


HOUSE OF REPRESENTATIVES

Friday, February 18, 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 Dr. Roodal Moonilal, MP, Member for Oropouche East, who has requested leave of absence from today's sitting of the House. The leave which the Member seeks is granted.

PAPERS LAID

1. Annual Report and Consolidated Financial Statements of the First Citizens Investments Services Limited and its Subsidiaries for the year ended September 30, 2021. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
To be referred to the Public Accounts (Enterprises) Committee.
2. Annual Report of the Children's Authority of Trinidad and Tobago for the year ended September 30, 2020. [*Hon. C. Robinson-Regis*]
3. Annual Report of the Criminal Injuries Compensation Board for the period 1st October, 2019 to 30th September, 2020. [*The Minister of National Security (Hon. Fitzgerald Hinds)*]
4. Ministerial Response of the Ministry of Energy and Energy Industries 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, Second Session (2021/2022), Twelfth Parliament. [*Hon. C. Robinson-Regis*]

5. Annual Report of the Environmental Management Authority for 2019. [*Hon. C. Robinson-Regis*]
6. Report of the Committee Appointed to Investigate the Factors Contributing to Clinical Outcomes of COVID-19 Patients in Trinidad and Tobago. [*The Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister (Hon. Stuart Young)*]

JOINT SELECT COMMITTEE REPORT

State Enterprises Trinidad and Tobago Solid Waste Management Company Limited (SWMCOL)

(Presentation)

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker. I have the honour to present the:

Third Report of the Joint Select Committee on State Enterprises on an inquiry into the operations of the Trinidad and Tobago Solid Waste Management Company Limited (SWMCOL) with specific focus on the proposed measures to assist in achieving the objectives of the National Environmental Policy and Trinidad and Tobago's progress towards achieving the United Nations Sustainable Development Goals (SDGs), Second Session (2021/2022), Twelfth Parliament.

URGENT QUESTIONS

Recent Power Outage and Blackout (Reason/s for)

Mr. Barry Padarath (*Princes Town*): Thank you, Madam Speaker. Madam Speaker, to the Minister of Public Utilities: Will the Minister state the reason/s for the recent massive power outage and blackout that occurred throughout Trinidad?

Madam Speaker: Minister of Public Utilities.

Hon. Members: [*Desk thumping*]

The Minister of Public Utilities (Hon. Marvin Gonzales): Thank you very much, Madam Speaker. Madam Speaker, on Wednesday the 16th of February, 2022, at 12.52 p.m., a short circuit fault occurred on a 12,000-volt overhead line which crosses under the two 220,000 kilovolt transmission overhead lines which connects the Trinidad and Tobago Electricity Commission system to the Trinidad Generation Unlimited Company power station in La Brea; the system's largest power station. As a result of the fault, initial indications are that the 12,000 kilovolt overhead line, the conductor burst and made contact with both 220 kilovolt transmission circuits causing them to suffer simultaneous short circuit faults.

Protective systems immediately took these transmission circuits out of service as they were designed to, resulting however in the instantaneous disconnection of the TGU power station from T&TEC's system. This sudden loss of 40 per cent of the overall power being generated resulted in a rapid decline in the system frequency which could not be sufficiently addressed to avoid the tripping off of the remaining three independent power producers, PowerGen at Point Lisas, Penal and Trinity Power Limited.

This resulted in the complete de-energization or a blackout of the power system in Trinidad. The power system in Tobago was unaffected by this event as it is separated from Trinidad's power system and as such the supply to customers in Tobago continued as normal. At 1.00 p.m. T&TEC crews had completed works on rectifying the fault and requested that all independent power producers commence attempts to restart all generating units. The first successful reconnection of generating units occurred at 3.11 p.m. at TGU from two generating units. An attempt—

Madam Speaker: Your speaking time is now spent. Member for Princes Town.

Mr. Padarath: Thank you, Madam. Hon. Minister, in light of the answer that you have provided, could the Minister indicate why the Government has not taken immediate steps to launch an investigation instead of leaving proposals before the Cabinet without any timeline to launch such—

Madam Speaker: Member, remember you have 15 seconds to ask a question. Minister.

Hon. M. Gonzales: Madam Speaker, the Government has acted with quick dispatch to respond to all the issues emanating from this power outage. The Government has demonstrated urgency in taking action when the National Security Council was convened in an urgent meeting to meet with all the stakeholders and being briefed on all the issues affecting this power outage. The Government coming out of this National Security Council meeting has made a decision to launch an independent investigation in this matter as a responsible Government and which would be done very soon.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Pointe-a-Pierre.

Mr. Lee: Supplemental, Madam Speaker. Madam Speaker, based on the last response from the Minister, “an independent investigation”, could the Minister—who are those members on that committee?

Madam Speaker: Minister.

Hon. M. Gonzales: Madam Speaker, the composition of the committee or the investigator, if it is a sole investigator, that information would be divulged to the community as soon as it is available.

**Guaranteed Electricity Standards
(Compensation of)**

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. Question No. 2 to the Minister of Public Utilities: One of the Guaranteed Electricity Standards set by the Regulated Industries Commission for Trinidad and Tobago Electricity Commission (T&TEC), is that failure to restore supply within 10 hours in an unplanned outage on the distribution system requires T&TEC to pay compensation of \$60.00 to residential and \$600.00 to non-residential customers, will this standard be applied to Wednesday's blackout?

Madam Speaker: Minister of Public Utilities.

The Minister of Public Utilities (Hon. Marvin Gonzales): Thank you very much, Madam Speaker, and I wish to thank the hon. Member for Pointe-a-Pierre for this question. Madam Speaker, I need to make it abundantly clear that this standard is subjected to two exceptions, force majeure events and other events that are outside of T&TEC's control. As I have read out a short while ago, there was a huge issue emanating from the independent power producers which impacted upon T&TEC's ability to provide a supply of electricity to the country and therefore this may be one of the issues that the RIC will have to take into consideration in resolving this particular matter.

Madam Speaker: Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker. Supplemental to the Minister: Based on your response, Minister—I just want to guide you that you are saying it is independent stations, but I want to guide you to Kelvin Ramsook, T&TEC General Manager on CNC3, and he said the fault developed in one of the major circuits which triggered independent—so the question I am asking, based on Kelvin Ramsook's statement is that he is saying—

Madam Speaker: Member, Member—

Mr. Lee:—that it is T&TEC—

Madam Speaker: Member for Pointe-a-Pierre, I have allowed you but it is 15 seconds and I have not heard a question. Do you have question to ask?

Mr. Lee: Yes.

Madam Speaker: Please ask the question.

Mr. Lee: Thank you, Madam Speaker. Minister, could you say that if Kelvin Ramsook was wrong in his assessment that it is T&TEC's fault that caused the blackout on Wednesday?

Hon. Members: [*Desk thumping*]

Hon. M. Gonzales: Madam Speaker, I was asked a specific question in relation to the quality of standards that T&TEC is obligated to comply with and my response is in relation to the law and T&TEC's obligation in accordance with the quality of standards set by the RIC.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker. Based on the Minister's first response to my question, could the Minister state when would it be possible for the RIC's option of the 60 and 600—when would it ever be available to the citizens of Trinidad and Tobago?

Madam Speaker: Okay. So I would not allow that question, Member for Pointe-a-Pierre, as a supplemental question.

Nationwide Blackout (Patient Care)

Dr. Rishad Seecheran (*Caroni East*): Thank you, Madam Speaker. To the Minister of Health: Due to the nationwide blackout which lasted for over 10 hours, will the Minister state whether patient care was compromised in any of the nation's public health institutions?

Madam Speaker: Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. Contrary to disinformation in the public domain, via someone on a radio station which claimed there were four deaths, I can say categorically that is untrue. There were no deaths in the public health care system as a result of the national power outage and there was no compromising of patient care. Members of the public are advised that the established contingency measures of the public health facilities were quickly activated. This ensured that critical care continued to be provided. All public hospitals are equipped with emergency backup generators which were utilized. Major hospitals also had on-site adequate diesel storage in the event the generators were needed beyond the usual generator run times.

Where required electrical supply was prioritized for critical areas as per protocol, such as all intensive care units, the neonatal intensive care units to ensure continuity of care for those at highest risk. I would like to take this opportunity to thank each CEO of the RHAs—

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh:—Davline Thomas, Ronald Tsoi-a-Fatt, Salisha Baksh and Dr. Brian Armour—

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh:—and their respective teams for engaging their emergency protocols. They were well drilled and stayed on long after service was restored to ensure that patient care was never ever compromised. Thank you very much.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Caroni East.

Dr. Seecheran: Thank you, Madam Speaker. Minister, how many surgical procedures were cancelled during this blackout?

Madam Speaker: Minister of Health.

Hon. T. Deyalsingh: That information is not with me for an urgent question but if you ask the appropriate question and we have the appropriate time we can surely get that to you. But my information is—and let me repeat it because I am sorry that you are taking this line, because you are going down the same road that person on radio went down this morning, total disinformation.

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh: I am sorry that you choose to go down this line. No patient care was compromised. There were no deaths—

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh:—and we should be thanking the system instead of casting aspersions on them.

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh: We should be thanking them for once again rising to the national interest. Thank you very much, Madam Speaker.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Caroni East.

Dr. Seecheran: Thank you, Madam Speaker. Minister, did the staff at these public health care institutions have access to computerized records of patients during this blackout?

Madam Speaker: All right. So, Member for Caroni East, based on the Standing Orders that does not arise as a supplemental question coming from the responses thus far.

Member for Couva South.

Mr. Indarsingh: Thank you very much. Minister, you just informed this House that there was an adequate provision of generators in the public health care system, could

you inform this House then why are there trucks with generators on the compound of the Mount Hope medical hospital as we speak seeking for it to be installed?

Hon. Members: [*Desk thumping*]

Madam Speaker: Minister of Health.

Hon. T. Deyalsingh: It is called contingency planning.

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh: It is called being proactive just in case something else happens.

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh: We are not going to de-escalate the response as yet.

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh: I am absolutely shocked and amazed that he will ask a question like that. It is called contingency planning. It is called following protocols.

Mr. Indarsingh: After the fact.

Hon. T. Deyalsingh: It is called pre-emptive action. Thank you very much, Madam Speaker.

Hon. Members: [*Desk thumping*]

Mr. Indarsingh: After the fact.

ANSWERS TO QUESTIONS

Madam Speaker: Leader of the House.

The Minister of Planning and Development (Hon. Camille Robinson-Regis):
Thank you, Madam Speaker. Madam Speaker, there are four questions for oral answer, we will be answering all four. There are no questions for written response.

ORAL ANSWERS TO QUESTIONS**Tech Promotions and Development Company
(Status of)**

50. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mr. Rushton Paray (*Mayaro*) asked the hon. Minister of Finance:

With regard to the Tech Promotions and Development Company that was promised in the Minister's 2020 budget presentation, will the Minister advise as to the following:

- a. has the company been established;
- b. if the answer to (a) is in the affirmative, when was it established; and
- c. since its establishment, how many tech-based businesses has said company assisted?

Madam Speaker: Minister of Finance.

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert):

Question No. 50, Madam Speaker?

Madam Speaker: Question No. 50.

Hon. C. Imbert: Thank you. At the time of the 2020 budget presentation in 2019 the Government had signalled its plans to stimulate the economy through the use and application of digital technology. However, in March 2020, the country experienced the unexpected and unprecedented effects of the COVID-19 pandemic. The impact with the virus on the nation's economy and public service infrastructure led to the establishment of a cross-sectoral and cross-functional committee to create a road map for this country's national economic recovery. This road map recognized the need for urgent action on the digitalization of all Government services, as well as the stimulation of the growth of the information and communication technology sector.

At that time, the conceptualization of the Tech Promotions and Development

Company was in its developmental stage. I would say embryonic stage. The Ministry of Public Administration and Digital Transformation was introduced after the elections of 2020 as part of the Government's implementation of the national economic recovery strategy. This led to a rethinking of the strategy related to the Tech Promotions and Development Company. The Government in 2021 subsequently took further action and introduced the Ministry of Digital Transformation. We also introduced a number of fiscal measures, removal of taxes on electronic equipment, tax allowances for businesses which invest in tech start-ups and new tech businesses and so on.

The Ministry of Digital Transformation is tasked with designing and implementing a developer's hub, creating a vibrant local software development community, training and certification in open source software, supported quality control, access to mentors, opportunity for developing web applications and so on. In other words, we have moved way beyond the single objective of a technology company to a broad-based plan to revitalize and grow the digital sector through an integrated approach for development and growth. In other words, an enabling environment. [*Laughter*]

Madam Speaker: Member for Couva North.

Hon. C. Imbert: "He throwin the talk." [*Laughter*]

**Water Distribution Infrastructure at
Brickfield, Ojah Maraj and Butler Village
(Update on)**

51. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mr. Ravi Ratiram (*Couva North*) asked the hon. Minister of Public Utilities:

Will the Minister indicate when the necessary upgrades will be made to the water distribution infrastructure at Brickfield, Ojah Maraj and Butler Village within the constituency of Couva North?

Madam Speaker: Minister of Public Utilities.

The Minister of Public Utilities (Hon. Marvin Gonzales): Thank you very much, Madam Speaker. Madam Speaker, the residents of the communities of Brickfield, Ojah Maraj and environs are provided with a supply of pipe-borne water from the Caroni Water Treatment Plant. The Water and Sewerage Authority has advised that pipeline infrastructure servicing the area which was installed many years ago is undersized and negatively affects the supply of water to residents. As a result, residents currently receive a scheduled supply of water. In order to provide the residents with an improved water supply WASA has identified the need to upgrade the pipeline infrastructure in the area by the installation of 1.5 kilometres of 200 millimetre diameter pipe from Roopsingh EMBD to Temple Street, Brickfield, via a cross-country route which will interconnect to the existing distribution system.

This project is targeted to be undertaken under the third phase of the Ministry of Public Utilities' Community Water Improvement Programme, the implementation of which is subject to the availability of funding.

Madam Speaker: Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker. Minister, thank you for your response but on behalf of the constituents, could you state when the infrastructural work will start?

Hon. M. Gonzales: Madam Speaker, the third phase of the Community Water Improvement Programme is scheduled to commence in March. And as I have just said a short while ago, it is subjected to the availability of funding, but based on our schedule the third phase of the project or the programme is due to commence in March of this year.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Thank you very much, Madam Speaker. Minister, based on the work that is currently being contemplated and taking into consideration the dry season water schedule supply published by WASA, effective the 15th of February, 2022, could you inform this House how the affected constituents will get a reliable supply of water based on WASA determining that they will rotate water schedule once for nine days and four days, et cetera?

Madam Speaker: Member for Couva South, that question does not arise from the answer given.

**NAMDEVCO Food Box Programme
(Resumption of)**

52. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mr. Ravi Ratiram (*Couva North*) asked the hon. Minister of Agriculture, Land and Fisheries:

In light of the increased levels of unemployment and escalating price of basic food items, will the Minister state when the NAMDEVCO food box programme will be resumed?

Madam Speaker: Minister of Agriculture, Land and Fisheries.

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, on behalf of the Minister of Agriculture, Land and Fisheries, in 2020 as part of its emergency food support measure the Government launched the food box initiative which involves the provision of local agricultural products and chickens to vulnerable persons who may be adversely affected by the COVID-19 pandemic. Madam Speaker, let me take this opportunity to make it abundantly clear that this food support measure was in the context of the COVID-19 pandemic. The regulations, the restrictions and the fact that there were people who could not work and there was a need to provide a measure of food support to vulnerable families. As a consequence, NAMDEVCO spearheaded this initiative in three phases. Phase

one spanned May to July 2020; phase two, October to April 2021; and in May 2021, the third phase of the programme was launched as a one-month emergency food support measure because of the COVID-19 restrictions in early May 2021.

The intention was that food support would be provided to 25,000 families that month. On May 10, 2021, this was expanded to 125,000 families up to the end of September 2021. This was further expanded to the end of December 2021. In this phase chickens and frozen provision packages were also distributed to the 139 local government councillors in Trinidad and 12 assemblymen in Tobago. This third phase cost over \$100 million and reached close to 200,000 families. Madam Speaker, while it is not the intention of the Government to further extend the emergency food support measure as part of its COVID response, the Government intends to have a similar programme in a reduced form as part of the suite of social services provided by the Ministry of Social Development and Family Services. A team from the Ministry of Social Development and Family Services, NAMDEVCO and the Ministry of Agriculture, Land and Fisheries is working to develop a proposal for the consideration of Cabinet. Thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker. Based on the Minister's response, could you state when this similar programme would start for the people of Trinidad and Tobago?

Madam Speaker: Minister.

Hon. C. Robinson-Regis: Madam Speaker, the team is actively working on this programme and we will start it imminently.

Hon. Members: [*Desk thumping*]

**Office of Procurement Regulator
(Concerns raised by)**

UNREVISED

53. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Mr. Ravi Ratiram (*Couva North*) asked the hon. Minister of Finance.

In light of concerns raised by the Office of the Procurement Regulator over the failure of state agencies to provide information, will the Minister indicate whether these agencies will be directed to provide same pending the proclamation of the procurement legislation?

Madam Speaker: Minister of Finance.

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. The answer is, yes.

ARRANGEMENT OF BUSINESS

Madam Speaker: Leader of the House.

The Minister of Planning and Development (Hon. Robinson-Regis): Sorry, Madam Speaker. I was just taken aback by my colleague's answer. Madam Speaker, there has been agreement to allow the Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister to speak until the conclusion of his statement. Thank you, Madam Speaker. [*Desk thumping*]

Madam Speaker: Hon. Members, is this the wish of the House?

Hon. Members: Yes.

Madam Speaker: The Minister of Energy and Energy Industries and the Minister in the Office of the Prime Minister.

Hon. Members: [*Desk thumping*]

STATEMENT BY MINISTER

Investigation into Clinical Outcomes of COVID-19 Patients

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. Madam Speaker, I have been authorized by the Cabinet to make the following

statement. Unfortunately, we continue to be in a pandemic that is COVID-19, which we have been dealing with for over 20 years. The world and Trinidad and Tobago is no exception was forced to deal what a potentially deadly virus that was highly transmissible and we as a people had to respond. We responded as the Government by being guided by the science, following the World Health Organization (WHO) and its recommendations; communicating with experts from around the globe, observing and studying the responses of others and importantly working closely with a team of public health care professionals from a public health care system under the Ministry of Health, a team of experts led by our Chief Medical Officer, Dr. Roshan Parasram.

2.00 p.m.

The world had to learn, adapt and respond in managing this virus. At all times the Government's priority was to protect the population as best as possible, and to ensure that our public health care system was provided with the best resources that we could reasonably do in our circumstances, so that persons who required treatment for both COVID-19, as well as all other medical attention, would be able to access same.

Fortunately, Madam Speaker, we have managed, so far. To be able to achieve this, and even though in the waves of COVID-19 surges that we have had to endure at times, our public health care system was pressed to its limits, at no point in time did it collapse under the weight of the effects of the virus. We managed. We managed due to the commitment and dedication of our health care workers, their professionalism and ability to step up to the plate time and time again, and due to the Government's commitment to prioritize and provide the necessary resources to the public health care system.

Even before the first COVID-19 case was detected in Trinidad and Tobago on March 12, 2020, the Government of the Republic of Trinidad and Tobago had begun preparations to deal with the treatment of the virus. One of the pillars of our response to COVID-19 was to build out a parallel health care system dedicated to the treatment of patients afflicted with the virus who require care and hospitalization.

Unfortunately, whilst having to deal with all of the natural difficulties of managing this pandemic, and keeping our public health care system operational, including a parallel health care system, the Opposition began publicly attacking, not only the Government's efforts to protect the population, but also attacking the medical health care professionals who were providing the care, guidance and advice in responding to COVID-19. The Opposition has been attempting to sow seeds of doubt, and through unfair and uneducated criticism, have been trying to affect the public's trust and confidence in our public health care professionals' efforts in responding to the virus.

The Leader of the Opposition has even gone so far, as to personalize her attacks on the credibility of the team of public health care experts that advise the Government and the population with respect to the virus. The Government has had to defend its policies and actions, as well as the conduct of the public servants managing this pandemic in the courts on numerous occasions and, to date, we have successfully done so.

Hon. Members: [*Desk thumping*]

Hon. S. Young: Madam Speaker, the Government asked a team of independent experts to investigate and assess the public health care system and its treatment of COVID-19 patients. It was the hon. Prime Minister who announced the appointment of a five-member committee of independent experts to investigate the factors contributing to clinical outcomes of COVID-19 patients in Trinidad and Tobago. At

the time of this announcement, the Prime Minister gave a commitment that on receipt of the report of the committee he would lay it in Parliament for public consumption. At the end of presenting this statement, I will lay a copy of the 105-page report of the committee in fulfilment of the Prime Minister's commitment.

The Prime Minister, having received his copy of the report this week, has ensured that it is laid in the Parliament on the earliest possible date. The report is dated February 14, 2022, and was delivered to the Government on February 15, 2022.

Madam Speaker, the composition of the committee of independent experts was as follows: Prof. Terence Seemungal, professor of medicine and chest specialist, Dean of the Faculty of Medical Sciences, University of the West Indies, St. Augustine Campus; Prof. Emerita, Phyllis Pitt-Miller, professor of clinical anaesthetics and intensive care, University of the West Indies, St. Augustine campus, and consultant anaesthetist, Eric Williams Medical Sciences Complex; Dr. Anton Cumberbatch, specialist in public health and former Chief Medical Officer; Dr. Vidya Dean, consultant in anaesthetics and intensive care, and Prof. Donald Simeon, professor of biostatistics and research, the Director of Caribbean Centre for Health Systems Research and Development, University of the West Indies, St. Augustine campus. We thank them for their work and taking on the task given to them.

Hon. Members: [*Desk thumping*]

Hon. S. Young: Madam Speaker, the terms of reference of the committee included, inter alia, an examination of the admission, discharge and transfer, (ADT) policy, and procedure to determine the impact, if any, on clinical outcomes; a determination as to whether the treatment and management protocols adopted by the hospitals are consistent within WHO guidelines and international best practice, with access to adequate:

- levels of staffing appropriate in a mass response to a global pandemic;
- essential medicines;
- laboratory and diagnostic imaging services; and
- PPE, oxygen and other items.

To identify any other factors that may affect clinical outcomes including, but not limited to:

- sub optimal home treatment, for e.g., utilizing non-WHO approved therapeutics;
- delayed presentation to health facilities; and
- efficiency of the transfer system in transporting patients from home to hospital and inter-hospitals in the RHA health network.

Madam Speaker, the committee was convened on 17th of January, 2022, and deliberated until February 14, 2022. The committee collected data over a three-week period and then proceeded to analyze, deliberate and craft their report. The Committee conducted what they have described as a “rapid assessment” through the following mechanisms:

- meetings with technical officials of the Ministry of Health to determine what policies and data were available;
- visits to COVID-19 care institutions in Trinidad and Tobago;
- informal interviews of staff during their visits;
- confidential interviews of staff from all RHAs involved in COVID-19 care;
- interviews of senior management of the RHAs;
- audits of medical notes;
- statistical analysis of secondary data sets of persons who died from COVID-19, who were hospitalized and who were managed at home; and

- an online survey of persons who were treated for COVID-19 at public health care facilities.

In the summary of their report the committee stated, inter alia, that:

“We found that the admissions, discharge and transfer policies for COVID-19 patients are within the ambit of international best practice, especially as recommended by the WHO. We found that the implementation of the policies during the pandemic were hampered by unpredictable staff shortages and staff burn-out. We recommend that close attention needs to be paid to staff morale, as well as the purchase of some consumables. We wish to commend one institution where there was a staff mental health and wellness service, serviced by two psychologists, as an example of best practice. Another area of best practice was that at many of the institutions that were visited, staff told us that they routinely communicated with the families of COVID-19 patients on a daily basis.”

The report goes into detail as to the methodology that the committee used in carrying out its assessment and sets out their findings. Some of the highlights that I wish to draw to your attention, Madam Speaker, are one, the primary data collection included:

- interviews of key health care sector stakeholders;
- site visits to COVID treatment facilities, and (3), patients’ online survey;

Secondly, patients’ notes were reviewed as one way to investigate the quality of care that patients received at COVID-19 treatment hospitals. The notes reviewed were confined to those that were treated in the ICU or HDU, the sites with the highest COVID-19 mortality. Requests were made for all relevant policies and protocols that guide the treatment and care of COVID patients in Trinidad and Tobago. An analysis

was done of COVID-19 deaths, hospital admissions and patients managed at home. This included looking into the demographics, places of death, presence of comorbidities and vaccination status.

The committee looked at the level of care given to samples of patients. The committee considered the effects of weight and obesity, non-communicable diseases, (NCDs), including diabetes and chronic diseases. The committee looked at the transfer and transporting systems for COVID-19 patients. The committee looked into the admission criteria and found that:

“The admission criteria met international best practices. It would seem that the patients were admitted to the correct location to receive the appropriate type of care. However, the staff told us that it was their impression that during the recent surge patients...”—quote of the staff—“presented late and as such they were more seriously ill’. We were not able to detect any delays in the provision of care which might have led to a negative result, except that they presented in the second phase of the disease.”

Madam Speaker, with respect to the discharge criteria, the committee found that:

“The discharge policy was well planned and appeared to work well from our assessment of the medical records, staff comments on our facilities tour, from the patient survey and staff interviews.”

The committee raised concern with respect to staff levels, citing shortages and conditions as areas that needed addressing. The committee recognised that shortages of staff are, “an international problem in this pandemic”. And lastly, the committee did a specific assessment of the COVID-19 response in Tobago, and provided their findings with respect to same.

Madam Speaker, the committee concluded its report with 16 recommendations. I highlight the following for the public, but due to the limitations of time, it is not feasible for me to read out all 16.

Data Management system, data verification. The committee said:

“There is an urgent need for electronic medical records.”

With respect to NCDs management:

“It is likely that citizens with NCDs would again be at increased risk for poor outcomes, if and when there is another event such as the COVID-19 pandemic. The clinical staff who have been hired temporarily, and whose contracts would be discontinued at the end of the pandemic, should be redeployed to respond to the NCD morbidity rate debt that has accumulated during this pandemic.”

With respect to dedication of frontline staff:

“We were impressed with the application of the nurses, doctors, paramedical and support staff who managed COVID-19 patients. However, at some RHAs some of the staff in the frontline felt abandoned by the leadership. We recommend the RHAs implement a specific feedback system to monitor the needs of staff on the frontline.”

With respect to supplies from C40:

“The frontline staff need 24 hours per day by 365 days support during the pandemic. We recommend that C40 should be continuously open, seven days per week.”

With respect to the drug Tocilizumab:

“Tocilizumab is given at an advanced stage of COVID-19. Most staff were very impressed by its effects and, perhaps, C40 needs to increase purchasing of this drug. Though it is an expensive drug, there is a cost-benefit to be

realized from its use. We recommend the policy regarding Tocilizumab use to be reviewed.”

Madam Speaker, these are some of the pertinent areas of this report that was commissioned by the hon. Prime Minister.

The independent team of experts performed their duty and provided their key findings and recommendations. It is important to note that they did not find that the parallel health care system or, indeed, the team of public health care professionals leading the medical response to COVID-19, to be outside of the international best practices.

In keeping with the Prime Minister’s commitment, the report is hereby made public, and the Government will study it and its recommendations, and make any adjustments that it can, which are reasonable, in improving the clinical treatment of COVID-19.

In conclusion, on behalf of the Government and the people of Trinidad and Tobago, I thank the five-member committee for their work and report, and I thank all of the health caregivers and personnel in our public health care system who have worked tirelessly for us, the people, during the course of this pandemic, and may God continue to bless them and their families and our country. Thank you, Madam Speaker.

Madam Speaker: Minister of Finance.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Fyzabad.

Dr. Bodoë: With regard to the report—

Madam Speaker: So, Member, this is not—

Dr. Bodoë: In accordance with—

Madam Speaker: Yes.

Dr. Bodoë: Madam Speaker, in accordance with Standing Order 24(4), I just wish to seek an explanation. So, Minister, thank you for that report. I just wanted to ask, can you indicate, whether, based on the findings of the report, and there were many, by the Government, with regard to the staff shortages identified, what measures the Government intends to take to address that?

Hon. S. Young: Thank you very much. Madam Speaker, the report did identify several issues with respect to staff and potential staff shortages along the way. The report also went on very clearly to indicate that this is a global phenomenon. The report stated that due to the COVID-19 pandemic globally, public health care institutions and other institutions are suffering staff shortages. It is something that the Government is aware of. The Ministry of Health and the Minister of Health will do their best to address and look into how it can be alleviated. But the main point to be made is that this is a global phenomenon and not something that is unique to Trinidad and Tobago.

Thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

**Nationwide Power Outage
(Establishment of Independent Expert Committee to Investigate)**

Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): Thank you very much, Madam Speaker. I am authorized by the Cabinet to make this statement on behalf of the Office of the Prime Minister, on the establishment of an independent expert committee to investigate the cause of, and national response to, the nationwide power outage on Wednesday, February the 16th, 2022.

Contrary to statements made in the public domain by persons who should know better, over the last 12 years there have been a number of major electricity power outages in Trinidad and Tobago. We all remember, only too vividly, the nationwide power outage that occurred nine years ago on the night of March 29,

2013, under a previous Government. In that 2013 incident, since the main generating capacity is located in the deep south, it took up to 18 hours for electricity to be restored in several areas of the country, such as northwest Trinidad.

That 2013 blackout and its aftermath attracted international attention, and was widely featured in the foreign news media, including *The Washington Post*, *The New York Times*, *Tampa Tribune* and *The Miami Herald*, but that 2013 outage was not the only one that occurred during that period.

In December 2012, a blackout along the entire northwest of Trinidad stumped Christmas shopping. In August 2011, lightning struck T&TEC's Bamboo substation in Valsayn, and power outages occurred in north, central and east Trinidad. In July 2010, lightning struck a PowerGen power station during heavy rains, causing blackouts in several parts of Trinidad. That incident caused seven generators to trip at the Point Lisas facility, affecting areas in Point Fortin, Fyzabad, Santa Flora and surrounding areas.

Wednesday's nationwide outage resulted in loss of power to several areas in north Trinidad for up to 12 hours, although several areas in the south got their supply back within five hours. However, Tobago, which has its own supply, was not affected.

Notwithstanding the fact that there have been several major power outages in Trinidad before, the Government considers this week's outage to be a very serious matter, which requires immediate, independent and expert investigation. As a consequence, I wish to announce that the Office of the Prime Minister has appointed a three-man specialist team to thoroughly investigate and determine the causes of, and the national response to, the nationwide electricity power outage that occurred on Wednesday, February the 16th, 2022, and to make recommendations to prevent a recurrence of such an event.

The team will be headed by retired professor of electrical engineering, Chandrabhan Sharma, PhD. Prof. Sharma joined UWI in 1986. He received his BSc. in electrical engineering from the University of the West Indies in 1979, his MSc. from the University of the West Indies in 1982 and his PhD also from the University of the West Indies in 1993. Dr. Sharma's research interests are in the areas of energy systems and energy economics. He is an acknowledged expert in electrical engineering with over 40 years' experience in the field, specializing in electrical power, among other related areas.

The second member of the team is Mr. Keith Sirju, a distinguished structural engineer and retired university lecturer, with Master's and Bachelor's degrees in civil engineering, and 50 years' experience in engineering. He is also a former Chairman of T&TEC.

The third member of the team is acting Supt. Allister Guevarro, a senior police officer, currently assigned to the Special Branch, with 25 years' experience in policing. His mandate will be to examine all national security matters associated with and arising from the power outage.

The team will be empowered to co-opt any other expertise and resources that it requires and is expected to report with one month. I thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

PERSONAL EXPLANATION

Madam Speaker: Hon. Members, leave has been granted to the Member for St. Augustine to make a personal statement. Member for St. Augustine.

Hon. Members: [*Desk thumping*]

Motion on the Adjournment Presentation (Apology from the Member for St. Augustine)

Ms. Khadijah Ameen (*St. Augustine*): Thank you very much, Madam Speaker.

Madam Speaker, at the sitting of the House on Friday, February 04, 2022, I had moved a Motion on the Adjournment entitled, “The failure of the Minister of Rural Development and Local Government to lay the Tenth Report of the Elections and Boundaries Commission for the purposes of Local Government Elections, and after it was sent to the Parliament, approved and tabled.”

Madam Speaker, the raising of this matter emphasized the importance of tabling such a document and, more importantly, demonstrated the role of the Opposition in holding the Executive to account in our democratic Republic of Trinidad and Tobago.

Madam Speaker, based on the clarification provided, and having been advised that an administrative error occurred it was my view that the Minister’s responsibility in accordance with the Act left the Minister of Rural Development and Local Government accountable to the Parliament for the delay, and that the Minister still had a duty to ensure that the report was, in fact, laid.

But in the circumstances, I wish to apologize, Madam Speaker, for any insinuation or suggestion that may have been attributed to me as a result of my presentation on that Friday 4th, and particularly anything that could have been construed as an attack or a criticism on our very dedicated and hard-working parliamentary staff.

Therefore, Madam Speaker, I wish to record my sincerest regret to you and to this House and to reaffirm my commitment to discharging my responsibilities as a parliamentarian on behalf of the people of St. Augustine constituency, which I represent, and Trinidad and Tobago.

I thank you, Madam Speaker.

**MISCELLANEOUS PROVISIONS
(TESTING AND IDENTIFICATION) BILL, 2022**

UNREVISED

Order for second reading read.

Madam Speaker: The Minister of National Security.

The Minister of National Security (Hon. Fitzgerald Hinds): Madam Speaker, I beg to move:

That a Bill to amend the Judicial and Legal Service Act, Chap.6:01, the Prison Service Act, Chap. 13:02, the Defence Act, Chap. 14:01, the Police Service Act, Chap. 15:01, the Civil Service Act, Chap. 23:01, the Fire Service Act, Chap. 35:50 and the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01, to provide a regulatory framework for polygraph and drug testing and biometric identification for members of the Protective Services and certain offices in the Judicial and Legal Service and the Civil Service, and for other related matters, be now read a second time.

Madam Speaker, I am more than pleased to present for the consideration of the hon. Members of this House, the Miscellaneous Provisions (Testing and Identification) Bill, 2022, which seeks to bring laws governing the protective services, judicial and legal service and certain other departments in the civil service in line with the 21st Century realities.

The Bill seeks to give the relevant heads where appropriate of the various protective services, and specific branches of the civil service, a discretionary power to order that current officers, and those seeking to be employed in those organizations, be subjected to lie detector testing, drug testing and the collection of their biometric information. However, this discretionary power may only be exercised in specific circumstances.

Madam Speaker, work towards this Bill began as far back as 2018, when in my then capacity as Minister in the Ministry of the Attorney General and Legal Affairs, I took the decision to engage our Law Reform Commission to consider the introduction of lie detector testing, drug testing and other measures, to ensure that members of the protective services and certain officers in the civil service are held to the highest standard of integrity, the highest standard, Madam Speaker, because we observed that it varied from place to place, and almost person to person in this place.

The Commission conducted the necessary research and, subsequently, prepared a policy paper entitled, “Introducing a system of lie detector test, drug test and biometric identification within the protective service and certain departments of the Public Service”, in which certain recommendations were put forward. The Commission also prepared the Bill currently before this House, which seeks to implement the recommendations of that policy paper.

Madam Speaker, I venture to say the rationale for this came because we learned and we considered that this reform was absolutely necessary, in the face of serious, and sustainable sometimes, allegations against members of our protective services and certain public officers, they being involved in all manners of criminal activity.

Thus, it is imperative that a system of lie detector testing be introduced to ensure that employees and prospective employees in those arms of the State possess a high standard of integrity which is expected by the citizenry of those who hold such offices.

2.30 p.m.

We also anticipated, Madam Speaker, that these kinds of developments will act as a deterrent to officers who may be inclined to engage in criminal activity and other forms of serious misconduct. As it now stands, only the Trinidad and Tobago Police Service by way of their regulation provides for drug testing at the recruitment stage for entry, of course, into the police service and randomly during employment. Other arms of the State, as I have identified, do not require such testing.

Madam Speaker, in several jurisdictions around the Commonwealth and the world, for example, the United Kingdom, Australia, the United States and Canada, members of the police services, armed forces, Customs and Immigration Departments are subject to drug testing prior to and several times during their employment. So these measures that we offer today are not unique. They are not novel; they exist as we speak in many other places in the Commonwealth and the wider world. In these jurisdictions, testing for cause and random testing are provided for in legislation governing the respective departments and can also be required at the occurrence of a critical incident which resulted in the death, injury or damage to property.

So, I am saying, Madam Speaker, the need and the circumstances will arise for such testing not only randomly and routinely but sometimes when specific incidents resulting in death, injury or damage to property occurs. Biometrics allow for persons to be identified based on a set of recognizable and verifiable data. The introduction of biometric identification which touches issues such as fingerprints, vein patterns, eye patterns, facial signatures and voice recognition, the introduction of biometric identification systems within the protective services and the other departments that I have outlined, will assist investigations into alleged employee misconduct. A facial recognition system, for an example, will enable investigators

to identify with greater certainty employees who may have acted in a manner that amounted to misconduct from photographs or video recordings captured from CCTV footage. Thus, the existence of a modern biometric identification system as proposed in this Bill will as well serve as a deterrent to employee misconduct as they stand the risk of being very easily identified. Therefore, biometric identification system is critical in promoting greater responsibility and accountability within the protective services and the other branches of the police service.

In respect of the actual Bill, Madam Speaker, which contains nine clauses, it requires these measures a special majority vote pursuant to section 13 of our Constitution.

Clause 1 of the Bill provides for the short title and the commencement provision. Clause 2 provides for the Bill to be inconsistent with the Constitution. The measures proposed in clauses 3 to 9 will involve subjecting members of the protective services and classes of the public service identified to a number of intrusive processes or procedures. These would include, Madam Speaker, having electronic devices attached to their persons, for example, like the polygraphing. There are three or so tubes that have to be attached to a person's chest and stomach area in order to give effect to that.

As well, Madam Speaker, it is some of these processes may require, being required to provide hair, a urine sample, a blood sample, saliva samples for drug tests. Having their faces and eyes scanned for biometric identification and unique identification data stored in a database. Providing voice samples to be stored in a voice recognition database. These measures raise important constitutional issues, Madam Speaker, and will infringe on the well-established constitutional rights including the right to protection of the law under section 4(b) of the Constitution,

the right to private life under section 4(c) which provides for the right of the individual to respect for his private and family life and the right to equal treatment under 4(d) which provides for the right of the individual to equality of treatment from any public authority in the exercise of any functions.

Madam Speaker, clauses 3 to 9 will seek to insert new sections in the Judicial and Legal Service Act, the Prison Service Act, the Defence Act, the Police Service Act, the Civil Service Act, the Fire Service Act, the Financial Intelligence Unit Act to confer on the heads where applicable because in some cases, Madam Speaker, it is the Service Commission that will do that kind of recruitment. But in those cases for the heads of those protective services and, of course:

“...the Judicial and Legal Service...”—to—“...an express power to mandate the officers under their purview to submit to polygraph or any other lie-detecting tests...”

—because polygraphs are not the latest or the only way of testing for lies and challenges of truthfulness and integrity by definition or extension. They have the right to submit to order that people be subjected to drug tests and, of course:

“...the collection of their biometric information for the purposes of integrity testing.”

Clause 3 amends the Judicial and Legal Service Act by inserting a new section 11A which provides that the various heads of department, in this case the Comptroller of Customs and Excise, the chief immigration officer, the chairman of the Board of Inland Revenue, the Registrar General:

“...may order a law officer to submit to...

- a polygraph or...lie-detecting tests;
- drug tests;

- the collection of biometric information.”

A law officer in this instance relates to both permanent and contract lawyers employed therein.

The Prison Service Act as well amends—clause 4 amends the Prison Service Act by introducing a new subsection 28(9) to basically achieve the same kinds of objectives. Similarly, the Defence Act in clause 5—clause 5 amends the Defence Act in similar ways. Clause 6 amends the Police Service Act similarly to provide for the Commissioner of Police being able to submit an—to order an officer to submit to a polygraph or lie-detecting test or to provide biometric information.

In respect of the Civil Service Act, clause 7 amends that Act by introducing a new section 11A basically to achieve the same thing and the specified departments therein in respect of the Civil Service is the Customs and Excise Division, the Immigration Division, the Board of Inland Revenue, the Registrar General’s Department, the Transport Division. These proposed amendments apply to officers who hold substantive posts in these departments, as well as, as I have indicated before, officers on contract. Similarly, Madam Speaker, clause 8 amends the Fire Service Act to similar effect. And, of course, the Financial Intelligence Unit of Trinidad and Tobago Act, clause 9 amends that to similar effect.

Madam Speaker, it is to be noted that in those amendments that I have just identified, the amendment is not identical from one Act to the next. What we tried to do in these measures as we have offer them to the House, is to achieve the lowest common denominator in all of them. That is to say, for it to act as a deterrent for it to provide for integrity testing and honesty and all the attributes that we expect of and, in fact, must have from these public officers, Madam Speaker, if we are to move forward.

Madam Speaker, I have often said, since the 1990s in this place, many of the very corrupt things that happen in this country including the importation of drugs and guns and that sort of thing could not have happened without the complicity of officers of the State.

I remember when I said that in the 1990s and a whole newspaper article treated with that at that time. Today, there will be no such reaction because a lot has happened since and it is quite clear, Madam Speaker, that officers of the State holding sensitive positions have put us in a position where these measures are obviously necessary.

Madam Speaker, there are limits to this because we acknowledged a moment ago that some of these measures infringe on what are established constitutional rights. No alarm. We have done that many times since our written Constitution in 1992. The very Constitution provides for that and the Laws of Trinidad and Tobago interpreted even by as high as the Privy Council make provision for that. Nothing new. Nothing strange. But we have limited in the context of the constitutional issues, we have limited the powers exercisable to being able to be exercised in certain limited and specified circumstances.

The measures that we offer here today would incorporate safeguards to protect the fundamental rights of persons, to ensure proportionality of the measures. One of those safeguards would be the proposed measures would only apply to persons holding posts whose duties involve access to confidential, secret or top-secret information or where there is a reasonable suspicion that the officer has committed an act of misconduct, a serious criminal offence or was involved in a serious incident resulting in the death or serious injury of a person.

And it is in those limited circumstances, not a carte blanche application of these—of the application of this law, it cannot be applied whimsically, it cannot be applied unjustifiably. It is limited in the context, as I have just said to you, limited to persons who have access to secret or top-secret information. It is limited to reasonable suspicion of serious misconduct or serious criminal conduct. Madam Speaker, thus the powers are only exercisable in specific circumstances where the:

“...officer performs any intelligence or counter-intelligence functions;”

Let me say at this juncture, on that test alone there are other agencies that might have to be considered for application under these provisions if that is one of the tests. But that is a matter that we can deliberate on going forward, Madam Speaker, or even on the floor or in committee stage in this debate. Works in an office that deals with secret or top secret or sensitive information, is:

“...involved in an...investigation involving economic loss such as theft, embezzlement, misappropriation, serious or complex fraud or an act of sabotage or espionage or money laundering;

has...access to the property...that is subject...”—to—“...an investigation; ...was involved in a serious incident under investigation;”

A lot of examples come to mind. But for the time being, the next category is the person was suspected of being involved in misconduct, has close ties to:

“...a person charged or convicted of a serious criminal offence under...”—
the:

- “(i) Dangerous Drugs Act;
- (ii) Anti-Terrorism Act; or
- (iii) Trafficking in Persons...”

Again, Madam Speaker, we can contemplate whether we could add to that the anti-gang law or whether we can add to that, Madam Speaker, the POCA and it deals with persons—yes, as a result, yeah, with respect to members of the protective services and certain offices who—where:

“a person is killed or injured as result of the discharge of a firearm by the officer or the use of physical force by...”—an—“...officer...while in lawful detention or custody;”

For example, imprisonment in custody of the police or the Customs sometimes.

Madam Speaker, so those are some of the limits that we try build in here. One of the other protections we try to put in here is an exemption from the use of this information. Once it is in the possession of the State for the laudable and noble reasons I have stated, it will not—that information will not be the subject of the Freedom of Information Act in the sense that it will not be made—it will be exempted information. So that the office holder is assured in this way that his information will not be made unnecessarily public.

So, Madam Speaker, basically this is the outline. Despite, Madam Speaker, the existence of anti-crime measures, criminal activities persist. Firearms and narcotics which are illegally brought into the country linked to the drug trade, gang warfare, robberies and murders, a lot of the wrong that takes place in this country might very well be with the complicity of officers of the State. This is well known.

I have a thousand examples, Madam Speaker, and I can render several of them where in the South-Western Division, for example, I think last year or the year before, the then Commissioner of Police wanted to ensure that the people working in a task force the south-western area were polygraphed. Many of them, it was reported, refused to submit and therefore they were transferred. Because in the view

of the Commissioner at that time or any reasonable commissioner that that is a sensitive area on the south-western peninsula where people come in here with illegal drugs, human trafficking, guns, all manner of things and those with the responsibility of protecting our borders, looking out for us, ought to be men and women of integrity, Madam Speaker, human trafficking being a serious threat.

And, Madam Speaker, let me say very quickly in answer to some of my friends on the other side. I mean, we cover here the Registrar General's Department, the Immigration Department. I am aware of a case, Madam Speaker, where it is suggested that a man owed this country \$11 million in taxes, wound up paying a small \$1 million or something like that and there was serious suspicion on the part of an officer of the State for making that possible.

Madam Speaker, the question of the Constitution, I just want to touch on that very briefly although I know my colleagues on this side will dig into a little more details. We consider having followed the law as it relates to the Constitution, that these measures meet the De Freitas and the Permanent Secretary of the Ministry of Agriculture, Land and Fisheries, and housing and others' test. That is to say, the legislative objective sufficiently important to justify limiting a fundamental right. And these rights in the Constitution are not unlimited. There are limits to them.

Secondly, the measures designed to meet the legislative objective are rationally connected to them and the De Freitas test also lays down the means used to impair the right or freedom are no more than is necessary to accomplish the objective. So it has to be justified. It has to be rational. It has to be proportionate. And this found favour in the Indian case of Puttaswamy where the Indian Supreme Court found that the collection of biometrics and they being stored in a state benefit programme was quite a legitimate aim. There is no difference in that here. The

legitimate aims that are being sought in this Bill are to bolster national security efforts, to reduce crime, to identify rogue elements in the protective services and these government departments, to tackle corruption head on and to promote public confidence in this country and our systems. It is rationally connected, as I said.

Madam Speaker, I indicated earlier we are trying here to find a balance of the need to test and to maintain integrity and honesty as persons deliver public service. It is not to be applied *carte blanche* but are limited in the ways that my short 30-minute time to present to this House would have allotted. Madam Speaker, how much more time, if I might ask, if I do have some more?

Madam Speaker: You end at 2.55.

Hon. F. Hinds: I end in a few moments from now. Madam Speaker, so we expect our friends on the other side whose support we expect because we hear our friends in this Parliament complain about crime, complain about murders. They are aware that a weapon went missing, an automatic weapon went missing from a police station under dubious circumstances recently. They are aware that is not the first time it has happened. Weapons go missing from the coast guard. I am aware of a case where boat engines were stolen from a coast guard vessel. And I am not identifying for criticism any one organization. All across Inland Revenue, Customs, I am not unaware of issues with Customs officers who are being paid and sworn to protect our people and to protect our interest simply turn a blind eye, Madam Speaker, and allow illicit things to go through for a little petty pieces of silver. We have that and we have it happening all along.

I heard my friends on the other side in the recent whistleblower debate, the Member for Oropouche East in particular, say to the public shamelessly that they will not support these measures because they believe they will be used to target the

Opposition. I do not know how they arrive at that. Because in the first place, the Government “doh” apply no law. It is the police who “does do that”. And if they get locked up, it is the police lock them up. Nobody else.

But in any event, Madam Speaker, the measures in this Bill have nothing to do with any persons other than those who are in the protective services. Sorry. It has nothing to do with—the only people this applies to is members of the protective services and certain elements of the public or civil service which I have explained time and time again in these measures. So they do not have to have that fear about how it will affect them on this occasion. I am sure they would agree that these measures are necessary, Madam Speaker, and therefore, Madam Speaker, we are open to any commentary, any suggestions because this is the Government’s attempt, Madam Speaker, on behalf of you the people of Trinidad and Tobago to introduce measures that we consider necessary.

Again, by way of a quick example, Madam Speaker. About three years ago I sat in dismay as a former police officer and read on my newspaper that a marked-police vehicle with two police officers both of whom have since been charged for serious offences was seen coming out of the southwestern tip of this country with guns and drugs and stopped by another police.

So, I take the opportunity to say, while we have many examples of corrupt and illegal behaviour that requires testing and checking and dealing with, Madam Speaker, there are many in the organizations who will not be involved in that and we commend them. However, those men have to go 2,00 and 3,00 in morning, and women too, certain other people watching their back, so to speak and therefore these measures will assist the protective services help each other to know that the man next to you was not the one who would have called in advance to tell somebody,

“we coming” and set you up. So these measures in addition to all that I have said protect members of the protective services.

I know there will be objection to these measures. They are those who prefer the status quo. I know there are people who would rather sit on an electric chair than to sit on a polygraph chair in this country. Nothing strange about that. But it is for the Parliament and the constitutional issues as I have explained have been well taken care of, Madam Speaker. We have ensured that the tests and the section 13 requirements have been met on the basis of our experience and knowledge, all built into this with the safeguards as I have explained, Madam Speaker. And as a consequence we commend these measures to this House as another critical instalment in this Government’s, and by extension, this country’s attempt to make itself safe from those who by virtue of a lack of integrity and dishonesty and self-seeking, Madam Speaker, would use the offices they hold possessed of sensitive information, possessed of significant legislative powers and use them to our detriment, Madam Speaker, rather than to our protection and our uplift. Madam Speaker, with those few words said, 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 to the previous speaker in piloting the Bill that is before us. And I have to say very respectfully that I am not convinced with any of the arguments. And I think, Madam Speaker, it is important that I start in light of what I have heard today, that in attempting to pilot this Bill and to convince that, you

know, this Bill will help make some dents in how the Government is going to treat with matters of crime and the spike in crimes, that I refer to, Madam Speaker, a debate in this House, 6th of June, 2018. And in moving a Motion to take note of the Special Select Committee report at that time pursuant to section 123 of the Constitution, the Member Laventille West stated and I quote from the *Hansard*, Madam Speaker:

“Madam Speaker, I must say here that in all previous similar processes, polygraphing was conducted on each of the applicants.”

And in this debate, Madam Speaker, they are referring to the appointment of the Commissioners of Police. And I go on with the quote now, Madam Speaker:

“In this process not a single person chosen and submitted”—under—“...the order of merit list was even polygraphed.”

I go further with the quote:

“And I say ‘even’ because today, in today’s world polygraphing is not the best practice.”

So these are the words of the Member for Laventille West.

Hon. Members: [*Desk thumping*]

Mr. D. Rambally: And I thought I would have heard in talking about the policy from the Law Reform Commission, et cetera, moving forward, that policy paper and what would have taken place and a lot of dates were being referred to. But I thought we would have heard what happened in relation to the science, we tend to hear a lot about the science these days, we would have heard a lot about what has happened with regard to the science which underpins polygraphing, lie-detector tests, drug tests and biometric testing that would have changed between this particular debate

in June 2018 to today's date so that we would know what has happened. And I go further with the quotes:

“There are other improved techniques that are available for such testing.” But we have not heard anything about that today, Madam Speaker. So, Madam Speaker, I have to say with the greatest of respect that some of those comments are—of the hon. Member, I have to say they are disingenuous at best. I do not want to use the word hypocritical. But I have to say that it is really not in bona fides, in keeping with bona fides debate in this House.

Madam Speaker, I start my contribution with how it is when we are looking at these measures which require a constitutional majority, the three-fifths majority. And, Madam Speaker, as a young nation with a history of colonization, it is important that in looking for the best models in governance we retain the ability to think critically on what is best suited to our purpose. Critical thinking, Madam Speaker, is key to recognizing our strengths and limitations and building systems to suit. It is no different with this Bill. We must look to the advantages and disadvantages of what are being proposed and how fit for purpose they are.

So, Madam Speaker, we are here to debate the statutory framework for introducing polygraphing or lie-detection testing, drug testing, biometric data collection and integrity testing into some key institutions of our society. These institutions have been spelt out in the Bill and to the credit of the Minister, the hon. Minister in piloting, he did make mention of those in taking us through the Bill, they include inter alia, judicial and legal services, prison, police and fire services, defence force, civil service and the Financial Intelligence Unit.

Madam Speaker, there is no doubt that these institutions play a cardinal role in maintaining law and order in our society and the importance of their respective

roles is without contention. So I put that on the record. It is easy to see how without them society can unravel in a short time. Without them, Madam Speaker, any country can easily become a police state or a failed state. So put another way, Madam Speaker, these institutions are key to good and fair governance and the promotion of democracy and more importantly the rule of law.

3.00 p.m.

Madam Speaker, the rule of law is probably what distinguishes a civilized and civic-minded society from one where lawlessness prevails. The rule of law guarantees the equality of all citizens before the law. We in this country still believe—and certainly us on this side of the House—we still believe in due process of law, we believe that people are innocent until proven guilty. Madam Speaker, these are non-negotiable principles that underpin our legal system. And to that extent it is very understandable and in fact laudable that we will want to ensure that persons who are installed in these institutions, especially those who are in key positions therein are selected with the utmost care. So we have no difficulty with that. I want to put that squarely on the record. We accept that these key positions are often offices which may contain or have access to state secrets or may hold confidential information in regard to matters of national security.

So, Madam Speaker, the question at the heart of this debate is whether the method used in verifying the fitness of such persons is justifiable. So, Madam Speaker, this is what the debate really is about. There are instances please, Madam Speaker, where a polygraph test may be appropriate and even justifiable, but again we have to look carefully at what is before us. The question is whether this is one of those instances. And that is why the Bill requires a three-fifths majority because it does interfere with constitutional rights. That is not always fatal, Madam Speaker,

in the larger scheme of things. Many Bills are passed that way. And in striking the balance between the enshrined constitutional rights which are being interfered with in this particular case and the need for finding that honest, industrious person, we must ask ourselves whether the means justifies the end?

You see, Madam Speaker, the development of law and policy naturally gravitates toward balancing exercises and trade-offs between competing interests. However, when we look at the trade-off analysis in this particular Bill, it is applicable only after we have due consideration to the competing interests themselves and we make sure that they are well understood. Madam Speaker, in any situation where rights and liberties are at stake, the onus must be on the Government. It remains with the Government which seeks to curtail those rights and freedoms to establish the benefits of their proposals.

Madam Speaker, I want to make this comment, and this does not only relate to this Bill, but liberties are far easier to give away than to get back. We must protect at all costs the rights of privacy, the rights of citizenship, presumption of innocence, freedom of movement, prohibition against unreasonable search and the privilege against self-incrimination, to name a few. A breach of fundamental justice will clearly arise where an individual's rights have been deprived for no justifiable purpose.

So I want to proceed now with the Bill to examine what really, Madam Speaker, is on offer from this Bill. And I start with the drug testing because I think that is the easiest part to start with. Unlike polygraph testing, Madam Speaker, the result of a blood test is strictly biological. It does not matter what is going on in your mind. It is based on a urine sample, hair strands, oral fluid samples. A drug test shows the biological proof of drugs in the human system or not, as the case

may be. It is without dispute, Madam Speaker, that drug testing is a crucial facet of the screening process for posts in which mental alertness, sobriety and clarity are needed. It is part of an employer's duty of ensuring a safe system of work because to put it bluntly, nobody wants, Madam Speaker, the aggression or stupor or stupefaction that drug users, who may be fellow employees, may display in the workplace. Additionally, Madam Speaker, just by way of analogy, to operate machinery, drive vehicles and make crucial decisions on the spot, all make it worthwhile for employers to request drug testing.

When we look, however, Madam Speaker—and I am moving away from the blood testing now. When we look all polygraph testing, we run into serious problems. Madam Speaker, as we all know, the polygraph has been around since 1921, that is more than 100 years ago. As we all know it is supposed to be a device that measures physiological changes in blood pressure, pulse, respiration and skin conductivity which in turn, Madam Speaker, is supposed to be indicative of truth telling or dishonesty. Madam Speaker, permit me to quote from an article from the American Psychological Association entitled, "The Truth about Lie Detectors (aka Polygraph Tests)". Madam Speaker, I quote:

"Most psychologists agree that there is little evidence that polygraph tests can accurately detect lies."

In its findings, Madam Speaker, the paper goes on to say, and I continue with the quote:

"Lie detector tests have become a popular cultural icon — from crime dramas to comedies to advertisements — the picture of a polygraph pen wildly gyrating on a moving chart is readily recognized symbol. But, as psychologist Leonard Saxe...1991 has argued, the idea that we can detect a

person's veracity by monitoring psychophysiological changes is more myth than reality. Even the term 'lie detector,' used to refer to polygraphing testing, is a misnomer. So-called 'lie detection' involves inferring deception through analysis of physiological responses to a structured, but unstandardized, series of questions."

And I end the quote.

Madam Speaker, but I want to, as I end the quote, emphasize that again:

"... 'lie detection' involves inferring deception through analysis of physiological responses..."

And the word that is used—and I cannot stress on it enough—is “inferring”. It is not a question of certainty. It is not a question of science. It is a matter of inference. So once we talk about lie detecting testing and polygraphing we are talking about inference. I ask: Is that the way we pick and choose the best people for the positions that we are talking about and/or if we want to determine truth of those persons who are in the positions in terms of, you know, alleged misconduct on their part by subjecting them to a test that lacks certainty and allows us to infer truth?

Polygraph testing is not admissible evidence in our courts, Madam Speaker, and the reason is simple. Rules of evidence are strict. They are key to the ascertainment of truth, at least as far as is humanly possible. Truth cannot be guaranteed by polygraph testing. But that is not to say, Madam Speaker—I am not suggesting that other jurisdictions do not allow the lie detector tests into evidence. In fact, in several states in the US they allow it, including California and Washington. And according to an article entitled, “Are Lie Detector Tests Admissible in Court?”, the US Supreme Court commented that:

“...there is no reliable scientific evidence about the accuracy of lie detector tests.”

So, Madam Speaker, what does that particular aspect mean for us, that we can imagine the conundrum that employers can find—and I am talking about the employers that are the deemed employers under these various pieces of legislation, that they can find themselves in when they take disciplinary action based on the results of a polygraph test but when faced with legal action, the polygraph tests themselves that they seek to rely upon, they are not admissible in the court proceedings. They might be admissible as to the fact of its existence, Madam Speaker, but not to the truth of its contents and therefore, that is the conundrum that we can find ourselves in. So remember we are saying all along it cannot establish dishonesty with absolute certainty. So I am sure that my friends on the other side will say it is six of this and half a dozen of that. Some jurisdictions allow it while others do not.

But, Madam Speaker, following on that premise, we here must ask ourselves: If lie detection through polygraph is so unreliable, how come it is still getting so much traction? And for something so iffy, it commands a lot of importance—which continues to command a lot of importance and popularity, but those are not sufficient reasons. They are not enough reasons for us to follow fashion and be blindly led by those who use it out of nostalgia and tradition which is why in the beginning I started off by citing that June 2018 debate because I thought we would have heard what has changed the position of the hon. Member from that debate to today’s date, to tell us why it is all of sudden polygraphing has become somewhat reliable.

Madam Speaker, allow me to quote from yet another article entitled, “Zombie forensics: the use of the polygraph and the integrity of the criminal justice system in England and Wales”, which appeared in the International Journal of Evidence and Proof. And in it, Madam Speaker, the following was mentioned, and I quote:

“Recent developments regarding the proliferation of pseudo-scientific methods in the criminal justice system are blurring the lines between informed decision-making processes and fact-finding dystopia/science fiction, i.e. between reliable technical devices on the one hand and non-theoretical understanding of human traits and normative concepts such as truthfulness and deception on the other hand. More specifically...”—this is the quote continuing—“the notorious polygraph test is enjoying an unmistakable resurgence of usage.”

“Now, the question is: Why is the polygraph increasingly gaining traction? What makes it so appealing that legal systems jettison fundamental evidential principles or, most importantly, one of their core tenets, i.e. rationality, by forcing subjects to undergo polygraph tests?”

For the avoidance of doubt, Madam Speaker, I am still on the quote from the article.

“I cannot stress enough that ever since the first deployment of the polygraph, criminal courts, scientific institutions, military organisations, and last but not least, academic discourse have continuously and almost unanimously discredited the polygraph as regards its validity in fact-finding processes. What is more, the very scientific paradigm in psychology which propelled the polygraph into existence has receded due to its lack of methodology, indefensible empirical basis and thus deficient validity...”

“The use of the polygraph faces all the usual problems: lack of validity, lack of consistency due to the arbitrary character of polygraph interviews, which invokes Articles 5 and 8”—of the—“ECHR, and the need to use deception and psychological manipulation in order to convince the subject that the polygraph works.”

So a test is premise—polygraph tests are premised on deceiving the person who is being tested, that what is about to be recorded is going to the merits of the truth.

“What is more, the combination of inadmissibility of the polygraph in the criminal process and its use from probation services creates, finally, a major contradiction which is detrimental to the integrity of the legal order.”

I end quote with that particular article.

So, Madam Speaker, the article goes on to trace the development between psychological states, such as dishonesty, to physiological states, such as increased heart rate and respiration from:

“...an obsolete and discredited paradigm in—the field of—
“psychology...”—called—“‘Introspection’.”

Madam Speaker, if this was not bad enough, it is ironic that the greatest deception comes from the application of the test itself. It is a deception that is practised, Madam Speaker, by the operators of the polygraph on the subject, that is to say one person who has applied for that coveted post or who is being ordered to take a test by his superior. This is arguably an abuse that is wilfully inflicted on the people from whom we demand honesty and integrity.

So, Madam Speaker, again, let me refer to that article, which I want to state again and to remind all that it was published in 2021, and it states:

“If the examinee declares that he does not ‘believe in the polygraph’ then, as experienced polygraphers recommend, certain steps need to be taken...and thus instil fear of detection.”

This is why I said, Madam Speaker, earlier that you are deceiving the person who is being tested into believing that what is about to be conducted will elicit the truth from them.

“In that case, the stim-test is conducted before the main part of the interview.”

This is where persons are not convinced of the lie detector test.

“What is more...”—is that—“the examiner is instructed to use the word ‘acquaintance or demonstration test’ so that the examinee thinks that this is a trivial procedure for adjusting tubes and instruments, while at the same time the psychological test induces the false belief about the validity of the polygraph—generating thus the necessary ‘psychological climate’...”

And this is something that comes also by way of reference of the Office of Technology Assessment, 1983, for that particular test.

“This is an astonishing insight, for, in effect, polygraph examiners concede that there is no methodologically valid way to assess the accuracy of the examiner’s guess other than a co-operating/mystified subject.”

So, Madam Speaker:

“The ritual deployed by the polygraph examiners can thus safely be regarded as deceptive and fraudulent...”—and this finds its way in none other than the British Psychological Society, 2004.

So, this idea is repeated in another scholarly article, which I will not go into, Madam Speaker, but it is entitled, “Not ‘Very English’ - on the Use of the

Polygraph by the Penal System in England and Wales”. And what essentially they continued with the debate in this particular article is: How is it even possible for polygraph to gradually gain the traction again? So it has been tested, it has been tried and it has been found very much lacking.

Madam Speaker, may I ask how much time I have remaining?

Madam Speaker: You end at 3:24:38.

Mr. D. Rambally: Thank you, Madam Speaker. So, Madam Speaker, we in this country, we have been trained to follow the science. So why not now? You want honesty from people, Madam Speaker, by inflicting dishonesty on them.

So, Madam Speaker, I have a hypothetical situation which I would like to refer to as I sum up this polygraph point. Think about the dilemma, Madam Speaker, of Joe Public, polygraph time for that individual. Madam Speaker, this person is there, he is having a flashback to the childhood days when his mother would say, “Stick out yuh tongue and lemme see if yuh lying.” He feels that same nervousness coming back again as he is taking this test, hoping he passes because he not in the mood for punishment or having any privileges removed. One difference, Madam Speaker, however, is back then he was a child, now he is a man. And he is not facing his mother. Now he is facing the polygrapher who does not know him from Adam or any other person. He is praying, he is nervous like the first time. The question starts, Madam Speaker, by the polygrapher. He is praying it has no technical issues. He is flustered, Madam Speaker. He is overreading into the questions. Anxiety is rising. Heart rate is rising. He is almost finished with the test, Madam Speaker, and he is begging God, “doh let it have a national blackout again”, because otherwise he might have to start over this whole polygraph test again. And, Madam Speaker, in the end, they think he is lying but he is not. What

is the end result of this so unreliable methodology of polygraphing? He has failed that one. And what is the position of that particular individual? Who do they turn to?

So this flawed procedure for polygraphing testing, Madam Speaker, is something that is different from integrity testing. One of the issues with the Bill is that you do not have proper definitions even for polygraphing, whether the lie detecting is a subset of polygraphing or vice versa. We do not have really what is the integrity testing. Whilst that is not used in the language of the Bill itself, Madam Speaker, it finds its way in the Explanatory Note. And yes, that does not form part of the Bill but it is intended, as it is stated in the Explanatory Note, to indicate the general purport.

So I am saying, Madam Speaker, that even with integrity testing, honesty test, that is a different type of testing which we have heard nothing about but which in the Explanatory Note to the Bill it is saying that, you know, that is something that the polygraph and any other lie detecting test, the drug test and the collection of their biometric information for the purposes of integrity testing. So that is the general purport that is stated with the Bill. So, Madam Speaker, such an important aspect of evaluation to determine person's suitability to important post and/or functions and this Bill has made but passing reference to it, and this is a shortcoming which has to be revisited.

Madam Speaker, I turn quickly to biometric testing and we all know that biometric data for identification includes—and some of it we have heard from the hon. Member who has piloted the Bill—the use of facial recognition, the iris scan, hand geometry, voice recognition and certain other behavioural characteristics. So, Madam Speaker, there is some anxiety which continues to exist in all countries in

the world about the safe use of biometrics and these are nicely summarized in the Norton website, famous for computer security. And, Madam Speaker, I will not go into that in the interest of time. What I would want to say is that while biometric data will not be subject to the Freedom of Information Act and will be treated as confidential, we do not believe that there is enough guaranteed protection of the employee. There should be full disclosure as to the purpose for which these biometrics will be used. It will surely open doors to the workplace. But employees need to know if their biometric will be used to check their computer activity and their working hours, especially if they will be working from home. In other words, Madam Speaker, consent to biodata is effectively having a camera on you all of the time. They need to know—these employees—exactly what the employers want to see.

So, Madam Speaker, if I may share the trend that is developing in certain states in the United States in respect of the collection, maintenance and use of biometric data. We can turn to biometric data privacy and why employers need to know about it. And that is a very reputed article and, Madam Speaker, in the interest of time, it really refers to California and Illinois and they have given their positions on this biometric testing.

Madam Speaker, we always want to strike the right balance between doing what appears best for the country and what constitutional protections we are interfering with in doing so. So in deciding whether to support this Bill, Madam Speaker, we have to be crystal clear that we do not carelessly overturn basic legal rights and principles in our haste to appoint people or remove them from key positions. So throughout history, Madam Speaker, people have always tried to find clever ways of discovering the truth, whether it is through ordeals, trial by fire or

water. Today we are looking at torture and polygraph. Not because other countries are using it, Madam Speaker, it means we have to stop critically examining what is best for us. In respect of polygraph, the science is clear. It is deceptive, it is inaccurate and it is uncertain. There are hacks, Madam Speaker, to beat the system that are even available as to you go about doing it on YouTube. So I believe, Madam Speaker, that we can do better than what is before us.

I want to reiterate that we have not heard, Madam Speaker, from the hon. Member really what has changed since 2018, till now, in terms of what his position was with polygraphing back then and now. Madam Speaker, I am not convinced that the lie detecting—the polygraphing or the lie detecting testing will have any major deterring initiative or major deterrent—pose a major deterrent on those who may seek to utilize or misuse sensitive information in a manner which is really contrary to the interest of the entities to which they belong. So I have not heard sufficient on that, Madam Speaker, and I am sure others who come after me will refer to it.

Madam Speaker, in closing, I want to maintain that at the end of the day if it is we are to take on board this Bill, we should have had proper definitions being placed in it; we should have had certainly what is entailed or conceptualized under the polygraphing, the lie detecting. They are not certainly the same. The science suggests that there are different techniques and you have to specify exactly what is contemplated. I know the usual, you know, response will be, “Well, that will come in the regulations.” But something as important as this, I think the primary—the enabling legislation should be very clear about what is being considered. This is something that is very new to our jurisdiction. Certainly what is contemplated here, it has been utilized before, we have not gotten any statistics to show in those limited

instances in the police service when it was used, exactly how trustworthy it was deemed to be by reference to any empirical data. We have not heard anything about that.

So, Madam Speaker, I want to say that when we talk about the purpose of integrity testing, that is something totally different which has its own limbs, which is separate and apart, as I said before, from the polygraphing. And therefore, if that is mentioned here we would have thought and we would have expected to hear exactly how they are linked. So, Madam Speaker, I want to say that it is very difficult to support this Bill in the present format. Hopefully we can hear something that will answer some of the questions. The science is definitely, Madam Speaker, against the use of polygraphing. The drug testing is something which is something that we would wish to commend in principle. The question of biometric data, there are a lot of hazards and when you look at the law in the jurisdictions cited by the piloter, hon. Member for Laventille West, in fact it shows that we do not have sufficient safeguards in this Bill. And therefore, we need to see the sufficient safeguards if we are going down the route of the biometric data, biometric testing and collection of such information. Madam Speaker, with these few words, I want to thank you for allowing me to participate.

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. Madam Speaker, the Member for Chaguanas West gave a very brave attempt at a bramble. I say that with the most deference to my colleague. The hon. Member certainly touched upon the law, in essence setting up

the argument that this law is not acceptable to the Opposition. In summary, the positions offered by my learned friend are that the science is not with it.

And if we look to that, Madam Speaker, I would like to ask, in light of the policy paper produced by the Law Reform Commission which looked at the introduction of lie detector tests, drug tests and biometric identification within the protective services and certain departments of the public services, if the science is not with us and if we have fair and independent courts in not only Trinidad and Tobago but in other jurisdictions, I would like to understand why a law such as the one that we propose today, this miscellaneous provisions law, is acceptable in so many other jurisdictions?

Because, Madam Speaker, the United Kingdom operates upon the very systems that we are proposing today with massive latitude, the United States of America with massive latitude. When we look to the laws of Australia, we look to the laws of Canada, we look to the laws of South Africa, Madam Speaker, I find it incredible to watch court after court in all of these commonwealth countries consistently consider the issue of biometrics, drug testing and lie detectors as constitutionally required in a society such as their societies.

Now, Madam Speaker, the fact is the Laws of the Republic of Trinidad and Tobago in the Police Service Regulations already provide for the use of drug testing, the collection of certain biometric information, in that case, physical features and also finger printing, et cetera. We do have the ability to collect DNA evidence for protective services under the DNA Act and we allow for the provision of lie detectors.

So the laws of the Republic of Trinidad and Tobago already contemplate use of this and there has been no striking down of those provisions. None. The 2007

Regulations for the police service, Madam Speaker, we are now in 2022, we know that the police service has for entry requirements the use of these techniques that we propose today and we know that we can introduce it as a term and condition for new entrants, not only coming into the police service but entrance into specialist divisions. In other words then, you can decide what the key to open the door to a job looks like.

But, Madam Speaker, we are within constitutional clear understanding that our laws as interpreted by the courts—and I want to refer to a particular case in Barbados, that is the case of *King v the AG of Barbados 1994*. And it is a case of the Privy Council UKPC at 14 where it is an absolute certainty that the State can alter public service terms and conditions. I want to bear in mind we are not today proposing the introduction of these techniques to any of the officeholders who are subject to section 136 of the Constitution because those officeholders have constitutionally entrenched terms and conditions.

But today, Madam Speaker, we are being invited to consider the proportionality, the constitutionality of the laws that we seek in these nine clauses of the Bill. When we look from clauses 3 to 9, six clauses, we traverse the following areas. Law officers, i.e. attorneys-at-law at the judicial and legal service cover. That is Chap. 6:01. The law officers that we are looking at there include officers at the Customs and Excise Division, the Board of Inland Revenue and the Immigration Division.

3.30 p.m.

We are looking at the Prison Service, Madam Speaker, Chap. 13:02; we are looking at the Defence Act; we are looking at the Police Service Act, Chap. 15:01; we are looking at the Fire Services Act, Chap. 35:50; we are looking at the Civil

Service Act, Chap. 23:01 and the Financial Intelligence Unit of Trinidad and Tobago, Chap. 72:01.

But, Madam Speaker, in looking at the issue of constitutionality the first thing is, is there a legitimate aim to this law? The legitimate aim to this law is, number one, to capture biometric information. Why? Madam Speaker, I will come to that in a short context. But biometric information, be it facial recognition;, geometrical hand print information; finger print information; Iris scan information, is for the purpose of identifying who in today's modern world may or may not be involved in evidence captured by CCTV cameras or other techniques.

Two, we are looking at drug testing, where there is an occupational health and safety requirement, where there are all sorts of our laws which say that you must operate a healthy and safe system and protect others. Three, we are looking at the issue of lie detection.

Now, Madam Speaker, we treat the people in the protective services slightly differently from those in the public service because the Civil Service Act, the FIUTT and also the JLSC we say that they can only be subjected to this law while on duty. The protective services, fire, defence force, police, we say that they must be in the course of being treated whilst on or off duty. The purpose of this law, the legitimate aim, is to narrow the gates in relation to a very narrow basket of matters, Madam Speaker. And I would like to know in the face of all of the many jurisdictions that have these very laws, as I have identified some of them, I would like to know, Madam Speaker, if the Opposition does not consider it important to have top secret information managed by people who are trustworthy. If the Opposition thinks it inappropriate for people who are the subject of espionage or people who are the subject of money laundering accusations to not be subjected to detection tests.

I would like to know if the Opposition thinks it unreasonable for people involved in misconduct of duties, for people involved in the proximity of dangerous drug matters, anti-terrorism matters, trafficking in persons matters, to be so far out of the realm of rationality that we as a serious Republic in this world cannot today do like other countries do and say, we too deserve First World protection—

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi:—we too deserve to have people subjected to the law because to whom great power is given much responsibility and expectation is to be had, Madam Speaker. And we think it materially important to bear in mind that serious matters—and if you look to the defence force, the police service and you look to the fire services and we look to subsections (2) in each of those Acts as we put them in the relevant positions and we get down to the letter (h) we are talking about, Madam Speaker:

“‘serious incident’ means an accident resulting in the death of or injury to a person, damage...or destruction of property or environmental”—risk—
“any risk of...death, injury, damage, destruction or harm.”

And when we go, Madam Speaker, into the fact that we are looking specifically where a person is killed or injured as a result of the discharge of a firearm by the officer or the use of physical force by the officer or while in lawful detention or custody, Madam Speaker, what could be more important to the country to Trinidad and Tobago to know that officers who are in service, law enforcement officers, are also subjected to the highest standard of scrutiny in relation to matters such as these.

Madam Speaker, we have had people marching up and down Trinidad and Tobago, we even had Members of the Opposition participating in marches

themselves where the cries come out as to whether there is a fair scrutiny and due process to law enforcement being subjected to a higher standard. Because, Madam Speaker, you have a sense of safety afoot. And, Madam Speaker, when we talk about proportionality what we say in this is that we are limiting it in the civil service side, that is, the civil service, the JLSC and the FIUTT, to while you are on duty, in the protective services side, the fire services, the defence force, the Trinidad and Tobago Police Service, while you are on duty or off duty.

But, Madam Speaker, is there or is there not an argument that people who are involved in trafficking in persons ought to be subjected to the kind of scrutiny that we are recommending and that other countries also apply, Madam Speaker? Is it good enough that the FBI is viewed to be a successful entity, the CIA; SO15 in the United Kingdom; MI5, MI6 in the United Kingdom, but in Trinidad and Tobago we cannot have because the Opposition holds the key to this, the ability to use polygraphing, other lie detection tests, drug testing or biometric data. Why, Madam Speaker?

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: Madam Speaker, we have included the Registrar General which falls under the Office of the Attorney General into this mix. The Registrar General by virtue of Act No. 12 of 2020 is now responsible for the Real Estate Agents Act; by virtue of Act No. 17 of 2020 is the Miscellaneous Amendments (Registration of Deeds and Real Property) Act; the Companies (Amdt.) Act, 2019; the Non-Profit Organisations Act, 2019; the Miscellaneous Provisions (Tax Amnesty, Pension, National Insurance, Central Bank, Companies and Non-Profit Organisations) Act, 2019; Valuation of Land Act; Property Tax Act; Registration of Titles to Land Act; State Suits Limitation Act; State Land Tribunal; Land

Adjudication; Miscellaneous Provisions, all of the package of laws that we passed in the period 2016 to 2020 put the legal officers of the Registrar General falling under the Office of the AG into direct responsibility to manage the records of Trinidad and Tobago. Where we have also mandated, if you look to the Non-Profit Organisations Act, or you look to the Real Estate Agents Act, that sensitive private information has to be considered and kept at the Registrar General's Office.

The Financial Intelligence Unit is also similarly circumstanced. And therefore, Madam Speaker, when we are looking to the issue of proportionality we have targeted the points to receive this law down to the narrowest parameters possible. And therefore, we begin to satisfy the three limb tests of constitutionality, be it *De Freitas*, be it any one of the leading cases, *R v Oakes*, whichever way you want to go. There are umpteen cases on proportionality in Northern Construction in our own Court of Appeal. But, Madam Speaker, the legitimate aim finds itself rationally connected by saying, you cannot be the repository of sensitive and secret information where one missing document can result in the difference between innocence or guilt whichever way you want to look at it and not have responsibility.

Now, Madam Speaker, we accept that this law traverses the right to private life. We accept that this law traverses the obligations that we are looking to self-protection of law, be it in section 4(b) of the Constitution or private life in 4(c), the quality of treatment in 4(d) is touched upon. The right against self-incrimination section 5(2)(d) of the Constitution. They are all traversed. The question is, are we going to too far?

So in answer to that, Madam Speaker, and in underwriting the constitutionality I say we are narrow in focus. We are treating with sensitive top secret information; we are treating with trafficking in persons; we are treating with

dangerous drugs; we are treating with anti-terrorism, we do not go for every matter. In it we say that the results are confidential in every one of the clauses. We say they are exempt from freedom of information, Madam Speaker. If you look to a very recent decision coming out of the Supreme Courts of the United Kingdom, *Bloomberg v ZXC*, and that was a case, 2022, delivered just a couple days ago, the 16th of February, 2022, when you look at what the Supreme Court in the United Kingdom balanced in considering Article 8 and Article 10 of the European Court of Human Rights context of the European charter, and saying that it is a balancing act between private life and a balancing act between freedom of expression.

When you look to the fulminations of that court, it was quite interesting to note that underwriting the constitutionality of the Bill today we also have the newfound thought of abuse of private information. But, Madam Speaker, when you go down to the fact, who in this country could really tell us that money laundering is not the route to criminality. Why would the Opposition again for the umpteenth time refuse to support a law that tackles money laundering?

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: What is it, who is it in the Opposition Bench that has a problem with trafficking in persons, where we have seen the abuse of young women in particular, vulnerable persons in the context of Latin American young women and children being abused, Madam Speaker, in trafficking in persons. Why would the Opposition stand against a fighting chance to stop the abuse of the vulnerable in trafficking in persons?

Madam Speaker, anti-terrorism. Who could say that Trinidad and Tobago did not have an issue in the public domain, trumpeted by the Opposition, in relation to contributors in the fight that ISIS took to the world, that unholy and improper pursuit.

Madam Speaker, why would it be outside of the contemplation of Chaguanas West to say that it is good enough for the United Kingdom, for Canada, for New Zealand, for South Africa, Madam Speaker, for the police service in our regulations right here, why is it good enough for everybody else except the UNC? Why?

You see, Madam Speaker, they make this academic and otherwise large charade that they will support laws. But, Madam Speaker, today this law cannot pass if there is no Opposition support. Today the people of Trinidad and Tobago cannot get another tool in the arsenal to fight the war against trafficking in persons, money laundering, to deal with anti-terrorism, Madam Speaker, to deal with the Dangerous Drugs Act. These are the same hon. Members that stand up and say, Trinidad and Tobago is a dangerous place. These are the same hon. Members who today can support a position, an intellectual position to say let us give all people on charges of murder the right to bail but when we are in government we will not do it.

Madam Speaker, how do you take an Opposition such as the hon. Members opposite seriously? How do we genuinely say that Trinidad and Tobago is pushing its way forward? Madam Speaker, all of the clauses here say that the head of a department can direct/order an officer under the various Acts that we looking at to be subjected to biometric, to drug testing and to polygraphing. What could be wrong with biometrics? What could be wrong with drug testing? Okay, you have a problem with telling the truth tests, lie detector tests. We say that it is to be confidential, but I am asking, what is the odium here? This law does not accept the right against self-incrimination or the right to remain silent. We do not accept the right against self-incrimination here. If an officer says no, what is the consequence? It falls to due process; it falls to a disciplinary matter; it falls to consideration as to whether there is a breach or not. But, Madam Speaker, what could be objectionable in relation to

the very narrow purport of top secret information, information concerning the records of Trinidad and Tobago, national security interest, what could be wrong in ensuring that the highest form of vetting is provided there.

Madam Speaker: Hon. Attorney General, your time is now spent.

Hon. F. Al-Rawi: I thought you would give me a five-minute warning.

Madam Speaker: [*Laughter*]

Hon. F. Al-Rawi: I thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Caroni Central.

Mr. Arnold Ram (*Caroni Central*): Thank you, Madam Speaker for the recognition and the opportunity to contribute this afternoon on the Bill entitled: Miscellaneous Provisions (Testing and Identification) Bill, 2022. Madam Speaker, this Bill as was indicated by the speakers before seeks to amend quite a number of Bills, be it Judicial and Legal Service Act, Chap. 6:01; the Prison Service Act, Chap. 13:02 amongst others. Now very instructive in this piece of—and the amendments that are to be made to these various pieces of legislation proposed by the Government this afternoon, is the fact that the Regulations are yet to be laid. And when you look at the Explanatory Note at the very beginning it says that:

“the Bill will be inconsistent with sections 4 and 5...and therefore...pursuant to section 13...a...three-fifths”—majority—“of the members”—is required so that the Bill can be passed today, please, Madam Speaker.

So, Madam Speaker, one, I intend to, you know, provide some very critical, constructive criticism of the Bill before us this afternoon for the consideration of Members opposite, if they should so desire. And very early on, Madam Speaker, I am saying that if we are going to circumvent and curtail and side step section 4 and

section 5 rights it is very important that those of us on this side are aware of what the Regulations are—at least the Regulations in draft ought to be laid together with the Bill before us. That is our position. We will support, our position is that we would support good legislation but we cannot support good legislation blindly, Madam Speaker. The Government cannot come to this House and dance and say that the Opposition is unpatriotic, the Opposition is this, the Opposition is not serious about crime, but they are asking us to circumvent rights without laying, at least, the draft Regulations before this House.

Madam Speaker, if it is that we are to support this legislation today and I am to go into my constituents on a walkabout, like I see Members on the other side going about doing walk about and so forth, and a constituent should ask me, why did you support this Bill? Are you sure the Regulations that are to be followed will be in our best interest? I will be unable to answer that, Madam Speaker. And that is one difficulty I have this afternoon in supporting this legislation in the present form. Had it been that the Regulations were laid together with it, I may not have had that disposition. So that is one of the very first piece of constructive criticism I would like to lay before the Members opposite.

Madam Speaker, as I move on, and I had looked at the Bill, you know, the amendments seek to amend the different Acts, the different Chapters in and about the same way in terms of the way in which it is structured. So therefore, when you deal with, for example, the Prisons Act or the Police Service Act it is about, you know, more or less the same enactment across the different pieces of amendments to the existing legislation.

Now, there is one particular issue which I think requires debate, please, Madam Speaker, and that is the definition, any of the sections, for example, I am

using the, I believe it is the first one, the Judicial and Legal Service Act, you look at confidential or sensitive information. And under the definition section, this is section 11A(3) and you go to (3)(b):

“‘confidential or sensitive information’ means information which reasonably could be expected to cause damage to national security if disclosed without prior...”—consent.

But, Madam Speaker, it is very noteworthy that this House not too long ago debated the whistleblower legislation. And whilst it was not passed, this Bill seeks to say that you cannot disclose without prior written authorization. So the question becomes, Madam Speaker, what if one of these officers identified, any one of the sections, law officers in the civil service, once they disclose misfeasance in the civil service via the whistleblower legislation or via any other means, they will require prior written authorization to do so. So therefore, there is no collaboration and/or unison in respect to the legislation before us today and the one we debated two weeks ago. What are you saying, what is the Government saying to the population? We are encouraging whistleblowers? No, but we are encouraging whistleblower but you need written prior consent.

Madam Speaker: We are not debating whistleblower, all right. Please let us stick to this, okay.

Mr. A. Ram: I am guided please, Madam Speaker. So I am saying under the definition here you require prior authorization to disclose anything of national security. Madam Speaker, as we proceed along the Bill in one of these clauses here, in anyone, you will see generally—“In exercise”—for example—“In exercise of the powers granted...”—for example, in the Prison Service Act:

“...the powers granted under subsection (1)”—it says:

“the Commissioner of Prisons may order an officer to submit to any or all of the other tests or collection referred to in subsection (1)...”—and these referred to the polygraph, the drug testing and biometric information.

And then one particular situation arises, Madam Speaker, at (h) where it says, where:

“a person is killed or injured as a result of the discharge of a firearm by the officer or the use of physical force by the officer or while in lawful detention or custody;”

Madam Speaker, our courts are littered with instances of—in respect of the prison service accusations of persons being beaten and injured. And if you look at (h) it speaks generally about; it speaks literally about somebody, the use of physical force by an officer while somebody is in lawful detention. And all our court system is littered with accusations and matters before it in which prison officers and officers of the prison service are asked to account in respect of beatings in prison. So therefore, there is one particular issue which arises here.

Now, when you look at the exemption, the fact that this information is going to be—the different pieces of information, the polygraphic information and others—exempted from the Freedom of Information Act, how then can somebody who is brought before the courts—for example, somebody who has brought an action against someone in the prison service for example, whether or not a lie detector was performed on the person who is alleged to have beaten the prisoner or the person in custody. And it is very instructive that as part of the Criminal Procedure Rules the prosecution is required to disclose, initial disclosure of all pertinent information, whether it undermines whether it assists or undermines their case.

Now you cannot say, for example, Madam Speaker, that you are moving the overriding objectives of the criminal procedure rules forward, in one instance and

then in the other instance you are exempting information from the ambit of the freedom of information. So I think that is very instructive in terms of persons who have matters before the courts in respect of being injured whilst in custody. It is very important that they have access to person who may have committed these acts against them, for example, when a lie detector or other biometric information has been gathered in their matter. So that is the second point which I would raise this afternoon, Madam Speaker.

Madam Speaker, when you look at the Data Protection Act—oh, sorry, the data, the information here is going to be stored, right, you talk about the storage and the storage of this information. Madam Speaker, my question to those on the side is, how is this data going to be stored? Is it going to be electronic? Is it going to be hard copy? We have not been told how this information is going to be stored. Madam Speaker, we have had the Data Protection Act which has been partially proclaimed. So our question is you are not proclaiming the Data Protection Act but you want to produce to this House a Bill which requires data to be protected. So how is this data going to be stored? If electronic, what systems are in place to protect such information? Where is the data going to be stored? Is it going to be stored in a server? Is it going to be stored in a server room? Where is it going to be stored? Madam Speaker, we are not told this type of information in respect of the Bill before us this afternoon. How is the data going to be protected? Who is going to have access to this data, Madam Speaker, and how is the data—under what conditions are the data to be destroyed?

So, Madam Speaker, those are some of the questions which require answers in respect of the Bill before us and I ask that the Government if they can and are able to, to please provide some clarification as the debate continues. Madam Speaker, I

think something that, you know, is very instructive and something has not been told in respect of the polygraph test, we are not told what type of polygraph testing is proposed. Now, for example, my reading of polygraph test, benefits and challenges, it is noted that there are basically different kinds of advanced polygraphic tests being used in lie detection. We have the control question test, the guilty knowledge test, or the concealed information test and the neuroscience-based advanced polygraph test. We are not told what type of polygraph test these civil servants will be subjected to, because very instructive in this report, Madam Speaker, it is called “Polygraph Tests—Benefits and Challenges”. It is by the Higher Colleges of Technology and it says:

“Kaste (2015) reported that polygraph tests, especially the earlier types of tests, tend to produce two different kinds of unexpected results. They are “false negatives” and “false positives,” which are wrong classification of the test subjects. According to the author, while the “false negatives” declare the true guilt subjects as innocents the ‘false positives’ misclassify innocents as guilty. He says that it is apparent that declaring innocent people as guilty would be far more dangerous than misclassifying guilty people as innocents. Therefore, Kaste suggests that it is inevitable that the test developers and researchers may pay more attention to innovate the methodology or develop measures to prevent the occurrence of “false negatives” and “false positives” so that polygraph tests could be effectively and widely employed in detecting lies.”

So basically the long and short of that, Madam Speaker, is that there are some loopholes in respect of polygraph test producing false negatives and false positives which can have a detrimental effect especially in the case of false positive,

misclassifying innocent persons as guilty. And we, I mean, there have been some advances but we are not told what type of testing the Government rely on in respect of these civil servants to be subjected to.

Madam Speaker, it goes on to say that you can plug some of the loopholes but it is not completely scientific.

So that is very important because we do not want to have persons who are innocent having to wait for long trials just because there has been a wrong polygraph test administered on them.

4.00 p.m.

So, Madam Speaker, as I almost wrap up, there is one point that I would like to add to dissipate further is the fact that the Government has not produced to us something that is complete and something that we can close our eyes and support this afternoon and I would really like if the Government could consider looking at some of these issues and producing something that we can really support to move forward, please.

Madam Speaker, with those few words, I thank you for the opportunity.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for San Fernando East.

The Minister in the Ministry of Finance (Hon. Brian Manning): Madam Speaker, thank you for the opportunity to contribute in the debate on this important piece of legislation, the Miscellaneous Provisions (Testing and Identification) Bill, 2022. Madam Speaker, I listened intently to some of the comments made earlier. I am not sure how to respond to what was said by the Member for Caroni Central but the Member for Chaguanas West stated that the science does not support this piece of legislation. But unfortunately, every time this Government brings a piece of

legislation to this Parliament designed to stamp out white collar corruption in Trinidad and Tobago, especially in the public service, it is not supported by those on the other side—

Hon. Members: [*Desk thumping*]

Hon. B. Manning:—which leaves me to wonder, Madam Speaker, if science does not support every piece of legislation that we have brought to Parliament thus far from the testing identification Bill which we bring today to whistleblower legislation to even aspects of the TTRA Bill. They do not support it, and I leave that—

Hon. Members: [*Desk thumping*]

Hon. B. Manning: And I leave the determination as to why to the members of the public of Trinidad and Tobago. But let us go into the Bill.

Madam Speaker, this Bill seeks to amend several key pieces of legislation: the Judicial and Legal Service Act, Chap. 6:01, Prison Service Act, Chap. 13:02, the Defence Act, Chap. 14:01, Police Service Act, Chap. 15:01, Civil Service Act, Chap. 23:01, the Fire Service Act, Chap. 35:50, the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01. Madam Speaker, this Bill seeks:

“...to provide a regulatory framework for polygraph and drug testing and biometric identification for members of the Protective Services and certain offices in the Judicial and Legal Service and the Civil Service and for other related matters.”

Madam Speaker, I will restrict my contribution to the institutions which fall under the Ministry of Finance, mainly the Customs and Excise Division and the Financial Intelligence Unit of Trinidad and Tobago.

Madam Speaker, this Bill is designed to allow for the testing of an individual's integrity, it is an integrity test, in accordance with the principles of natural justice.

Now, Madam Speaker, listening to some of the previous speakers, you would think that somehow employees of these institutions, their rights are being violated by the application of these integrity tests, but of course, the application of these tests would be in keeping with the principles of natural justice and especially in terms of probable cause, in terms of whether a person can be tested or not. It also aims to provide an equitable and consistent and proportionate response to intelligence in accordance to existing criminal legislation, protective services legislation and employment law. So the previous speaker can rest assured that this Bill is not going to trample over several other pieces of legislation as he seemed to allude in his contribution.

The Government of Trinidad and Tobago is committed to maintaining the highest standards of integrity in these sensitive agencies. Now, Madam Speaker, I am sure you can imagine within the Customs Division and the FIU, the employees there would be handling extremely sensitive matters and the important part of this legislation is that it is not just about protecting our institution, it is not about an exercise in institutional strengthening but it is also designed to protect the employees or public servants that work within these institutions. That is an extremely important point.

This policy is related to the investigation of corruption and applies to all staff, including temporary or contract staff with the protective services, civil services, FIU and Customs and Excise Division. As this Government has shown through the introduction of various pieces of legislation, we are committed to stamping out corrupt practices within the public service and we will continue to do so.

This Bill seems to formalize an acceptable means of addressing allegations of corruption in the form of intelligence-led integrity testing. Now, once again, it is

done from the form of intelligence, Madam Speaker, it is based on intelligence, sorry, where we are allowed to apply an integrity test. Now, the definition of an integrity test. An integrity test creates a condition or situation designed to generate a reaction by an individual or individuals so that their conduct, behaviour and professional standards can be assessed. Integrity tests are well recognized for their deterrent effect on corrupt practices and act as a form of institutional strengthening in combatting acts of corruption.

Madam Speaker, institutional strengthening is essential to national development and this entails improving principles, minimum standards, best practices, business processes, references and tools for effective, efficient and sustainable organizations. Now, it would be obvious that if persons within an organization are regularly tested, it makes them less susceptible and less willing to be involved in acts of corruption. It makes them less vulnerable and less likely to be targets to unscrupulous persons within our society who may want to compromise them for their own benefit.

The United Nations no less has supported this and has stated unequivocally that corruption and illicit trade contributes to States' weakness, impede economic growth and undermine democracy. These activities take the form of smuggling of commercial goods, drugs, counterfeit, dangerous and harmful goods, cross-border money laundering and commercial fraud such as underinvoicing and misclassification that impede the collection of state revenue. Madam Speaker, that came directly from the United Nations. In order to be responsive to these challenges, it is clear that a strong and effective Customs administrative framework is vital to economic and social development. And, of course, we must provide those in charge with the tools to enforce and to strengthen these institutions.

Madam Speaker, you have to remember that these are important institutions dealing with very sensitive matters. This legislation is designed to deal with the most glaring vulnerability in any institution or organization and that vulnerability is, of course, its people. Madam Speaker, I am going to tell you about one of the most famous computer hackers in the world, a gentleman by the name of Kevin Mitnick. Kevin Mitnick could hack any computer system. He is well known for the past few decades. He was on the FBI's most wanted list but what is most noteworthy about Kevin Mitnick is that he had limited knowledge about how to use a computer or technology yet he hacked several, at least 40; some of the largest and most protected organizations in the US, including the US Pentagon.

Now, how did he do that? He did it through the use of social engineering and by targeting the employees of the organization. Social engineering, in the context of information security, is the use of deception to manipulate individuals into divulging confidential or personal information that may be used for fraudulent purposes. And, Madam Speaker, in this case, it does not just have to be deception, it could also be coercion or forcing employees through some type of leverage to divulge this important or sensitive information.

During the course of his computer hacking career, he hacked over 40 major corporations, including the US Pentagon. What he would do, Madam Speaker, he would call senior members of an institution, pretending to be a member of the IT department and they would give him their user name and password. He would pretend to be a maintenance engineer within an organization and people would leave sensitive information laying out on their desk, also post-it notes that gave access to some of the most sensitive information on computers within the organization.

Kevin Mitnick is the main reason why many organizations have their trash professional disposed of and incinerated because he would spend hours going through an organization's trash where he would find again more passwords, more sensitive information. He would target the people and not the actual systems themselves. At one point, a federal judge, before he was sentenced, banned him from using all telecommunication devices because they thought he could launch nuclear weapons by whistling over the phone. That is how convinced he had persons of his ability to hack any system. Today, he is a trusted security consultant for Fortune 500 companies and governments worldwide. So, Madam Speaker, as I said earlier, the most vulnerable part of the system are our people and this Bill, though it may seem invasive and intrusive, is designed to protect the employees of these sensitive organizations.

Madam Speaker, the less vulnerable we make our employees at these sensitive units, the less likely they are to become targets of unscrupulous individuals seeking to corrupt those institutions. It protects both employer and employee which is extremely important and it is a point that I think those on the other side should consider. They become targets to persons who would seek to corrupt them and institutionally. It protects both the employer and employee. I hope my friends on the other side understand this. The less vulnerable our public servants, the less vulnerable our institutions, the more effective they become at promoting national development. That is what institutional strengthening is all about.

Madam Speaker, when it comes to the Customs and Excise Division, clause 7 of this Bill amends the Civil Service Act as it inserts a new section after section 11. This new section allows:

“...the Head of Department...”—to—“order an officer of the—

- Customs and Excise Division...”

Note again, Madam Speaker, the head of the department, it is not some random individual, it is the person in authority, the head of the department to:

“...order an officer of the—

- Customs and Excise Division;
- (c) Board of Inland Revenue;
- (d) Registrar General’s Department; or
- (e) Transport Division,”

—subject to subsection (2):

“to submit to...”—a:

- “(i) polygraph or any other lie-detecting tests;
- (ii) drug tests;”—or:
- “(iii) the collection of biometric information.”

I do not think we have mentioned—sorry, the Minister of National Security earlier mentioned exactly what biometric information means. Biometrics are body measurements and calculations related to human characteristics and can be used as a form of identification and access control, can include fingerprints, height, weight, blood type, saliva, urine, et cetera, Madam Speaker.

So Customs and Excise Division provide services and these are the important sensitive services that are provided by this particular institution: revenue collection and protection, correct application of trade policy, protecting our physical borders, society and the environment, collecting and disseminating accurate trade related info and statistics.

Madam Speaker, this Bill prescribes in clause 7, 11A(2) under what circumstances the measures proposed in the Bill can be used and I have heard quite

a bit from some of the earlier speakers where they made it seem as if, you know, there were no rules in terms of the application of this integrity test but clearly it is outlined in the Bill exactly when and how and by whom this integrity test can be used.

“...where

- the officer performs any intelligence or counter intelligence functions;
- the officer is assigned to a section, unit, department or division where top secret, confidential or sensitive information is accessed, processed or stored;
- the officer is part of or involved in an ongoing investigation involving economic loss such as theft, embezzlement, misappropriation, serious or complex fraud or an act of sabotage or espionage or money laundering;
- the officer has or had access to property, information or files that is the subject of an investigation;
- there is a reasonable suspicion that the officer was involved in a serious incident under investigation;
- there is a reasonable suspicion...”—again, reasonable suspicion—“that the officer is suspected of or involved in misconduct in relation to an ongoing investigation by law enforcement into the commission of a serious criminal offence;
- the duties performed by the officer in relation to his office, post or activities involves having access to or dealing with top secret, secret, confidential or sensitive information;

- a person is killed or injured as a result of the discharge of a firearm by the officer or the use of physical force by the officer or while in lawful detention or custody; or
- the officer is in proximity to a person charged or convicted of a serious criminal offence under any of the following Acts:
 - Dangerous Drugs Act;
 - Anti-Terrorism Act; or
 - Trafficking in Persons Act.”

Madam Speaker, I am sure several of those Acts will cause concern by some on the other side.

Madam Speaker, I move on to the Financial Intelligence Unit of Trinidad and Tobago. Madam Speaker, in clause 9 of the Bill, it amends the Financial Intelligence Unit of Trinidad and Tobago Act by inserting after section 7A a new section. The section will allow the director of the FIU to make an order of an officer subject to subsection (2) to submit to a:

“(a) polygraph or any other lie-detecting tests”

Again, a polygraph or any other lie-detecting test.

- "drug tests; and
- the collection of biometric information.”

This is done by the director of the FIU. So it is not a politicized or political position, it is done by the independent director of the organization. Additionally, in clause 9(a), 7A(2), it spells out how these powers that have been granted to the director of the FIU must be exercised. So again, there are rules and regulations and parameters in which these integrity tests can be applied. So I am sure several of the former speakers on the other side can now rest assured that this legislation will not be used

to compromise or attack or to somehow remove the rights of the employees of these important and sensitive institutions.

Madam Speaker, the FIU effectively monitors non-regulated financial institutions and listed businesses for which it is the supervisory authority and takes the necessary measures to secure compliance with AML/CFT legislative regime of Trinidad and Tobago. AML, anti-money laundering and CFT, combating financial terrorism. Two extremely important and sensitive issues in contemporary Trinidad and Tobago. As such the main functions of the FIUTT are to receive and analyze suspicious transactions and suspicious activity reports from other financial institutions and listed businesses, supervise and monitor the effectiveness of the system and cooperate and liaise with other authorities and stakeholders.

Now, Madam Speaker, if those on the other side had supported other pieces of legislation, the FIU would have far more teeth in terms of going after white collar criminals. But as I said earlier, every piece of legislation we bring to this House in order to deal with white collar crime is totally and completely rejected by those on the other side. I will allow the public to ask themselves why.

Madam Speaker, as such, given the sensitive nature of the information that the FIU would be dealing with, confidentiality is paramount and as such this proposed piece of legislation would not only help to strengthen the mandate of the FIU but also aid in strengthening its transparency and accountability. Further disclosure is prohibited by the effect of section 7A and 27(3) of the Financial Intelligence Unit of Trinidad and Tobago Act, a polygraph examiner or other person to whom information acquired from a polygraph examination is disclosed may not further disclose the information or records. Additionally, the information gathered via integrity testing is exempt from disclosure under the Freedom of Information

Act. The relevant department heads of the various institutions are the ones that are responsible for applying this integrity test and the information gathered is also protected from public perusal.

Integrity testing operations may only be authorized if there is a reasonable suspicion, again, may only be authorized if there is a reasonable suspicion so there is a legal standard to ensure that the rights of the person involved are not trampled. A reasonable suspicion that a staff member has committed, is committing or is likely to commit an offence punishable on conviction by imprisonment of 12 months or more. Madam Speaker, this is called reasonable cause. And there are several offences that we would fall under this legislation. These offences include but are not limited to: bribery, abuse of public office, possession of a controlled drug, dealing in proceeds of crime, associating with support of serious organized criminal activity, fraudulent conduct, unauthorized data access, unauthorized disclosure of information.

So in winding up, Madam Speaker, earlier, my friend from Chaguanas West spoke again about the science involved and I have to say that—

Madam Speaker: Member for San Fernando East, your speaking time is now spent.

Hon. B. Manning: Thank you so much, Madam Speaker.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Naparima.

Mr. Rodney Charles (*Naparima*): Thank you very much, Madam Speaker. I listened intently to my colleague, the Member for San Fernando East who happens to be—well I reside in San Fernando East. I think the Member is new to Parliament and he made a comment which we need to deal with upfront as I begin my contribution. He has said that he is unaware of the number of times, unaware of the

times that we have supported legislation and he raised the point as to our—and I am using my words here—recalcitrancy with respect to supporting Government’s legislation. I wish for the records—

Mr. Manning: Madam Speaker, that is not what I said. Thank you.

Mr. R. Charles: I wish for the records to indicate the number of legislations we have supported which required a special majority and this is for the record. The first, the Tax Information Exchange Agreement, United States of America Act, 2016, known as FATCA, we supported that.

Hon. Members: [*Desk thumping*]

Mr. R. Charles: The Anti-Gang Act, 2018, which required a special majority, we supported that.

Hon. Members: [*Desk thumping*]

Mr. Manning: Madam Speaker, 48(1), we are speaking about this particular piece of legislation and not the Anti-Gang Act.

Madam Speaker: Please have a seat. Please have a seat. Continue, Member for Naparima.

Mr. R. Charles: Thank you, Madam Speaker. Just for the records and in response to what you said, we supported the Insurance Act, 2016, the Anti-Terrorism (Amendment) Act, 2018, and the Licensing Committee (Validation) Act, 2018—

Hon. Members: [*Desk thumping*]

Mr. R. Charles:—passed in this House on the 18th of June, 2019. I wish to make the point that we are committed to supporting good legislation.

Hon. Members: [*Desk thumping*]

Mr. R. Charles: Not legislation that—and, Madam Speaker, if you give me a second, I will indicate—you see the self-righteous on that side. I will indicate that

during the period 2010 to 2015, the PNM did not support the Constitution (Amendment) (Capital Offences) Bill, 2011. They did not support the Miscellaneous Provisions (Remand) Bill 2010. They did not support the administration of justice. I could go on and on. The Bail (Amendment) Bill, 2013. So do not come here self-righteously pontificating that we on this side are not prepared to support good legislation, particularly when it deals with a special majority.

Hon. Members: [*Desk thumping*]

Mr. R. Charles: Madam Speaker, I wish to make the point that was made by my colleague before that here today, we have come with legislation that is critical, that is crucial, that is affecting the fundamental rights and freedoms that are enshrined in the Constitution and today, we would have liked to see the regulations *pari passu*, side by side, with the legislation so that we could look at the thing holistically and see what we are agreeing. Madam Speaker, this seems to be a pattern. I recall over and over, they talk about tedious repetition but we need to see the regulations so that we on this side can make an informed decision with respect to the legislation before us.

Hon. Members: [*Desk thumping*]

Mr. R. Charles: On 04 December, 2020, my leader, the Member for Siparia made the point and I quote:

“This is the procurement office. They have been working since 2018. They have done a lot of work including the prep of the Regulations.

We would have thought you would be coming here to lay the Regulations.”

Mr. Al-Rawi: Thank you, Madam Speaker. I rise respectfully on Standing Order 48(1).

Madam Speaker: And Member for Naparima, I uphold the objection. Please do not go into the procurement regulations, you have made a point and I think you have demonstrated it, please move on.

Mr. R. Charles: I wish to show how it is done differently in other jurisdictions. In the UK where they lay both so that when decisions are made, they are informed by the regulations. The UK introduced the Polygraph Rules in 2009 to accompany the Offender Management Act, 2007. The rules make provision for inter alia—and it deals with what we are dealing with—qualification and independence of polygraph operators, that is Rules 3 and 4. It makes provisions for the requirements for polygraph sessions, Rules 5 and 6. They make regulations with respect to the polygraph supervisors, that is Rule 7 and for reports, every six months for the polygraph provider to the UK Secretary of State. Now, under this Bill that we have before us, none of the above is addressed.

Hon. Members: [*Desk thumping*]

Mr. R. Charles: What are the qualifications of the regulator, the persons who are going to do the polygraph test? What are the qualifications? Are the tests to be standardized across all the agencies, the Board of Inland Revenue, the Customs authority, et cetera, TTPS? Are they going to be standardized? These are the kinds of things that an informed Parliament would like to be apprised of so that we can make a decision. So under this Bill, none of the above is addressed.

And while this Bill does make provision for the making of regulations to provide for the implementation of the said measures and the collection of biometric information as well as the storage, maintenance and disclosure of the test and information, the House has not been furnished with any such draft regulations to

inform its understanding of the legislation and how it will be operationalized. I move on.

Madam Speaker, the Bill would confer an expressed power in clauses 3 to 9 on the following officeholders to order an officer or law officer to submit to a polygraph test or lie-detecting test or a drug test and it lists those who are in power to order an officer: the Head of Department in the Customs and Excise Division, the Board of Inland Revenue and the Registrar General's Department, the Commissioner of Prisons, the Chief of Defence Staff, the Commissioner of Police, head of department in the Customs and Excise Division, the Immigration Division, et cetera, et cetera.

Madam Speaker, we have no problem. Understand this clearly, we have no problem with the legislation. We have no problem with the intent of the legislation. It is laudable.

Hon. Members: [*Desk thumping*]

Mr. R. Charles: We have a problem with what we call in the dialect throwing us to make a decision on what we call “cat in bag”.

[MR. DEPUTY SPEAKER *in the Chair*]

Take this thing, you are not apprised of all of the operationalization aspects and we are asked to decide, to support, and if we do not support, we hear that—not in this forum, but we hear elsewhere that we are unpatriotic.

4.30 p.m.

Mr. Deputy Speaker, we have no problem with the head of departments instructing officers to submit themselves to polygraph or lie detecting tests or drug tests. But we ask the question, who is going to guard these guards? These people who will be instructing their subordinate staff to have to submit to various tests. We

ask the question, what is good for the goose is good for the gander. And we would like to know and fully ventilate why for example, you are doing the heads of department and not the officers? Especially since we had a Commissioner of Police who the Prime Minister had problems with.

So we are asking, the Commissioner of Police is going to have the right to instruct his subordinates to submit to a test but he is free. Who will guard the guards? What is good for the goose is good for the gander. Who will be responsible for requesting polygraph or drug tests from them? What role will the Police Service Commission or other oversight bodies play? We need to know. And in fact, I have no problem with Parliament being subjected to these tests. I have no problem. And that is a personal opinion. I have no problem. So where does the buck stop? And that is what we ask in this pieces of—bits of legislation.

But there are all kinds of issues, all kinds of issues. Mr. Deputy Speaker, and let me say here, let me say here up front, we understand clearly that with great power comes great authority—great responsibility. Law officers are not ordinary citizens, and therefore, stakes are higher and in this regard they wield significant powers and ought to be subject to different levels of testing. However, they too are entitled to rights and protection under the law and these rights must be protected. Also, all assessments and investigative procedures must meet the threshold of being scientifically reliable and legally reasonable.

Mr. Deputy Speaker, my colleague spoke today about a polygraph testing, and I wish to look at it from a different angle. How reliable, how accurate, and how valid are these polygraph testing? And I quote CNN September 07, 2018:

“The American Psychological Association believes lie detectors...”—tests—
“...are inaccurate. They...”—are—“...underlying problem is theoretical:”

And this is what they posit:

“There could be many other reasons for a person to breathe more rapidly or experience a rise in blood pressure, heart rate and sweat.”

But that is not all:

“In 2002, the National Research Council of the National Academies of Sciences, Engineering and Medicine...concluded that the US government should not...”

I repeat:

“...the US government should not use polygraphs to screen or clear employees or to identify spies because the evidence showing lie detectors work ‘is scanty and scientifically weak.’”

And yet I heard the hon. Attorney General say, “England uses it, America uses it, the CIA uses it”. Why should the UNC not support it? And I refer him to the National Research Council of the National Academies of Sciences, Engineering and Medicine. You see why we have a problem in this side about scanty research, inappropriate intellectualism, and an inability to comprehensively bring legislation that is well thought out to this House.

Hon. Members: [*Desk thumping*].

Mr. R. Charles: Mr. Deputy Speaker, The Crime Report, September 19, 2019:

“...Thomas Mauriello”—he is—“a former senior polygraph examiner who worked at the...”—US—“...Defense Department...”

Not the Trinidad Coast Guard, you know, the—

“...US Defense Department for 30 years (and is currently a professor at the University of Maryland),”—he—“states...”—a—“...polygraph tests merely

measure a physiological reaction (e.g., perspiration or an increased heart rate); but they do not determine whether a person is lying or deceitful.”

So we ask the question on this side, having regard to the science, where, what, why, to whom, and will this thing be—this polygraph testing be applied and what is the efficacy? What are you going to do with it? You are going to lock up? Jail? Report? Fire? Demote? Transfer? At a test that the scientists are saying is unreliable.

A quote from the *Detecting Deception: Current Challenges and Cognitive Approaches*, “Wiley Series in the Psychology of Crime, Policing and Law”. It says:

The difference between an innocent’s fear of false detection and a guilty person’s fear of detection cannot be identified by a polygraph.

So here we are, in Trinidad and Tobago, in the 21st Century, in defiance of science bringing legislation, and we are saying yes we may agree, but let this go to a joint select committee, let us analyze, let us flesh out, let us come as the scripture says, let us reason together.

The Canadian courts have refused to admit the results of polygraph tests as evidence in criminal trials. “They use it in Canada, they use it in England, they use it in the CIA.” The:

“Canadian courts have refused to admit the results of polygraphs tests as evidence in criminal trials. The Supreme Court of Canada has ruled that they are unreliable and risky and would not assist the court in determining a person’s guilt or innocence.”

CBC, December 15, 2020. I have my facts. I do not come here unprepared, Mr. Deputy Speaker.

Hon. Members: [*Desk thumping*]

Mr. R. Charles: But that is polygraph testing. Let us go to drug testing and biometric identification. You see, you see why we need to discuss? You see why we need to interact? You see why we need to bring the best legislation, and the best science, and the best technology to the legislation?

Hon. Members: [*Desk thumping*]

Mr. R. Charles: Biometrics, let me educate the Member for San Fernando East, my MP actually. Biometrics are unique physical characteristics such as fingerprints that can be used for automated recognition. According to the Biometrics Institute of Australia there can be at least 15 different types of biometrics including DNA, ear shape, eyes, facial recognition, fingerprints. How many types of biometrics will be collected as identification from relevant personnel? We need to know. Will it be fingerprint, or DNA, or facial?

Again, again, Mr. Deputy Speaker, the storage of this type of data cannot be taken lightly. We are going to have information on persons that can be used against them. And if you happen to be a Member of the Opposition, you have to be careful. And it has nothing to do with crime. We are no less sinners than those abroad. We are just concerned citizens that this information is stored responsibly, and it is used in the interest of reducing crime, and not for political expediency.

Mr. Deputy Speaker: Member, you have two more minutes.

Mr. R. Charles: Only two? [*Laughter*] The UK *Guardian*, August 14, 2019, there was a:

“Major breach found in biometrics system used by banks, UK police and defence firms.

The fingerprints of over 1 million people, as well as facial recognition information, unencrypted usernames and passwords, and personal

information of employees, was discovered on a publicly accessible database...”

The biometrics—

“...database was unprotected and mostly unencrypted.”

And I ask, I ask, is this not a cause for concern? If it could happen in the UK where all this information could be leaked, imagine the potential for disaster under this PNM administration who is not known to be competent in terms of their operationalization of the governance of Trinidad and Tobago.

Time beats me but their drug test, which medical labs will be contracted to conduct these tests? The scope of this legislation can cover thousands of officers and civil servants. What will be the expected cost of conducting these routine tests? Will the Government utilize public health officials to prevent exorbitant bills, given that most drugs have rapid tests done via urine samples? Are our already overwhelmed health services burdened by this requirement? Let us discuss these things. What are you afraid of? Good governance requires fleshing out, operationalization, best practices, let us bring those things to the table and let us reason together.

Will the Government simultaneously be increasing PTSD and other counselling services for officers, given that some may abuse drugs due to psychological traumas that are associated with their jobs? So when you discover it, what do you do? You fire? Transfer? Or do you rehabilitate and remediate? Mr. Deputy Speaker, you see why the relations we have—the regulations are needed? I am fed up of coming to this Parliament and dealing with halfbaked legislation. I have documents here that could amplify, edify, and make the thing better. Because we are interested in first world legislation. That is what we are about.

And as I take my leave, Mr. Deputy Speaker, I plead with those opposite, do your homework, do your research, come here with good legislation. So when you come with bad legislation and the lawyers take you to court and they get money, you say UNC lawyers against the Government. But you are making it easy for them to win cases against you. We just won the bail Bill yesterday. I have not read the details. I thank you very much.

Hon. Members: [*Desk thumping*]

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

Hon. Members: [*Desk thumping*]

The Minister of Public Utilities (The Hon. Marvin Gonzales): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, what a performance.

Hon. Members: [*Desk thumping*]

Hon. M. Gonzales: What a performance. Mr. Deputy Speaker, it was indeed extremely difficult to follow the inappropriate intellectualism of the Member for Naparima.

Hon. Members: [*Desk thumping*]

Hon. M. Gonzales: Mr. Deputy Speaker, for 20 minutes the Member for Naparima was all over this Parliament. He started by Arouca/Maloney, he jumped to Tobago East, he went to San Fernando West, he bypassed Naparima, he ended up in Princes Town, and I think he ended up at his last stop by either Couva South or Pointe-a-Pierre. He was all over the shop.

Mr. Deputy Speaker, the hon. Member for Naparima said during his contribution that the Bill is laudable, that there is nothing objectionable in the intention of the Bill to ensure that we have our security services, our civil services, the judicial and legal service, having a regulatory framework in place to ensure and

to have integrity testing for their employees and their officers, members of the police service, members of the protective services.

The Member for Laventille West who piloted this Bill laid down clear and concise arguments as to why in Trinidad and Tobago we require a legislative framework to ensure the integrity of some of these institutions, Mr. Deputy Speaker. Because, Mr. Deputy Speaker, as we have indicated on numerous occasions in this Parliament, we do have a problem. We have passed several pieces of legislation in our arsenal, in our fight against crime, white collar crime, violent crime, human trafficking, money laundering. And one of the things that we need to confront as a society and as a Parliament, is that those who are charged with the responsibility to enforce the laws, they do have the morality and they do have the integrity to do that. Because if we do not do that, if we do not do that, then all the efforts that we are making in this Parliament to ensure that we have a legislative framework to tackle the belly of the beast, they will all fall in vain.

The Member for Naparima said that the Bill is a laudable Bill, there is nothing objectionable but yet still, he took every opportunity to say why the Bill should not be supported by the Members of the Opposition. The Bill stipulates that upon its passage the Minister with responsibility for national security will have the power via affirmative resolution of Parliament to pass regulations for its enforcement. Affirmative resolution of Parliament means that the Bill will go through a period of debate in the Lower House and in the Upper House where Members on both sides of the House will have the opportunity to argue against and in favour of any of the provisions of the Bill, similar to what is happening right now. In other words, Mr. Deputy Speaker, the regulations are not going to be passed in the dead of night.

And what we are seeking to do here is to put the primary legislation in place, and thereafter the Bill provides that via affirmative resolution of Parliament the Act will come into effect. Similar to what we have done recently in the procurement legislation.

But, Mr. Deputy Speaker, I would want to give a personal perspective with respect to integrity testing especially in the national security arena. I think it is public knowledge that I spent a significant portion of my life in law enforcement, and the last agency that I was employed in was the Special Anti-Crime Unit of Trinidad and Tobago, where I left in 2009 before joining the Legal Service Unit in the Ministry of Works and Transport then.

That was a unit, Mr. Deputy Speaker, where you need to subject yourself to integrity testing even before you enter the doors of that unit. And I had to be subjected to polygraph testing. Not just on one occasion but on several occasions. On random occasions in order for me to continue to discharge my duty in that organization. I know many people, especially those on the other side cannot boast of subjecting themselves to integrity testing the same way that I have been subjected to integrity testing.

But I can tell you, Mr. Deputy Speaker—

Mr. Indarsingh: Mr. Deputy Speaker, 48(6). The Member is imputing improper motives in relation to the integrity of Members of the Opposition with the statement he just made.

Mr. Deputy Speaker: Overruled.

Hon. M. Gonzales: Thank you, Mr. Deputy Speaker. And Mr. Deputy Speaker, I can tell you, that during the existence of the Special Anti-Crime Unit before it was gutted by the Members opposite, especially the Member for Couva South who was

part of the Government that gutted the Special Anti-Crime Unit that made a significant role in the fight against white collar crime, and violent crimes in Trinidad and Tobago.

Hon. Members: [*Desk thumping*]

Hon. M. Gonzales: That organization was dismantled. But before it was dismantled, the organization was very effective in tackling the issue of white collar crime and violent crime in Trinidad and Tobago, because every single officer, and every single employee, civilian, and/or uniform had to subject themselves to integrity testing to remain part of the unit. It was a very successful organization because of some of the procedures and the rigid scrutiny that employees had to subject themselves to, to remain within the organization. I can tell you, Mr. Deputy Speaker, and I will tell the entire country that I witnessed on several occasions employees having to be marched out of the building because they would have failed integrity testing. It happened, and I witnessed it.

You see, Mr. Deputy Speaker, this is not something that one needs to take lightly, because being a member of the Special Anti-Crime Unit and going on missions and speaking to your counterparts in international jurisdictions, especially in England, in America, in Canada, and other countries around the world, they will not even speak to you if you are not subjected to constant integrity testing. And what we are trying to do here is to ensure that the organizations that we have identified in this piece of legislation, that they can have the respect by their counterparts in the international arena. Especially, when they are involved in the investigation of serious crimes and money laundering, and drug trafficking, and human trafficking, and terrorist financing.

This is what we are dealing with here today, Mr. Deputy Speaker. It is no joke. It is not about standing here nitpicking at every single thing, and making a big joke. Even misquoting the *Bible*. I have never heard a verse in the *Bible* that talked about “come let us reason together”. Even misquoting the *Bible*, the hon. Member for Naparima. Jumping in and out of the Bill. But what we are discussing here is serious matters. Putting a regulatory framework in place, a legislative framework in place to ensure that our prison service, our police service, our defence force, the Registrar General’s Department, the FIU department—Unit, all of them, they are respected by their counterparts in the international arena. That is what we are trying to do.

Mr. Deputy Speaker, I could also tell you from a personal experience, because the Bill talked about the transport commissioner having the power to subject some of his officers to integrity testing as well, two or three years ago, the hon. Attorney General can tell you, when we made some fundamental changes to the Motor Vehicles and Road Traffic Act. One of the things that we did was to put together within the bowels of the licensing division a Traffic Enforcement Centre Unit, a unit that was responsible for administering the demerit point system, the red light camera traffic system, the fixed penalty ticketing system. And some civilians were recruited, handpicked, well qualified, highly qualified civilians were recruited in a very transparent process and they were subjected to national security vetting, interviews, et cetera. And one of the last things during that vetting process, one of the last things they were required to do was to subject themselves to polygraph testing.

It was not arbitrary, Mr. Deputy Speaker. It was part of the policy because we recognized that that unit being placed now within the licensing division would have access to very sensitive information on members of the society. Very sensitive

information on their drivers permit and other records that if placed in the wrong hands, can jeopardize national security and the stability of Trinidad and Tobago.

And in that process, all of the civilians that were recruited to work in that unit had to subject themselves to polygraph and other vetting of this nature. Mr. Deputy Speaker, this Parliament will be shocked to know that we had highly qualified candidates representing themselves very well in interviews, et cetera, even background security testing, and when it came to the polygraph we almost recruited kidnappers, murderers, people involved in drug trafficking, money laundering; all shown up by polygraph testing.

Today I can tell you that the Ministry of Works and Transport and the Government of Trinidad and Tobago can boast that after three years of existence, there was not one allegation of misconduct in public office by any member of staff of the Traffic Enforcement Centre Unit.

Hon. Members: [*Desk thumping*]

Hon. M. Gonzales: And in the same way, Mr. Deputy Speaker, we can say of the same thing for the Special Anti-Crime Unit. Because I had experience working at the Special Anti-Crime Unit where officers from the DEA and Scotland Yard and some of those international law enforcement agencies would not speak to anyone in Trinidad and Tobago, or any law enforcement agency in Trinidad and Tobago that did not have a system of integrity testing. They will not collaborate with you. They will not share sensitive information with you. They will not share sensitive information with you, and Mr. Deputy Speaker, we are operating in an environment where we need collaboration not only at the local level, but at the international level, speaking with your counterparts and sharing confidential and sensitive information; information that may sometimes bring down governments, that may sometimes

destabilize a country if placed in the wrong hands. And this is what we are trying to do. This is what this Bill is aiming to do.

And I ask Members of the Opposition, I believe that you are inclined to support the Bill. I do not accept that the absence of regulations will prevent you from supporting the Bill. Because you are quite aware that there are provisions in the Bill that allow the Minister of National Security to bring legislation or regulations and to have it debated via affirmative resolution of Parliament, where both sides will have its say before the regulations come into effect.

And therefore, I ask the Opposition to let us put aside all the partisanship, let us put aside all the other issues that you are seeking to create. Let us put aside that because we need to protect our national security. We need to protect the men and women in uniform operating in very sensitive departments, being involved in very sensitive investigations, being exposed to explosive information, to ensure that the process maintains and has certain integrity and that their counterparts not only locally, but internationally, will have that respect for them.

Mr. Deputy Speaker, let me quote a *Newsday* article dated Sunday the 8th of November, 2020, speaking to the situation in Trinidad and Tobago where law enforcement is concerned. And I quote:

“Trinidad and Tobago was assailed by the damning evidence of police involvement in drug trafficking, US counterfeit rings, murder, prostitution and a host of serious crimes, almost 35 years ago.”

It goes on:

“...enterprise which unleashed the scourge of cocaine from Colombian cartels on the streets and safe trafficking routes for marijuana growers.

Witnesses, including police who testified in secret before the commission of enquiry established in April 1984, claimed Burroughs, together with a band of untouchables, aptly named the Flying Squad, were linked to drug barons Dole Chadee, Naim Naya Ali, Chaitran Gayah, Adella Moses, Teddy ‘Mice’ Khan, Hosein ‘Betatal’ Alladin and other violent drug traffickers, as well as corrupt judicial officers.

They were protected by the...”—Commissioner of Police—“...and rivals were silenced as cocaine crept its way...”

Mr. Deputy Speaker: Member, you have two more minutes.

Hon. M. Gonzales: Thank you very much Mr. Deputy Speaker.

“...as cocaine crept its way through the corridor of power and even the nostrils of government ministers.

All of them are now dead, some were murdered, executed by the State, and missing at sea but the stains of corruption in the police service remained and seems to have infiltrated the ranks of the defence force.”

5.00 p.m.

This is Trinidad and Tobago and this is why as legislators we have a responsibility to assist these organizations, our loyal men and our loyal women who are working hard every single day and sometimes they are placed in harm’s way, their lives are risked because there are elements within their ranks whose allegiance is not to Trinidad and Tobago but for those who pose a risk to the stability of Trinidad and Tobago.

And as I end, Mr. Deputy Speaker, I made reference to my friend and colleague from Naparima when he said:

Let us reason together in accordance with Holy Scriptures.

But I want to put it into perspective because I do not want to misquote my colleague from Naparima. And I suspect he was referring to Isaiah, chapter 1 verse 18 in the King James Version and it said:

“Come...let us reason together, saith the Lord: though your sins be as scarlet, they shall be as white as snow;”

Hon. Members: [*Inaudible*]

Hon. M. Gonzales:

“though they...”—shall—“be...like crimson, they shall be as wool.”

And therefore—

Hon. Members: [*Inaudible*]

Hon. M. Gonzales: And therefore, Mr. Deputy Speaker—therefore, Mr. Deputy Speaker, I will apologize to my friend from Naparima and I put into better context, the quotation from Holy Scriptures. Mr. Deputy Speaker, I thank you—

Mr. Deputy Speaker: That is an excellent note—

Hon. M. Gonzales: I thank you for the opportunity.

Mr. Deputy Speaker: That is an excellent note to end on.

Hon. Members: [*Crosstalk*]

Mr. Deputy Speaker: I said that is an excellent note to end on, quoting the scriptures.

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: Chief Whip. Leader of the House.

ADJOURNMENT

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

Mr. Deputy Speaker, I beg to move that this House do now adjourn to Friday the

25th day of February at 1.30 p.m. Mr. Deputy Speaker, that is Private Members' Day so we will await my colleague who may be able to tell us which Motion we will do.

Mr. Lee: Thank you, Mr. Deputy Speaker. Thank you my—Leader of the House, my friend. We will be doing on Friday Motion No. 4 moved by the Member for Tabaquite on education.

Hon. C. Robinson-Regis: Thank you. So, Mr. Deputy Speaker, I beg to move that this House do now adjourn to Friday the 25th day of February at 1.30 p.m., and we will be doing Motion No. 4 under Private Business.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.05 p.m.