interfering in the running of the affairs Tobago.

1.40 p.m.

Mr. Indarsingh: At the risk of being accused by the Prime Minister of poking or getting him to poke into the affairs—

Mr. Al-Rawi: Question.

Mr. Indarsingh:—of Tobago, Madam Speaker, Prime Minister, could you also ensure that there is value for money as it relates to this particular issue because the information at hand—

Hon. Members: Question, question.

Madam Speaker: Member, you have asked the question. You have asked the question. Okay, and based on the questions you have asked before and the answer that has been elucidated, this cannot qualify as a supplemental question under the Standing Orders.

Madam Speaker: Member for Couva South.

TSTT's Proposed Restructuring Exercise (Unemployed Workers)

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Madam Speaker. Prime Minister: Given the proposed restructuring plans of TSTT, will the Prime Minister inform this House of how many workers will become unemployed as a result of the said restructuring exercise?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, it is important to note that TSTT is not simply a State-owned company. TSTT has a 49 per cent ownership by Cable & Wireless, a private company and restructuring is not only about jobs, it is about the business that those entities are engaged in. As I said before, consistent with the collective bargaining agreement that governs the relationship between TSTT and the union representing its workers, the management of TSTT and Communication Workers' Union are currently involved

in restructuring discussions on the future sustainability of the organization. The Government of Trinidad and Tobago is not part of these discussions and therefore, it will be imprudent to comment on any matter that any of the parties choose to put out in the public domain. We continue to wish the parties a successful and productive consultation in the best interest of the organization, Madam Speaker.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Prime Minister, given the current financial status of TSTT in relation to a loss of $453 million in the last financial year, could you indicate to this House where the Government intends to raise the requisite financial sum to support any retrenchment as a result of the restructuring exercise of TSTT?

Hon. Dr. K. Rowley: Madam Speaker, as I speak to you and this House now, there is no issue of retrenchment in front of the Government and those numbers that are being raised and bandied about and coming from these particular sources are to be taken as hearsay. The Government, as a major shareholder in this company, will get its information at the appropriate time and only then, Madam Speaker, these issues will be in front of the Government. Certainly, it is not front of the Cabinet at this time. I have just indicated that this Government is not a part of these discussions. TSTT is not the Government, TSTT is a company that has a major shareholding by a foreign private sector company and these discussions are to take place in those quarters and anything arising out of those discussions will then find their way to the shareholder of the 51 per cent which is the people of Trinidad and Tobago at the appropriate time.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Prime Minister, could you inform this House from a policy point of view at the level of the Cabinet if the Government is prepared to advise the board and management to engage in a voluntary restructuring exercise as opposed

to one of forced retrenchment at TSTT?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, anyone who is responsible in this matter will know that it will be very inappropriate for the Government to so instruct the board, especially to do so publicly at this time in an organization which has a 49 per cent minority shareholding. What is he asking the Government to do? This is "ah" PNM Government, we do not act irresponsibly.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Prime Minister, as the Prime Minister of Trinidad and Tobago and that TSTT owns approximately 100 per cent of Amplia which is a subsidiary company of TSTT, could the Prime Minister inform this House how Amplia staff will be affected by this said restructuring exercise?

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker—

Madam Speaker: Prime Minister, this question does not qualify as a supplemental question.

Hon. Dr. K. Rowley: And the Member knows it.

Madam Speaker: Member for Naparima.

Major General Edmund Dillon (Presentation of Credentials)

Mr. Rodney Charles (*Naparima*): Thank you. Will the Prime Minister explain to the House why Major General Edmund Dillon has not presented his credentials thus far to the Government of Venezuela six months after being appointed?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the appointment of an ambassador is a process, any ambassador in any country coming from any

host country. With respect to Major General Dillon, that process has been followed, is being followed and there is no problem with it.

His Excellency Major General Edmund Dillon (Retired), he received an instrument of appointment in August 2021 appointing him as Ambassador of the Republic of Trinidad and Tobago to the Bolivarian Republic of Venezuela. Ambassador Dillon arrived in Caracas on the 4th of February, 2022. Ambassador Dillon presented a copy of his credentials to His Excellency Félix Plasencia, Minister of People's Power for Foreign Relations of Venezuela on Tuesday 08 February, 2022 at 11.00 a.m. The Mission is awaiting word and an appointment for the presentation of credentials to the President of Venezuela.

Madam Speaker, the delaying of the departure to Venezuela was due to the implementation of urgently needed works at the residence in Caracas, including significant repairs to the roof and thorough cleaning of the premises to ensure that the Ambassador is safely and properly accommodated during his posting. Further works will be completed including painting, replacement of items and security systems upgrade.

The Ambassador presented the copies of his credentials to the Minister of the People's Power for Foreign Relations on Tuesday 08 February and is awaiting the scheduling by the Government of Venezuela of the formal event for the presentation of letters of credence.

Madam Speaker: Member for Naparima.

Mr. Charles: Prime Minister, could you not have used your excellent relations with President Maduro, Vice-President Delcy Rodriguez to fast-track the receipt of confirmation of the credential?

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: I am glad that you know that I have excellent relations with

Venezuelan authorities. Madam Speaker, that is exactly what I did in my communication with the Vice-President of Venezuela. The presentation of credentials of Ambassador Dillon has in fact been expedited.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Naparima.

Mr. Charles: Does the fact that there are daily demonstrations in front of our Caracas Mission emphasize the need for a resident Ambassador to improve relations with the people of Venezuela as opposed to the Government?

Hon. Members: [*Desk thumping*]

Madam Speaker: Member, again, that does not qualify under the Standing Orders as a supplemental question. Member for Naparima.

International Reports on Venezuelan Refugees/Migrants (Diplomatic steps to be taken)

Mr. Rodney Charles (*Naparima*): Will the Prime Minister state what diplomatic steps will be undertaken to contain the fallout from international reports suggesting that this country is not treating its Venezuelan refugees/migrants humanely?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the first thing we will do and I will do it here now is to ask the Leader of the Opposition and her minions to cease and desist from badmouthing this country.

Hon. Members: [*Desk thumping*]

Mr. Indarsingh: Madam Speaker, the Prime Minister could do better with his language.

Madam Speaker: So, Prime Minister, might I ask in light of the context of the question that you withdraw the word and use a word. I rule it unparliamentary in the context of the question.

Hon. Dr. K. Rowley: Madam Speaker, is the word "minion" unparliamentary?

Madam Speaker: In the context of the question being asked.

Mr. Indarsingh: "Yuh cyah stand here and insult people."

Hon. Dr. K. Rowley: Madam Speaker, I do not know why my colleagues are—

Madam Speaker: Madam Speaker, one minute.

Hon. Dr. K. Rowley: I am not speaking to them eh know, I am speaking to you.

Madam Speaker: Prime Minister, I am on my legs.

Mr. Indarsingh: I am— [*Inaudible*]—

Madam Speaker: Member for Couva South, I am also on my legs. Okay? And I would ask all of us to uphold the dignity of this House and be a little more respectful of our processes.

Mr. Indarsingh: And I am agreeing with you. Let the Prime Minister start.

Madam Speaker: Member, I would ask you just stand up, apologize for that outburst and we will continue.

Mr. Indarsingh: Madam Speaker, I apologize.

Madam Speaker: Thank you very much. Prime Minister, as far I have made a ruling on minions in the context, if you will withdraw that word and let us proceed.

Hon. Dr. K. Rowley: Madam Speaker, I withdraw the word "minion" and I trust that I would never use it again in this House. Madam Speaker, I want to repeat what I have said which is parliamentary that I intend and I am asking the Leader of the Opposition to cease and desist from badmouthing our officials who act from the coast guard in this matter.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: And secondly, Madam Speaker, right, to say what has been done so far, immediate condolences and sharing of information from the Ministry of Foreign Affairs went to the Foreign Affairs of Venezuela. Immediate

condolences and sharing of information between the Minister and of course, Madam Speaker, we have our ambassador meeting and talking to Minister Plasencia here during presentation of credentials on this matter. The Ministry of Foreign and Caricom Affairs issued a series of diplomatic notes to the Government of Venezuela. The Ministry of Foreign and Caricom Affairs issued on behalf of the Government of Trinidad and Tobago an invitation to a meeting of the leadership of the Trinidad and Tobago Coast Guard with the counterparts from Venezuela next week. There has been the initiation of investigations involving the Trinidad and Tobago Coast Guard and the Trinidad and Tobago Police and, Madam Speaker, I myself, as Prime Minister of Trinidad and Tobago, have sought and spoken directly to the Vice-President of Venezuela on this matter as I continue to stay in touch with our officials here in Trinidad and Tobago.

Hon. Members: [*Desk thumping*]

Mr. Charles: Prime Minister, are you using our expensive lobbyist in Washington to contain the negative fallout in *The Washington Post*, from the *Al Jazeera*, from the UK *The Guardian*, to contain the international fallout?

Hon. Dr. K. Rowley: Madam Speaker, the hysteria around this matter being driven by our colleagues and others is no different to what happens in the Mediterranean, to what happens in the Gulf of Mexico and the coast of Florida, between Bahamas and Haiti and Cuba and the United States. Why are our people trying to put a rope around the neck of the people of Trinidad and Tobago in a matter which is purely accidental which is miniscule as compared to what is happening worldwide? The main fallout from this is the Leader of the Opposition accusing the coast guard of murder.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: And I have nothing further to say on the matter, so "yuh

might as well keep yuh seat".

Mr. Indarsingh: Madam Speaker, I rise on 48(4) based on the utterances of the Prime Minister to my colleague, the Member for Naparima.

Madam Speaker: Member for Naparima.

Mr. Charles: Mr. Prime Minister, given numerous negative headlines in the international media not done by the Leader of the Opposition concerning the treatment of migrant refugees, should we not have had a well-publicized guideline and framework governing interactions between our border security officers and migrants?

Madam Speaker: Member, one, it is not an opportunity to make a statement and this is not a question of opinion. If you have a question, pose a direct question.

Mr. Charles: Should we, Prime Minister, not have well publicized guidelines to govern the interaction between our border security officers and migrants as they do in the United States, UK and Canada?

Hon. Dr. K. Rowley: Madam Speaker, since the Member wants publicized guidelines which exist where the problem is publicized, I will answer by quoting for Member from a document from Venezuela called "Gender and Crime", dated the 11th of February, it is very recent, by Venezuela Investigative Unit and it says with respect to the very people that he is claiming to want to defend. It says that:

> "Some stay in the south while others head to the…"—north and—"the central region - many to the borough of Chaguanas, where"—the—"demand"—for prostitution—"thrives."

And, Madam Speaker, the document goes on to say that:

> "The expert reported that, unlike other countries, such as Jamaica, Antigua and Barbuda, where human trafficking had been on the decline…demand for sex and prostitution in Trinidad and Tobago in being driven by a high rate of

local consumption, especially in the borough of Chaguanas."

That is representative and my colleagues in here, if you want to fight this matter, let us begin by fighting this.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Naparima.

Mr. Charles: Given what you have just said, Prime Minister, do you not see the need for a well-thought-out, comprehensive, consensually development, a policy that recognizes our international treaty obligations to have a framework for all the nonsense that is going on with the Venezuelans?

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker, it is precisely because we have a comprehensive policy and physical responses against the background of that policy, while we have an effective border patrol through our coast guard interacting with a problem for which the perils, sometimes, Madam Speaker, involve people being drowned, people being lost, people being hurt, people being shot. So I do not know what policy he is asking for but I am asking for a policy to reduce your appetite for the corruption that is in this document.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Couva South.

Water and Sewerage Authority (Status of Cabinet-appointed Sub Committee)

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker. Prime Minister: Will the Prime Minister provide the House with the status of the Cabinet-appointed Sub Committee to review the operations of the Water and Sewerage Authority as well as to determine a strategy—

Hon. Members: [*Interruption*]

Mr. Indarsingh: Madam Speaker?

Madam Speaker: Members. I know questions usually involve a lot of animation but I would like to hear the question being posed by the Member for Couva South. Member.

Mr. Indarsingh: Thank you very much, Madam Speaker. I will start over. Will the Prime Minister provide the House with a status of the Cabinet-appointed Sub Committee to review the operations of the Water and Sewerage Authority as well as to determine its strategy for enabling the authority to achieve its mandate?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the work of the Sub Committee is ongoing and it is at an advanced stage. However, the Government will report to the national community on its plans for the future of the Authority after all consultations have been satisfactorily completed. Madam Speaker, the Government has always been transparent with the national community with respect to the state of the Water and Sewerage Authority and its intention to transform this important utility company in the best interest of all our citizens. This transparency, Madam Speaker, was powerfully demonstrated by my Government's decision to lay in this Parliament the report of the Cabinet-appointed committee to review the operations of the Water and Sewerage Authority as well as to determine a strategy for enabling the Authority to achieve its mandate.

I wish to commend the report, Madam Speaker, to my colleagues for their reading and edification. As previously done in 2020 by making this report to the national community at an appropriate time, the Government will return to the country to indicate its plans for the transformation of the Authority when their preparations have been satisfactorily completed.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Prime Minister, based on the instructions you gave to the Minister of Public Utilities at the public meeting in Laventille over the weekend, could you inform this House in the compilation of this report which is dated the 11th of December, 2020, did the National Trade Union Centre and the Joint Trade Union Movement meet with this Cabinet Sub Committee?

Hon. Dr. K. Rowley: Madam Speaker, as I just said to this House, the process is ongoing, people are meeting and discussions are taking place.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: And can you give this House the assurance, and the employees of WASA, that the Cabinet Sub Committee will meet with its recognized majority unions being the Public Services Association and the National Union of Government and Federated Workers because the labour federation have no role in this particular exercise?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I do not know why the Member for Couva South is taking it upon himself to advise the Government. The Government of Trinidad and Tobago knows its responsibility and the Minister of Public Utilities is in the process of meeting with these entities in the way that he has suggested. Thank you for your advice but it is wholly unnecessary.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Madam Speaker, the Prime Minister will make his utterances but at the end of the day—[*Interruption*]

Hon. Members: Question.

Madam Speaker: Member for Couva South, remember, okay, there is no need for all the preambles and we are today operating on the basis of tolerance, respect, okay, and we are trying to avoid the innuendos today. You yourself asked for that

earlier. So could you stand up and ask the question? Fifteen seconds.

Mr. Indarsingh: Thank you, Madam Speaker. Prime Minister, could you give this House the assurance that this said report will not be discarded like the one as it relates to the restructuring of the Port of Port of Spain and also Lake Asphalt Company of Trinidad and Tobago?

Hon. Members: [*Desk thumping*]

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, the premise is wrong and therefore, the conclusions must be wrong. No reports have been discarded, none, especially the two that you have just mentioned. It is just your attempt to create mischief as usual.

URGENT QUESTIONS

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Thank you very much, Madam Speaker. I will now the Minister of Works and Transport to take his rightful place before I begin.

Madam Speaker: Member for Couva South.

Industrial Action by PTSC Workers (Intention to meet and address concerns)

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker. To the Minister of Works and Transport: In light of the disruption posed to the travelling public as a consequence of the industrial action taken by PTSC workers, does the management intend to meet with the said workers and their representatives to address their concerns?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): The long and short answer is yes.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Minister, could you inform this House what was the reasons that

led to workers ventilating their grievances which was not addressed by the management of the Public Service Transportation Corporation?

Madam Speaker: Member, having regard to the question asked and the answer, that does not arise. Member for Couva South.

Mr. Indarsingh: Minister, could you inform this House whether the General Manager of PTSC and its Human Resource Manager have abdicated their respective responsibilities in this particular scenario because the Chairman of the board of PTSC, why is he getting into day-to-day activity affecting the employees of PTSC?

Madam Speaker: Again, Member, that does not arise under the Standing Orders. Question asked and answered given. Member for Couva South.

Mr. Indarsingh: Minister, could you inform this House whether there are existing employees at PTSC south operations who have tested positive for COVID-19 and if the adequate contact tracing has been done by the management of PTSC?

Madam Speaker: Member for Couva South, this question is not allowable as a supplemental question under the Standing Orders. Member for Tabaquite.

School Transportation Services (Resumption of)

Ms. Anita Haynes (*Tabaquite)*: Thank you, Madam Speaker. To the Minister of Education: Having regard to the physical reopening of schools, will the Minister inform the House when school transportation services will be resumed?

The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker. Finalization of the attendance data has taken place during this first week of increased school attendance and PTSC has confirmed that they should start the school transport programme by Wednesday 16 February, 2022.

Madam Speaker: Member for Tabaquite.

Ms. Haynes: Thank you. Thank you to the Minister for that response. Are there any measures in place to facilitate the outstanding payments to some of these maxi drivers? There are outstanding payments for the last period before the school shutdown. So is there anything in place to facilitate these payments?

Madam Speaker: Member, having regard to the question that was asked and the answer given, this is not an allowable question under supplemental questions.

ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you, Madam Speaker. There are no questions for oral response and we are asking for a two-week deferral of the question for written answer please.

Madam Speaker: Question number 46 is deferred for two weeks.

STATEMENT BY MINISTER

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, may I ask for this to be deferred?

Madam Speaker: Deferred completely or later in today's sitting?

Hon. C. Robinson-Regis: Later in the proceedings, please.

Mr. Indarsingh: [*Inaudible*]

Hon. C. Robinson-Regis: Yes, I am.

Madam Speaker: All right. Okay. So hon. Members, this item will be stood down for later in the proceeding. The Minister concerned is just—he has been in the Chamber all the time and regrettably he is not here right now, so that when he returns, at an appropriate time in the proceedings, we will resume to this item.

JOINT SELECT COMMITTEES
(Extension of Time)

Shipping Bill, 2020

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. Having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Shipping Bill 2020, Second Session, 2021/2022, Twelfth Parliament, I beg to move that the Committee be allowed an extension to June 30, 2022, to complete its work and submit a final report.

Question put and agreed to.

Fisheries Management (No. 2) Bill, 2020

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. Having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Fisheries Management (No. 2) Bill, 2020, Second Session, 2021/2022, Twelfth Parliament, I beg to move that the Committee be allowed an extension to June 30, 2022, to complete its work and submit a final report.

Question put and agreed to.

Hon. C. Robinson-Regis: Madam Speaker, could we revert to the Statement by Ministers at this time, please? Thank you.

ARRANGEMENT OF BUSINESS

Madam Speaker: Okay. So, hon. Members, we will revert to the item of business that was just deferred, that is, Statement by Ministers. Leader of the House.

Hon. C. Robinson-Regis: Thank you very kindly, Madam Speaker. There has been agreement to allow the Minister of Energy and Energy Industries to speak until the conclusion of his statement.

Madam Speaker: Hon. Members, is this the wish of the House? I believe, Whip—Acting Whip, I believe there is agreement. Yes? Minister of Energy and Energy Industries.

2.10 p.m.

STATEMENT BY MINISTER

A&V Oil and Gas Limited Arbitration

The Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker, and to Members. Madam Speaker, I have been authorized by the Cabinet to make the following statement.

It is essential that the irrefutable facts and truth be placed on the public record with respect to the matters surrounding A&V Oil and Gas Limited, AV, and the Petroleum Company of Trinidad and Tobago Limited, Petrotrin. There is no better place to put the facts into the public domain, and on the record, than here in the Parliament of the Republic of Trinidad and Tobago.

At the end of presenting this statement, I will lay a copy of the 76-page decision of the panel of three judges in the arbitration between AV and Petrotrin. This is being done in the public's interest, so that the population can see and read the unanimous detailed findings of the judges and the coherent reasoning as to why they have come to the decisions and findings of how AV conducted its business with state-owned Petrotrin. I have taken the liberty of replicating in this statement the narration of the facts by the judges where appropriate.

The matter which led to the wrongful termination of AV was first made public on a political platform on the 10th of September, 2017, by the Leader of the Opposition. Accordingly, the population should be told what led to the dispute between AV and Petrotrin and what was the decision of three eminent and experienced judges; what led to their finding that there was no evidence of wrongdoing on the part of AV, contrary to the claims that have been repeatedly made by senior members of the Opposition.

The relationship between AV and Petrotrin was based on a contract dated the 18th of November, 2009, called an Incremental Production Services Contract, an IPSC, where it was agreed that AV would take possession of, and explore and extract oil from, an area commonly referred to as the Catshill Field. AV would then deliver the oil to Petrotrin for payment. This contractual arrangement had been taking place for years until it was brought to an abrupt end by Petrotrin when it terminated the IPSC by Notice dated the 19th of December, 2017.

Madam Speaker, as I stated before, the termination of the contract had its origins in allegations made by the Leader of the Opposition in September 2017, where, on a political platform, she read from a draft and interim Petrotrin Internal Audit Report which claimed that AV was being paid for oil that it never supplied to Petrotrin. The Leader of the Opposition established the term "fake oil" and went further to state that AV was getting away with fraud and misconduct because it was a financier of the People's National Movement and due to the friendship of its Chief Executive Officer and the hon. Prime Minister of Trinidad and Tobago. These extremely damaging false allegations have been repeated many times by the Opposition, in particular, the Leader of the Opposition. However, it has been determined by a panel of judges that Petrotrin did not act fairly with respect to AV and importantly, that AV was not guilty of any wrongdoing as alleged.

The events leading to the termination of AV. Madam Speaker, AV was required by the IPSC to investment in improving oil production from the Catshill Field by, amongst other things, conducting a comprehensive survey of the field, working over existing wells, using its production rigs, drilling new wells using its drilling rigs, and improving the infrastructure to enable increased oil production. AV began to increase production from mid-2015 when new wells and work overs of existing wells started to provide the returns on the investments that AV had been

making. In April2016, AV sought to renew the IPSC for a further term of ten years to 2029, and promised to drill new wells via an aggressive drilling programme. The parties were communicating on a possible extension of the IPSC, and AV was preparing to pursue an expanded and aggressive drilling programme when Petrotrin wrote to AV on the 14th of August, 2017, stating that it had discovered certain inappropriate practices in the delivery of oil for the period January to June 2017 which it was investigating. Petrotrin advised AV that it was withholding payment to it of the most recent invoice pending the investigation. AV immediately responded on the 15th of August, a day after, stating that it would comply fully with the investigation.

On the 17th of August, 2017, Petrotrin's Internal Audit Department produced a report that was a draft and interim report in which it said that its evidence suggested that there had been fraudulent activity in the Catshill Field in that AV had colluded with Vidya Deokiesingh, a Petrotrin employee and former PNM candidate, and had been overstating production for at least six months.

On the 21st of August, 2017, the Internal Audit Department produced a supplementary report which purported to identify deficiencies in the controls governing the transmission of crude from the fields to the refinery at Pointe-a-Pierre. It was the Leader of the Opposition on the 10th of September, 2017, who read from a document that she said was the audit report claiming fraudulent behaviour by AV. AV's attorneys wrote to Petrotrin on the 14th of September,2017, referring to reports in the media of what was alleged by the Leader of the Opposition, and stated it was the first time that AV was hearing of such allegations, that AV had not received a copy of the said report, that AV had not been asked to respond to any allegations and for the reasons set out in detail in that letter, the audit reports purported finding were baseless and without

foundation. The attorney called on Petrotrin to immediately correct the record.

On the 30th of September, 2017, Petrotrin announced in the press that it had retained Kroll Consulting Canada Company, Kroll, to probe what was being referred to as the "fake oil" scandal. On the 17th of November, 2017, Petrotrin issued a media release saying that its finding had been confirmed by Kroll, and that an additional report by Gaffney Cline had found that the reservoir was not capable of producing the volumes of oil in question.

On the 1st of December, 2017, Petrotrin wrote AV saying that after a careful review of the Kroll and Gaffney Cline reports, which it said were privileged and confidential, it had formed the view that there were reasonable grounds for suspecting that AV had misconducted itself or had otherwise been involved in wrongful or fraudulent activity and had participated in inappropriate practices in the delivery of oil to Petrotrin over the period from April 2016 to July2017. Petrotrin indicated that on the basis of this suspicion it was proposing to terminate the IPSC.

AV responded by letter dated the 8th of December 2017 denying that it had been involved in any wrongful or fraudulent activity. It answered each of the reasons given by Petrotrin for its suggestions against AV, and invited Petrotrin to attempt to negotiate a resolution of the matter in good faith.

Madam Speaker, Petrotrin terminated the contract on the 19th of December2017 stating that it had reasonable grounds for suspecting that AV had misconducted itself, or otherwise had been involved in wrongful or fraudulent activity, and had participated in inappropriate practices by allegedly overstating the volume of oil it produced and sold to Petrotrin for the period April2016 to July2017. It was this termination, and the grounds upon which the termination were based that were challenged by AV, by commencing arbitration proceedings

against Petrotrin.

It is to be noted that all times AV disputed matters raised by Petrotrin. AV advised the panel of judges that it was never given a copy of any of the four reports nor was it ever given an opportunity to provide any information, data, or rebuttals, to the internal audit department, Kroll or Gaffney Cline despite its requests to so. The unfair treatment of AV was to prove to be the fatal blow and one of the main reasons why the judges found that Petrotrin was wrong, and that it did not have sufficient evidence to support its decision to terminate AV. In short, Petrotrin was found in the legal contractual arbitration to not be able to defend its action of termination of a contract with AV based on political platform allegations and its own suspicion.

The arbitrators. Madam Speaker, in June2021 the Arbitration Tribunal chaired by Sir Dennis Byron, former President of the Caribbean Court of Justice, the CCJ, comprising members Lord David Hope an expert, specialist, British arbitrator and Retired Justice of Appeal Humphrey Stollmeyer, delivered their unanimous decisions in the arbitration between AV and Petrotrin. These eminent judges were selected by both Petrotrin and AV.

Madam Speaker, the panel hearing evidence from a number of witnesses with submissions as well as cross-examination by Queen's Counsel and Senior Counsel for both parties, over 13 days, comprised these three very experienced and competent jurists who have sat as judges at the highest levels of court systems internationally. These are the individuals who have considered and decided facts and law in a significant number of matters. There can be no question as to their competence in coming to the decisions that they did.

The Right Hon. Sir Dennis Byron is a fellow of the Chartered Institute of Arbitrators. He was the President of the Caribbean Court of Justice which is the

final Court of Appeal for several Commonwealth Caribbean countries. Prior to that, he was the Chief Justice of the Eastern Caribbean Supreme Court. He was also a permanent judge of the United Nations International Criminal Tribunal for Rwanda. It was agreed by both AV and Petrotrin that Sir Dennis Byron should chair the panel of arbitrators.

Lord David Hope was the Vice-President of the Supreme Court of the United Kingdom, the highest court in the United Kingdom. He was also the Vice-President of the Judicial Committee of the Privy Council. After his retirement from the UK Supreme Court and the Privy Council, he has acted as a judge in arbitrations throughout the world. Lord Hope was chosen as an arbitrator by AV.

Retired Justice of Appeal Humphrey Stollmeyer was a Justice of Appeal of the Court of Appeal of Trinidad and Tobago. Before becoming a judge he had extensive practice in corporate and commercial law at JD Sellier and Company, one of the leading law firms in Trinidad and Tobago. He is also a justice of appeal (non-resident) in Turks and Caicos and occasionally sits as an Acting Justice of Appeal of the Eastern Caribbean Supreme Court. He is also a member of the International Chamber of Commerce, International Court of Arbitration, and a fellow of the Chartered Institute of Arbitrators. Justice Stollmeyer was chosen by Petrotrin.

Madam Speaker, the quality and experience of these three judges is beyond question. They have sat at the highest levels of court systems at home and abroad.

The arbitration and the findings. The main matter that the tribunal was called upon to decide in the arbitration was whether Petrotrin was entitled in law and/or fact to terminate the IPSC by the Notice dated the 19th of December,2017, on the basis of it having reasonable grounds for suspecting that AV had misconducted itself, or had been involved in wrongful or fraudulent activity, and had participated

in inappropriate practices in the alleged overstatement of the volume of oil it produced and sold to Petrotrin for the period April2016 to July2017.

AV sought the payment of the sums of TT $84.7 million for crude oil that it supplied during the period June 2017 to December 2017 and TT $17.3 million, approximately US $2.3 million, for crude oil it supplied during the period 1st of January 2018 to 28th of February, 2018. AV also claimed that Petrotrin's decision to terminate was wrongful and in breach of contract and as a result, it was entitled to losses and damages of approximately, US $140 million or the TT equivalent of $966 million.

There were 13 witnesses for AV and eight witnesses for Petrotrin, including expert witnesses. Their evidence was taken and they were cross examined by attorneys for both sides.

Petrotrin refuted AV's claims, and in essence argued that it was entitled to terminate the contract. Petrotrin claimed that as a result of the alleged activities by AV it had overpaid AV, and it was entitled to hold the sums that it did, and that AV had no right to the sums of $84.7 million and $17.3 million that it was holding. Petrotrin also made counterclaims against AV. The written decision of these three judges is well reasoned and provides clear, step by step reasoning, as to why they came to the following important and unanimous findings.

Madam Speaker, the Judges found, inter alia, that:

(i) Petrotrin failed to establish and did not have any reasonable grounds for suspecting that AV was engaged in misconduct, fraudulent or inappropriate activity, as alleged;

(ii) Petrotrin was not entitled to treat any of the crude oil delivered to it by AV during the period April 2016 to June 2017 as having not been delivered;

In other words, there was no evidence that AV was paid for "fake oil".

(iii) Petrotrin was not entitled to terminate the IPSC; and

(iv) AV is entitled to damages for wrongful termination of the IPSC.

The tribunal went on to order, inter alia, that:

(i) AV was entitled to payments of the sums of TT $84.7 million and TT $17.3 million for unpaid invoices for the delivery of crude oil to Petrotrin together with interest. The tribunal further stated that the issues of damages and compensation to which AV was entitled, whether Petrotrin was entitled to payment of specific sums as claimed in its counterclaim and the costs of the arbitration, would be dealt with at a further hearing.

Madam Speaker, the following findings by the panel are drawn to your attention:-

(i) Was the decision to terminate AV as at 19 December, 2017, wrongful? — The tribunal found at paragraph 43 that:

"When we look at the course of Petrotrin's conduct overall during this period, we are left in no doubt that Petrotrin was not willing to engage with AV in a fair even-handed and open-minded discussion as to what the reasons were for the apparent discrepancies which had given rise to the decision of the Internal Audit team to investigate what was happening at Catshill. Its single-minded and uncompromising approach left no room for discussion as to where the truth might lie. As AV says, it had prejudged the issue. Petrotrin's conduct fell so far short of what the duty to act fairly required that we have to conclude that its decision to terminate was wrongful. The result is that Petrotrin was not in possession of all the information that it should have had,

that all necessary inquiries had not been made and that the decision to terminate cannot be said to have been objectively reasonable.";

(ii) Did Catshill have the capacity to produce the oil said to have been sold? — This was another matter to be considered and decided by the Tribunal. It is important to note that AV completed drilling 31 new wells in 2016 and the first half of 2017.

At paragraph 73 the Tribunal found that:

"We are satisfied that the Catshill Field was capable of producing the quantities of oil that AV says it sold to Petrotrin. That is because the information that is before us shows that it was so. The information also reveals significant defects in the Audit Report on which Petrotrin relied when deciding to terminate the IPSC, which they would have discovered had all necessary inquiries been made. What Petrotrin did not do was to examine the evidence as to what was actually happening on the ground throughout that period.";

(ii) The capacity of the sales pumps — On this issue the tribunal found that it was possible that pump flow rates relied on by AV were possible and that Petrotrin would have seen this if they made all necessary inquiries;

(iv) The allegation of siphoning — On allegations that AV was siphoning oil and therefore fraudulently inflating oil figures it was selling to Petrotrin, the tribunal found that there was no evidence to support this proposition by Petrotrin;

(v) Allegations with respect to Mr. Vidya Deokiesingh — at paragraph 103 the tribunal found that:

"We can find nothing in this evidence to suggest that these

> movements, conversations or contacts were part of a conspiracy with anybody in AV's organisation to defraud Petrotrin".
>
> The tribunal went on to say at paragraph 107 that:
>
> "The necessary inquiries must therefore be even handed, not prejudiced in favour of one side or the other. That means that the possibility that there may be an innocent explanation must be inquired into and resolved before the action is taken. If an innocent explanation is found for what was thought at first sight to be suspicious, that factor must be left out of account. For that reason, we have concluded that Petrotrin has failed to show that Mr. Deokiesingh's behaviour gave reasonable grounds for suspecting that AV was involved in wrongful or fraudulent activity."

Madam Speaker, the experienced panel of three distinguished judges decided, unanimously, that there was no fake oil issue.

Post Arbitration. Madam Speaker, it is well recognized that the best judges to determine facts are those that hear the evidence of witnesses. Appeals on findings of facts, especially of arbitrations, are very rarely successful or overturned. To suggest that these three experienced and distinguished judges would have erred in their factual determinations is deemed in some legal quarters to be wishful or hopeful thinking, far-fetched and very unlikely to be overturned by a High Court.

Madam Speaker, there has been conversation and advice coming largely from the birthplace of Petrotrin's difficulty, as to whether Petrotrin should have sought a review, effectively, an appeal, of the Tribunal's findings by the High Court. This is done by an application to the High Court in very restricted circumstances. It is not an application that generally succeeds, especially when one

is seeking to overturn findings of fact. When one reads the decision of the tribunal you immediately see that the findings are findings of fact, save for a couple issues of legal analysis.

Notwithstanding, Madam Speaker, the Board of Petrotrin prudently sought the advice of two Senior Counsel and one Queen's Counsel on this matter. The clear and unequivocal advice of one Senior Counsel, Mr. Justice Rolston Nelson, who has also served as a Judge of the Court of Appeal of Trinidad and Tobago and a Judge of the CCJ, and Queen's Counsel Simon Hughes, a highly experienced Silk who practices internationally in numerous Courts, at all levels, including the Supreme Court of the United Kingdom, the Privy Council, and international arbitrations, was that Petrotrin's application to set aside the Tribunal's award would not, would not be successful. An application to appeal the arbitration decision would fail.

Having regard to the advice received, despite the advice of Senior Counsel who had conducted the arbitration proceedings on Petrotrin's part, the Board of Petrotrin decided that it would not be prudent to pursue an application to set aside the award.

Madam Speaker, based on the findings of the tribunal, Petrotrin was liable to AV for losses and damages. AV's claim for losses and damages was approximately $966 million. The parties engaged in negotiation, and eventually agreed to terms of settlement that Petrotrin would pay the sum of $18 million to AV in settlement of all and any damages suffered in connection with the termination of the IPSC, and that Heritage Petroleum Company Limited, Heritage, Petrotrin's subsidiary, would grant AV a new 10-year Enhanced Production Services Contract for oil exploration and production in Catshill.

The only outstanding issue left for resolution between the parties is the issue

of costs to be paid to AV by Petrotrin. In short, Madam Speaker, Petrotrin, instead of having to find the cash to pay $996 million in cash, Petrotrin was able to persuade AV to accept access to the Catshill Field for the purpose of resumption of AV drilling activities in the expectation that this venture would be successful, providing future benefits to AV and Heritage, one a seller of oil and the other a buyer of the said oil produced by AV.

Madam Speaker, this hopefully brings to an end the mischief, misinformation and attempts to mislead the people of Trinidad and Tobago after almost four years. The laying of the award and decision of the tribunal in the House today allows the public to read for themselves every line of the findings of the panel of arbitrators; to see, first hand, the detailed manner in which these three judges found what they did.

Madam Speaker, I thank all hon. Members for the opportunity to have made this statement, for the record. Thank you.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Madam Speaker, I rise in keeping with the Standing Order 24(4). Minister, could you share the basis or the rationale provided by the board of directors of Trinidad Petroleum Holdings Limited chaired by attorney at law Michael Quamina, for its inexplicable refusal to appeal the arbitration award, and its failure to table the legal advice offered by its own lawyer, Senior Counsel Deborah Peake?

Hon. Members: [*Desk thumping*]

Hon. S. Young: Thank you very much. Madam Speaker, first of all let me put on the public record that the Chairman of Petrotrin, Mr. Quamina had recused himself from day one on all decisions relating to this matter between AV and Petrotrin.

Secondly, as I have stated very clearly in my statement, the reasons for which Petrotrin did not follow an application to the High Court i.e. an appeal an application to set aside was because those circumstances are one, limited; two, they are very rarely successful. It is very rare to overturn findings of fact. Three, they got opinions from two distinguished practitioners, Mr. Justice Rolston Nelson, Mr. Simon Hughes Queen's Counsel, that stated any such application was bound to fail.

So therefore, to save Petrotrin, and down the line the taxpayers of Trinidad and Tobago, they took the right decision not to make an application to set aside. As a said in my statement, there was a suggestion, an advice by the Senior Counsel who acted on behalf of Petrotrin that they should set aside. That is why the board prudently sought two other opinions which unanimously agreed unequivocally any such application would fail. Thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

2.40 p.m.

SUMMARY COURTS (AMDT.) BILL, 2021

Order for second reading read.

Madam Speaker: The Attorney General.

Hon. Members: [*Desk thumping*]

Madam Speaker: I will just take this opportunity to remind Members that the speaking time is 30 minutes by the mover, 30 minutes by the first responder and all other speakers, 20 minutes. The Attorney General.

Hon. Members: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Hon. Faris A-Rawi): Thank you, Madam Speaker. Madam Speaker, I beg to move:

That a Bill to amend the Summary Courts Act, Chap. 4:20 to remove the

requirement of consent for joinder of complaints in summary judicial matters, be now read a second time.

Madam Speaker, the Bill before us is an extremely short expression of amendment to law. The Bill proposes that we amend the Summary Courts Act and that we do so, Madam Speaker, with the specific intention of amending section 64(2) of the Summary Courts Act to effectively remove two aspects of the summary courts provision. We seek, Madam Speaker, in relation to these amendments to remove the express consideration that a defendant needs to be informed and that a defendant must consent where more than two people are before the Magistrates' Court charged with summary offences.

Allow me, Madam Speaker, to explain the purpose of the legislation in the context of what the law is. Now, Madam Speaker, the Summary Courts Act, Chap. 4:20, is an Act of Parliament, No. 9 of 1918. We are well over 100 years since the birth of this legislation. In particular, Madam Speaker, the legislation, the Summary Courts Act, summary offences—for those who are tuning in, Madam Speaker—are to be distinguished from indictable offences. Summary offences are treated with in the Magistrates' Court exclusively in the general sense of what prevailed from 1918 come forward. Summary offences can now with amendments being brought to life be treated in the High Court when we get to the abolition of preliminary enquiries.

We have also had certain amendments which allow the High Court to treat with other summary offences, particularly in the Family and Children Division and in general in the merger of jurisdictions between the High Court and the Magistrates' Court. But generally speaking the summary offences are treated with by magistrates. In the judicial system, Madam Speaker, it is a matter of public record produced every year in the annual statistical reports coming from the

Judiciary that the Magistracy is the first port of call for the vast majority of cases in the criminal justice system. In particular, the average is somewhere close to 125,000 to 146,000 cases per year being treated with in the Magistrates' Court. Madam Speaker, by way of statistical information grounding the recommendations for this Bill, permit me to put on record the following information. At the Magistracy for the year 2020 to 2021, there were 13,925 summary offences brought. There were also 1,397 private complaints brought because, Madam Speaker, most people may not be aware but private individuals can bring criminal offences, criminal matters, criminal charges before our courts.

In the period 2019 to 2020, the number was 10,862. There were 4,520 private matters. In the period '18 to '19, there were 14,360 matters and there were 7,923 private matters. In the period 2017 to 2018, there were 17,012 summary matters and there were 8,242 private matters. In 2016 to 2017, there were 14,927 matters versus 8,808 private matters. Now, Madam Speaker, that puts us with a 10-year average of approximately 14,693 cases—14,693. If we extrapolate and we drill a little bit further down into what statistics look like for multiple offences, nearly 20 per cent of matters are for multiple offences. And if we drill even further, anywhere between six to 10 per cent on average may involve multiple persons.

So, Madam Speaker, whilst we are heavily engaged in making sure that the criminal justice system focuses upon matters in a more speedy fashion whilst the Chief Justice has led criminal justice management and reform, including up to today in publications via the Law Association indicating judicial docketing right up to the Court of Appeal, Madam Speaker—whilst we improve plant and machinery, people and processes alongside law it is important for us to now drill even further down into how we can manage more efficiently the thousands of matters that appear in the Magistrates' Court where multiple persons stand before the court on

multiple matters.

So let us look to the Summary Courts Act itself. Section 64 of the Summary Courts Act says it is—and the marginal note is "Cross-complaints", and 64(2) deals with "Joinder of complaints". So the issue that we are treating with is joinder of complaints; 64(2) as the law currently stands says:

> "Where two or more complaints are made by one or more parties against another party or other parties and such complaints refer to the same matter, such complaints may, if the Court thinks fit, be heard and determined at one and the same time if each defendant is informed of his right to have such complaints taken separately and consents to their being taken together."

That is what the current law says. The Bill before us proposes, Madam Speaker, that we repeal 64(2) and we now provide for a new 64(2) which says:

> "Where two or more complaints are made by one or more parties against another party or other parties in the same matter, and the complaints in that matter are founded on the same facts, the complaints may, if the Court thinks fit, be heard and determined together unless the Court determines that separate proceedings are required in the interest of justice."

So we are moving away from the restriction in our statute which says that you must inform the defendant and that the defendant must consent. And we are doing that, Madam Speaker, because most people are not aware that magistrates are creatures of statute and they are also perhaps not aware that the statute itself, the Summary Courts Act is what magistrates must operate with. So we have this particular arrangement where consent is required; you are required to be informed and you are required to consent and if consent is not provided you are bound to separate the trials. Now, Madam Speaker, what that has resulted in is significant delay in the determination of matters where, Madam Speaker, number one, other

jurisdictions in the Commonwealth, starting with the United Kingdom and moving through several Caribbean territories, do not have this form of statutory restriction; number two, where the interest of justice is managed as the overriding objective in the common law; further, Madam Speaker, where we are treating with the fact that with aggressive case management at present being conducted with backlog committee sitting as they are right now, there is intended to be an aggressive management of trials in the Magistracy as we proceed in the months and years ahead. In all of the circumstances therefore, Madam Speaker, the Government recommends, coming out of our consultations in the criminal justice sector committee where the Law Association, the Public Defenders' Department, the Legal Aid and Advisory Authority, the DPP's division and the Judiciary, headed by no less a person than the hon. Chief Justice himself have all agreed that this matter should be treated with in the fashion that the Government proposes today.

I should say, Madam Speaker, that the particular amendment springs from a direct recommendation coming from Madam Justice Alice Yorke-Soo Hon, and I say that, Madam Speaker, because I am now going to go to two very important points in relation to the law. In seeking the amendment that we do right now, albeit in the summary jurisdiction, I must point out that the indictable end of the criminal justice sector already has what I can call the "exact approach". And if we look to the Criminal Procedure Act, Chap. 12:02, section 13; if we look to the Criminal Procedure Act, First Schedule, on Indictable Rules at Rule 3; if we look to the case law arising on the joinder of parties for indictable matters, and particularly, Madam Speaker, I note the case of *R v Assim*, 1966 at 2 All England Reports at 881; if I look to the case of *Nandlal*—well known to many of us here—*v The State*, 1995 at 49 West Indian Law Reports at 412, the dicta, the learning in the indictable arena which we seek to match up by the amendments today in the summary arena is that

it is acceptable to charge all of the accused persons together in one indictment even if they were not implicated in one count; so says *Nandlal*.

It is acceptable in the joinder of charges that there is no issue of consent being required by the defendant and that is in the indictable arena. So if the law stands in the indictable, i.e. the more serious arena, indictable offences being determined to be more serious than summary offences as a theory of law, if there is no requirement for the defendant's consent and it is left to the interest of justice well within the Constitution of the Republic of Trinidad and Tobago in a fair trial requirement with due process requirement then, Madam Speaker, it is axiomatic that the summary arena, the amendments we seek to section 64(2) ought to match up with our indictable approach, Madam Speaker. And that, Madam Speaker, also takes into account the entire argument on abuse of process. And in the indictable arena, if I borrow from the dicta in *Bhola Nandlal v The State*, Madam Speaker, it is important to bear in mind that the abuse of process argument in separating trials into multiple trials or multiple trials one after the other, one can find an equation of an abuse of process if in certain circumstances joinders are not permitted as a matter of interest of justice, Madam Speaker. That is where all the relevant offences, all the relevant charges are put forward in the best administrative use of the Judiciary's time, the defendant's fair opportunity, the prosecution's fair opportunity.

Now, Madam Speaker, this is particularly so because we have merged jurisdictions between the High Court and the Magistracy, we intend to allow in the abolition of preliminary enquiries the fact that a judge sitting in an indictable matter may also hear summary matters at the same time. We intend in the backlog management in the categorization of case type and methodology to allow for a clean-up of the lists that is aggressively proceeding and therefore, Madam Speaker,

we propose to work the amendments wherever we can catch them by allowing for better interest of justice. In the year 2020 to 2021, January, 2020, to December, 2021, Madam Speaker, this would have amounted to no less than anywhere from 403 matters involving multiple accused and for multiple offences some 1,428 matters. Now, when you take that across the platform of having 43 magistrates you understand that to deal with nearly 1,500 matters, to deal with 500 multiple accused matters it is imperative that judicial time is spent in the most efficient way possible. So, Madam Speaker, from a data perspective it is critical for us to treat with this.

Now, I had mentioned the hon. Madam Justice of Appeal Alice Yorke-Soo Hon really and truly because it is the decision that that hon. Justice of Appeal sat in that has quite a significant amount of expression for us that I think is important to have on the parliamentary record. And of course, Madam Speaker, I am referring to the case where Justice of Appeal Yorke-Soo Hon sat. It is the Magisterial Appeal No. 930 of 2008. It is the case of *Fazal Dindial v Rajesh Deoseran, Police Constable No. 12861* as the respondent. The panel at the Court of Appeal was Madam Justice of Appeal Alice Yorke-Soo Hon sitting with Mr. Justice of Appeal Prakash Moosai and it was delivered on the 15th of December, 2017. In this particular matter—Madam Speaker, may I ask what time is full time?

Madam Speaker: Full time ends at 3.11.

Hon. F. Al-Rawi: At 3.11. Thank you. In this particular matter there is a very useful analysis of section 64(2) of the Summary Courts Act and when we look to the fact that the court was considering as one of the grounds of appeal whether there ought to be an appeal because the argument raised by the appellant was that he had not been informed of the right to have the complaint heard against him separately from a co-accused and then seeking his personal consent to do so. In

considering that ground, Madam Justice of Appeal Yorke-Soo Hon—sorry—Mr.Justice of Appeal Prakash Moosai who delivered the judgment was very clear in pointing out the history of this particular law and it is quite interesting to note that the judgment reflected upon the fact that not only was this particular law the summary convictions borne in the Summary Conviction Offences (Procedure) Ordinance, that is No. 9 of 1918, and then brought in as section 61 of an ordinance which found itself into the law that we are today treating with, Madam Speaker, but that section 64(2) came about in 1936 by way of an amendment, an Act No. 22 of 1936. And when we look to the considerations of the hon. Justice—Mr.Justice of Appeal Prakash Moosai, he reflected very positively upon the leading case set out in the English law and in the English law—and, Madam Speaker, it can be found in the learning that we all go to in Blackstone's, if you were to look for the English law, the case of *Clayton v The Chief Constable of Norfolk*, that particular case, 1971—Appeal Case is 29—is positively reflected upon by our own Court of Appeal in this Magisterial Appeal, and in it they note specifically that the statute does confer a discretion on the magistrate as to joinder but that the circumstances are as set out, you must inform the defendant and there must be consent of the defendant.

But in holding that the particular case was not one which ought to be set aside on appeal, it is the reflection upon the propriety of *Clayton*—that is the English case, it is the reflection upon the use of statutory interpretation that finds itself in that judgment in saying that—and I want quote, Madam Speaker, from paragraph 23 of the judgment as to part of it if you would permit me, where the judge sets out that:

> "It is also inconceivable that a defendant, in this day and age, would"—not—"opt for say six separate trials, with the attendant cost and

inconvenience, when one would suffice. It could hardly have been the intention of Parliament that, given the procedural nature of section 64 (2) (to prevent a multiplicity of proceedings), noncompliance would result in the total invalidity of proceedings. A breach of this nature could not properly be categorised as a breach of a fundamental rule of procedure, and in any event, to hold that a breach of the most trivial nature would invalidate the entire proceedings would be disproportionate and extraordinary:"

But because the learned judges went on to note at paragraph 27 as follows, it is imperative notwithstanding the Court of Appeals fulminations that we proceed to amend the law so that there is not future argument upon the interpretation to be provided to section 64(2).

And, Madam Speaker, permit me to quote from paragraph 27 of the same judgment:

"Before concluding this issue and proceeding with my analysis of the other arguments raised, I find myself in the unenviable position of having to remind judicial officers of the importance of complying with statutory requirements. Precious judicial time is spent hearing and adjudicating over grounds of appeal based upon a magistrate's failure to comply with statutory requirements, or having to navigate and make sense of ambiguous approaches to compliance. It is somewhat disquieting to observe that this apparent trend centres around adherence to the least complex and decidedly straightforward of statutory duties. Regardless of any apparent simplicity or lack thereof, as was reiterated most recently in the Privy Council decision of *Wright v The Queen*, statutory duties are not mere formalities, and a failure to comply can, in appropriate circumstances, amount to a material irregularity. Specific to section 64 (2), it is but the work of simple comment

> and enquiry to ensure that a defendant is made aware of his right to a separate hearing and that his consent to proceed with a joint hearing is obtained. It is the responsibility of magistrates to ensure that these requirements are complied with."

Now, I have put that on the record because it is important to note in eminent jurisprudence and in particular I refer to, God rest her soul, Dana S. Seetahal's book, *Commonwealth Caribbean Criminal Practice and Procedure*, *Fourth Edition*, when we look to chapter 5 of her particular work and we get into the understanding of this issue of joinder in the summary courts context, there are a series of cases that the author refers to where the courts had to spend time as to whether the consent for the joinder offered by counsel was adequate versus the consent to be directly obtained from the defendant, whether it is to be implied by presence of the defendant in court or not.

So, Madam Speaker, the sensible thing for us to do is to borrow from our experiences in other jurisdictions or the experiences in other jurisdictions, particularly if we look to Blackstone's and we look to the recommendations coming with respect to the discretion to try charges separately. Again, the *Chief Constable of Norfolk v Clayton* stands as the dicta that is still of prevalence in the English common law approach and that was in 1983 where Lord Roskill set out the practice there about the interest of justice. If we look, Madam Speaker, to the Magistrates' Courts, 1996-27, Chap. 116A of Barbados, and we reflect upon the hearing of two or more complaints at the same time in section 95; if we look to the Criminal Procedure Code, Chap. 172 of Saint Vincent and the Grenadines, and we look to section 70, "Complaint and charge" of that law; if we look to the Criminal Justice (Administration) Act of Jamaica and we look, Madam Speaker, to section 22 of that law; if we look to the laws of Guyana, the Summary Jurisdiction

(Procedure) Act, Chap. 10:02, we are clear, Madam Speaker, that there is ample precedent in the Caribbean context, let alone the English common law context where we ought to leave it to the court in the interest of justice, there being similar expressions in all of the laws that I have just referred to, Madam Speaker. It is essentially the interest of justice that the court ought to consider in deciding whether there ought to be a joinder of charges, a joinder of persons standing before the court. That, Madam Speaker, is the overriding objective. That is the legitimate aim that we stand here today to succeed in passing law, Madam Speaker.

Madam Speaker, whilst this is a very short Bill it has dynamic and critical impact to the criminal justice system. It will allow, now that we have multiple techniques, maximum sentence indication, plea bargaining, judge-only trials if we are going to have it at the indictable and summary being tried together perspective where we are dealing with multiple accused, Madam Speaker, as we have aggressive backlog management, as we have the opening of multiple courts—the Judiciary having already partially occupied the waterfront courts and aggressively moving to open those courts so that the criminal arena is pushed forward with the birthing and opening of the jury trial courts at O'Meara, Madam Speaker, with the simplification of divisions, with the attendance of witnesses virtually and attorneys virtually, Madam Speaker, all of these things tell us, let us get the caseload managed. Because it is only with the management of caseload, Madam Speaker, that people are going to see the delivery of justice, because whilst I as Attorney General and this Government can stand and say that we have made epic and important reforms, the people of Trinidad and Tobago need to feel that sense of justice and justice delayed is justice denied. And whilst I can promise and make assurances that justice has fast quickened, that resources have been put in that have never before been seen in the criminal justice or civil justice arena as it has been

implement now, the people of Trinidad and Tobago want to see so that they can believe, so that there can be faith and confidence in the system.

So, Madam Speaker, we most humbly recommend that we leave the decision of joinder to the court's discretion whether matters should be heard and determined together, unless the court determines that separate proceedings are required in the interest of justice. In all of those circumstances, Madam Speaker, I beg to move.

Hon. Members: [*Desk thumping*]

Question proposed.

Madam Speaker: Member for Chaguanas West.

Hon. Members: [*Desk thumping*]

Mr. Dinesh Rambally (*Chaguanas West*): Thank you, Madam Speaker. Madam Speaker, I have listened attentively to the hon. Attorney General, Member for San Fernando West, as he piloted this short Bill which he claims will have dynamic and critical impact on the criminal justice system, certainly insofar as the Summary Courts jurisdiction is concerned, and having listened to his contribution, I have to say that the proposed Bill, it reminds me, Madam Speaker, of the saying that the more things change, the more they remain the same, and I say that with the greatest of respect.

3.10 p.m.

We seem to be doing, by way of this Bill, facilitating exchange and not necessarily effecting any meaningful change in the Summary Courts jurisdiction. I have to ask, at this point in time, as I get into it, into debating the Bill, why are we reinventing the wheel at this time when there are other critical areas in the criminal justice system which needs attending to?

I would say to the hon. Attorney General that he started off by giving some explanation of certain aspects of the law which touch and concern the Bill at hand,

therefore, I myself would like to get into some explanation because I think it is important that the laypersons, if I may use that term, citizens on the whole, they are able to follow this debate in a manner that they will not simply hear that the Attorney General is making a statement that this Bill will cure backlog and initiate certain reforms in the Summary Courts jurisdiction and then they would simply hear where myself, as Member for Chaguanas West, saying the opposite.

So it is in essence, Madam Speaker, according to law, sometimes we say that we dissent. Judges have a way that they will say that they dissent from the ruling. So, in some respects, I have to dissent with the hon. Attorney General and insofar as he has quoted some of the case law, I think there may now be need to arrive at my conclusion which in some respects would resemble what he is saying but albeit by way of different reasoning. And I also look forward to Member for Port of Spain South in this debate, what he would have to say as we get on with it.

So may I start with the governing principles please, Madam Speaker. The principles that are applicable to the Bill at hand are really an amalgam of statutory enactments that permit and limit joinder of offences and decisions that control the circumstances in which a single trial may be held on more than one complaint which may translate more than one party to a complaint. So for the benefit of those who may not be familiar with criminal procedures and the criminal justice system, I wish to treat with some of the basic concepts and the Attorney General has touched on some of them.

Madam Speaker, in our jurisdiction when we are talking about commencement of criminal proceedings, there are three main types of criminal offences, and most people know, but I will say for the record. We have summary offences, we have indictable offences and we have the triable either way offences. Summary offences, of course, are less serious criminal offences, like common

assault. They are commenced by way of a complaint. These offences are tried before a magistrate in the Magistrates' Court. Now, what is the complaint? That complaint contains the person's name—usually the person has committed a specific offence—what is the name of the offence; and the particulars that is a description of the commission of the offence, the date, the time and the place where it was alleged to have occurred. So that is in respect of a summary offence and what the complaint will contain.

We also have indictable offences which I would say, just by way of reference but not particularly material to the debate at hand, indicatable offences are the more serious or most serious category of criminal offences, such as when we talk about murder. There are different stages or two stages in indictable trials. The committal proceedings, which the Attorney General was referring to at some point—and I will get to that. Now, the committal proceedings or preliminary enquiry, which is a language most of us are more familiar with, this is done in the Magistrates' Court before a magistrate whereby the magistrate determines if the prosecution can establish a prima facie case against the accused. If there is a prima facie case made out against the accused, the matter will go to the High Court whereby there will be a trial by jury or trial by judge. Indictable offences are also commenced by complaint as well. An indictment may contain one or more counts or charge.

And then we come to the third category, Madam Speaker, triable either way offences. These offences, triable either way, are offences that statute indicates that may be tried either as an indictable offence or a summary offence. They include offences like assault occasioning actual bodily harm and is listed in the Second Schedule to the Summary Courts Act.

When we look at the Summary Courts Act, and particularly what is tabled

there as summary offences, in passing I would say section 39(2) says:

> "Subject to section 45, every complaint may, unless some written law otherwise requires, be made without any oath being made of the truth thereof."

Section 45 provides:

> "On a complaint in writing being made before a Magistrate or Justice for any summary offence, the Magistrate or Justice may, upon oath being made before him substantiating the matter of such complaint to his satisfaction, instead of issuing a summons, issue in the first instance a warrant to apprehend the person against whom such complaint has been made, and to bring him before the Court to answer the said complaint, and to be further dealt with according to law."

The indictable offences—when we look at the Indictable Offences Act, we look at section 6 which very quickly, Madam Speaker:

> "Where a complaint is made to a Magistrate or Justice of the Peace that an indictable offence has been committed by any person whose appearance he has power to compel, the Magistrate or Justice of the Peace shall consider the allegations of the complainant, and if he is of opinion that a case for so doing is made out, he shall issue a summons or warrant in accordance with this Act and the Magistrate or Justice of the Peace shall not refuse to issue such summons or warrant on the ground only that the alleged offence is one for which an offender may be arrested without warrant."

Of course, section 7 speaks to:

> "(1) A Magistrate may issue a summons although there is no complaint in writing or upon oath."

It also makes reference to the fact that:

"(2) The summons shall be directed to the accused person and shall require him to appear at a certain time and place to be mentioned in the summons.

(3) No such summons shall be signed in blank.

(4) Every such summons shall be served by a constable upon the accused person…"—personally and if that person cannot be found, et cetera, et cetera, you would leave it—"with some person for him at his last or most usual place of abode."

It goes on, Madam Speaker, in terms of how you can have—as we say, the ball gets rolling with the criminal offences.

Complaints, Madam Speaker, may allege as separate counts, several offences, and each offence charged in the complaint is an offence recognized by law. If a person is convicted of same, it can carry a penalty or a sanction. Based on the Summary Courts Act:

> '"summary offence' or 'summary conviction offence' means any offence punishable on summary trial and conviction in the manner provided by this Act"—being the Summary Acts, of course—"and includes any Act in respect of which under any law a person is liable on summary conviction to a penalty, or in respect of which a summary Court can make an order in the exercise of its jurisdiction; and the term 'on conviction' in relation to a summary offence, means on summary trial and conviction in the manner…"—as provided in the Summary Courts Act."

Now, these are some of the—I would say, guiding concepts or those concepts of what obtains in practice. When we come to deal with joinder now, where you have separate counts or you may have different complaints, joinder is a practice whereby there is a hearing of two or more charges at the same time or of

the holding of the trials of two or more defendants together. So that is what joinder is, Madam Speaker.

At the summary level, joint hearings are not automatic. I cannot recall if the hon. Attorney General would have made reference to *Quash v Morris*, when he was contributing. But in *Quash v Morris* (1960) 3 WIR 45:

> "…the defendant and another were charged on separate complaints by one Morris. The charges were according to the record 'taken together by consent'. The Trinidad and Tobago Court of Appeal held that the record was prima facie evidence that the magistrate had complied with the statute in informing the defendant of her right to be tried separately. In other words, he was presumed to have informed her that the cases could only be tried together with her consent.
>
> The court followed its previous decision in *Lucky v IR Commissioner* (1960) 2 WIR 56, which had held that in the absence of any evidence to displace it, a statement by the magistrate that the matters were taken together with consent showed that the statute had been complied with."

It is important that we pay some attention to these cases because these are the early case law which talks about joinder and how it was being applied in practice.

Now, what has happened, Madam Speaker, why it is important is because when we look at the law as it obtained then and the interpretation given by the courts to the existing section 64(2) of the Summary Courts Act, we will see—and this is where I said that there is some dissent on my part with the hon. Attorney General in terms of when he went and he dealt with and he dived into the ratio as determined by Justice of Appeal Moosai in the Fazal Ghany case. Because what we would see is that the law moved away in terms of its interpretation of 64(2) from those early cases of *Quash v Morris* and *Lucky v IR Commissioner*, to when

we look at the Fazal Ghany.

Now, in *Fazal Dindial v Rajesh Deoseran*, Mag. App. No. 930 of 2008, the respondent relied on Clayton versus—and this is a case which has been cited by hon. Attorney General—*Clayton v Chief Constable of Norfolk & Anr*. I will get into it a little bit more if time permits but for now what was submitted by the respondent in that particular field was that:

> "…although consent must be sought and obtained under the Summary Courts Act, if such consent is not obtained or is being refused, the magistrate must still consider the overall interest of justice, and determine whether it would be fair and just in the circumstances to order a joint trial. This is to say that the lack of consent"—Madam Speaker, when we look at the literal wording of 64(2)—"is not to be treated as an automatic bar to a joint trial, and it remains open to the magistrate to nonetheless order a joint hearing, as long as it would not be unjust to the defendant to do so."

So this is why I started off by saying that sometimes the more we think we are changing things, it is the same—it remains the same. Because as I get into it now with Fazal Dindial, what we see is that the interpretation, it has really moved away from those earlier cases of *Quash v Morris* and they are making it clear that the interpretation to be given to 64(2), notwithstanding the literal wording that we see there, it is in truth and in fact the magistrates have the overriding authority to determine whether or not there will be the joinder of the cases.

So joinder is desirable and leads to the efficient use of the court time. It puts less strain on witnesses who are called to give evidence. Madam Speaker, it saves legal costs due to less litigation and even brings about confidence in the judicial system. But it can also be prejudicial to persons whereby there is more than one person charged. An innocent person may be tainted or he will deem himself as

being tainted because he is charged with particular or certain groups of individuals. One way of mitigating the potential defects in such an instance would be to have the matter tried separately.

So the proposed questions that we have to look at now is that in this 64(2) of the Summary Courts Act it states unless the courts determine that separate proceedings are required in the interest of justice. What is the interest of justice? Are there any specific guidelines to assist the magistrates in determining the interest of justice? The term "interest of justice" is linked to the question: How will justice best be served? So if there are no guidelines for the magistrates to follow, so that they can decide that justice will be served when the case is tried separately in the proceedings, the question is: Where do they find it? And that is why I am taking the time to get into the case law. So we are looking at the arguments on both sides. So I will expand on that interest of justice.

I would like to ask—and maybe the hon. Attorney General or a follow-on Member would indicate—whether the Bill that is being proposed here—I am fairly certain it would have been circulated for discussion, but the question is whether there was consultation with the Criminal Bar Association of Trinidad and Tobago. So that is just a question which I put in there for the record. We can have that if, in fact, it was done.

Now, when we turn to consent or no consent and the interest of justice principle, the Fazal Dindial case is very critical. You see, in the Fazal Dindial case, it concerns and raises the question of whether a magistrate demonstrated a material irregularity in not informing the appellant of his right to a separate trial from the co-accused as well as when his consent was not personally obtained. So what we are dealing with 64(2) here, the literal wording, that was in question in the Fazal Dindial case.

The wording of the law—the legislative provision at 64(2) is clear. It provides, Madam Speaker, the magistrate an option to join two or more matters which are premised on substantially the same facts,once:

"…each defendant…"—and I am quoting the provision now.

Once:

"…each defendant is informed of his right to have such complaints taken separately and consents to their being taken together."

So the Bill—that is what 64(2) is and the existing provision. The Bill before us seeks to remove this requirement of the defendant needing to be informed and the consent. So that was clear, Attorney General.

But this is where I am saying that the dissent starts to come in. The learning in the Fazal Dindial case traces the development of the law, you are right. The hon. Justice of Appeal Prakash Moosai, I have to say, did a phenomenal job and in a very concise way summed up the law alongside, of course, Justice of Appeal Alice Yorke-Soo Hon. This learning in this case, Madam Speaker, traces the development of the law from the time in which it was held that, and I quote:

"'a rule of practice and procedure had evolved…which made it irregular for any Magistrates' Court to try more than one information at the same time in the absence of consent.'"

We will see in the law in that case, that was from 1947, Lord Roskill's words.

The law was further clarified in Clayton, where the House of Lords—and that case is *Clayton v Chief Constable of Norfolk* which I referred to earlier. That case:

"…clarified the law, holding that where…the facts are sufficiently connected to justify a joint trial, justices may try the information together if it is fair and just to do so, even if the consent of the defendant or defendants

to that course being taken is not forthcoming."

So we are looking at locally and regionally where you had the two cases which I cited earlier, where you saw that it was as though you had to inform the accused of the right to a separate trial and also you had to seek their personal consent. And now you are seeing where *Clayton v Chief Constable of Norfolk*, the House of Lords in 1983, made it clear that you can have the joinder and:

"…even if the consent of the defendant or the defendants to that course being taken is not forthcoming."

So it actually runs parallel or I should say it goes opposite to what 64(2) provides. So we see a shift in the power of consent by the defendant.

So Justice Moosai in Fazal Dindial went on further to clarify the law but this time shifting the goal post from the need for consent, which is what 64(2) says, to the interest of justice principle. So what we are seeing is that the common law was already shifting from that position of consent to the interest of justice principle. And in speaking about the need for discretion for magistrates to exercise, this is where Justice Moosai quotes Roskill. He says:

"This discretion is not unfettered and must be exercised judicially."

"Accordingly, the court should ask itself 'whether it would be fair and just to the defendant or defendants to allow a joint trial.'"

And that is:

"…per Lord Roskill."

"A breach of this nature could not properly be categorised as a breach of a fundamental rule of procedure..."—and this is telling.

So he says the breach of the nature:

"…could not properly be categorised as a breach of a fundamental rule of procedure, and in any event, to hold that a breach of the most trivial nature

would invalidate the entire proceedings would be disproportionate and extraordinary…"

So we must take note that there is nothing alarming about this judicial direction and no statute has been offended.

So even with the existing provision, the courts and the common law, they have been dealing with the matter.

Madam Speaker, what time do I end?

Madam Speaker: You end at 3.38.34.

Mr. D. Rambally: So the shift from consent to interest of justice is well justified in the jurisprudence and:

"The judicial powers of magistrates' courts..." —and this is what Justice Moosai went on the say—"are the creation of statute...their powers and functions are circumscribed by the provisions of statute and must be found to have been thereby conferred either expressly or by necessary implication…"

That comes from the case of *R v Doyle*.

So by necessary implication, driven by the necessity to maintain the overarching principle of fairness and justice, the magistrates—and this is the dissent, Madam Speaker—the magistrates already have the power to exercise joinders without the consent of the defendants and that is the state of the law as exists. So this is where I part ways with the hon. Attorney General, respectfully.

So the question is: Why bring legislation to capture the very same effect of what is already in operation? And, Madam Speaker, this is where I started off by saying that there are other areas which we need to look at. So for the hon. Attorney General, in quoting the statistics and sort of portraying or positing that with the passage of this amendment today, this Bill, what would happen is that you can see

that these large numbers and the average numbers he was citing over the years, that somehow it is going to speed up the trial of the cases and you would no longer have the accused being able to take a position where they outrightly say they are not vouching for or agreeing or consenting to having the joint trials so—the trial of joint offences or the joinders, I want to say.

So, Madam Speaker, that is not so. As it stands in the law, if it is we are talking about pushing ahead, we are talking about greater efficiency in the criminal justice system, insofar as the summary jurisdiction is concerned, I am saying that it is really a fallacy to say that what is being proposed as an amendment or repeal today to the section 64(2) is not going to make that dent that the Attorney General would have us believe or want us to believe.

So, Madam Speaker, I think that when we look at the Fazal Dindial case—I did not intend to go so much into it but in as much as it was referred, I want to say that another thing that Lord Roskill remarked:

> "…that 'a rule of practice and procedure had evolved…which made it irregular for any magistrates' court to try more than one information at the same time in the absence of consent…'"—that is not the law in light of Clayton and the House of Lords.

So they clarified that:

> "…even if the consent of the defendant or defendants for that course being taken is not forthcoming…"—it is something that can still be—the courts can override and they can, in the interest of justice, do what they must.

I want to say in moving forward that, for my part and us on this side, we want to make it clear that an approach, hon. Attorney General, and this is on the record, that in the event that when this law is passed, that it has to be somehow interpreted again by way of judicial intervention or adjudication, that what is being

contemplated is that you have—when you are determining under a possible new provision, the repeal of 64(2), you would have an approach by the courts of ensuring that there is what we call "in the interest of justice enquiry" as a prerequisite to securing the jurisdiction to preside over a single trial of separate offences.

So all that means, Madam Speaker, is that we would hope—and the courts do that—natural justice demands that you will have the courts seeking the opinion of both sides and therefore that is where they will be able to determine whether the interest of justice justifies, one way or the other, whether you have the joinder or you are going to have the trial of offences separately.

I want to say that the amendments—and this is as I close, Madam Speaker, last year around this time or I should say it was probably—yeah, it was in February, we would have had the unfortunate killing of one of our citizens and post that unfortunate incident and public outcry, we were at that point in time debating the Evidence (Amdt.) Act at that time. And it was passed, I do not want to say with great fanfare, but it was passed amidst great emotions streaming very high in the population. Therefore, the question, has it materialized?

So we are one year ahead and the question we have to ask is, with that passage of law, where we were told, similar to what we are being told today, that you would now have the wheels of the criminal justice system rolling smoothly, has it materialized? Stations are still without paper to process documents. Police officers buy their own printers and computers. This is something that, you know—it sounds jokey but it is a reality for them. So they have to buy and purchase their own equipment to assist them with their job. Identification by photographs have not started in accordance with that law.

When we talk about virtual courts—and I heard some reference of the

Attorney General—many of the persons who are brought before the Magistrates' Court are from lower income groups who do not have access to Internet or a device, even up to today, despite being in a pandemic and the thrust to go in that direction of virtual. So we have these issues, Madam Speaker, and what we have not heard today is that how do we intend, or how does the Government, or how does the hon. Attorney General intend to deal with these things. Electronic monitoring is another amendment to the Bail Act focused on—

Madam Speaker: So, Member, I think I got the general point but the scope of the debate does not really allow for you to go into all of these different features. Okay? I think you made the point and I would ask you to desist from going down that road of developing other things that are not relevant on the issue before us.

Mr. D. Rambally: Madam Speaker, I am guided. I thank you for the guidance. The simple point is that I come back to where I started. Really, why do we have the passage of this piece of legislation which I maintain it makes no practical difference? It is true, we may be able to wave up this Bill and say, okay, the legislative language is now going to a court with what obtains in other jurisdictions such as Canada and the UK and other regional Caribbean countries. But, really and truly, our law and the practice of the law before the courts is already on par with what obtains in other countries which is where the test, as is being detailed now in this Bill, is already in application before the courts.

So I say that in bringing this today, it is no panacea to the problems that are being experienced in the Summary Courts jurisdiction. So, Madam Speaker, I thank the Attorney General for leading off the debate and the references he have made but again, I emphasize that I part ways with him in simply saying that this Bill will make no practical difference. The courts are already at that point where they are applying the principles and they do not need to have the consent of the

accused nor are they in any way hindered from having joinder by virtue of the accused saying no. It still comes down to the interest of justice.

So, Madam Speaker, with these few words, I want to thank you and that would be my contribution. I look forward to hearing the other speakers on this Bill.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Port of Spain South.

Hon. Members: [*Desk thumping*]

Mr. Keith Scotland (*Port of Spain South*): Madam Speaker, good afternoon. I am now understanding the concept of a debate because I had a full script prepared, and then I heard the hon. Member for Chaguanas West.

The first point made by the hon. Member for Chaguanas West was why reinvent the wheel, there are so many other areas in the criminal justice system that needs attending to. Madam Speaker, this is one of them. So we are attending to this one. So it is one less to be attended to; that is the simple answer.

And then, the next more jurisprudential point was, well, because the case of Fazal Dindial says that if a magistrate does not comply with section 64(2), that it will not vitiate the proceedings, meaning if the magistrate does not comply with getting the consent of the defendant to join the matters, that does not vitiate the proceedings depending on the ruling of the Court of Appeal and therefore, there is no need to amend it to take out the consent.

But what the hon. Member for Chaguanas West did not do was to adhere and read respectfully what Justice Moosai said in that judgment at paragraph 27. He said this:

> "Before concluding this issue and proceeding with any analysis of the other arguments raised, I find myself in the unenviable position of having to remind judicial officers of the importance of complying with statutory

requirements."

3.40 p.m.

What Justice Moosai is saying there is, look, there is a statutory requirement that you, one, inform the defendant of his right to have the trial done separately. And two, before you proceed obtain their consent. It means then that there is some teeth and the court is not ignoring these dicta and these requirements. But hold on. Precious judicial time is spent hearing and adjudicating over grounds of appeal based on the magistrate's failure to comply with statutory requirements, special precious judicial time. Or having to navigate and make sense of ambiguous approaches to compliance. It is somewhat disquieting to observe that this apparent trend centres around adherence to the least complex and decidedly straightforward of statutory duties.

Therefore, Madam Speaker, by removing the need to inform the defendant of their right to have the matter tried separately and by removing the need to obtain the consent of the defendant before so doing, no precious judicial time will be wasted if it is complied with.

Hon. Members: [*Desk thumping*]

Mr. K. Scotland: More importantly, and I will go into it and drill down, when a magistrate has to take time to note, defendant warned and informed of his right to have the matters tried separately, what normally happens is, counsel has to take instructions. If the matters are dealt with virtually, that requires an adjournment. That is the first point. That then leads to a delay. When the magistrate has to now engage with counsel and counsel has to engage with his client to deal with that, judicial time that could be spent in a trial is being spent on trivial procedural matters.

Hon. Members: [*Desk thumping*]

Mr. K. Scotland: And that is why the hon. Attorney General said, the passing of this Bill, simple as it seems, will assist in the speedy resolutions of trials at the Magistrates' Courts.

Hon. Members: [*Desk thumping*]

Mr. K. Scotland: Simple maths. And that the third point made by the hon. Member for Chaguanas West is that, an individual who is jointly charged, so there are four persons charged, Madam Speaker, and one individual thinks, well these others may be guilty. I know that the hon. Member did not forget the concept of innocent until proven guilty. But that person may want his or her trial separately from the others because of that feeling or that spectra of being tainted. Well, hon. Member for Chaguanas West, your answer is the amendment itself.

This section provides that the court can decide on the complaints in separate proceedings, if separate proceedings would be required in the interest of justice. So that member or that defendant who the hon. Member is saying, may feel tainted still has in this amendment the possibility of having his or her trial done separate and apart from the others. Where is the mischief? That is my answer to the submissions made by the hon. Member for Chaguanas West. I go now to my script, Madam Speaker.

Hon. Members: [*Desk thumping*]

Mr. K. Scotland: On the face of it this amendment seems to be a simple amendment. But in my view this amendment has far-reaching positive consequences for the criminal justice system. Section 64(2) of the Summary Courts Act as it exists has various components as it relates to several complaints arising out of the same facts. And the first one is, if the court thinks fit that the matters be heard all at the same time, this can be done. But before the court proceeds with that

course of action, the court must inform each defendant of his or her right to have the complaints taken separately and thereafter, each defendant has to consent.

The magistrate who is the presiding officer is the one who deems the matters fit to be heard together. And once the prerequisites are met, then the magistrate, having obtained the consent and having informed each defendant of their right, can proceed. What happens however, and this is the mischief, if a defendant after the magistrate who is seized of the matter says, look, we want these matters to be tried together, and one defendant says, I am not consenting. What happens? Then the magistrate will have to hear it separately because notwithstanding what the court has said in Dindial, the appeals will come that you did not comply and depending on the circumstances of the case, the Court of Appeal may hold that in these circumstances although you did not comply with the procedure, we say that a miscarriage of justice occurred. And that is the mischief that will still exist if you keep the need for consent and informing the defendant of his right for a separate trial there.

What would it mean for the actual administration of justice? It means that there are several complaints arising out of the same facts. The same police officer or officers have to come—if there are six complaints, six different times and give the same evidence on six separate occasions before and it would be before six separate magistrates because one magistrate having heard the facts on the matter according to RV Gough and Locabail and Panday and the Jenny Espinet, the magistrate who hears "de" matter cannot hear the other five because a point of bias will be made.

Hon. Members: [*Desk thumping*]

Mr. K. Scotland: Madam Speaker, what, what is going to happen to the system? But the learned and hon. Member for Chaguanas West says, no, no, there is

nothing. There is no mischief in it because Dindial says so. No. What will happen then is the judicial system will be in a mess. In some courts like Chaguanas, some small districts like Couva where there are only two magistrates, what will happen when one magistrate hears complaint number one and the second magistrate hears complaint number two. You transfer it Port of Spain because you do not have five magistrates. So, what the hon. Attorney General is doing, he is saying, let us remove that need and let us still have in the judicial officer the residual power if the interest of justice allows to do the matters separately.

Hon. Members: [*Desk thumping*]

Mr. Hinds: Yes.

Mr. K. Scotland: Now, we say that this augurs well for the criminal justice system because it deals with delay. Madam Speaker, how many times has the Chair heard in another incarnation people complain, "look how long meh matter is before the magistrate. Ah cyah get it done, five years, 10 years, seven years". This will help because what it will do, it will take away from the time that the magistrate has to be dealing with, spending and I quote, "precious judicial time" doing procedural matters and use this time to actually deal with the meat. So, I now also want to address the people of Trinidad and Tobago and I want to address them in simple language. It is a fallacious mendacity to say that—

Hon. Members: [*Desk thumping*]

Mr. K. Scotland:—the Government does not care about you. Oh, that is not simple—I want to say—

Madam Speaker: Member for Laventille West, I wish you could kindly try to contain your exuberance. It is disturbing the proceedings.

Mr. Hinds: Madam Speaker, I am impressed with the vocabulary.

Mr. K. Scotland: Fallacious mendacity.

Hon. Members: [*Crosstalk*]

Mr. K. Scotland: Madam Speaker, what I want to say, it is simply not true to say that this Government does not care about the common man.

Hon. Members: [*Desk thumping*]

Mr. K. Scotland: Who ends up before the Magistrates' Court on petty charges, the common man? And this legislation helps and it helps everyone at every walk of this society; obscene language and resisting arrest. You are hearing them together, no need for consent, matter dealt because the magistrate does not have to write down, do you consent? Do you have to adjourn? Matters dealt with. Guilty or not guilty and you have a more efficient time frame to deal with the matters.

The amendments have positive consequences for everyone. People charged with misuse of money, white collar crime, that they have a hundred matters arising in one transition. We hear them together and it is either you are guilty and you are not guild with precious judicial time not being spent on procedural matters.

So, those who complain that their matters languish in the Magistrates' Court, they now have a beacon to say, part of the delay has been x'ed-out of the system, obliterated by a Bill simple in its form but far-reaching in its consequences.

Hon. Members: [*Desk thumping*]

Mr. K. Scotland: The statistics are important you know, Madam Speaker, because we come before the Parliament and we do on this side we do our homework. From, Madam Speaker, the Sanyasi Annual Report of the Judiciary reveals that between 2009 and 2019, there is an average of 14,693 police matters at a summary level brought on a yearly basis. In addition, between that same period 10,299 private matters, summary matters are brought. That is over 26,000 matters a year at the Magistrates' Court. So these are 26,000 matters and over 20 per cent of those matters are multiple complaints. So it means, Madam Speaker, that this legislation

in terms of statistics has the potential of affecting in real figures and making real matters decided or be adjudicated upon more efficiently. The amendments will also help but it helps in a deeper way.

Madam Speaker, let me take you respectfully to a sibling of this amendment which is the Criminal Procedure Act and the Criminal Procedure Rules proclaimed by the hon. Chief Justice. The first overriding objective is this, because the Member for Chaguanas West asked, well what is the interest of justice? I will commend to you, Sir, the reading of the Criminal Procedure Rules Part III of the overriding objective. And this is what is say:

> "The overriding objective of these Rules is that criminal cases be dealt with justly."

When that juxtaposed, Madam Speaker, with the ruling and/or with the insertion that the court can decide complaints in separate proceedings if separate proceedings will be required in the interest of justice. We see that this Government is working and not working by vaps.

Hon. Members: [*Desk thumping*]

Mr. K. Scotland: Working cerebrally to ensure that legislation although simple dovetails with the other legislation to have the smooth running of the administration of justice.

Apart from that, when this House looks at the real mischief it can be answered if you ask the question, what happens if the magistrate does not inform the defendant and obtain his or her consent for joinder. This is what may happen, Madam Speaker. You have all the matters being dealt with together, with or without the consent or with or without the notation. The trial will go on, it may take months. Somebody may be convicted and then that person will go to a lawyer and the lawyer say, well did they obtain the consent? Did they inform you? No.

They go to the Court of Appeal because Justice Moosai was clear in saying, there are instances in which the court may interfere with the breach of procedure. So that is another 18 months to hear the appeal.

The Court of Appeal may very well hold, yes there was a breach and the breach may have vitiated what went on before. But here is what. The consequence is not that your matter is quashed, you known. You go back to a next magistrate for a client for another trial, a trial de novo. Madam Speaker, that is 10 years extra in the system.

This amendment does is that, it eliminates the rule, it eliminates the requirement of Quash and Morris. It eliminates the requirement that was dealt in Fazal Dindial. It eliminates the requirement that was dealt with in the case of Fazal Ghany, because what it does it says, no consent is required. There is no need for the magistrate to tell the defendant of his right to have a separate trial. But if the magistrate in the interest of justice decides that there will be a separate trial, there is a residual discretion in the magistrate.

Hon. Members: [*Desk thumping*]

Mr. K. Scotland: Madam Speaker, I do not understand the debate. There should be no debate. This is pure common sense. But I guess we are here, it is Friday and we are debating it. But from this side we say that law is crisp, it is clear when you dovetail it with the Criminal Procedure Rules you have two pieces of legislation working hand in hand.

And, Madam Speaker, the case of *Garth O'Brien v the hon. Chief Justice of Trinidad and Tobago*, Justice Joan Charles on the 28 May, 2019, dismissed the challenge of the Criminal Procedure Rules, you know. Dismissed the challenge so that the Criminal Procedure Rules are up and running and magistrates are adhering to it.

So when you combine this with a gripper, in a gripper now, Madam Speaker, what you have is this. There will be no need for PIs because there will be a sufficiency hearing. So it means that we are revolutionizing the criminal justice system. And, hon. Attorney General, we thank you. And the criminal rules, Madam Speaker, we are trying, this Government, and we are trying to reach all aspects of society and I want to say that I join in support of this Bill on the part of the Government of Trinidad and Tobago. Madam Speaker, I thank you.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Barataria/San Juan.

Hon. Members: [*Desk thumping*]

Mr. Saddam Hosein (*Barataria/San Juan*): Thank you very much, Madam Speaker, for allowing me the opportunity to join in this debate relating to the amendment to the Summary Courts Act. And I listened attentively to the Member for Port of Spain South and I know the Member for Port of Spain South is a quite experienced in the practitioner in the criminal courts but after that contribution I wondered whether or not he was a practitioner in the courts of Trinidad and Tobago. Because what the Member for Port of Spain South was doing was selling dreams to the population, selling dreams. And, Madam Speaker, I will explain what I mean when I say he was selling dreams, because there was no science-based analysis with the respect of passing this particular amendment to what will actually happen in the court. The Member did not give us a comparison to say, well a summary matter takes average five years but with the passage of this particular law it may take two years, one year or six months. There was no science-based analysis done whatsoever. It was all selling dreams and a PNM narrative.

Madam Speaker, do you know what the reality of the Magistrates' Court in Trinidad and Tobago is? Madam Speaker, this Government told us it was the first

Bill we passed when this Parliament, the Twelfth Parliament was convened to introduce fixed penalty notices and we did it for the public—under the Public Health Ordinance and this is one of the examples I am going to give. Madam Speaker, the Judiciary issued a notice in October of last year saying that, if you have not paid your fine when you were charged in the year 2021, the date of your hearing is in the 2023;

selling dreams. This Government is selling dreams with this particular amendment and that is the reality of cases in this country. Madam Speaker, summary matters take years to complete, years. This amendment is not going to cause those matters overnight to be completed in two, three, four, five or six months. It will not. Madam Speaker, the system is broken and you have to fix the system first.

The Member for Port of Spain South spoke of wasting precious judicial time after quoting the Court of Appeal and I want to just go into a little more into the criminal procedure aspect of this. The Member said that we will waste judicial time because the court will have to determine, the Court of Appeal that is, whether or not the magistrate acted properly in terms of informing the accused or that defendant that he has a right to a separate trial or then allowing the consent for the matters to be heard together.

Madam Speaker, do I think an accused is debarred from appealing now? No. This particular amendment still allows the judicial scrutiny of the magistrate's decision. So a person can actually appeal his conviction and say, listen, the magistrate did not follow this particular amendment that is before us and that also has been judicially scrutinized by the Court of Appeal. The Court of Appeal determines whether or not the magistrate acted in the interest of justice. He will have to determine whether or not the statutory requirements under the new amendment which will be 46, sorry, 64(2) was proper. And then the Member gave

an impression that, if the magistrate does not get the consent of the accused, he has an immediate right to appeal. That is not how criminal matters operate in Trinidad and Tobago. You have to await the conclusion of the matter before you can file an appeal against conviction in Trinidad and Tobago. There are no procedural appeals in criminal matters in Trinidad and Tobago. So the Member cannot give that impression to the population and I think that is a matter that I have to place on the record to correct.

And the Member for Chaguanas West went through the law and he was quite correct in his analysis. And I think the Members on the other side may have misinterpreted what the Member for Chaguanas West had said. He had said that there is no objection to this particular amendment but the analysis and the manner in which we reach the conclusion, that is Attorney General, is where the Member had dissented in terms of the analysis and the interpretation of the appeal decision by Justice Moosai and that is the matter.

Madam Speaker, this particular amendment and if you have, as the Member for Port of Spain South said, that most of the persons who are charged in the Magistrates' Court are persons in society who do not have much and therefore, their resources are limited to defend themselves. So therefore, why would a person want to object to paying, for example, separate legal fees for separate trials that arise from then same transaction? And let me explain what I mean by that and I will give an example.

So, example, someone is caught, police found an illegal firearm on him, the find dangerous drugs under then Dangerous Drugs Act and they resist arrest at all during the same transaction. Let us say they were searching the same vehicle. The police will charge you first for possession of an illegal firearm. They will also charge you for an offence under the Dangerous Drugs Act and they will also

charge you for resisting arrest. All of that happens in one single transaction. When it reaches the stage of the Magistrates' Court now, each charge will be laid on a separate complaint. And at that stage when the charges are read and the accused pleads, then he will be required to give his consent.

So, Madam Speaker, if the accused does not give his consent, it would mean that they will be the exact same evidence being led in three separate complaints. So with the removal of the consent for separate trials, it will mean that all of the three complaints will be heard together. And we are saying that we have no objection in terms of saving precious judicial time. We in the Opposition want to ensure that the wheels of justice are turning. We want to ensure and boast that Trinidad and Tobago has an effective, efficient and just criminal justice system.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: We want to ensure that. So again, when you have this piecemeal approach coming to Parliament, it does not really augur well for the particular society that we live in. We must have a holistic approach when we come to the criminal justice system. We must have, for example, Madam Speaker, reports in terms of whether or not the pieces of legislation that we push through this Parliament are actually working. So it is not enough for the Members of the Government to just stand and say, we have passed this, we have passed that, we have passed this—

Hon. Members: [*Desk thumping*]

Mr. S. Hosein:—and we are not seeing the results. Madam Speaker, a criminal justice system in any democratic and civilized society ensures on a principle of sentencing is deterrence. If a criminal justice system is working in any particular country, a person will be deterred from committing crime. In Trinidad and Tobago we are seeing that crime has run rampant throughout our society because persons

have no fear for conviction under the present criminal justice system. And we must fix that, Madam Speaker, because all of us are patriots. All of us want to ensure that we, our families, our constituents are safe in Trinidad and Tobago.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: We want to ensure that, Madam Speaker. We will assist the Government when it comes to fixing the criminal justice system. But, Madam Speaker, we are saying that more must be done.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: And while we attempt to fix the justice system, we must also make laws in line with our constitutional-protected rights and privileges. Because there is a constitutional right and a fundamental right to a fair trial in Trinidad and Tobago and whatever amendment that we pass must be in line with that.

And that brings me to the point of the phrase used in the Bill, interest of justice, because we know, Madam Speaker, that an accused or a defendant must be given a fair trial because we want to ensure that there is a secure conviction. And that interest of justice, maybe if this particular piece of law has to be interpreted afterwards, I am placing on the *Hansard*, that it should be interpreted in a manner that a magistrate should act, in terms of ordering joint trials, they must look at whether or not any prejudice will accrue to an accused person. Because if any court finds that there is prejudice to an accused, you affect their right to a free and a fair trial. So you must ensure that we protect the integrity of the trial system and the criminal justice system and ensure that when these judicial officers exercise their powers under these amendments, that they do so with the constitutionally-protected rights and privileges under the Constitution in mind to ensure that the person has a fair trial free from prejudice. We must ensure that.

And this particular rule, Madam Speaker, if you read the Dana Seetahal *Commonwealth Caribbean Practice and Procedure* text you will understand that that rule was placed because you want to prevent duplicity in the courts, because convictions can get overturned based on the rule against duplicity.

So, Madam Speaker, this particular amendment we are saying that there may be some benefit but is not going to sell the dreams that Port of Spain South has given to this particular Chamber. It is not going to ensure that judicial time is going to cut down by 50 per cent, 25 per cent or 10 per cent. Madam Speaker, we are commending to the Government that more must be done to fix the criminal justice system. And with these submissions, I thank you very much.

Madam Speaker: Member for Laventille West.

Hon. Members: [*Desk thumping*]

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you very much, Madam Speaker. Madam Speaker, we are here today led by the hon. Attorney General to effect an amendment the section 64(2) of the Summary Courts Act. A very simple amendment. In the course of this debate, Madam Speaker, we would have heard of the very seminal matter, I might say, of Fazal Dindial where the question was, whether it was a breach sufficiently fundamental to render the prosecution or prosecutions a nullity if the right to have elected for a joinder was not made available to the defendant. This amendment as should be now clear to all my colleagues in this House directly affronts and attends to that issue. We got an example from my friend who last spoke about the way the thing works. Arising out of the same set of facts, an incident took place and it led to several offences, several charges all on separate complaints or informations, as they are called, when filed in the Magistrates' Court. It might be obscene language. It might be an assault

on a police officer at the same time. It might be possession of a weapon, possession of drugs and, of course, a robbery.

4.10 p.m.

And, Madam Speaker, that is the kind of situation that required in 64(2), when these complaints, the person appears before the magistrate and he or she begins to read out all these complaints for charges arising from the same fact 64(2) says from a statutory posture that the magistrate must say to the accused or the defendant that you have the right to reject that these matters be heard together and you have the right, effectively, to say they could all be done separately.

Madam Speaker, let me say from the outset, I practised for years in the criminal courts and I have never had a single client of the thousands of cases I attended to who had chosen to have these matters done separately; not once. And I suspect, and I make the submission, that that is simply because for some practical reasons, he or she knows that he or will spend longer in the criminal justice process if you did them one at a time, and you do not want that hanging over you, whether you are guilty or not, whether you are a practising criminal or you just happened to be charged wrongfully in the wrong place at the wrong time. Either way you do not want this thing lingering around you, because it has implications for bail in other matters, for job prospects, for the ability to get a visa, a whole host of things are brought to bear upon you. I have never met one.

But it is also about the fact that if you had separate trials, you have to pay attorneys' fees in each case. So I have never had one, because it simply is not sensible in no wise, and therefore in my view contrary to what the Member for Chaguanas West said, that is the real force. It just does not make sense, but it is a statutory requirement which has led to challenges in the court by bright and brilliant and obstructive lawyers sometimes leading to matters before Mr. Justice

Moosai and others in the Court of Appeal. So as the Member for Port of Spain South pointed out, once it is there touching at straws the accused or the defendant will get a hold of it. What the Attorney General has brought us today are measures to obliterate that possibility, put the thing beyond doubt. The Member for Port of Spain South described it as pure common sense and he was quite right.

Madam Speaker, and an example, it might be a human trafficking set of matters, it might be about prostitution. You might have two accused. Ram and Ram for an example, Madam Speaker, and they may want separate trials if the places of ill repute were different parts, different spots. They may not want to have their matters tried together, assuming the police ran an operation on a particular night. All real possibilities, and therefore this amendment is critical.

The Member for Barataria/San Juan just asked in rather lofty terms, in fact he posited, that we, meaning we the UNC, the Opposition want a fair justice system, a fair criminal justice system. And since he raised it, I must ask him, why do not all he and his colleagues become whistleblowers?

Mr. Indarsingh: Madam Speaker, 48(1), what is the relevance of that to this debate?

Hon. F. Hinds: I am just responding to a point made by the last speaker, Madam Speaker. That is all and I am moving on.

Madam Speaker: Okay, so I overrule. Just to remind you Member for Laventille West, I know sometimes it is difficult and artificial, but in referring to Members remember either hon. Member or Member for, okay.

Hon. F. Hinds: Indeed. Indeed.

Madam Speaker: I know it can be artificial at times but be careful.

Hon. F. Hinds: Indeed, I appreciate that, Madam Speaker. Madam Speaker, and I ask again, just in passing on that matter, why then do they not—since he made that

lofty pronouncement—support whistleblower legislation? Why do we get so much resistance in this House to measures that are designed to attack the criminals, pressure the criminals as a society? For example, in the anti-gang law on bail restrictions. So I consider that lofty pronouncement to be hypocritical as I move on, and to be rejected.

Madam Speaker, if a person chooses to have the matters done separately in accordance with section 64(2) of the Summary Courts Act, most likely that person is a very moneyed person, and a person for whom delay is so attractive. Because for all the reasons you have heard all afternoon, Madam Speaker, that kind of position will lead to expansive delays. The Member for Port of Spain South in his illustrious career and with his experience—and, Madam Speaker, when I reacted to him it was the submission he made. What did he say? He used words, Madam Speaker, it excited my soul.

Hon. Members: [*Desk thumping*]

Hon. F. Hinds: You know, Madam Speaker, he pointed out that it will lead to delay, and delay is not simply that in the context of the criminal justice system, you know. Delay means far more cost in terms of precious judicial time, lawyers' fees and all of that, but it also means it gives time to kill witnesses in this country, it gives time to threaten witnesses and chase them away from the court in fear, especially since witnesses are the life blood of the judicial system, the criminal justice system in particular, justice generally. It gives time to offer bribes, it gives time for people's witnesses memories to deteriorate, to deplete, especially given the science around human brains and the way it works in terms of how much you could remember as time wears on. It gives time for the accused, the defendant to abscond and all of that.

So, Madam Speaker, what is being attacked here is the prevention of all of

those things and to sure up, to strengthen our criminal justice system. On that regard, you would have read, Madam Speaker, in an article in the newspaper, if you would permit me, of Thursday, February the 3rd. I had the opportunity as Minister of National Security to meet with all of the stakeholders in the criminal justice system, a meeting that was chaired by Chief Justice Ivor Archie, and he too is grappling as we come here today to do legislative amendments administratively from the Judiciary. He is struggling with improving our criminal justice system which, Madam Speaker, this debate is really all about. This is not lawyers law for the sake of it, and fancy talk, and impressive constructions grammatical and vocabulary, constructions like my friend delivered earlier to the excitement of my soul. This is not lawyers law, this has rooted implications in criminal justice.

So, Madam Speaker, it is real. The Chief Justice spoke about the docket system to be applied from here on out, where a pool of judges, there will be a docket and these matters will come to them. And the same thing is replicated in the Court of Appeal so that they could manage these cases more effectively. He also spoke about the Criminal Procedure Rules which we heard about today, which were implemented in 2016, where they hold the procedure of the matter no longer in the hands of the counsel for the defendant and the state prosecutor, but this is in the hands of the court, and the court jealously recognizes its turf and steers the matter on with some hard time frames with sanctions if you do not keep them. That is the Judiciary taking responsibility for the matters and not leaving it in the hands of lawyers who for one reason or the other might want to delay, including under the instructions of their clients.

Of course, the Chief Justice as well would have spoken about the hiring of additional judges, and you would have heard many times the Attorney General say we have increased the complement of puisne or first instance judges and the

complement of Court of Appeal judges in substantial ways. And most of all for me, what brought me great pride, because when I went to the Chair of Minister of National Security nine or so months ago I discovered—I had a conversation with a judge, and she pointed out the impact of the inefficiency of the Forensic Science Centre on the criminal justice system.

Madam Speaker: Okay, so Member for Laventille West, while I know this impacts the criminal justice system, for all speakers who have gone before, I have tried to contain us mushrooming this debate into one about the general in efficiencies, improvements, whatever, in the criminal justice system. So I think the general point has been made and I will ask you to not delve any further with respect to those things.

Hon. F. Hinds: I am obliged. So let me say this begins with some kind of conflict in the society, and of course the police will be involved and the police will investigate the matters, and the police will charge, and these charges are in separate information, and they come before a magistrate, and section 64(2) becomes relevant.

Magistrates listen to about 90 per cent of all of the criminal cases. Mr. Scotland told us about 14 or 15,000 of them per year, including private matters. A magistrate can only sentence someone to a maximum of 10 years in this jurisdiction, thereafter the Magistrates' Court, you heard, Madam Speaker, and just let me reiterate as I identify the process, you might have an indictment where the matter goes on to the High Court. We have implemented a system of judge alone to speed that up too. You may have children involved so you have juvenile justice, the children's law taking effect quite separately. You heard briefly about the abolishment of the PI. This thing works directly, this amendment today works directly and in tandem with the whole idea of the abolishing of the preliminary

enquiry, which was passed in this House, to be proclaimed when all of the stakeholders indicate, Madam Speaker, their readiness for that important and seminal development. Whether it is the courts, whether it is the police, whether it is the law association.

I heard the Member for Chaguanas West tell us that there was no consultation with the criminal bar. Just a flippant submission. That is not true. The Attorney General has records of meetings and consultations in this regard on this and all similar matters. And, Madam Speaker, the amendment that is before us today is obviously a very simple and straightforward one. The courts have churned over this, and the only reason why the courts got to interpreting section 64(2) is because it is a statutory provision, and as Mr. Justice of Appeal Moosai said in the Fazal/ Dindial matter, once it is there you cannot ignore it. And if you ignore it you do so at your peril. If the Court of Appeal feels that failure to give the defendant his right in respect of 64(2), it can lead to an overturning of the position of the court. And therefore the Member for Chaguanas West tried to point out today in their usual obstructive manner, that the measure that was brought by the Attorney General today had no real impact or no real consequence.

The Member for Barataria/San Juan went as far as to say that it is a dream. It is all a balance between, of course, the right to elect in 64(2) of the Summary Courts Act and the interest of justice which the courts have adumbrated in some of the cases that we heard here today, Madam Speaker. And to avert all of that, the Government, acting on behalf of the people of Trinidad and Tobago who are afflicted by crimes at the hands of criminals, who will use every legal loophole or opportunity or soft spot to avert justice which we all purportedly seek, some sincere, some insincerely so. But the measure today to not allow the defendant or defendants to have the right to elect and create a problem around it, especially in

light of the pronouncement of the Court of Appeal and, of course, the House of Lords. We heard another case today that was treating with the same matter. And of course especially in the light of my anecdotal submission, that, and I am sure most criminal practitioners can bear testimony, there is hardly a case, I do not know of any, when someone chose to have their matters done separately.

In light of all of those, Madam Speaker, the measure that is before you today is quite apposite, quite appropriate, quite sensible, and therefore I urge my colleagues to support this measure in the interest of justice in and for the people of Trinidad and Tobago. Madam Speaker, on that, I wish to thank you.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Caroni Central.

Hon. Members: [*Desk thumping*]

Mr. Arnold Ram (*Caroni Central*): Thank you, Madam Speaker, for the opportunity to join this debate. I expect my contribution to be short and brief given that we are amending just one paragraph of section 62 of the—64, sorry, 64(2) of the Summary Courts Act. Madam Speaker, I am a recent practitioner at the bar of Trinidad and Tobago and many of the things I will speak about today will be from my personal experiences as I have seen and learnt in this short time. And, Madam Speaker, I questioned when I saw the amendment, I questioned, you know, what is the purpose of this legislation given that the time I have been at the courts and observing the courts, on many occasions the magistrate has the discretion to manage cases justly in light of the Criminal Procedure Rules and so forth, and they asked on many occasions, are they based on the same facts that the magistrate will generally give their discretion, apply their discretion in that instance.

Madam Speaker, this particular legislation, this particular amendment, has not come before any matter that I have sat on, but I also know, Madam Speaker, based

on experience, when there is a contention of a point or a contention of an issue, generally the magistrate will ask for submissions on same, just on the spot submission, if there is a dissenting voice, on what basis are you dissenting? And maybe on some occasions the magistrate will point counsel and legal representatives in the direction which will lead to resolution of the matter. So basically, Madam Speaker, the jurisprudence in this country has allowed for this same amendment to be crafted over time.

So there is really no need, Madam Speaker, for this amendment, save and except that we are now have had new amendments which may be the focus of future actions, and based on appeals in respect of the new requirements in the interest of justice. Now, yes, the interest of justice test has been applied and there has been case law in respect of same. But in respect of this matter, Madam Speaker, we already have, as the Member for Chaguanas West indicated, we already had Court of Appeal decisions which reflect on this same issue. So, Madam Speaker, that is my preliminary point in respect of the proposed amendments before us today.

Madam Speaker, I want to just highlight to those looking on what is meant by a joinder. And my understanding of a joinder, it says a joinder relates to the practice of sharing two or more charges at the same time, joinder of charges, which you call, or the holding of trials of two or more defendants together, joinder of parties. It does not refer, Madam Speaker, to laying of one charge which contains two or more offences. So, Madam Speaker, that is my understanding of what a joinder is. Now, so I ask the question, Madam Speaker, why it is—the need that this piece of legislation is high on the Government's agenda to bring to this Parliament, and we also have to look at parliamentary time and so forth. But, why is this high on the agenda given that this is not the primary deficiency that is facing

the Magistrates' Court? There are many, many other things, Madam Speaker, which pervades currently and pertains currently that affect the criminal justice system and in particular the Magistrates' Court.

Madam Speaker, one such thing based on my experience again is in respect to the attendance of police officers at courts, and that is one of the primary reasons with deficiency in the magistrate.

Madam Speaker: You know, maybe sometimes it is because we are not all in the Chamber. I think I have made the point since all Members started contributing, that while I know this impacts the criminal justice system and I think generally the point is being made that this alone cannot fix the criminal justice system, this is not a debate about the weaknesses, the ills, the improvements, dependent on who is the speaker, of the criminal justice system. Okay? So I would ask Members to desist under Standing Order 48(1) I am not going to stand on it again, from going into all of these details. Okay? One can make the generalized statement, but this is not a debate about the police, this is not a debate about resources. This is not a debate about that.

Mr. A. Ram: I am guided please, Madam Speaker, and I will just say that there are two other deficiencies which I would just mention, with your permission, Madam Speaker, which I think will impact the criminal justice system, which will be—

[*Madam Speaker stands*]

Understood.

[*Madam Speaker sits*]

Madam Speaker, when the hon. Attorney General piloted this Bill, he indicated, and I do not have the exact numbers because he was quoting a lot of numbers and I did not have the opportunity to go back on the *Hansard* records, but I just want to say on or about 14,500 matters are heard which requires the consent.

If I am wrong I stand corrected, but I heard approximately 14,000-something in respect of matters which require consent. Now, what was not told to us, Madam Speaker, is in respect of those 14,500 on average which require consent, the occasions on which that consent was not granted or was not acquiesced to by the defendant or the accused. Because that is something as definite and unambiguous and as explicit as our Attorney General normally is I thought he would have come here today and tell us out of that 14,500 persons which wherein consent is required 10,000 have not agreed or have not consented to the matters being heard jointly. But we do not have that statistic here today, Madam Speaker, which will inform this House in respect of the amendments before it.

Madam Speaker, and something that I know on another point—related point, something I know that the hon. Attorney General pointed as well as the Member for Port of Spain South, and the Member Port of Spain South indicated that, I believed he used the word "sister" legislation, the Criminal Procedure Act, and section 14(3), Madam Speaker, it says:

> "Where, before trial, or at any stage of a trial, the Court is of opinion that a person accused may be prejudiced or embarrassed in his defence by reason of being charged with more than one offence in the same indictment, or that for any other reason it is desirable to direct that the person should be tried separately for any one or more offences charged in an indictment, the Court may order a separate trial of any count, or counts of such indictment."

Now, Madam Speaker, this will deal with matters before the High Court, but my learned friend, Member for Port of Spain South indicated that, you know, it is sister legislation in respect of the Summary Courts Act. And therefore one of the things that is clear, pellucidly clear here, is that is the cornerstone principle that every accused must be afforded a fair trial, is that the prejudice. Where prejudice

interferes with fairness it can amount to an order for a trial at the Appellate Court, the Court of Appeal and so forth.

So, my point, Madam Speaker, is that, you know, while the case deals with the High Court—while this matter deals with High Court trials, the principles of fairness and prejudice apply to all trials. And this, Madam Speaker, was enunciated in the case of *Singh and others v the State*, Appeal 18 to 20 of 2014 delivered on the 15th of June, 2015. And it says, the Court of Appeal says:

> This is the situation that we do not think even the most robust directions could have afforded appellants a trial that was sure to be fair, and in those circumstances, the judge should have exercised her discretion to sever the indictment even on her own motion.

So the Court of Appeal is saying the judges—the first trial judge—has to take into their own discretion in their own motive and own motion even when no submissions have been emanated from the bar, such is the extent of the judge's paramount duty to ensure the fairness of a trial.

So, we are saying even in the sister legislation it speaks to fairness, where fairness is prejudicing or prejudicial in a case, it can amount to a retrial of a matter.

So, Madam Speaker, in respect of the legislation, the amendment before us, we have arrived at the same conclusion of the hon. Attorney General in respect of the fact that he has chosen, the hon. Attorney General that is, to bring this legislation to the Parliament, we are saying it will not make a dent and we will not see a reduction in the amount of time that a matter takes to conclude at the magistrate court, and we are saying there are other things which do not touch and concern the amendment before us which need to be addressed in order for the entire criminal justice system to work properly. I thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

Madam Speaker: The Attorney General.

Hon. Members: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi): Thank you, Madam Speaker, for the opportunity to bring closure to this debate. Madam Speaker, I have to say sometimes we could just simply agree. I often wonder what the need for antagonistic debate is. I welcome the scholarly approach to the law that my colleague the Member for Chaguanas West adopted today in answer to his submission as to, essentially it is a very narrow submission. The submission is firstly, number one, that the Court of Appeal has already decided that the procedure can flow. Certainly I agree with that position. I thank the Member for Port of Spain South for a fantastic contribution today.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: He answered what I needed to say so I will just simply for the record put it, it is paragraph 27 of the very judgment that we both quoted from that sets out the rationale for the need for the amendment. It is because matters of formality, statutory matters of formality exist in statute, they can at times result in a material miscarriage of justice beyond mere formality. So that is the simple point, the need for the legislation is to once and for all move us away from the need for the defendant being informed, and for each defendant to provide consent. In default of that, magistrates who are creatures of statute will be bound by the four corners of the statute. It is as simple as that.

The submission coming from Barataria/San Juan, Madam Speaker, what can I say about Barataria/San Juan? My opening remarks were largely directed towards that contribution coming from the hon. Member. Sometimes you do not need to stand up and just say things, you need to just admit to the narrow purposes of what we are about. So I am characterizing my response that way. The hon. Member's

submission included allegations that piecemeal law does not work, and we need a holistic approach. I mean, for heaven's sake, Madam Speaker, how do you amend the laws of the Republic of Trinidad and Tobago, as diverse as they are, unless you amend them one by one? You cannot take a Miscellaneous Provisions Bill, as Barataria/San Juan recommends, and amend all the laws all at once. I mean, to use the colloquialism, jeezanages. Madam Speaker, it just makes absolutely no sense for the hon. Member to make a submission such as that. You have to, by the very rules of parliamentary procedure, take laws, sometimes as standalone provisions, Madam Speaker.

And therefore, Madam Speaker, I reject the absurd submission that "piecemeal law" is obnoxious.

4.40 p.m.

Madam Speaker, in addressing the submission coming again from Barataria/San Juan that we need to fix, "the system", Madam Speaker, prior to 2015 that was a systemic issue; prior to 2015 all people could speak about is the system. Insofar as significant submissions were made by Barataria/San Juan, permit me to succinctly answer them as follows. We as a government have no longer confined ourselves to "the system", because we have gone into the elemental pieces of what comprises the system. We have looked as judges; defendants; we have looked at evidence; we have looked at courtrooms; we have looked at rules.

Suffice it to say, Madam Speaker, in answering Barataria/San Juan, the environment of justice is now quite simply materially in a better state and condition. We have divisions of court: the Family and Criminal Division; we have the Children's Division; we have the Civil Division; we have the Probate Division. In 2015 we had no criminal proceedings rules; in 2015 we had no substantively

utilized plea bargaining or plea discussion arrangements; we had no amendments in terms of structures for the operation of courts by the way in which they function from rules.

And, Madam Speaker, when Barataria/San Juan says that the Opposition is there to assist, for the record the attorney-at-law as far as I recall who went to challenge the constitutionality of the criminal proceedings rules was Wayne Sturge, Sen. Wayne Sturge from the United National Congress, the challenge on the evidence approach, on the interception of communication, the objection to anonymous witness evidence, every step along the way the Opposition has simply refused to assist the country on justice.

Let me answer one other point by Barataria/San Juan. Barataria/San Juan said that this Bill is not going to change the shape and smell and feel of justice effectively. It was just repeated by the last speaker. Madam Speaker, we make no allegation that this law is intended to fix the systemic issues inside of the system. It is part of the structure. That is what the Member for Port of Spain South so eloquently put onto the record. And, Madam Speaker, when we consider that the people of the Republic of Trinidad and Tobago can now go to court in a virtual setting, Madam Speaker, I was speaking with senior counsel in a particular matter yesterday who reflected whilst he sat in Barbados, that he had attended four courts in Trinidad and Tobago that morning, had gone to court in Belize and Antigua from the comfort of his living room in Barbados.

And, Madam Speaker, when you think of the Sean Luke matter which is now out of the court system, the witnesses in that matter gave evidence, one of them in particular gave evidence from the back of a cab, a truck cab at a pit stop, a trucking pit stop in the United States of America, in a judge only trial for murder. When we brought the judge only amendments the Opposition, the UNC stood up

and said, nobody will use judge only trials for murder and yet we have had many of them and two convictions that were not even appealed.

So, Madam Speaker, all that I would say to Barataria/San Juan, when the United National Congress had the opportunity to drive justice reform by creating an entire Ministry of Justice alongside a Ministry of the Attorney General, alongside a Ministry of Legal Affairs, alongside a Ministry of National Security, we saw what you did. You brought the administration of justice law and the only thing that came out of that law was the proclaiming of section 34, nothing else. In the context of this law, Madam Speaker, in the context of what is before us this is part of the umpteen reforms that we have brought to life which this Government is convinced is apposite to the best interests of the people of the Republic of Trinidad and Tobago.

Madam Speaker, Port of Spain South gave such an excellent example from a practitioner's point of view of how this law operates as it is and how it can operate as is being proposed by this amendment. It matters to this country that 500 people that are statistically involved in the utilization of section 64(2) of this law, that 500 people's cases can progress, Madam Speaker. And therefore, for those 500 people who have a chance at feeling justice, at coming out of the system, Madam Speaker, it makes a difference. Madam Speaker, law can change culture, law can change society.

Madam Speaker, when we removed 104,000 motor vehicle and road traffic cases out of the Magistracy's caseload—the Magistracy's caseload in the context of this Bill is 146,100 a year—104,000 of those cases are for motor vehicle and road traffic matters alone. Having created motor vehicle violations as opposed to offences, we now have statistically a 65-year low in road traffic deaths. But in the context of this Bill it matters that the caseload has dropped by 104,000 cases. And

when you remove 8,500 marijuana cases from that 146,000, and when you remove 26,000 preliminary enquiry matters and treat with them instead in a different way by way of sufficiency hearings under AJIPA at the administration of justice amendments that are to come to life after a short opportunity of reflection by the DPP and the Judiciary, I am awaiting their submissions, Madam Speaker, the intent is to abolish preliminary enquiries this year. We are confident that this Bill assists in the reform of justice.

So, Madam Speaker, I need only adopt the submissions of my very capable and most eloquent counsel and colleague, the Member of Parliament for Port of Spain South and the Member for Laventille West and I need only say that I adopt their submissions. I have answered in brief form the comments coming from my learned colleagues opposite. I welcome the scholastic approach brought by Chaguanas West. I would just simply urge Barataria/San Juan, sometimes it is okay to just say, "I agree", you know, it is not offensive. You will not be viewed in any less stature by just simply saying, "I agree", Madam Speaker. I think that that is a position that we can all understand. So, Madam Speaker, in those circumstances I need only say, I beg to move.

Hon. Members: [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Madam Chairman: This Bill has two clauses.

Mr. Al-Rawi: Sorry, Madam Chair, insofar as there are no circulated amendments, et cetera. I did not see that we had too much complication at committee stage.

Madam Chairman: So, does that mean we can take the two clauses together?

Mr. Al-Rawi: Unless there is objection from my colleagues opposite.

Madam Chairman: Proceed.

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

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

House resumed.

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

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to Friday the 18th day of February, 2022, at 1.30p.m. Madam Speaker, at that time we will do Bill listed as Bill No. 8on today's Order Paper.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.53 p.m.