

**HOUSE OF REPRESENTATIVES**

*Friday, May 06, 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 Mr. Esmond Forde MP, Member for Tunapuna; Ms. Vandana Mohit MP, Member for Chaguanas East; and Mr. Ruston Paray MP, Member for Mayaro, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**JOINT SELECT COMMITTEE REPORT****Human Rights, Equality and Diversity****Socially Displaced Persons in Trinidad and Tobago  
(Presentation)**

**The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. Madam Speaker, I have the honour to present the following report:

Second Report of the Joint Select Committee on Human Rights, Equality and Diversity, Second Session (2021-2022), Twelfth Parliament into the Socially Displaced Persons in Trinidad and Tobago with Specific Focus on their Treatment and Relocation from Port of Spain Public Spaces.

**ANSWERS TO QUESTIONS**

**Madam Speaker:** Leader of the House.

**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. Madam Speaker, there are six questions for oral answer. We will be answering all six. There is one

**UNREVISED**

question for written answer and I am asking for a two-week deferral, Madam Speaker.

### ORAL ANSWERS TO QUESTIONS

**Madam Speaker:** Member for Couva South.

#### Education Facilities Company Limited (Retrenchment of Staff)

**154. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Education:

In light of the decision to wind up the operations of the Education Facilities Company Limited, will the Minister state the number of employees who have been served with retrenchment notices effective from March 03, 2022?

**Madam Speaker:** Minister of Education.

**The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. Madam Speaker, I defer to the Minister of Finance on this question. I think—

**The Minister of Finance (Hon. Colm Imbert):** Madam Speaker, I am terribly sorry. I saw Education. I will answer it, if you do not mind. Thank you very much.

**Hon. Members:** [*Interruption*]

**Hon. C. Imbert:** Oh, be quiet.

Madam Speaker, 41 employees of the Education Facilities Limited have had their contracts of employment terminated pursuant to the terms and conditions of their contracts of employment. I would also like to advise, Madam Speaker, that EFCL is engaged in a live action before the High Court of Trinidad and Tobago and as a consequence, in view of the sub judice rule, it would not be prudent for me to say anything further on this matter.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Madam Speaker, could the Minister inform this House if the 41 employees who have been served retrenchment notices by EFCL have been paid their retrenchment sums of money?

**Madam Speaker:** Minister of Finance.

**Hon. C. Imbert:** That is precisely why I do not wish to say anything more on this matter. It is sub judice.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Madam Speaker, I am a bit perplexed at the answer being provided.

**Ms. Ameen:** It is either yes or no.

**Hon. Members:** [*Desk thumping*]

**Mr. Indarsingh:** The Minister has admitted that retrenchment—

**Madam Speaker:** But could you ask a question please?

**Mr. Indarsingh:** Mr. Minister—

**Madam Speaker:** You have 15 seconds.

**Mr. Indarsingh:**—in keeping with the Retrenchment and Severance Benefits Act and having served retrenchment notices on 41 employees, can the Minister of Finance state why the Government is violating the Retrenchment and Severance Benefits Act?

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Minister of Finance.

**Hon. C. Imbert:** Thank you for this opportunity, Madam Speaker. The Member for Couva South is deliberately twisting my words. I was very careful. I did not use the “retrenchment”. I made absolutely no reference to the Retrenchment and Severance Benefits Act. What I said was that the contracts of employment had been terminated pursuant to the terms in those of contracts of employment. I will

not allow the Member for Couva South to trap me into saying something that is incorrect. There was no retrenchment. The contracts were terminated in accordance with the terms of those contracts.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Madam Speaker, as wildly as the Minister of Finance may try—

**Hon. Members:** [*Desk thumping*]

**Mr. Indarsingh:**—he will not succeed this afternoon.

**Madam Speaker:** Member. Member, this is not statements. Do you have a question to ask?

**Mr. Indarsingh:** Thank you, Madam Speaker.

**Madam Speaker:** You get no. 161.

**Commissioner of Valuations  
(Details of Submitted Returns)**

**161. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Finance:

Will the Minister state how many returns were submitted to the Office of the Commissioner of Valuations, as at February 28, 2022, in relation to persons in possession of the following:

- a) residential land;
- b) commercial land;
- c) agricultural land;
- d) mixed-use land?

**Madam Speaker:** Minister of Finance.

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. Up to February 28, 2022, which is the period referred to in the question, the number of

returns received by the Office of the Commissioner of Valuations was as follows. Firstly, residential land, 247,999 returns were received for residential land. Secondly, commercial land, 10,303 returns were received for commercial land. Thirdly, agricultural land, 17,663 returns were received for agricultural land. And finally, fourthly, mixed-use land, 18,495 returns were received for mixed-use land. In addition, Madam Speaker, there are a further 23,928 returns for which the property type is still being settled.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Thank you, Madam Speaker. Madam Speaker, based on the data or the statistics that have been presented by the Minister of Finance, could he inform this House and Trinidad and Tobago, has the Government realized the required threshold to implement the property tax as it relates to the various categories of land?

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Minister of Finance.

**Hon. C. Imbert:** Madam Speaker, with respect to residential land, there are 400,000 residential properties and we have received 247,999 of those. The threshold is 50 per cent.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Mr. Minister, as a man who has committed himself to observe and adhere to the law of the land, could you tell this House how will the Government treat with members or citizens who have not submitted returns to the valuations division?

**Madam Speaker:** I rule that question out of order. Member for Couva South.

**TSTT  
(Non-Functional Web Portal)**

**UNREVISED**

**162. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Public Utilities:

Will the Minister inform this House why the web portal of TSTT, which facilitates online bill payment, was non-functional from March 14-29, 2022?

**Madam Speaker:** Minister of Public Utilities.

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you very much, Madam Speaker. Madam Speaker, on Sunday, March the 13<sup>th</sup>, 2022, TSTT was the target of a malware incursion. TSTT's systems detected a security attack directed at a number of the company's internal-only solutions and applications.

As a precautionary measure, all possibly impacted systems were isolated including TSTT's online payment application from TSTT's website stored within the private cloud environment. Consequently, TSTT was unable to process payment transactions from the 13<sup>th</sup> to 28<sup>th</sup> of March, 2022, via this platform. However, during this specific period, TSTT informed its customers that they were still able to make payments via bank transfer, SurePay, Western Union, NLCB, Via and the bmobile application.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Thank you very much, Madam Speaker. Madam Speaker, could the Minister of Public Utilities inform this House as it relates to the financial cost or loss that was incurred by TSTT as a result of this malware incursion, malware incursion?

**Madam Speaker:** Minister of Public Utilities.

**Hon. M. Gonzales:** Madam Speaker, unfortunately, I do not have that information at hand at this point in time.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Madam Speaker, could the Minister inform this House and give

an undertaking that based on their investigation that this malware incursion will not incur again and the customers of TSTT would be subjected to this type inconvenience that they suffered?

**Madam Speaker:** Minister of Public Utilities.

**Hon. M. Gonzales:** Thank you very much, Madam Speaker. Madam Speaker, the TSTT team undertook a series of immediate environmental protection steps as follows: The software master records of the infected machines were destroyed completely, removing these systems from TSTT's environment. The cloud host servers were rebuilt following the manufacturer's best practice to secure enhanced security features and reduced risk. There are a number of other interventions that were made in the security systems of TSTT and I am pleased to advise the citizens of Trinidad and Tobago and particularly the customers of TSTT that the company has done sufficiently to address this concern and to prevent a possible occurrence of the incident.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Madam Speaker, could the Minister inform this House, how did this malware incursion occur? Whether it was internal or external?

**Madam Speaker:** Minister of Public Utilities.

**Hon. M. Gonzales:** Madam Speaker, if the Member understands, a malware incursion is quite normal in that environment. What is important is that it is detected early, it is isolated to prevent any deterrence or any negative impact on customers. And therefore, this is something that is continuous. It has to be monitored and therefore the company is constantly monitoring its systems to prevent these occurrences. But these things happen from time to time on any infrastructure of this nature.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Thank you very much, Madam Speaker.

**Occupational Safety and Health Agency  
(Vacant Positions)**

**163. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Labour:

Will the Minister provide the number and classification of vacant positions at the Occupational Safety and Health Agency?

**Madam Speaker:** Minister of Labour.

**The Minister of Labour (Hon. Stephen Mc Clashie):** Thank you, Madam Speaker. In direct response to the question, there are currently 152 positions on the establishment listing of the OSHA Agency of which 88 positions are vacant.

The number and classifications of vacant positions are as follows: At the executive level, out of four positions on the establishment, there are two vacant positions. At the senior management level, all of the five positions are currently filled, so there are no vacancies at this level.

At the inspectorate level, out of the 72 positions on the establishment, there are 47 vacant positions. At the technical support level, out of 62 positions on the establishment, there are 33 vacant positions. And at the auxiliary level, out of nine positions, there are six vacant positions.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Madam Speaker, could the Minister inform this House if there is a vacancy as it relates to the Chief Inspector of the Occupational Safety and Health Agency?

**Madam Speaker:** Minister of Labour.

**Hon. S. Mc Clashie:** Yes, Madam Speaker. There is a vacancy of Chief Inspector that we expect to fill within the next month and a half.



**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Madam Speaker, could the Minister inform this House as it relates to when was this vacancy of the Chief Inspector at the OSHA Agency created?

**Madam Speaker:** Minister of Labour.

**Hon. S. Mc Clashie:** I cannot give an exact date, Madam Speaker, but it was within the last month.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Madam Speaker, could the Minister inform this House whether the chief executive officer—Chief Inspector of the Occupational Safety and Health Agency was asked to resign by the Government of Trinidad and Tobago based on the preliminary report in relation to the investigation of the deaths of the four divers at berth five on the Petrotrin compound?

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Minister of Labour.

**Hon. S. Mc Clashie:** Madam Speaker, I have no such information that is so speculative as to be ridiculous. We are not—

**Hon. Members:** [*Laughter*]

**Hon. S. Mc Clashie:** We at the level of the Government, we treat with vacancies and people leaving. It happens every day, and the Chief Inspector has moved on and we are now seeking to fill that vacancy.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Madam Speaker, the insulting remarks of the Minister—

**Hon. Members:** [*Desk thumping*]

**Mr. Indarsingh:** The Minister must realize that the families of the deceased divers are watching on.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member, are you going to ask a question?

**Mr. Indarsingh:** Madam Speaker, could the Minister inform this House, when will the OSHA Agency complete its investigation into the deaths of the four divers at Paria Fuel Trading Company Limited?

**Madam Speaker:** I rule that out of order. Member for Couva North.

**Chaguanas Borough Corporation  
(Release of Funds)**

**166. Mr. Ravi Ratiram** (*Couva North*) asked the hon. Minister of Rural Development and Local Government:

Will the Minister state when will funds be released to the Chaguanas Borough Corporation to address the following at the Chaguanas Market:

- a) the repair of the non-functioning air-conditioning units and meat chillers; and
- b) the installation of a new chlorinated septic system?

**Madam Speaker:** The Minister of Rural Development and Local Government.

**The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. I thank the hon. Member for the question. Madam Speaker, I am advised that the Chaguanas Borough Corporation is actively working to resolve both matters at the Chaguanas market. With respect to the non-functioning of the air-conditioning units and meat chillers, I am advised that a site inspection was done on April 22, 2022, with members of the Chaguanas Borough Council and Mecalfab, the initial installers of the units and chillers.

Upon this investigation it was ascertained that both the air-conditioning units and the meat chillers need replacement. Upon receipt from the Chaguanas Borough Council of an estimate—Corporation, forgive me—of an estimate to the cost of

this equipment and review of the Ministry, a request for funding will be made to the Ministry of Finance. It should be noted that a contract was awarded during the fiscal year for the much needed electrical upgrade of the Chaguanas market and that these works are, in fact, currently ongoing.

With respect to the installation of a new chlorinated septic system, I am advised that Doc's Engineering Works Limited was approached to refurbish the system as the company was the original builder. The council approved this request of April 21, 2022, with the funds to be derived from the CBC's unspent balances.

The CBC, I am referring to the Chaguanas Borough Corporation, is currently preparing the paperwork to send for ministerial approval. The project time line for completion of the project is one month from commencement.

**School Transport Operators  
(Outstanding Debt Settlement)**

**171. Mr. Rai Ragbir** (*Cumuto/Manzanilla*) asked the hon. Minister of Education: Given that schools will be fully reopened in April 2022, will the Minister inform the House whether the outstanding debt owed to school transport operators has been fully settled?

**Madam Speaker:** Minister of Education.

**The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. Madam Speaker, schools have fully reopened and the Ministry of Education continues to collaborate with the Public Transport Service Commission for the provision of transport to students. The Ministry continues to process invoices that are sent to us by the PTSC, make payments and resolve queries which may have arisen. This process is ongoing.

**Madam Speaker:** Member for Cumuto/Manzanilla.

**Mr. Ragbir:** Yeah. Thank you again, Madam Speaker. I have one supplemental.

Can the hon. Minister of Education, given my own constituency of Cumuto/Manzanilla where the rural schools most of them sometime have no bus service forcing parents to pay a minimum of \$30 in transport cost, my question is, is this lack of service reflective of no payment of minimal payment to drivers in this area? Thank you.

**Madam Speaker:** Minister of Education.

**Hon. Dr. N. Gadsby-Dolly:** Thank you, Madam Speaker. I cannot speak specifically to the area but I do know that PTSC is working with the Maxi-Taxi Association to get drivers and concessioners to work in the areas. And as we speak, the Ministry is meeting with PTSC and the association to work out some of the areas so that we can ensure that all of the rural areas like yours, MP, are serviced in the soonest time possible.

**Madam Speaker:** Member for Oropouche East.

**Dr. Moonilal:** Thank you very much, Minister. In a related matter, could you indicate whether it is the Government's policy for principals not to inform parents of COVID cases at the schools?

**Madam Speaker:** Member for Oropouche East, I rule that question out of order.

**SRI SATHYA SAI BABA ORGANISATION OF TRINIDAD AND TOBAGO  
(INC'N) (AMDT.) BILL, 2022**

*Question put and agreed to:* That a Bill to amend the Sri Sathya Sai Baba Organisation of Trinidad and Tobago (Inc'n) Act, 1993 (Act No. 16 of 1993), be now read the first time.

*Bill accordingly read the first time.*

**SEXUAL OFFENCES (AMDT.) (NO. 2) BILL, 2021**

*Order for second reading read.*

**Madam Speaker:** The Attorney General.

**Hon. Members:** [*Desk thumping*]

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Madam Speaker, with your leave I would ask that I be permitted to refer to some notes. Madam Speaker, when we look at the amendment Bill which I have the privilege to pilot today, the Bill entitled—

**Madam Speaker:** Just one minute, AG. Maybe for some guidance, if we can just ask you to look at the procedure and begin the procedure. Thanks.

**Sen. The Hon. R. Armour SC:** Madam Speaker, I thank you very much and I apologize. I beg to move:

That a Bill to amend the Sexual Offences Act, Chap.11:28 and other related matters, be now read a second time.

When we look, Madam Speaker, at the amendment Bill which I have the privilege to pilot today, that is to say, the Bill entitled the Sexual Offences (Amdt.) (No. 2) Bill, 2021, one might be tempted because of its brevity to regard it at first blush as a simple amendment.

We are assembled here today to further amend only three sections of that Act as already amended. That is to say, sections 48, 56, and 57. I will come to those but permit me to make some prefatory remarks. We remind ourselves of the importance of the original Sexual Offences Act, No. 27 of 1986, both with respect to its constitutional import and its historical significance given the indisputable importance of addressing the societal ill in our society targeted by this legislation.

In that regard, Madam Speaker, I remind myself of what, to me, is an enduring theme which, in my view, is central to our purpose here, a theme which is very well put by Mr. Victor Crabbe in his text, *Legislative Drafting*.

Law does not operate in a vacuum, statute law, less. A statute is intended to guide and regulate the conduct and affairs to whom it is addressed. Its

context thus takes cognizance of the cultural, economic, political and social conditions of the society within which it is intended to operate.

*Legislative Drafting* by VCRAC Crabbe, First Edition.

Madam Speaker, the constitutional importance of this legislation stems from the fact that the original Act is one which impacted then vested constitutional rights and at its passage in 1986 required the requisite three-fifth majority vote of Members of this honourable House. Its historical significance includes, as already stated, the need to address a grave societal ill. As well, that history reminds us that at the time of its passage in 1986 the then Prime Minister, the honourable Mr. George Chambers leading the People's National Movement in Government was committed to the serious duty of attending to serving all the people of this country to address those societal ills which required legislative intervention for the protection of the vulnerable in our society and to bring predators to account. The Opposition then led by the honourable Mr. Basdeo Panday of the United Labour Front supported the passage of that original Act to permit the constitutionally requisite three-fifths majority.

Madam Speaker, the social conditions of this society within which this legislation is intended to operate and to regulate is one which we as a Parliament recognize and must not shirk from.

My immediate predecessor in office the hon. Member for San Fernando West has already placed on the record before you that, as recently as 2020 that other arm of Government, the Judiciary, in a signal High Court judgment had cause to remark with concern on this social reality. It is our solemn responsibility to ensure as we improve our legislative framework which this Act creates that we heed the cautions which have been sounded for us.

That judicial caution bears repeating as we remind ourselves therefore, that

no amendment to this significant social legislation is a simple matter since we must continue our vigilance to ensure that we continue to protect the vulnerable as proactively as due process will permit.

In the opening paragraph of the sentencing note of the judgment of Mr. Justice Hayden St. Clair-Douglas of the High Court of Trinidad and Tobago delivered on the 09 December, 2020, the judge commenced with the following quotation from a vulnerable female member of this society. Quote:

“I never completed school as a result of my kids at a young age. I had my daughter at the age of 13 years old; I was then a Form 1 student...”—and the school name is given—“After giving birth to my daughter I went back to school and continued my schooling. I had advanced to Form 2 but became pregnant again with my son. I was 14 years old. I never returned to school after having my son.”

The judge next commented. Quote:

“These are not the words of a young female in some isolated plantation or far away rural community in the 1940s Trinidad, these are the words of a young female who resides in an urban community in Trinidad in the 21<sup>st</sup> Century. In the view of this court this is unacceptable.”

After sentencing the offender, he ordered *inter alia* that information regarding the offender be published on the website, which this legislation authorized. This was the first judgment of its kind in this jurisdiction as it related to the publication of a registered sex offender’s personal information pursuant to the 2019 amended Sexual Offenders Act.

There is a clear distinction between the national sex offender register and the public sex offenders website. The judge’s request to have the sex offender in that case placed on the website could not be accommodated given that an offender’s

information can only be published on the website when he has completed his sentence as opposed to upon conviction.

Madam Speaker, the purpose of seeking today's amendment is consistent with our responsibility of continued vigilance in respect of the approved efficacy of the legislation. In order to address this lacuna, the amendment specifically provides time lines for when a person must be placed on the website whilst acknowledging that person's due process rights. The amendment also provides for some clarification.

Accordingly, with respect to section 48(a), 56(2), 57(3)(c), 57(4)(a) and 57(4)(b) of the Act, this honourable House is asked to amend the Act as amended for the following reasons, in respect of section 48(8).

**2.00 p.m.**

The fact of the matter, Madam Speaker, is that section 48 provides that the Commissioner of Police is responsible for maintaining the website and ensuring that information published on the website is accurate. With respect to updating the website and the published information, where there is a change in information which goes to the purpose of the amendment regarding the sex offender or registered sex offender, it was noted that there was no expressed time frame in which the Commissioner of Police is mandated to update the information. Therefore, this amendment is inserted to provide for greater clarity with regard to the duties of the commissioner and the time frame, that is to say, without delay, in which he is required to update the information on the website.

With respect to section 56(2), the word "offence" therein is incorrect in the context and has been changed to "sentence". The amendment is also necessary for consistency with the remainder of the section. With respect to section 57(3)(c), that subsection provides that the designated officer verifies the information



provided by the registered sex offender before he enters it into the register within seven days of the receipt of such information. Section 57(4)(a) provides that where this information is verified by the designated officer, he shall record the change in the register within two days of the receipt of the information. When read in conjunction sections 57(3)(c) and 57(4)(a) were illogical as they impose contradictory timelines. Further, the wording of section 57(3)(c) required clarity, therefore an amendment was necessary. The amendment to section 57(3)(c) therefore is to provide greater clarity in imposing a time frame of seven days within which the information provided by the registered sex offender must be verified by the designated officer. Further, the amendment to section 57(4)(a) changes the word “receipt” to “verification” to provide clarity to the procedure which follows the action under section 57(3)(c).

With respect to the amendment 57(4)(a): In 57(4)(a) the word “receipt” has been changed to “verification” as the information must first be verified within two days of the receipt of same before it can be recorded on the register. With respect to section 57(4)(b), this amendment was made to provide a time frame of three days for the Commissioner of Police to update the change in information on the website upon receipt of same. Madam Speaker, I beg to move.

*Question proposed.*

**Madam Speaker:** Member for Tabaquite.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member, you are reminded you have 45 minutes full time.

**Ms. Anita Haynes (Tabaquite):** Thank you, Madam Speaker. Thank you, Madam Speaker, for the opportunity to contribute on this very important debate as we seek to move some amendments to the Sexual Offences Act. The amendments, as referred to by the Attorney General, and I was very happy to hear in his opening

that the Attorney General raised that we are treating with a wider societal issue, and that this legislation, as we are amending today, is meant to treat with something that has plagued our nation for quite some time, and not just our nation but around the world.

In my time at the other place, Madam Speaker, I had the opportunity to work on the Special Select Committee that dealt with the 2019 piece of legislation which we are amending today. And, at that time we heard from the stakeholders, and we took what I considered one of the most bipartisan approaches to a very important piece of legislation. In general that will continue here today, because the Opposition, the United National Congress, sees the importance of treating with this issue, both from a legislative point of view, but equally critical from an overall point of view that sees the result that is required for the nation as a whole.

**Hon. Members:** [*Desk thumping*]

**Ms. A. Haynes:** Now, Madam Speaker, I agree with the Attorney General that the brevity of the amendments in no way takes away from the wide-reaching consequences that these amendments may have, and I think that is very important to place on the table as we discuss the Sexual Offences (Amdt.) Bill. I had in my notes, as the Attorney General did, that no legislation is done in a vacuum, and so that brings me to some very critical points. This is the Sexual Offences (Amdt.) Bill (No. 2), and we have been discussing amendments to this Bill for quite some time. So my first question to the Government is, since we have been discussing this, is the sexual offences register operational right now?

**Hon. Members:** [*Desk thumping*]

**Ms. A. Haynes:** If it is operational—right, it is? Well, if it is operational, because the information that I have is that it is not operating as it ought to be operating at the moment.

**Hon. Members:** [*Desk thumping*]

**Ms. A. Haynes:** And I am saying that not in any format of an exposé or to expose the powers that be for not doing what they ought to do, but to say that when we come here as a Parliament we ought to be very responsible. So if we are telling the population that we are proposing the sexual offences register as part of a solution to a problem that we have been treating with for quite some time, let us at the very least, make sure that it is operating as it ought to be, even while we move the amendments.

**Hon. Members:** [*Desk thumping*]

**Ms. A. Haynes:** And so, again, the information that I have is that as it stands what we are making changes to is not operating as it ought to be.

Madam Speaker, I listened to the Attorney General who said that the timelines that we are putting into the legislation by way of the amendments, all of the amendments, that they seek to bring clarity, some clarity to the legislation. But, Madam Speaker, when we look at the new subsection 48(8), which mandates the Commissioner of Police to update the information on the website “without delay”. I cannot see how that brings clarity to the legislation. What are we saying when we say “without delay”? Immediately, right away, and so I cannot see how “without delay”, which I think to anybody seems very vague, would bring clarity to the legislation.

**Hon. Members:** [*Desk thumping*]

**Ms. A. Haynes:** Especially, Madam Speaker, where you see further on in these amendments we have dates; seven days here, three days within some other spaces. So we understand what it means to be clear further on, but yet still we remain very vague. And now I understand the reason for it.

Madam Speaker, the reason for it is that the “without delay” legislatively

provides a cushion for what happens in reality, and the reality of the situation, as the Attorney General noted, the legislation is not within a vacuum. When it leaves this place and has to operate or be implemented outside of here we are going to face a number of issues. One of those issues, Madam Speaker, the reason we have to use “without delay” without giving any specific timelines, because we are aware as we sit here, as lofty as our legislative aims are, once it goes out to be implemented we face all manner of issues, including things like within the TTPS, communication issue. As it stands right now, you have the Child Protection Unit of the TTPS, you have the Gender Based Violence Unit of TTPS, you have the Sexual Offences Unit of TTPS, and then you have the general station. And all of these units are taking through sexual offences throughout our legal and judicial system, Madam Speaker. And therefore, when you realize that throughout the system we face an inability to properly streamline our affairs it results in us having to use words like “without delay”.

**Hon. Members:** [*Desk thumping*]

**Ms. A. Haynes:** Now, you will say that this comes at the end, at the end of the system, right. So, you have gone through the judicial process and you have a conviction and so therefore the assumption is that those communication issues do not necessarily affect the amendment as it stands, but then that brings us to the other point. As we go through these amendments and we seek to put time frames for the TTPS to get names on the register, we have to address the startling reality that no matter what change we make here today the slow pace of justice, the system as it stands today renders these amendments ineffective, unfortunately. It brings me no pleasure to say that, but if it is that a case takes 10 years, 15 years before you can be convicted and therefore placed on the register, are we providing the reassurance and the safety and security we are seeking to provide to the

nation? Respectfully, I say no, Madam Speaker.

And so, again, as we look through the brief amendments to a wider Bill, we have to acknowledge as the House of Representatives that what we are facing as a society makes the existence of a register as it stands, amendments or no, no real comfort to citizens. Because, Madam Speaker, again, when we were debating this Bill in its essence in the beginning we had heard prior to this that DNA kits which would assist in the solution or to getting these crimes to the end of the judicial process, that the DNA kits that could secure the convictions that are required to be placed on the register, we were told, what is it, three years ago now, that they were on the port. Again, my information is that they are not in use right now.

**Hon. Members:** [*Desk thumping*]

**Ms. A. Haynes:** And so, Madam Speaker, when you take those things into consideration, while we are putting timelines for the register, while we are saying after you have been convicted let us move swiftly to get you registered, we cannot secure those convictions. And if we are not able to secure those convictions how are we getting to the end? And so, Madam Speaker, again, because this legislation does not exist within a vacuum we have to consider as well the issues facing the forensic complex, and our forensic science overall, and what that means for the slow pace of justice, and what that means again for convictions in sexual crimes leading to you being placed on the register. And so, Madam Speaker, in our consideration of the legislation or the amendments to the legislation as it is in front of us, we have no issues. I mean, again, the “without delay” poses a concern, but there are no general issues with amending the register. What we are facing, the problem that we are facing on this side is that once we pass this and you take the legislation you cannot then sell this to the population as a solution to the problem, because so many of the other things remain unfixed.

**Hon. Members:** [*Desk thumping*]

**Ms. A. Haynes:** And so, Madam Speaker, I would like to take this opportunity, just very briefly, to put a couple of things on the record. While we consider our legislation and we consider these amendments, I wish to implore the Government, as I have on issues like this, on Bills like this over and over, that there are non-legislative fixes that can happen without delay that you can put into place to keep our citizens safe.

**Hon. Members:** [*Desk thumping*]

**Ms. A. Haynes:** Especially our most vulnerable citizens, to avoid stories that the Attorney General raised that are heart-wrenching to all of us, and things like maintaining proper street lighting and removal of the shrubbery and the grass from the side of the street goes a very long way into keeping women safe.

**Hon. Members:** [*Desk thumping*]

**Ms. A. Haynes:** Extremely long way, especially in rural communities, especially in the absence of public transportation that means that there are women, young women and men who have to drop off somewhere and walk miles to get home.

And so, Madam Speaker, I say that because as we consider the legislation, as we consider these amendments, let us bear in mind this entire amendment comes in at the end. There is already a victim, there is already a perpetrator. We are hoping that by identifying who the offenders are, you prevent a repeat offence. There are quick fixes, there are executive actions that can prevent this entire system from coming into play. And so, Madam Speaker, while I reiterate some of the issues that we are facing, I also want to point out that while you put within the amendments you have a designated officer that is required to verify information within a specific time frame, you now also have to consider the burden on the TTPS. Are we introducing new responsibilities legislatively or

timelines for members of the TTPS while we continue to under-resource the same TTPS?

**Hon. Members:** [*Desk thumping*]

**Ms. A. Haynes:** And so you are asked as a designated officer that it is now your duty legislatively to, within a couple of days, go out there and verify information, and you have vehicles that are not working, you have no pocket diary, you have no computers working. I mean, Madam Speaker, there are some stations where they have no water. Literally, nothing. So you are introducing, again, these timelines to an already over-worked, over-burdened, under-resourced and very under-appreciated TTPS, and you are saying here, do this, do more, but with less. And, Madam Speaker, again, because it does not exist in a vacuum, when you introduce the timelines you have to ensure that you are creating the operational space that these timelines can deliver what they are promising to the citizens.

**Hon. Members:** [*Desk thumping*]

**Ms. A. Haynes:** And so, Madam Speaker, as we think about the amendments again, agreeing with the Attorney General that these amendments ought to bring some clarity to the legislation, I want us to think carefully whether or not “without delay” it does that. I would also like to urge that in our discussion of the legislation post-Parliament that we are very clear with the citizens what this is meant to do and how it is meant to improve the lives of citizens, and that if we are making these amendments to the register that at the very least we can ensure that those who are meant to update the register are given the proper resources to do so in the timelines that we are legislating for them.

And so, Madam Speaker, I, with those few words, would like to say that the Opposition, again, will continue to support legislation that redounds to the benefit of our citizens, but we will not participate in a national mamaguy, and we

will not tell our citizens—

**Hon. Members:** [*Desk thumping*]

**Ms. A. Haynes:**—that legislatively we are providing solutions that require operational changes to make the real things happens. So thank you very much, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for San Fernando West.

**Hon. Members:** [*Desk thumping*]

**The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. Madam Speaker, we are here to debate the continuing amendments to the Sexual Offences Act. Permit me to say why I start that way. It is in direct answer to my learned friend, in contributing on behalf as the first speaker for the Opposition, that it is important for us to remember that the Government has adopted a strategy of ensuring the continuous review of legislation. The Bill that is before us, Madam Speaker, is not just the Sexual Offences (Amdt.) Bill.

The Bill before us, Madam Speaker, is specifically called the Sexual Offences (Amdt.) (No. 2) Bill, 2021. And in looking at the (No. 2) Bill, 2021, in the six clauses before us, we have just heard the Member who just spoke completely confuse what the law is about. The Member stood and asked a question, is the sexual offenders registry working? The Member then said, if it is working is it working adequately? And the Member then made a very bold submission that the register is not working at all. Now, Madam Speaker, what the hon. Member demonstrated a little while ago was a complete ignorance of the law that we are discussing, and I mean that in the context of what I am about to say.

**Hon. Members:** [*Desk thumping*]



**Hon. F. Al Rawi:** Madam Speaker, if you look to the Sexual Offences Act, you look to the amendments before you, in 2019, Madam Speaker, we came to the Parliament. In 2019 we told the country that the Sexual Offences Act had a specific section, that in the year 2000, Madam Speaker, amendments were made by a then UNC government, and that UNC government, under the hand of a very distinguished Attorney General, Mr. Ramesh Lawrence Maharaj, passed into law the notification requirements for sexual offenders in a Part III of the law. That was by Act No. 31 of the year 2000. That notification requirement, we as a government came in 2019 to repeal and replace it. And, Madam Speaker, we did that because we were able to statistically demonstrate that notwithstanding the grand charge of my friend from Tabaquite, the hon. Member, who boldly stood here to say incorrectly that the register is not working, we were able to demonstrate that in the year 2000 when that law became active, right up to 2019 when our Government brought the amendments to the Sexual Offences Act, there were 1,461 convictions at the Magistrates' Court; there were 232 convictions at the High Court, giving a total of 1,693 convictions in the period 2000 to 2019. And, Madam Speaker, do you know how many of those convictions were registered under Part III of the Sexual Offences Act? Absolutely none. Zero convictions registered.

And I say that, Madam Speaker, because notwithstanding the fact that the UNC when in government passed the law, notwithstanding the period 2010 to 2015 when the UNC government presided, not a single attempt was done to amend the law. But, Madam Speaker, I can categorically state that the sexual offenders register is in full operation. What the hon. Member is completely unaware of, it appears, is that that register is one of two types. When the hon. Member stands as a Member of Parliament to answer the Attorney General of this

Government the hon. Member is obliged to know the difference between the public website and the register. And the register, Madam Speaker, which is a private closed register, is in fact populated and TTPS has the convictions all recorded. Perhaps what the hon. Member intended to say is that the public website is not with persons available for inspection and, Madam Speaker, there is a reason for that. Because the reason is to be found in the law that we are debating, the parent law that we are seeking to amend today.

And, Madam Speaker, surely the hon. Member is aware that if there is an appeal that the conviction cannot go on to the website. Surely the hon. Member is aware that in the process of the law that we as a Parliament piloted in 2019, and again in 2021, we gave the right, not only of appeal, but for somebody who is convicted to show cause why they should not go on the public website. So, is it the first speaker for the UNC bench standing as an advocate today to say that we must not obey the law? Is the hon. Member suggesting that the right of appeal needs to be thrown out? Is the hon. Member suggesting that someone approaching the court to say that they can show cause why they ought not to be registered because of, perhaps, some victim or complainant stance position against the convicted person that that should be thrown? Madam Speaker, what the hon. Member is inviting into the realm of due process and fair trial, including the appellate process, is nothing short of chaos, Madam Speaker, and therefore the Government rejects the ridiculous submission that the register is not working.

Madam Speaker, the register, which is a private register for TTPS, is in fact working. And the reason why convictions, such as that noted by Mr. Justice Hayden St. Clair-Douglas in the Everton Joseph case are not recorded is a matter of due process, Madam Speaker. And, Madam Speaker, what is unfortunate about the submission coming from my friend, is that my friend fails to recognize that

we had a Special Select Committee in the Senate, and in the submissions received in that Special Select Committee the country agreed via a unanimous report from the Special Select Committee that the due process right should exist. Madam Speaker, when we piloted the legislation in 2019 to amend the parent Act, which we do today, when we piloted the amendments in 2021 where we introduced the version of the website being public and the register being a private law enforcement register, we specifically had to maintain the right of appeal.

So, Madam Speaker, I invite you to disregard the irresponsibility of the submission coming from my friend from Tabaquite, and to please recognize that the register is in operation, and that the process of website is a different matter, there is a further point in law to be made. Madam Speaker, surely the hon. Member is aware that when we piloted the 2019 amendments and 2021 amendments that the publicity was a go-forward publicity. We could not as a matter of law include the retroactive public register. I just told you, Madam Speaker, that for the 19 years, 10 of which the UNC operated, because surely the hon. Member is aware that the Prime Minister of Trinidad and Tobago was Mrs. Persad-Bissessar, the Member for Siparia, in 2010 to 2015. Surely the hon. Member is aware that the UNC held office for significant periods of time in this country, that we had 1,600 persons, an odd number, 1,693 being the precise number, that could not go onto the public register. So whilst Trinidad and Tobago cries out for that information, the one thing that we can be sure about is that the Trinidad and Tobago police have a functioning register.

And, Madam Speaker, that ties in to my response to another submission coming from the hon. Member. The hon. Member spoke about the amendment coming at the end of the process. The hon. Member was correct, because we are looking at a conviction. Madam Speaker, we proposed by way of discussion the

introduction of a register of charges. That was not met with public appetite. Madam Speaker, we have to remember that the hon. Member just submitted in relation to the issue of repeat offences, and that the convictions are recorded, and the sexual offenders register is populated at the end of the process. But, Madam Speaker, that is again a submission which is made without reflection, and in ignorance of the bail amendments. Madam Speaker, it is a matter of public record that in 2019, and I speak specifically of Act No. 17 of 2019, we in fact amended the bail amendments. By that Act No. 17 of 2019, if you look to the Second Schedule, Part II, specified offences of the Bail Act you will see, Madam Speaker, at letters (f) as in foxtrot and (e) as in echo, that:

“(e) a sexual offence in which the alleged victim is a child, including a sexual offence under the Sexual Offences Act, or the Children Act, or any Act repealing or replacing those Acts;”

—and also:

“(f) an offence under the Sexual Offences Act which is punishable by a term of imprisonment of ten years or more;”

Those are specifically reflected in the bail amendments, such that if you are on a charge charge, you are invited into the position of a court saying that you may potentially have no bail.

**2.30 p.m.**

So, Madam Speaker, again, the submission coming from my friend opposite is deficient, it is not made in the face of the actual law of Trinidad and Tobago which is on the record.

Madam Speaker, the hon. Member mentioned the creation of units and when we look to the amendments before us, when we look to the fact that we are talking about an amendment to section 48, which clause 4 proposes; when we are looking

at the amendment to section 57, which clause 6 proposes and when we include the time frames for the Trinidad and Tobago Police Service to act both in relation to the register which is private and the website which is public, we are including a mandatory provision. We put in a time frame to allow for persons not only to act, in this case the TTPS acting within seven days as clause 6 proposes or “without delay”, Madam Speaker, as clause 4 proposes, but it also gives you the right of appeal from a complainant’s perspective, from a victim’s perspective. Because again, the judicial review proceedings route, the mandamus, the certiorari routes, all of these are preserved. So this is not a single cut. This is a sword, in fact, which has two edges. It is the edge, first of all, to ensure that the TTPS complies and it is also the edge that ensures that the victims have the right to demand that the TTPS acts appropriately.

Now, Madam Speaker, the hon. Member referred, the hon. Member for Tabaquite referred to the units created by TTPS, supported by the Government, by the Minister of National Security and, yes, Madam Speaker, they do include the positions of the Gender-Based Violence Unit, the Sexual Offences Unit. The Member reflected upon forensics and asked for us to be conscious about improvement in forensics time. But, Madam Speaker, is the hon. Member not aware that the Government has publicly put out statistics on the forensics institute?

Madam Speaker, we have said that as a result of something that the Government produced, the decriminalization of marijuana, of cannabis alone, that we saw a 76 per cent in reduction in the court load and that the Trinidad and Tobago forensics institute indicated that they had a massive drop off in their analysis procedures largely because they were no longer spending time on investigating plant-like substances and that they could instead turn their attention to issues of rape, to forensic analysis of DNA profiles, to dealing with crime scene

investigations. So, again, the hon. Member for Tabagite is not being frank and truthful with the people of Trinidad and Tobago in the manner in which her suggestions have come forward this afternoon in this House.

Madam Speaker, when we look to the amendments that we are proposing and again in answer to the hon. Member's reflection on the Gender-Based Violence Unit, Madam Speaker, statistically with the introduction of the Gender-Based Violence Unit in 2020, of 500 murders committed in a year, some 170 of those murders on record are statistically driven in the fact that the 170 murders are between people or among people that know each other, and half of that number, 170, is in relation to domestic violence crimes, sexual crimes, which form part of this Bill. And, Madam Speaker, since the introduction of the sexual unit, the offences unit at the TTPS that the Member spoke about, and the Gender-Based Violence Unit at the TTPS that Member spoke about, that number of people has fallen in half; statistically half of the number of people who were murdered of the 170 are domestic violence related matters and half of that number has now been taken away by the intervention of the Trinidad and Tobago Police Service.

So, again, it is not responsible in my most humble estimations, for the Member to be reflecting upon the hard work of the Trinidad and Tobago Police Service in such a manner. Because I am sure that we will agree that a 50 per cent reduction in murders, in domestic violence-type situations where there are sexual offences that fall within this Bill, is a very laudable figure for our country, Madam Speaker. We accept that every death is one too much. But, Madam Speaker, if we take the advice of the hon. Member and we compare it to the evidence of the Opposition's track record when in government, we can confirm that they pass law and turn their backs. Because if you have 1,693 convictions that should be on a register whilst you had the chance to do it and there is zero on the register, it

augers better for our country to listen to this Government's advocacy where a register is actually populated and in existence.

Madam Speaker, the hon. Member for Tabaquite reflected upon non-legislative fixes happening alongside legislative fixes. And, Madam Speaker, I agree with the hon. Member's submission, and a very good example of non-legislative fix that works with this law is the Public Defenders Division. Madam Speaker, we have opened a Public Defenders Division to defend people that come before the courts, including in relation to the amendments before us. And on that Public Defenders Division of 1,002-odd persons on remand, the Public Defenders Division currently represents at least, because the numbers change, at least 600 persons in remand. And, Madam Speaker, the creation of the Public Defenders Division by this Government was entirely non-legislative. And, Madam Speaker, that was to break the back of a serious problem in our criminal justice system. Again, something that the hon. Member reflected upon. And what was the problem? That 20 lawyers alone control the Criminal Bar.

But today, Madam Speaker, with an entire functioning Public Defenders Division, we are now witnessing the rapidity of cases. Madam Speaker, in complaining about the criminal justice system, as the hon. Member for Tabaquite did, the hon. Member was not generous enough to indicate that in the period 2015 to 2020, massive amendments were put into the criminal justice system. Whilst the hon. Member would not reflect upon it, international agencies such as the Financial Action Task Force have, because they are looking at the outcome of cases. The hon. Member has not reflected on where this law operates, these amendments operate: in the Criminal Division which we created; in the Children's Division which we created; in the doubling of the number of judges legislatively from 36 to 64; in moving from Court of Appeal judges from 12 to 15; in taking the number of

Masters from two Masters in 2015 to nearly 28 Masters as we stand today; in something as powerful as increasing the number of years that judges have.

Madam Speaker, when we, the Government entered into office, judges went home at 65 to then go and work up the islands in other Caribbean territories. Today, they go home at age 70 and therefore the hon. Member makes no reflection of the increased capacity that we have. Madam Speaker, in answering the hon. Member's submission made, when we came into office there were 14 magisterial districts, today there are three: North, south and Tobago. In 2015 when we entered into Government you had to physically go to court. Today, you go to court on a laptop. In 2015 when we came into Government we spent \$26million on prisoner transport. Today we transport prisoners from their cell to a camera in the prison saving that cost. And that cost is diverted into the population of a sexual offenders register using technology as we do, Madam Speaker.

So, Madam Speaker, I do not know which intellectual rock the hon. Member was living under, but I can tell you with certainty that the Government's track record on the improvement in the justice system which these amendments are intended to operate within, have been significant, Madam Speaker. Because no longer do we rush to court to catch a three o'clock cashier to file documents with a statutory period of limitation looming over your neck, you file those documents online. Madam Speaker, the hon. Member spoke about other laws today.

Madam Speaker, in 2020, when we amended the Domestic Violence Act, the limited protection involved the fact that protection orders could not be given unless you were in a court. Today, this Government can say that you can go to court at Sunday night, midnight, and obtain a protection order. So, Madam Speaker, I tell the Opposition stop bad talking your country. It is a poor reflection on those who serve; the hard-working members of the TTPS, the hard-working members that



turn up, that go to catch people, in flagrante, that bring children into care and protection. I tell the hon. Members opposite you need to demonstrate a degree of patriotism of pride in your country and it is not good enough for us to witness submissions such as those that have been offered today. Madam Speaker, may I ask what time is full time?

**Madam Speaker:** Member for San Fernando West, your full time is 2:49:05 p.m.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. Madam Speaker, when we look to the rationale for the amendments before us, Madam Speaker, in 2019 when we passed the amendments to bring the sex offender's register into existence; in 2021 when we created the website versus the register, when we amended to move for the mandatory mental assessment into the discretionary mental assessment, it came on the back of judicial determination. Madam Speaker, in the Everton Joseph case offered in 2020 by Mr. Justice Hayden St. Clair-Douglas, it was as a result of the court's stated reasons that we amended the law to include the discretion for mental assessment so that the register could be populated.

Madam Speaker, when we look to the amendment that we proposed to section 48(8), what could be unfair about saying that any change in information must be done without delay? What could be odious in saying that without delay is the formula in law? Madam Speaker, without delay is a standard feature of the Laws of the Republic of Trinidad and Tobago. It means that in all the circumstances you must act with alacrity, as some judges put it, with anxious scrutiny in some circumstances to make sure that you are paying attention. That is a balancing of interests.

When we look to the second amendment, that is time sensitive, that is the amendment to section 57(3)(c), Madam Speaker, and we say that you have seven days after the receipt of information for the TTPS to have the verification and

designation. Madam Speaker, that is to make sure that we never again find ourselves in what I call the UNC formula of passing a law and turning your back; of witnessing 1,693 convictions with nothing recorded. These amendments are intended to bring to life a form of protection for the people of Trinidad and Tobago. And as the Member for San Fernando West, I can tell you that the people of San Fernando West are extremely happy to have these type of amendments to ensure that the website in addition to the register is operational.

Madam Speaker, again the amendment to section 57(4)(a), which the Bill proposes, when we are changing the word “receipt” to “verification” it is a positive obligation that there is accuracy of information, and therefore verification. It is an involved process. Madam Speaker, the amendment to section 57(4)(b), where we say that the amendment—we are moving to an amendment of three days for the Commissioner of Police to update a change, again, that is an active demonstration.

So, Madam Speaker, when you compare that to the reality of Trinidad and Tobago, when you look to the fact that the crime and problem analysis divisions of this country demonstrate that in a five-year period, from the Judiciary’s report if you look at it alone, from 2013 to 2018 and we are looking to convictions, you are guaranteed that the Magistracy, to have in a five-year period, 916 convictions statistically, with 52 at the High Court for that period, Madam Speaker, if you extrapolate that, we are ensuring that there is public protection. Madam Speaker, if you look to the statistics coming from the Children’s Authority and their public information, the number two reported issue is sexual abuse. We are talking about sexual abuse of children in the age bracket, zero months to three months. And, Madam Speaker, improvements as are recommended today by this Bill are designed to ensure that we begin to do our part to stamp this out.

Madam Speaker, I want to pay public compliment to my colleague the

Member for Tobago East, Ayanna Webster-Roy who has been championing the tracking—

**Hon. Members:** [*Desk thumping*]

**Hon. F. Al-Rawi:**—of violence towards our most vulnerable, including our children. You see, my learned colleague, the Member for Tobago East does not hide her head in the sand. She stands up, she gives account of what is due in this country, and in laws such as those before us today, we lend our part of assistance to the whole of picture.

Madam Speaker, as I come to a quick end, the hon.Member asked about clearing lots, that is Tabaquite, the hon. Member for Tabaquite, about street lights. Where is the hon.Member, as Minister of Rural Development and Local Government, where is the hon.Member living? Have you not seen thousands of truck loads coming from all parts of Trinidad and Tobago? Have you not seen hundreds of lots cleared every weekend under the hand that I occupy as Minister of Rural Development and Local Government? Madam Speaker, I hope the hon.Member has the courage to come and participate in the national clean up and survey campaign that the Ministry of Rural Development and Local Government is championing—

**Mr. Lee:** Madam Speaker, 48(1)—

**Hon. F. Al-Rawi:**—and that we therefore address the issues—

**Mr. Lee:** With due respect, 48(1), this is about Sexual Offences Bill.

**Madam Speaker:** Whip, you may have been out of the Chamber, but I am sure I heard the Member for Tabaquite speak about clearing of lots, street lights and all of that. I am almost certain I heard that.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. As I come quickly to an end, I am

not surprised by the interruptions from Pointe-a-Pierre. The only Member of this Chamber who could campaign without turning up in the—[*Inaudible*]

**Mr. Indarsingh:** [*Interruption*]

**Madam Speaker:** When a Member raises a Standing Order and I rule, there is no reason for there to be a whole chorus, I would call it of support, thereafter. Let us continue with the business with the order and decorum which is required.

**Hon. F. Al-Rawi:** Madam Speaker, this Government will move its very best to ensure that it does its part. Today our part stands in this Chamber to pass law for the peace, order and good governance of our country. So says our Constitution in section 53, the supreme law of this land, section 2 of the Constitution reflects upon. Madam Speaker, I stand to support the work of the Government in the further amendments of the Sexual Offences Act and I thank you for this opportunity to contribute.

**Hon. Members:** [*Desk thumping*]

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

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member, you have 30 minutes, full time.

**Mr. Dinesh Rambally** (*Chaguanas West*): Thank you, Madam Speaker. Madam Speaker, having heard the Member for San Fernando West, it suddenly dawned upon me that the country just realized and witnessed the rationale behind removing San Fernando West as the substantive Attorney General.

**Hon. Members:** [*Laughter and desk thumping*]

**Mr. D. Rambally:** And whilst the country has grown to accept this and we now have a new hon. Attorney General, it seems as though San Fernando West—

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:**—has not accepted that yet. The substantive piloter of this Bill

spent about 10 minutes, and I know in his maiden contribution the hon. Attorney General says he has a sort of knack or tenacity or penchant to speak for a very long time. He has been accused as such, I remember that. But today I know he can sit easily in his seat and realize that he has been outdone in terms of that criticism.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:** Now, I just want to quickly say I had not really planned to contribute to the debate, Madam Speaker, but having heard the Member for San Fernando West—

**Mr. Scotland:** [*Interruption*]

**Mr. D. Rambally:** The Member for Port of Spain South, Madam Speaker, will have his time, he can contribute if he so wishes. But I would like to point out to the Member for Port of Spain South and the Member for San Fernando West—

**Madam Speaker:** No, Member, speak to the Chair. I do not think the Member for Port of Spain South has yet joined the debate. So ignore the banter and direct your contribution this way.

**Mr. D. Rambally:** Thank you, Madam Speaker. Madam Speaker, through you, I would like to say that when the Member for San Fernando West when he was speaking, he made certain statements and I thought it was really unnecessary. Let us just get back the North Star on this Bill and the North Star is that we are in support of these amendments as we have been in support of previous amendments. So let us get back to that point. But when I heard some of the comments, “which intellectual rock”, you know, “Member for Tabaquite came out from”, I found that to be intellectually dishonest.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:** I really found the Member for San Fernando West to be intellectually dishonest in debating here today, because the reality of the situation

is, Madam Speaker, and the UNC does not sponsor any newspaper, daily newspaper in this country. When you look at the *Guardian*, Friday 6<sup>th</sup> of May, it is in big bold and red:

“KILLING RAMPAGE”

And this is what it has as an addition to “Killing Rampage”:

“193 murders in 125 days”

It says:

“Workman gunned down on Ste Madeleine jobsite

2 slain as gunmen ambush group in Curepe

Sibling kills sibling in Diego Martin

Chaguanas businessman shot dead during robbery”

So that is the *Guardian* of the 6<sup>th</sup> of May, today’s newspaper. When we look at the *Express* of today, it has in big black and bold:

“BLAZING GUNS”

And that is what we are talking about.

I think the Member for Tabaquite was speaking to the reality. So having established that we are in support, as we are entitled to do, we have certain concerns and which is where she went in that direction, the hon.Member went in that direction. And so when we look at “Blazing Guns”, Madam Speaker, permit me to just say what is also the addendum to this headline:

“Curepe: Limer killed, pensioner shot dead while hiding from killers”

**Madam Speaker:** Okay. So I have given you some leeway but I want you to tie it up quickly because this is not a general debate about crime. I heard what the Member for Tabaquite said, I understood the context in which she said it and I heard what the Member for San Fernando said in response within that context. But this is not a general crime debate and I am not going to let us—all right? We are

talking about sexual offences and the Registrar.

**Mr. D. Rambally:** And I am guided, Madam Speaker, because I thought the Member for San Fernando West really had gone in a direction which the point I am going to close on now is that we are speaking about the reality of the situation in the country and when we come down now to when we talk about sexual abuse there is one particular headline which said:

Horrific Abuse.

So we are not here today really to chastise any Member or really to critique any Member and I think this was the point that was being made by the Member for Tabaquite—

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:**—that it is not to be taken—categorically she was saying she was not to be taken as casting any indictment but we share some of these concerns.

So, I would like to say that I join the Member for Tabaquite in her contribution, I fully adopt and endorse her contribution. I think at the end of the day, Madam Speaker, it was clear that when the Member for Tabaquite was speaking, that the reference that she was making when she was speaking about whether it was operational and if so, whether efficient, it had nothing to do with the National Sex Offender Register. And again, I must say Member for San Fernando West was being intellectually dishonest.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:** It was clear, Madam Speaker, that the Member for Tabaquite was referencing the public sex offender website.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:** That was clear. So we could talk about how many courts we have opened, Madam Speaker, we can talk about how the backlog and a subjective

opinion as to where the backlog of court cases are, whether we have improved or not, but when we are coming to deal with this particular Sexual Offences (Amdt.) (No. 2) Bill, I thought that we have strayed very far off the topic in going in that direction as San Fernando West did, and to speak about the UNC in 1995—2001. But, Madam Speaker, I move on now.

Getting down to the Bill, I would have thought, Madam Speaker, that if we are coming to make an amendment knowing that we have an escalation in the cases of abuse, so we have cases of crime, crime is spiraling out of control, again I am saying that that is something we have to put our heads together to treat with. But when we get down to abuse and particularly sexual abuse in light of, especially the reports that have been laid in this House in recent days and what we have been seeing put out there by hon. Ministers, and of course we have heard a lot of public commentary, we are seeing a lot of social media and we are seeing mainstream media investigating these cases of concern of abuse, I thought that what we would have heard from the Member for San Fernando West and by extension the hon. Attorney General, that we would have probably looked at whether or not in moving an amendment, I see one of the amendments at section 48, proposed amendment, is that we will now include in the public sex offenders website, an amendment to now include the gender, the sex of the person.

Now, Madam Speaker, if that—and I do agree. Again, I want to join Member for Tabaquite, I do agree that whilst it may appear simple on paper, the effect of coming to debate this amendment, this particular amendment Bill, it has far reaching consequences. So when we talk about amending the public sex offenders website, I thought we would have heard that in proposing to do so as established in this amendment Bill, that whether or not it is in fact working, and this where the Member for Tabaquite was speaking to. If it is it has been



established, Madam Speaker, we could have heard a little bit more about how many persons, not the names of the persons, maybe not necessarily the offences as well, but certainly exactly what number of persons have been registered there, so that you get a sense of idea since the amendment Bill No. 1 was debated and passed, what has really taken place in terms of moving forward.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:** You see, Madam Speaker, what has happened is that whereas we are debating this amendment Bill No. 2, the world has gone really on a fast pace because internationally there is growing concern over what has happened in terms of sexual abuse towards minors. And therefore it has increased now in the First World countries and in the larger countries, including America, including the United Kingdom, including Australia, that when you look at what they have done, they have essentially been grappling with whether or not you should move away. So they have already established their sex offenders register. Some of them have already established the sex offenders website and they are now grappling with the issue as to whether or not there should not be the same information that is cast in one, being cast in the other. And I thought that we would have heard some of that.

Now, when the Bill, Madam Speaker, was being piloted, the Sexual Offences (Amdt.) (No. 1) Bill, and I am not going to repeat matters of debate there in this debate, just to make the point that we would have heard of the Sarah's Law and the Megan's Law, we would have heard of the fact that Megan's Law associated with the sexual offenders register, the Sarah's Law associated more with the sexual offenders website. And one is particular to the United Kingdom, one is particular to the US.

I would have heard and read references to these quotations, let me say citations in, when that Bill was being debated, both in the Lower House as well as

in the upper House in the other place. And I do not wish to repeat it. It is safe to say that where we need to take this discussion, Madam Speaker, is that we need to look at whether or not when we talk about Schedule 3, in particular, section 47(2) of the Sexual Offences Act, and this now pertains to the details that you will codify in the sex offenders register, the question that is being debated internationally is whether or not this information should not be well-known to all and sundry.

**3.00 p.m.**

The question that is being debated is whether or not—and it is also engaging Supreme Courts as well as to whether or not it is constitutional. So I am saying that for the purposes of moving the amendment Bill (No. 2) today, I would have thought that we would have been discussing or at least heard reference to whether or not we are in a good place. We certainly are not, Madam Speaker, but I am asking the question rhetorically if according to the Government, we are in a good place or we are in a semi-good place, the question is whether or not we are considering these concerns.

The sex offender register requires a detailed or a compendium of information on the particular offender and, therefore, the question is now which other countries have gone ahead, is whether or not that should not be notified to the public at large. The question is whether or not there are systems where if the locality of the particular offender, sex offender, should not be made known to other persons in that locality? There are different tiers where we see that depending on the gravity of the sexual offence, the conviction, that you would now determine whether or not you would exercise a discretion as to whether persons in that locality of that person would now be notified. The question as to whether the person would be notified and how is something that is really up in the air I must say, based on the research I have done.

When you look at—and again I say I referenced that in relation to, as I said, the Megan’s law, but when you look at the Sarah’s law and you look at what has happened in the United Kingdom—of course, we take a lot of our jurisprudence from there, and really you can see that they have taken a more conservative approach. Having taken that conservative approach, Madam Speaker, it is not really a matter of right or wrong as a matter of law and/or fact. It is a matter of the discussion. When the pendulum has swung fully to one side, sometimes you have to bring it fully to the other side before it can reach to the point of balance. This is where when we are talking about sexual offences we have to make up our minds, Madam Speaker, and I say we as a Parliament, as a people. We have to determine whether or not we are going to swing the pendulum in such a way as to bring back balance. What does that mean, Madam Speaker? It means whether or not the information that is now being stored in the sexual, sorry, the public sex offender website is sufficient for the public knowledge in order to protect members of the public. That is something that we have to look at.

So when we are weighing—and we heard absolutely nothing about this from the Member for San Fernando West and I thought that having piloted the Sexual Offences (Amdt.) Bill (No. 1), that certainly we would have heard something following on from that, because, as I said, the world has moved ahead. We have both registers here, one for the public, one for the police, and what is being debated internationally is whether or not there is a need to give greater information to the public, and/or there should be some form of notification. So it is not as simple as we are saying that everything must be published. The question is, there is now the discussion as to whether members of the public are notified. So what would previously have been considered to be within the bosom of the TTPS, the question is whether or not that should not now be notified to members of the locality?

So I know there are checks and balances, Madam Speaker, but when we look at all that has been passed to date and the fact that you are seeing so many sexual offences, grievous sexual offences having been committed, the question is whether or not we need to step up our game in terms of implementing the legislation. So, Madam Speaker, that is a point that I wanted to raise, because I thought it should be mentioned here. If we are moving forward and we are saying, okay, it is simple on paper at the proposed clause 4 amendment to section 48, that we will say—sorry, Madam Speaker. Sorry. 48(a) in subsection (4)(a)(iii), we would want to insert the word “sex”. So that is one detail that we would put in addition to the others “photograph”, et cetera, et cetera. That is simple, but is that sufficient for the purpose for which this Act was passed in the first place. And I am surprised because Member for San Fernando West, he spent time talking about, you know, continued—sorry, the Attorney General would have spent time about you know this is part of a process of continued vigilance and considering the efficacy of the Act. And I am saying that yes I do agree, and if we are doing that we need to take into account some of these things.

So getting back to the North Star, Madam Speaker, we are supporting in principle. We are supporting and we will support this Sexual Offences (Amdt.) (No. 2) Bill, and I want to say that we should not have a situation where you have a spiraling crime crisis. Again, I say this—it gives me no pleasure to say it, I am not saying it as an indictment on anybody, but what we have here the question that has to be asked is: Are we doing enough? If we are passing laws piecemeal and we are saying that this is meant to treat with those kinds of situations, I think we need to delve a little bit deeper, Madam Speaker, into the basis, the rationale, as we would have done before and question whether or not the basis for the rationale is still something that is relevant to today’s debate. And if it is, I am saying like the other

countries, we have to take that debate much further to determine whether or not we need to swing the pendulum in the opposite direction before it can rest in a balanced position.

Madam Speaker, I heard a lot of statistics being cited by Member for San Fernando West, unfortunately those statistics do not bring any comfort to us on this side, and I highly doubt that those statistics bring any comfort whatsoever. De minimis or otherwise, it does not bring any comfort to members of the public.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:** There used to be a time, Madam Speaker, when I used to laugh when I heard the phrase, “the decrease in the increase in crime”. I used to laugh at that, but now when you hear that somehow you hold on to that because you now associate that with some decrease in crime. What it means, Madam Speaker, is that statistics it is not cutting any kind of semblance of decency or good governance which the citizens of this country deserve and which they demand.

Madam Speaker, as I end, I want to say that insofar as we are treating with this amendment Bill and we have been hearing from speakers on both sides that as we move forward, Madam Speaker, that we take the debate in a direction that it would be one of constructive debate, it would be one of where parties will work together, and I can say categorically from Members on this side that we are prepared to do whatever is necessary to ensure the good governance and safety of the citizens of the Republic of Trinidad and Tobago. I thank you, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for Tobago East.

**Hon. Members:** [*Desk thumping*]

**The Minister in the Office of the Prime Minister (Hon. Ayanna Webster-Roy):**  
Madam Speaker, I thank you for the opportunity to join this debate on a Bill

entitled, “An Act to amend the Sexual Offences Act, Chap. 11:28 and for other related matters”. Madam Speaker, what we are debating here today is a very important measure that can contribute to the overall strengthening of the national safety framework. Before I speak specifically to the Bill and the provisions in the Bill, Madam Speaker, please allow me an opportunity to share with this honourable House some of the reasons why I lend my voice to support of the outcome the hon. AG is trying to achieve through this piece of work.

Madam Speaker, when you live or grow up in a small island society, stories and experiences are shared across communities. Sometimes when someone joins a community or moves into a village, you will get a sense of excitement and messages would pass through different households, and you will hear persons saying, “You see John or you see Jane move in de village, is ah blessing for everybody. You see John move in, we children go benefit. You see Jane here, she gonna bring some development.” But, Madam Speaker, sometimes when new faces emerge in communities and villages it is not the same sense of excitement, but there is an air of concern. Sometimes when new faces move into villages and communities, Madam Speaker, you would hear the whispers amongst households. Mothers would caution their sons and their daughters: “You see Johnny boy or you see Johnny girl down de road dey, doh go close to dem.” Mothers, fathers, aunts and uncles would caution young children: “Yuh see that lady passing through the village that now come in, stay far.” Or sometimes, Madam Speaker, the village elder would caution the single mother, telling her: “Girlfriend or lady, you see dem nice gal pickney you get in yuh house there, ah see the fella dat just move in the village friending friending with yuh, mind yuh gal pickney.” Or sometimes the village elder will say to a single mother: “Yuh see your boy child dat growing up nice nice there, guard him from that boy meh see ah friend friend with yuh.”

Madam Speaker, I am sharing these stories as a way to express why I am fully supporting what we are doing today because it is very important. Madam Speaker, these stories are the stories of many communities and families in Tobago, and in Trinidad and Tobago. As I mentioned before, growing up in a small island community you could not get away from our rudimentary unofficial sex register, Madam Speaker. Because you see with all the “sou souing”, with all the cautions being passed from households, with all the stories moving from village to village, that was an unofficial form of a sex register, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Hon. A. Webster-Roy:** Madam Speaker, in many of our communities we had predators who would move from community to community particularly preying on vulnerable households, those households where it might have either a single parent who is female, or a single parent who might be a male, who will not only seeking comfort, but seeking additional support to bring an income into the household and become vulnerable. So they move through the communities prying, but by the grace of those unofficial persons who would have moved the stories through villages cautioning families, cautioning communities, we had our very own, as I would had mentioned before, rudimentary sex offender register in Trinidad and Tobago through the oral tradition.

Madam Speaker, we have now in place a more sophisticated system that will take the monitoring out of the mouths of the networks of people, who would actively monitor the movement of known predators and serve as an early warning system. This active monitoring and tracking will be done throughout the police service, where the police will share an update information across their network so that sexual offenders are accounted for as they move across police jurisdiction so that the people are better able to be safeguarded, so that our citizens are better

protected from those predators through a well-thought-out and operated sexual offenders register. Madam Speaker, a primary goal of this Bill is to ensure that the register is kept up to date at all times, allowing the police to have access to precise information on the whereabouts of sexual offenders at all times.

The provisions of the Bill, Madam Speaker, enhance the supervision and management of sexual offenders in our community. The provisions further improve the registry's record management system and its administration by the Commission of Police. The work we are doing here today through these amendments will encourage increased levels of cooperation and coordination between the offender and the relevant designated authorities. And, Madam Speaker, it provides an opportunity for the collection of trustworthy data for the purpose of monitoring, registering, and tracking sexual offenders as a tool for safeguarding the general public from sexual abuse or exploitations. But, Madam Speaker, although we may attempt to create laws that are perfect, you could never always get it right, and laws could never ever be perfect.

There is always room for improvement. But as we explore what we are doing here today, Madam Speaker, we recognize that in order for this to work there must be full buy-in. It is noteworthy, Madam Speaker, that in order for this to work we must have information going in at the right time, in the correct manner, and being shared across the various networks, so that the persons we are meant to protect will be protected. Additionally, Madam Speaker, full buy-in is required not only by the police service but also by those in authority and especially the public as well, Madam Speaker, to ensure that whatever measures we are doing here today will be able to strengthen the overall protection framework in Trinidad and Tobago to safeguard our nation's children.

When the Member for Tabaquite spoke, Madam Speaker, I understood some



of her concerns, and I understood the feeling she would have shared. We cannot legislate a society into good behaviour. We cannot legislate a society into decency and order. What we can do, Madam Speaker, is put legislation in place to act as a deterrent, but at the same time take an all-of-government approach to ensure that the structures and the systems are in place to strengthen our families and our communities so that we do have an increase or more instances of the behaviours that lead towards crime and violence, but instead strengthen our families, strengthen our communities so that we prevent persons from perpetrating.

Madam Speaker, there is a role for all of government. There is a role for gender and child affairs. There is a role for the police service. There is a role for the Ministry of Social Development and National Service. We have to ensure that we put the support into our communities so that our children are protected, so that our families are strengthened and protected, so that we could reduce the instances of crime and violence. And as it pertains to what we are doing at gender and child affairs towards this end, Madam Speaker, through an initiative we call the Spotlight Initiative, which is a collaboration of government, civil society and some of our partners such as the UN system and the European Union, we are working towards tackling family violence because we recognize if we tackle family violence then we will be able to reduce instances of sexual offences in our communities, we could reduce instances of child abuse, we could reduce instances of domestic violence.

**Hon. Members:** [*Desk thumping*]

**Hon. A. Webster-Roy:** So, Madam Speaker, through this Spotlight Initiative we have been working in a systemic approach looking at the schools; how we do intervention at the schools; how we do interventions at the family level through the national family services; how we do interventions through the Judiciary because

the Member for Tabaquite spoke about the wheels of justice turning slowly. We are looking at how we can strengthen the Judiciary. We are also looking at how can we through the role of gender and child affairs create more knowledge, awareness, and education in the public so that we create the changing behaviour mindset that is required so that we will not have a need for a sexual offenders register.

Madam Speaker, we have been working alongside our stakeholders, putting information out into the public domain, highlighting and alerting the public to the fact that, yes, we indeed have a society that it seems that is bent on crime and violence. Yes, we have a society where sexual offences have become something that we take for granted, but also we have been working and alerting our public to the fact that we can collectively bring about the change that is required. So by working with our children, empowering them through our child ambassadors programme, helping them to become the voices and the change agents and the change champions so that they become the advocates for their rights. By working with our various organizations that provide safe places of safety for women and for those women who also may fall victim to sexual abuse, we are strengthening their capacity and capability to provide services in the communities. Madam Speaker, by working with agencies such as TTPost, getting information out into the most rural of communities, we are ensuring that all of our citizens have the requisite information so that they themselves are empowered to become their first defenders.

Madam Speaker, what we are doing here today will not solve the problem alone. It is a step up from the days of the villagers having to be the voice and having to be the register, where the message would have passed through community by community. Yes indeed it is a step up, Madam Speaker, but it is not the answer. The answer lies within a larger framework of all of us working

together to change attitudes, mindset and behaviours so that we understand that we live in a rights-based society where we promote the importance of individuals, respecting the individual rights of each other, so that we could reduce violence, that we create a zero tolerance attitude to violence in all its forms. It is not only sexual violence, Madam Speaker, but every form of violence that is meted out to any citizen in Trinidad and Tobago.

I often come to the Parliament and I speak this way, Madam Speaker, because I strongly believe in the goodness and the greatness of the people of Trinidad and Tobago, and I often use this platform as an opportunity for us to search within ourselves to see where we are falling short as individuals and to make a decision to do better at the individual levels so collectively we could see that change reflected throughout our society.

**Hon. Members:** [*Desk thumping*]

**Hon. A. Webster-Roy:** So, Madam Speaker, today I just want to say that I give my full support to the work that is being done. I look forward to further debates as we strengthen the framework to protect all our citizens, and I thank you for this opportunity.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for Moruga/Tableland.

**Hon. Members:** [*Desk thumping*]

**Ms. Michelle Benjamin** (*Moruga/Tableland*): Thank you, Madam Speaker. Madam Speaker, today we have before us a Bill of policy. This Bill is gauged towards the nation's fight against crime, particularly this nation's war to reduce the instances of sexual offences. Indeed, Madam Speaker, the Sexual Offences Act is an instrumental tool that this Government, had they done the amendment correctly in 2019, would have been effectively put to use. But, Madam Speaker, I would like

to draw on what my fellow colleague for Tobago East would have said, and I want to agree with her when she said that the offenders are known. I come from a community where, yes, the offenders are known, but is the crime reported? So what we are doing here today, would it effectively bring about change? Because if the crime is not being reported, then what are we going to register on this online register, Madam Speaker? First, we have to deal with the instances of the prevalence of sexual offences like she rightfully said in the community.

Madam Speaker, Moruga/Tableland being a rural community and set in time similar to the environment that my colleague would have come from, or her constituency that she represents, we have aunties that look out for the neighbours. I am a product that I was raised by my village and persons looked out for my best interest. Should I be on the road late, I would always have that protective eye. So I understand what she is saying, but I also have to stand here and say what next and how do we get the communities to report the instances of these sexual offences? Madam Speaker, in that regard I do not believe that what we are doing here today or what the Government is proposing will bring forth the necessary change because it is lacking education, educational programmes within rural constituencies. I believe that it should be something that is tackled from our schools. Madam Speaker, we have to teach our young children that they need to be vocal about what is happening.

Madam Speaker, I heard the Member speak about several instances and different scenarios. I would have spent my life thus far in public service and something I could tell you that you hear stories from domestic violence to sexual offences being committed within the home, but, as I said before, persons they are fearful of coming forward. So we need to bridge that gap with regard to instances of reporting these crimes and actually putting it on a register.

**Hon. Members:** [*Desk thumping*]

**Ms. M. Benjamin:** The Member went so far with regard to community initiatives. In my constituency I could tell you apart from the village “tantie” that would look out for that damsel in distress, we have community watch groups, and we are so advanced in it if a car moves at a late hour everything is put on these different social media platforms. Madam Speaker, but today is a day where the Member also with regard to tackling violence in the home, and I would like to add or to inform my learned colleague that tackling that violence and the frustration that exists in our community, I would not like the mantra that persists that we are a violent community to go beyond the walls of this Chamber. I know it has been said in public forums, but persons lack jobs, when persons lack opportunity, that leads to frustration, that leads to violence within the home. So I think it is something we need to address and the administration needs to look into it.

Madam Speaker, because when you look at what is happening again in our society, only last week we had the same Member for Tobago East laying in this House a report on safeguarding our children before us that was plagued with instances of sexual violence towards the most vulnerable in our society, Madam Speaker, our children. So what are we doing if we cannot protect our children, Madam Speaker?

**Hon. Members:** [*Desk thumping*]

**Ms. M. Benjamin:** Madam Speaker, I see I am being engaged by the Member for Laventille West and he would agree with me that violence in the home leads to sexual violence towards women, towards children, and, Madam Speaker, I see he is engaging me, but if he would listen to the contribution his—

**Madam Speaker:** Okay. I understand that the Member for Laventille West has our collective best interest in seeing the traditions of parliamentary debate develop—

all right?—and I am sure the Member appreciates the coaching. I would therefore suggest the coaching takes place outside of this Chamber at another time, and Member, the conversation is to the Chair. All right? I realize you are making an effort in terms of the “he” and the “she”, but we have to try a little more, the hon. Member. You were doing well, the hon. colleague, but forget the “he”, and the “she”, and so on. Look at this way.

**Ms. M. Benjamin:** I am guided, Madam Speaker, always by your esteemed knowledge and guidance in this House. Madam Speaker, as I proceed in making my contribution here, however we have been here before, as I stated in 2019, where we set in motion the resources of this Parliament of this nation to do the amendment on the Sexual Offences Act, but this Government did not make the best of that opportunity despite the former AG Faris that he would like to use the amendments that were previously made as one of his—

**Madam Speaker:** The former AG. The former AG, you could leave it like that, or the hon. Member for San Fernando West. All right? We are not here at all on personal level names. Okay? Right.

**Ms. M. Benjamin:** Madam Speaker, he would have liked to use those amendments as one of his achievements. But here we are yet again in 2022 here to amend administrative errors with regard to adding the word “sex” before “photography”. Madam Speaker, and this refers to section—this is clause 4, section 48. Madam Speaker, I would like to ask: How did we miss this in the sense that this is just another instance of the sloppiness of this Government with regard to bringing forth Bills that were comprehensively reviewed before reading it here in this House? These errors should not be happening at the highest level of the country. We should not be spending taxpayers’ moneys to do correction, Madam Speaker.

**3.30 p.m.**

Instead, if we wanted to initiate proper instances where this Bill could be effective and we all would have stood here and listed out scenarios and we all know that this register is needed, although it may be another instrument but without the education aspect of it, Madam Speaker, it would not be useful. And I need to tell my colleague on the other side that in order for this register to be effective as stated by everyone that would have stood here today, we need to work on the instances of the crimes being reported. We need to work on providing opportunities. We need to work on removing the violence from within our communities.

**Hon. Members:** [*Desk thumping*]

**Ms. M. Benjamin:** Madam Speaker, I represent the area for Moruga/Tableland. Barrackpore is part and parcel of that community and we had instances of violence in the home, we had murder, suicide and that speaks to the frustration in the community. That speaks to the lack of support, that speaks to all the failing agencies. That speaks to all the failing Ministries at the moment. Madam Speaker, what I am asking is that yes, we are here to execute several amendments but this debate was open wide where everyone is giving a contribution as to what is needed and what is needed right now is social outreach programmes.

**Hon. Members:** [*Desk thumping*]

**Ms. M. Benjamin:** What is needed is for this Government to realize that we had our children home for the last two years and no one is saying what assistance they need with regard, Madam Speaker, to counselling. They have entered into—back to the school term and the violence in schools speaks volumes as to what is going on presently in society. Now we have the physical violence being reported. We do not know if there are incidents with regard to sexual offences being committed within our nation's schools. So yes, we would stand here in this House and we will

make numerous contributions but we need to treat with what is actually happening in our society. We need to come up with real solutions. Yes, we would have changed a word here and we may change a word there, but what we need is to effect change. We need education systems for our children, we need jobs for the unemployed and once the society is engaged, the society will perform, Madam Speaker, and they would not be called a violent society. And this Government is failing the society in the sense—and, Madam Speaker, they have come so—to say that they have accepted that terminology and you see no effort being made to rescue one of the most beautiful places on the face of the Earth, my twin-island state Trinidad and Tobago.

So, Madam Speaker, we came here to debate this Bill and one thing that I would like to point out is that when we stay in this House and the language of the law is not clear and we pass unambiguous law, the social consequences of ambiguous laws in this regard is two-fold. It affects the police's ability to properly enforce the law as it is unclear as to what they have to enforce. Madam Speaker, and apart from the enforceability aspect of the police, we are asking them to enforce the laws and everyone here could attest to the police service not being financed in the way it is supposed to be. The police service, as it is, is in debt to the tune of millions. We have a sexual offences arm of the police service, Madam Speaker, and that arm, I am sure, that is lacking probably vehicles, they are lacking probably computers. Madam Speaker, but one thing I will—

**Madam Speaker:** Okay, so tie it to the Bill. Tie it please, Member. I have given you a very wide berth, please tie it to the Bill. All right, you have a few minutes left so you have about seven minutes left, I have given you a very wide berth. Let us take what you said and tie it to what is before us. Okay? Thanks.

**Ms. M. Benjamin:** Thank you, Madam Speaker. I will move back to the



amendments that were made in this Bill. I appreciate your guidance as always, Madam Speaker, and we will move to clause 5.

Clause 5 of the Bill seeks to amend section 56(2) of the Act by removing the word “offence” and replacing it with the word “sentence” which would correct an error that was previously made in the Sexual Offences Act of 2019. Madam Speaker, and with that, I would like to end my contribution just stating and tying up that we came here to make amendments with regard to replacing a word or adding a word before another subsection and I think in 2022, this could have been achieved when this Bill was first read in 2019, but they need on the opposite side to do better. This country deserves better and I thank you.

**Hon. Members:** [*Desk thumping*]

**The Minister in the Ministry of Education (Hon. Lisa Morris-Julian):** Thank you, Madam Speaker. It is with a heavy heart I join this debate, the Sexual Offences (Amdt.) (No. 2) Bill of 2021. I have a heavy heart because I cannot see why anyone would even attempt to debate this instead of coming together to get this done. The persons who would like to object to me are those who either like to watch, those who like to touch and those who like to obstruct.

Madam Speaker, the statistics I am about to present are terrifying, horrifying. From September 2020 to September 2021, over 1,800 reports of child sexual abuse were made to the Child Protection Unit of the Trinidad and Tobago Police Service. Madam Speaker, this represents 925 reports made in 2020 and 797 between January 1<sup>st</sup> and September 21<sup>st</sup>, 2021. Madam Speaker, over 142 people were arrested with 377 charges pending in 2020, 166 persons were arrested and 407 charges were laid in 2021. For the period January 1<sup>st</sup> to October 31<sup>st</sup>, 2017, there were over 300 reports of sexual penetration, whereas for the same period in 2018, 564 reports. Madam Speaker, there are predators among us.

Madam Speaker, the figure in 2018 suggests an average of approximately three reports of crime against a child in Trinidad and Tobago. There continues to be a high percentage of teenagers in particular who are lured into sexual activity by adult males in most cases who they would have met via social media. Madam Speaker, I can tell you from my experiences as a teacher, meeting a Form 1 girl with a diamond ring and she told me she was engaged to a 44-year-old man. Of course, I reported it, Madam Speaker, and to this date, that case has not been called.

Madam Speaker, statistics obtained from the Crime and Problem Analysis Unit of the Trinidad and Tobago Police Service show that between 2008 to 2018, there were over 1,434 cases of rape. With regard to sexual assault, there is a total of 980 cases. Thus far for the year 2022, Madam Speaker, according to the statistics from the Trinidad and Tobago Police Service website, there have been 79 reports of sexual offences, rape and incest. In 2021, 366 reports of rape, incest and sexual offences; 2020, 372; 2019, 352; 2018, 726; 2017, 531; 2016, 496; 2015, 497; 2014, 829; 2013, 550. Madam Speaker, there is a need. Additionally, there is a total of 1,693 persons convicted of sexual offences in Trinidad and Tobago.

Currently, Trinidad and Tobago, Jamaica and Belize are the only countries that have a sex offenders registry in the Caricom region. I am happy to say that soon Grenada will be on board. This ground-breaking piece of legislation is something that was created to protect our children, to protect our women and yes too, our men from predators.

Madam Speaker, this Government had acknowledged a void in the law. We saw the gap, we saw the space and we decided to fix it. We immediately took the steps to address sentencing, registering and monitoring of sexual offenders and this will prove to be a critical tool to law enforcement investigations. While the

statistics, Madam Speaker, are alarming, disturbing and horrific, while we acknowledge that there are predators among us walking around as the young people would say, Madam Speaker, “normal, normal”, this Government is trying to do something about it.

Madam Speaker, I listened to the Member for Tabaquite discuss the registry and I just would like to assure her the public sex offenders website will not have the details and the information that the police would have in the National Sex Offender Register. It will have the date of birth, place of birth, gender, country of citizenship, nationality and many more vital bits of information. Madam Speaker, can you imagine from the minute that a child goes missing, a police officer can access that information? The names of children resided in the same dwelling place so that we can pay close attention and intervene when necessary. The fingerprints, the medical history, of course, photographs, even educational attainment and training. Madam Speaker, the public sex offenders website will be accessible to the public, however, if an offender has appealed his conviction, pending determination of the court, the sexual offender’s information shall not be published on this website and I think that is fair. But the moment that there is a conviction, it will go on the website so that the public can know exactly who is in their neighbourhood.

**Hon. Members:** [*Desk thumping*]

**Hon. L. Morris-Julian:** There is a popular website on Instagram where young people would submit their pictures for graduations, parties and one of the administrators is a paedophile and I can say this, Madam Speaker, because at that time I had to intervene and I went to the police to make the report and the now Commissioner of Police was actually the senior superintendent at that particular time and he went above and beyond to make sure that that man was brought to justice. However, there are many more children who do not know who is behind

that website. There are many children who do not know when they innocently send their pictures and their information that they are not chatting with the person that they believe behind the computer screen. Madam Speaker, with this public sex offenders website, we can protect our children a lot more.

You see, Madam Speaker, in Jamaica, under their Sexual Offences Act, it is quite similar to ours here and the Act and I quote:

- “(1) There shall be a Sex Offender Register and a Sex Offender Registry.
- (2) The Registry shall be under the day-to-day management of the Commissioner of Corrections and the Register shall be maintained therein.”

Madam Speaker, in Grenada, they are expected to begin the publication of the names of those who have been convicted of sexual crimes. This register would be under the control and custody of their Commissioner of Police. Grenada Attorney General Dia Forrester said at a post-Cabinet briefing on Tuesday the 29<sup>th</sup> of June, 2021:

“This approach seeks to avoid the contravention of a constitutional right of a person to the protection of privacy in his home under Section 1(C) of the Constitution...”

Over the years, Madam Speaker, sexual crimes against minors have been identified as a social scourge with the police and the Child Protection Agency. During a news conference to highlight the status of crime for the first quarter of 2021, the police said, from its record, young children under the age of eight are heavily targeted by men above the age of 30. This could never be right. Those people need to be named and they need to be shamed, they must be exposed.

Madam Speaker, sexual crimes are not only committed against minors but also against adult males and females. The offences range from selling nude

photographs electronically to touching the body and of course, rape. Madam Speaker, for the first time in this country's history, information on sexual offenders can be shown on an online website for the public to not just access names and photographs but also to get a sense of comfort. I would like to know who is in my neighbourhood.

As stated earlier, the Act allows for the Commissioner of Police to publicize this information for the public to be aware and better protect themselves. Madam Speaker, how many children would have been saved if this was implemented earlier? Let us not forget Amy, let us not forget Akil.

**Madam Speaker:** Okay, so hon. Member, remember we are not talking about the Act that brought the register into being eh. We are talking now about these amendments and with respect to the website. Okay? So just be careful with respect to your focus please.

**Hon. L. Morris-Julian:** Madam Speaker, thank you very much. As I am a somewhat young—I am still sticking with young—woman in this particular environment, I feel that the Government is taking the best step forward, that these amendments are not just to fix but to improve and that is what we need to do. We need to constantly improve all the laws and make all the necessary amendments not just for ourselves but the people of Trinidad and Tobago.

Madam Speaker, the Sexual Offences (Amdt.) (No. 2) Bill has taught us that nothing is sacred under the sun and what this is going to do, it is to strengthen what the Government has already put in place and it is to ensure that we on the Government side continue to improve and continue to pursue justice for all. Thank you, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

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

The United National Congress and the Members of this Opposition have been calling for the sex offenders registry to be established since 2016 and that is on record. I say this, I begin by stating this because the speaker before me opened and sort of gave the impression that the Opposition was not in support of the measures in this Bill and the record must be set straight that no one is objecting to bringing sexual offenders to justice.

**Hon. Members:** [*Desk thumping*]

**Ms. K. Ameen:** No one is objecting to the protection of our women and girls as well as our men and boys who may become victims of sexual offences. We have heard Members on the other side quoting data. It is increasing, it is bad, it is terrible and all the years that you quoted figures from, guess who was in Government? This Government has overseen the increase in sexual offences and they continue to make PR boasts about sex offenders, about registry, about justice with little or no action.

**Hon. Members:** [*Desk thumping*]

**Ms. K. Ameen:** I agree with you, it is bad. And what are you doing about it? I was a Member of the Senate when the parent legislation came some time ago, I participated in the debate there and we have seen time and time again, Members on the other side—the Minister of National Security, the Attorney General, the Minister with responsibility for gender in the Office of the Prime Minister and others—speaking about this Government’s intention. They acknowledge the issue. What good is it to acknowledge the issue if you do nothing to protect the victims?

**Hon. Members:** [*Desk thumping*]

**Ms. K. Ameen:** What good is it for you to acknowledge the issue and then fail to bring justice for those who are affected? What good is it for you to be on the front page of the newspaper saying “my heart is broken” but a report that detailed sex

offences in children's homes is on the shelf for five months without any action at all?

**Hon. Members:** [*Desk thumping*]

**Ms. K. Ameen:** Madam Speaker, if that is not the definition of hypocrisy, I do not know what is.

**Hon. Members:** [*Desk thumping*]

**Ms. K. Ameen:** I too, like the Member for D'Abadie/O'Meara, would like to know who is in my neighbourhood. We in the United National Congress, long before the Government brought legislation to make sex offenders registry, we were asking for the establishment of sex offenders registry. I as a mother would like to know who is in the schools. We as a country would like to know who is in our Government. We as women especially would like to know who is in our workplace.

And I feel it set such a terrible example when a group of leaders who have a significant responsibility to set an example could have one of their colleagues accused of sexual harassment, delay and delay and delay in an investigation and when an investigation is finally done, the report is never made public and then that group of leaders decides that this matter should be settled privately and that taxpayers' dollars should be used to pay the victim of sexual harassment while the perpetrator, a Member of Government, a senior Government Minister goes free without punishment. Where is the Darryl Smith report today?

**Hon. Members:** [*Desk thumping*]

**Ms. K. Ameen:** This is how your Government is protecting sexual offenders; sorry, victims of sexual offences. Well, should I really apologize because— anyway.

**Mrs. Robinson-Regis:** Madam Speaker.

**Hon. Member:** What Standing Order?

**Mrs. Robinson-Regis:** Standing Order 48(1), Standing Order 48(6).

**Madam Speaker:** Okay, so Member, on Standing Order 48(1), I will give you a little leeway. Remember we are not talking about the sexual offenders register. Okay? So I will give you a little leeway. Again, I think you anticipated the objection with respect to whether you should apologize. What I want to say in terms of the Standing Order 48(6) objection, I overrule but I ask you to be careful in going forward.

**Ms. K. Ameen:** Thank you very much. Madam Speaker, the issue of sexual offences, the psychology surrounding victims of sexual offences as well as people who are close to them is a very touchy subject and rape and incest and sexual crimes on a whole, there has been a taboo around it, not only in Trinidad and Tobago but worldwide. To expose the information and make it known to those in law enforcement is commendable. To expose the information and make it public on a website as in this legislation gives the public more access to information that could protect them.

The Member for, the person who spoke before me, the Member who spoke before me, you know, one line that she said which was, nothing is sacred under the sun, and I am a mother, she too is a mother and—

**Madam Speaker:** The hon. Member is a mother.

**Ms. K. Ameen:** I am a mother, the hon. Member who spoke before me is also a mother and we know, I think mothers have a different appreciation for the sanctity of your children's innocence, for the protection of our children, both boys and girls and I want to, I must touch on the availability of justice and the speed of justice and endorse the point made by the Member for Tabaquite who spoke before me that the slow pace of justice in this country is an absolute deterrent for victims of sexual offences.



**Mr. Deyalsingh:** Madam Speaker, Standing Order 55(1)(b), every Member has spoken about the slow pace of justice.

**Madam Speaker:** Okay, so I am not ruling on section 55(1)(b) but I do want to caution the Member with respect to Standing Order 48(1), and even though you are joining ranks with the Member for Tabaquite, the Member for Tabaquite raised those other issues within a particular context within the confines of this Bill. So that you have got to be careful that it is narrowly raised or else I will then rule on Standing Order 48(1). So I am cautioning you in respect to— I am not sure that you are really joining ranks with her and you are not widening it. This is not a debate on crime in general, it is not a debate on the justice system in general, it is not a debate on sexual offences in general, it is a very narrow leash we are on.

**Ms. K. Ameen:** Thank you very much, Madam Speaker. I think the Member for St. Joseph was a bit pre-emptive. My intention—

**Madam Speaker:** All right, so banter is banter, let us stop it and get on with it. All right? Any Member is entitled to stand on a Standing Order and I rule and we press on.

**Ms. K. Ameen:** I thank you for your ruling, Madam Speaker. I was just endorsing the point, I have no intention of going into it, I think the Member for Tabaquite did an excellent job in explaining that justice delayed is justice denied.

**Hon. Members:** [*Desk thumping*]

**4.00 p.m.**

**Ms. K. Ameen:** Madam Speaker, as a citizen of this country, as an elected Member of Parliament, as a woman, and as a mother, I want to see justice become a part of the culture of our country. I want to see the protection of our children and our women and those who are vulnerable in society become a reality. I am personally tired, and to borrow a word from the front page of the *Newsday* this

week, heartbroken, to know that there are so many victims of sexual offences, so many at-risk persons who hear talk after talk, promises after promises and nothing materializes under this Government.

I have a list of measures promised by this Government to protect women, including the pepper spray legislation, and so on. But I would not go into it, because I recognize that the confines of the Bill are to deal with the website that will publicize the names of the persons who are convicted of sexual offences.

But, Madam Speaker, as I continue to listen to this debate, as Trinidad and Tobago pays attention to this critical debate on the sex offenders registry website, I want to implore the Government that your protection of victims and those at risk must not only be in words; it must not only be in sad statements to elicit sympathy; it must not only be in bringing legislation after legislation; it must be in real talk and in real action; and until you can do that, until you can do that, you are an absolute failure. Thank you.

**Hon. Members:** [*Desk thumping*]

**Mr. Manning:** Madam Speaker, 47(1)(b). I would like to remind the Member for St. Augustine that this Government brought the Marriage Bill to this Chamber—

**Madam Speaker:** No, no—

**Mr. Manning:**—which sought to raise the minimum age—

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member. Member.

**Hon. Members:** [*Continuous crosstalk*]

**Madam Speaker:** Member. Member.

**Mr. Manning:** [*Inaudible*]

**Madam Speaker:** Member for San Fernando East, I am on my legs. All right? And it is not like that that Standing Order 47(1)(b) is invoked. If you wish, you can

join the debate and make your contribution. Member for Laventille West.

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker. Madam Speaker, I am pleased to have an opportunity to join this very important debate which seeks to use this parliamentary platform, legislative platform, to address a very serious social issue, one of longstanding, probably as old as the existence of human beings.

Madam Speaker, it really is troubling when I would hear the very simple submission from one of my colleagues in this Parliament that sexual offences increased under one particular government or the next, sexual offences. I mean, this is as childish and as churlish as any objective-minded citizen must describe it.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Hinds:** Just like the business of domestic violence, a lot of this happens in the darkness of night in secret places in homes. And, Madam Speaker, you know, it is just impossible for the police to be there to prevent this, whichever government is in power. It just does not make sense. Banal and very simple.

Madam Speaker, this business of sexual offences is indeed an expression of violence. I have said so in this Parliament before. It is not violence necessarily using a gun, although sometimes guns are used to intimidate victims, or knives, and they too are sometimes used, and blackmail and all kinds of things. But at the end of the day, it is about violence against the person, most often against our women, our children, in a few cases men. And it is to that that we focus our attention here today.

Madam Speaker, just to remind my colleagues in this House, it is Schedule 3 of the legislation that we seek to amend today, that identifies the kind of offences, Schedule 2, sorry, the kinds of offences that are known to us, that we treat with, offences including, of course, rape, grievous sexual assault, incest, sexual

intercourse with a mentally subnormal person, bestiality, indecent assault, procurement, and failure of the sex offender to report or comply when that becomes necessary and, you know, unlawful touching of children, and those kinds of things. It is a very horrific state of affairs.

And, of course, Madam Speaker, we have a lot of these incidents involving children, which is why this legislation focused, to a large extent, on protecting children. Teenage pregnancy is normal kind of thing in the world today, a very unfortunate reality but it exists. Many girls, many children under the age of 18, as this Act says, find themselves in that position and yielding all kinds of social difficulties.

As we have heard, Madam Speaker, and it is recorded in this law, we have two registers for use, the National Sex Offender Register and, of course, the Public Sex Offender Website, both of which are found in section 46(a) and have been alluded to by previous speakers. And in both cases, Madam Speaker, the Commissioner of Police is the, let me call it in the modern language, the administrator. He has the responsibility under this law, to manage these registries which serve different purposes. One, is for public consumption and the other, not, and both carry, and I might come to that in a short while, different requirements.

Madam Speaker, section 48 is amended to include a new subsection (8), imposing or placing on the Commissioner of Police a duty, an obligation to update the registry without delay. The Member for Tabaquite, I think it was, did mention that that was a kind of a vague legal construction. That might be so. But the law here as before us today talks about without delay. It is suggesting that it must be done. And the courts are not unfamiliar with that construction. In terms of statutory interpretation, no magistrate, no judge, will have any difficulty working out what that means, based on the particular set of circumstances in front of him or her. So I

have no trouble with the construction “without delay”, because delay could be reasonable and it could be unreasonable and it would be up to the Commissioner, if challenged in any form, to demonstrate the reasonableness or the unreasonableness could be otherwise demonstrated and, therefore, would be in breach of this concept of without delay. So I see no difficulty with that. We are a mature jurisdiction and the courts are quite familiar with it.

And the change that he is obligated to apply, without delay, is about the sex offender or the registered sex offender. And, Madam Speaker, the changes will affect things like his name or her name, former names, aliases, date of birth, sex, photographs when the images change. But you have a little problem here. In some countries of the world, and Trinidad and Tobago is one country of the world, there is becoming a little bit of haze between the question of sex and gender. But we understand that sex defines that which you were born with and, of course gender, a little more fluid, according to some, not me, but a little more fluid according to some, depending on what sex you choose to identify with. These matters are imposing themselves on jurisdictions around the world.

And in the United States, just in passing, Madam Speaker, I read last week it is not uncommon to see who you would consider a man in a female private room.

**Ms. Ameen:** Madam Speaker, 48(1).

**Madam Speaker:** I will give you a little leeway, Member.

**Hon. F. Hinds:** Thank you, Madam Speaker. So I am just saying, as we draft this law we do so, it being an organic instrument, the law, and evolving as human society and our experiences evolve, these matters will probably challenge us later.

The Member for St. Augustine would never understand that. She would rather come here and say that this Government is responsible for all sexual offences increases. That is the kind of banality we expect.

Madam Speaker, as I—

**Hon. Member:** [*Interruption*]

**Madam Speaker:** You wish to raise a Standing Order?

**Hon. F. Hinds:** The Member for Tabaquite asked, in typical, and permit me to say, with mischievous bent. Because if the Member for Tabaquite was well researched, she would have known that the sex offenders registry is in vogue and operational in Trinidad and Tobago.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Hinds:** But maybe she did, because her colleagues, and she included, have this habit of knowing—

**Madam Speaker:** The Member.

**Hon. F. Hinds:** Madam Speaker, I am obliged. The Member, the Member— knowing the truth and yet going in the public bold-facedly and stating deliberate untruths. But the Member for Tabaquite enquired as to whether it was operational, and I venture to say for her learning today, if she did not know, the Member, the answer is yes. Well up, well running, and operational.

The Member for Moruga/Tableland, in passing in her contribution, that Member wanted to know whether the Child Protection Unit of the Trinidad and Tobago Police Service, and I speak as the Minister of National Security with some exposure and knowledge to this, whether it is working, whether they have resources. The answer as well, Madam Speaker, is yes. They would rather if the answer was no. But the answer is, fortunately for Trinidad and Tobago, yes. Like every other division, unit, branch, Ministry, organization, one can always claim to more resources or for more resources. But I can tell you they have computers, they have staff, they have vehicles, they have shifts, they have stations, they have locations in modern police buildings, including Barataria and St. Clair and others

around the country and they are on the job.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Hinds:** They are trained and continue to receive training for their upgrade and further professionalization in keeping with modern and international demands. Because this problem has influences from way outside of Trinidad and Tobago. The young people, as the Member for D'Abadie/O'Meara pointed out, have access to material, not originating in Trinidad, all kinds of "poisonous", if I may say so, material right in front of them.

As late as 2011 in the Senate, I thought, in order to get on a site to see things to affect your mind, you had to have a special address to go into. It is one of my colleagues—

**Mr. Charles:** Madam Speaker, 48(1), you are on a frolic of people and their minds. I do not see the relevance.

**Madam Speaker:** Okay. So, Member for Laventille West—

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

**Madam Speaker:**—I want to agree with the Standing Order that I am being asked to invoke. So I uphold the objection on Standing Order 48(1). Remember it is very, very narrow debate and the leniency I may have afforded less experienced Members may not apply to you.

**Hon. F. Hinds:** Thank you warmly, Madam Speaker, for your generosity of spirit. Madam Speaker, the Member for St. Augustine it was, accused the Member for Tobago East of holding this report negligently for five months. I just must place on the record, objection or not from the Member for Naparima, that this report was received by the Ministry in the month of December. The Ministry obviously had to read and to study it, and to consume and ingest the contents and its implications, and that was done, led by the Permanent Secretary of that Ministry, led by the

Minister, of course. It was then thereafter sent to the Children's Authority of Trinidad and Tobago's board. And they were asked, when it was sent, to look at that report and to identify every one of the issues it raised, and to issue a plan to respond positively, a work plan, as it relates to each of those shortcomings, on each issue.

When the feedback from the Children's Authority came to the Ministry, I am advised, Madam Speaker, that it was promptly taken to the Cabinet, as the Minister must, and to advise the Cabinet of this development, and for the Cabinet to review the work plan that was requested of the Children's Authority, once the report was sent to them. All of this out of the public gaze, acting responsibly as Minister and Government. And this takes some time. And Madam Speaker, out of that, the task force was set up and they began meeting. The Cabinet, obviously, approved the report and, of course, authorized the hon. Minister to lay the report in this Parliament, which the Minister did recently and the rest is before the nation.

Madam Speaker, in 1997, there was a similar task force in this country that investigated the same issue. Up to now this country has not seen it. A report was issued to the then government, 1997, eh. A UNC government could not find the life of day to this very day. As a matter of fact, I am advised that Chairman Judith Jones who led the team to do this excellent work to protect Trinidad and Tobago and our children and our women in this sordid business of sexual offences, Madam Speaker, a responsible reformer and retired Court of Appeal Judge, now chairman of an important commission in this country, tried to get that report in order to use it as a bit of a backdrop and to see what was done and what it said going forward, I am advised that could not get it. I understand it is lost somewhere in Rienzi Complex when they were thrown out—

**Hon. Members:** [*Desk thumping*]



**Hon. F. Hinds:**—of Rienzi Complex. So before I move on to my next point, firstly, between December and now, early in May, no five months. So it is actually and factually incorrect. And secondly, I have just demonstrated and made it pellucidly clear that the Government, through the Minister, and the Member for Tobago East, acted responsibly in managing this matter until, of course, it came into the public domain.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Hinds:** And why would they, Madam Speaker, hide those kinds of reports? Because you know, while the Member for St. Augustine—and you must permit me Madam Speaker, because the Member accused this Government of overseeing increases in sexual offences in the country. Let me say, as the Member said that, I remembered we had at least three examples of that coming from members of her government when they were in government in this country.

And I have personal knowledge of one such offence, personal knowledge. I have spoken about it in this Parliament already, where a Member of Parliament on the other side then a Minister of government—

**Hon. Members:** [*Crosstalk*]

**Hon. F. Hinds:** “You want name?” All I could tell you, Madam Speaker, his victim came to me. His victim came to me with her then husband and complained, in very horrific terms about the behaviour of a Minister of government. And I got Senior Counsel to come to take a statement from the young woman in the presence of a Justice of the Peace. We scheduled for Wednesday evening at five o’clock. The husband came, I came, Senior came. The young lady did not show up. We found out after, that the morning before, the Tuesday morning, because they had come to my office and God is my witness, if I am telling an untruth may He treat with me accordingly. It happened. By Tuesday morning, the Minister and his

friends sent people 5.30 to the woman's house in San Juan and offered blandishments, including an HDC house and I can tell you truthfully today, Madam Speaker, because I checked it, with the help of the then Minister of Housing, since we came to Government. A house was issued to that young woman without an application for a house ever being made. It was part of the promise. So the Members of the UNC must hush. And there was one in Tobago, who is alleged to have perpetrated a sexual offence against another male. Irresponsible?

So I move on, Madam Speaker. They must just hush. And if they are talking about contribution, they have to count the three I have just described, and I am sure it has more.

**Ms. Ameen:** Where is the Darryl Smith report?

**Hon. Members:** [*Crosstalk*]

**Madam Speaker:** I know everybody wants to be involved, but you had your time to speak, so maybe you could pass it on to another Member to speak.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Continue.

**Hon. F. Hinds:** Madam Speaker, I know you have heard some statistics before. But as the Minister of National Security responsible—and by the way, Madam Speaker, this thing about updating the registry without delay is very critical, eh, because we had the very horrific case and again I extend condolences and I bear pain with the family of Andrea Bharatt, of Ashanti Riley. In the Ashanti Riley matter, information had come in the public domain that the perpetrator may have lived or worked his car taxi “pulling bull” in her neighborhood. And therefore, it is important that the issues of the name and former name and aliases, date of birth, place of birth, country of citizenship, nationality, main address or secondary address, and all kinds of things, including photographs, ought to be made known to

the police, which the law dictates that it should be. And then, of course, the website that the public will have access to with less information, because in some places, including in jails around the world, they tend to be very, in some cases, even hypocritically severe on sex offenders, but they are. So it may put the sex offender at risk if you give too much exposure to him. But the public ought to know, and that is why we have established the registry in 2019 and I commend this Government for so doing.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Hinds:** It is a serious problem. And, therefore, we urge, this Government, we urge, as we have done, as the Minister did, to speak up and speak out about this matter, because it is done in dark and secret places. I was about to say Rienzi Complex. “Dey cyah take no objection tuh dat because they doh live there anymore.”

But, Madam Speaker, let me share with you, because as Minister of National Security with responsibility for the police in which this child protection unit falls, I pay close attention to these things. And the law imposes responsibilities on the Commissioner, and I pay closer attention for those reasons. For when the questions are asked and filed in the Parliament, it is I as Minister have to come here to account.

Rapes, Madam Speaker, 2017, 124 of them, 48 solved; 2020, 95 rapes, 40 solved. And 2020 and 2021 are years that you really have to look at, in terms of crime statistics around the world, including Trinidad, with a little bit of askance. Because people were locked down, things were not happening as normal. So sometimes some people want to take claim for bringing down crime rates in 2020 and 2021; I leave that as fluff. I thank God for low figures. But in terms of the causes and the influences for those reductions, we have to factor in COVID. Let us

put the record straight, and these idle boasts that you hear. Yeah? So, 2020 had 95 reported and 40 solved. And in 2021, 123 reported and 77 solved.

Grievous sexual assault, “and ah could talk bout de UNC again here, yuh know, buh ah would not do dat”. But they always provide very good and sordid, sometimes, examples. Good as to what you should never do and never be, and sordid in the extreme. But, I will leave that for the time being. Grievous sexual assault, 56 reported in 2017, 22 solved; in 2020, 36 reported, 21 solved, a very high solve rate in that respect. “Because de woman now go tuh de police and point out de victim, for after all, is assault.” Direct contact. Very often they could say solve it, nice solve rate. In 2021, 69 reported, 46, a nice solve rate as well.

Some women, like the one I told you about who took the blandishments and the house, there are some women, unfortunately, not women, some victims because you have some male ones too. Again I could highlight examples, but I would not. It is not necessary, but there are some victims who choose, like the example I gave you, to profit from their victimhood. But where does that leave the State? It is like to two criminals making a deal over cocaine. You cannot leave it alone, or a gun deal. You cannot leave it alone because it has implications for the rest of us.

There was even a case, and you may have read it as an attorney. No, I cannot bring the Speaker into the debate, but the lawyers here would have read it, where there was grievous sexual assault taking place voluntarily, a case in England. I read it in the *Criminal Law Report*. It was so sordid they did not even name the parties. They called them A, B, C, D, and so on.

**Madam Speaker:** So, Minister of National Security, let us get back to the Bill. Remember we are talking about certain amendments to the website, and so on. Let us get back to that. Thank you.

**Hon. F. Hinds:** Thank you, Madam Speaker, again for your generosity. I was only

highlighting a little bit of these statistics, Madam Speaker. Hear this one, Madam Speaker, sexual penetration of a child. In 2017, 244 cases in my country, 45 solved. In 2018, 405 cases, 88 solved. In 2019, 451 cases, 120 solved. In 2020, 406 cases, “wooo”, 150 solved. And in 2021, 638 cases, 158 solved. Madam Speaker, that is the highest category of offences in all the statistics I received from CAPA. So that tells me, and I am no sociologist, I am an Attorney-at-law by profession, I am a politician by practice, but that tells me something devious is happening in my society. Sexual touching of children, 78 reported in 2017, 6 solved; 156 reported in 2018, 165 reported—

**Madam Speaker:** So hon. Member, I think the point has been made, not just by your statistics but by all the contributions before you.

**Hon. F. Hinds:** Indeed—

**Madam Speaker:** Just now. I know you are in full flight. I would ask you now if you could condescend on all you have said, how that relates to this Bill and the amendments. Thank you.

**Hon. F. Hinds:** Madam Speaker, all these statistics did was to reveal that we have a very serious problem, ongoing and increasing from the last statistic in 2021, in respect of these attacks on children, persons under the age of 18, and the efforts of the Government with the amendments we have brought today to allow the Commissioner of Police who has responsibility for administering these registers, to act with perspicacity and to get it done, so that the people who will benefit from the use of these registers, be they police investigators, or the court, or be it the people in the community who have access to the website, they will be in the know. They will have knowledge of who is around them. And therefore, Madam Speaker, be better able to beware and to protect themselves, simply that, Madam Speaker.

And, Madam Speaker, one of my colleagues on the other side, as I come to

my own conclusion—because I can assure this Parliament that given the additional responsibility that these amendments place on the Trinidad and Tobago Police Service Commissioner, which falls under the Ministry of National Security, I will be looking on keenly to ensure that every letter in this law is particularly well observed. That is the pledge I make from Laventille West and from the Government and the Cabinet of Trinidad and Tobago. And all of my colleagues who came and spoke in support of these measures and will speak, there is where we come from. We are not just about scandalous rumour-mongering, Madam Speaker. We are about taking action.

And the amendments we offer this House today is positive action because delays—

**4.30 p.m.**

**Hon. Members:** [*Desk thumping*]

**Hon. F. Hinds:**—delays affect justice in a very serious way. Delays in the criminal justice system, delays with police investigations, delays with making known to the public that a beast is in your neighbourhood—who is in need of counselling and help and guidance and restoration and rehabilitation, is very, very critical in the protection of the society.

So, Madam Speaker, as I close, I commend these measures forcefully to this House. I lend my support to them because the people of Laventille West, Madam Speaker, have very often been some of those who would have had to report and be victims and they are potential victims of those who would hurt this society in the way they have. Madam Speaker, I commend these measures to all of my colleagues and I, in so doing, thank you.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for Couva South.

**Hon. Members:** [*Desk thumping*]

**Mr. Rudranath Indarsingh** (*Couva South*): Madam Speaker, I will now join this debate on the Sexual Offences (Amdt.) (No. 2) Bill, 2021. And, having listened to the Minister of National Security, I think that the Leader of Government Business realized that the innings of the Government was in disarray in terms of what they set out to do here this afternoon and the Leader of Government Business sent in the Minister of National Security to the crease as a night watchman. And really the Minister of National Security displayed his real ability in not being able to deliver anything to add value here this evening—

**Hon. Members:** [*Desk thumping*]

**Mr. R. Indarsingh:**—to the Government's position, and Madam Speaker, I am here to make a very brief intervention but with your permission, I would like to rebut or respond to some of the issues raised by the Minister of National Security because the Minister of National Security is a very seasoned Member of this House, but also one who prides himself on what I would call twisting the issues and engaging in a lot of propaganda that does not assist the listening public and the viewing public in what the Government has sought to achieve here or attempted to achieve here this evening. Because, Madam Speaker, the Minister went on a tirade as it relates to a 1997 report. But what the country is outraged and concerned about, is a report that was compiled by Retired Justice Judith Jones and her team. And, Madam Speaker, it is important that when a Government is elected into office, it has a responsibility to act with haste and a sense of promptness in addressing issues, such as the very one that we are all outraged in terms of the findings of that particular report, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Indarsingh:** And to hide behind the bureaucracy and to tell us about the role of the work of the permanent secretary and the work—a work plan and so on,

tells me that this Government is not about using its initiative and displaying leadership to get the job done on behalf of the people of Trinidad and Tobago.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Indarsingh:** And I want to remind the Minister of National Security that the UNC is not the Government of Trinidad and Tobago for the last seven years. So, when reports come to the attention of the Cabinet of Trinidad and Tobago, it is the entire Cabinet that has the responsibility to act with haste and deal with the findings and also to deal with the recommendations. That needs to be addressed, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Indarsingh:** And Madam Speaker, I want to make it abundantly clear that my colleague, the Member for St. Augustine was at no point in time attempting to be childish in her delivery here this evening. When she spoke about or delivered statistics to this particular debate, it was simply articulating her concerns as a young parliamentarian, a woman who stands on behalf of the constituents of St. Augustine and on behalf of all the women in St. Augustine, she merely dealt with reality at the time—

**Madam Speaker:** Okay, so the “she” the pronoun “she” and “he” applies even when you are referring to your own side. Okay?

**Mr. R. Indarsingh:** No problem, Madam Speaker. The Member for St. Augustine was simply highlighting the reality of what prevailed at that point in time and was pointing to the numbers to project or to propel the need for urgency in addressing this particular issue, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Indarsingh:** So, I want to condemn, I want to condemn the language that has been used by the Minister of National Security and the Member for Laventille



West who attempted to belittle and to diminish what the Member for St. Augustine was doing here during her contribution to this particular debate, Madam Speaker.

And, Madam Speaker, my colleague, also the Member for Moruga/Tableland has the responsibility, like all other Members in this House from an Opposition's point of view, to hold the Government accountable. And in holding the Government accountable, if the Member for Moruga/Tableland wanted to know how many computers are functioning within the Child Protection Unit, how many vacancies exist within the Child Protection Unit, and whether vehicles are fully functional within the Child Protection Unit, that is simply being responsible on behalf of all right-thinking citizens in this country.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Indarsingh:** There is absolutely nothing sinister about that. There is nothing wrong, Madam Speaker, and at no point in time, there is any joy in attempting to get the Government to indicate the reality because the Minister said that Moruga/Tableland wanted to hear from the Government, that all the issues that the Member for Moruga/Tableland raised were not functional. And we would have been proud—when I say we, the Opposition would have been proud if it was. The Government was found to be wanting.

Madam Speaker, when it comes to sexual offences and the abuse of women, the abuse of children, the abuse of men in our country, we have no joy and we take no comfort in any kind of mamaguy, as the Minister of National Security would want the population to believe. We are simply trying to point the Government in a direction as it relates to meeting and treating with this very serious scourge in our society. And if the Government—

**Hon. Members:** [*Desk thumping*]

**Mr. R. Indarsingh:**—if the Government cannot listen to the concerns of the Opposition this evening, then God help Trinidad and Tobago in terms of what is their position. This is not about politics. This is about the reality and what is existing out there, in terms of monsters who pose a threat to all and sundry, Madam Speaker. And, Madam Speaker, this leads me to the very important issue of clause 4 of the Bill, where it has been indicated in the explanatory notes that:

“...the Bill would amend section 48 of the Act by inserting a new subsection 8 to provide for the Commissioner of Police to update the information in relation to the sex offender or the registered sex offender on the website without delay where there is a change in the information on the sex offender or registered sex offender.”

And, Madam Speaker, my colleague, the Member for Tabaquite to raise this particular issue in the context of the vagueness or the construct, and the Member for Laventille West in his contribution, again, in some way attempted to diminish the concerns of the Member for Tabaquite. But also, Madam Speaker, in that regard, I am forced to ask the question—and from an Opposition’s point of view, because I think what my colleague was attempting to achieve this evening, was one of addressing—that if a person is not charged. But if a person is charged—sorry, but not convicted—if a person is charged but not convicted, he or she will still be out there in terms of being a danger to the society and this issue about “without delay,” where the change of information on the sex offender or the registered sex offender. But at the end of the day, Madam Speaker, at some point in time, from a legislative point of view and with the passage of time, we would hope that in some way, there would be a kind of aggression from the Police Service of Trinidad and Tobago to really ensure that the evidence that is needed—and also within the justice system of Trinidad and Tobago to have persons who are arrested, convicted,

so that this issue of “without delay” would be addressed in terms of getting persons’ names because I am forced to reflect, it is a bit troubling here this evening—

**Madam Speaker:** All right. So Member, I am now standing on Standing Order 55(1)(b), okay. This “without delay,” the—has been flogged but in addition to which the slant that you are trying to bring, was brought both by the Member for Tabaquite and also the Member for Moruga/Tableland, in sort of talking about before you even reach here, they have other delays with reporting convictions, et cetera, okay. So at this stage of the debate, I am not going to allow you to reiterate that so if you can go on to another point please.

**Mr. R. Indarsingh:** Thank you, Madam Speaker. And I move on with haste as it relates to clause 6, Madam Speaker, and where the Minister indicated that it would amend section 57 of the Act to provide for:

“...the Commissioner of Police...”—to—“...update the...website...”

“...Where there is a change in the information...on the sex offender”” And the Minister indicated that the Commissioner of Police would now assume the role of being the administrator and also would provide for the Commissioner of Police to update the information on the website—

“...within three days of...the change,”—of—“...information...” —being recorded.

And Madam Speaker, the Minister of National Security indicated that in his wind up, that he would pledge and he would be looking on as it relates to the role of the Commissioner of Police and so on. Madam Speaker, whilst it is good to have pledges, and also to be looking on from the point of view of the role of the Commissioner of Police in this regard as an administrator, the country once again is looking on at the Minister of National Security and the Government which he

belongs to, in relation to what will be the leadership which will be provided from the Government following the passage of these amendments here this evening.

At the end of the day, Madam Speaker, this is a Minister of National Security, who told the country that it is not his job to ensure the well-being and safety of citizens of this country.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Indarsingh:** So, when the Minister stands in this Parliament or outside of this Parliament and tells the country and tells the citizen that he pledges to address the issue, and issues affecting the people of Trinidad and Tobago from the point of view of not only sexual offences and sex offenders registry, and crime and so on in general, I am forced to take it with not a pinch of salt, but a pound of salt. I thank you, Madam Speaker.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Member for Port of Spain South.

**Hon. Members:** [*Desk thumping*]

**Mr. Keith Scotland** (*Port of Spain South*): Madam Speaker, the answer to the hon. Member for Couva North or Couva South as to what happens to someone who is charged and not yet convicted, is that that person under sections 4 and 5 of the Constitution of Trinidad and Tobago has the presumption of innocence until that is dislodged by a jury of his peers, a judge sitting alone or a magistrate at the Magistrate's Court. And in those circumstances, that presumption of innocence remains.

Madam Speaker, predators swoop down and prey on the vulnerable and this Government is about protecting the vulnerable.

**Hon. Members:** [*Desk thumping*]

**Mr. K. Scotland:** These clauses in this Bill, *prima facie*, seem to be simple but they attempt to do exactly that. Because these— and this Bill, and the provisions in the Bill seek to improve the efficiency of the workings of the sex offender registry and website by the police. The Bill is a further amendment of the Sexual Offences Act and it seeks to amend three sections that deals specifically with sex offenders, the public sex offenders' website, and the information that is recorded relative to sexual offenders.

This is of crucial significance, Madam Speaker, because it means that law enforcements will now have cogent and compelling data and information that would apprise them of the movement and whereabouts of sex offenders. The amendments to section 48 of the Act, which makes it mandatory for the gender of sex offenders to be included on the public sex offender website, coupled with the requirement of the Commissioner of Police updating the website and registry to reflect any change in information about the offender is very significant. It is so, Madam Speaker, because it will ensure that law enforcement will be equipped to monitor sex offenders and they will be equipped to be proactive and not wait until something happens.

The Bill shows the public that public safety will always be the first priority of this Government.

**Hon. Members:** [*Desk thumping*]

**Mr. K. Scotland:** Madam Speaker, as it relates to the public and the dangers of sexual offences, this Government says prevention is always better than cure. That is because the Government acknowledges the devastating effects that victims of sexual offences suffer and endure from sexual predators and that is why we are trying to beef up the legislation. We are trying to curb and prevent more victims

having to be scarred for life. The learning says that we need as a Government to protect the public and the society, at large, from sexual predators.

Madam Speaker, in some instances for offenders there is no physical cure. In some instances, there is no emotional cure. In some instances, there is no psychological cure. Some victims actually experience a destruction of their actual spirit, Madam Speaker, because their self-esteem is destroyed due to an act committed by a sexual predator. And often, the learning says, that victims even blame themselves for the act that was perpetrated against them. This legislation seeks to curb this act by giving the police and giving the public information that will help them to protect themselves. The proposed amendment recognizes—

**Mr. Lee:** Madam Speaker, with due respect to my colleague, 55(1)(b). This has been prosecuted by all Members this afternoon. And the Member is talking about the sexual registry again, Madam Speaker.

**Madam Speaker:** [*Inaudible*] —and, please, you know, condescend on—

**Mr. K. Scotland:** Yes, please.

**Madam Speaker:**—the website.

**Mr. K. Scotland:** Yes, please. Madam Speaker, as I speak about the website, we on this side say that this is an attempt by the Government to protect the citizenry from further harm. I want to deal particularly with section 57 and the amendment to the Bill. This amendment addresses the recording and updating of information contained about sex offenders. It places an obligation on a designated officer to verify information provided about that sex offender, and an obligation to update the register—the website. Madam Speaker, this strengthens the ability of law enforcement to keep track on sex offenders. The amendment also ensures the timely collection of quality information. And Madam Speaker, there is a synergy—there is a flow from the courts and the prison to the police, from the police to the

public. And with the public there will now be a dissemination in the community so that the community and its Members can be protected. The information gathered will shed light on offenders' living conditions. And that is important because where there is a potential for recidivism, for example, if an offender resides close—in close proximity to children, the law enforcement agency by gathering that data can be proactive. The information can be used to assist in strategic police patrolling exercise in order to show a presence that may very well deter a would-be predator. It will also strengthen legal surveillance on potential high-risk offenders or actual high-risk offenders. Section 54(4)(b) is also a very significant amendment because it outlines the information that is required to be posted.

Madam Speaker, it is a robust list. It is a comprehensive list and what it says there is some inclusion but what it says is the Government is not shirking its responsibility to look after its citizens, even if it means taking some action that is in some way, invasive. The Bill provides a legislative framework that allows the police to stay abreast with the changing patterns of offenders. Madam Speaker, the Bill allows for appropriate measures to be put in place to strengthen the ability of the police and minimize the ability of offenders to evade the system. But there is one aim of this Bill, which I want to focus on, Madam Speaker, and that aim is that of the deterrent.

A main aim of this Bill and the amendments that seem to have escaped the Members on the honourable—the hon. Members on the other side is that of deterrence. The proposed amendments are directed at the legitimate aim of preventing sexual offenders or minimizing their ability to perpetrate these heinous acts. The Government is not blind to the serious crimes committed against victims of sexual violence and abuse and the Government recognizes the harm that sexual offenders cause not only to victims, and their families, but to the communities at

large. And that legitimate aim, Madam Speaker, having done my research on it, that legitimate aim of deterrence that these three clauses bring to the fore, was adopted, commented on, and made into law in the case of *Adamson v United Kingdom* (1999) 28 European Human Rights Reports on page 209. And this is what the Court of Human Rights had to say about the register and the ability to update it and to inform the police:

The purpose of the measures in question—

**Mr. Lee:** Madam Speaker, 55(1)(b), the Member is going back to the register, that has been—

**Mr. K. Scotland:**—the website, Madam Speaker.

**Madam Speaker:** So, 55(1)(b) is not the register. That would be—

**Mr. Lee:** Tedious repetition.

**Madam Speaker:**—that would be an irrelevance. Okay? But the point is Member, we are talking about the website.

**Mr. K. Scotland:** Madam Speaker, I refer to the website and I apologize.

The purpose of the measures—the law Lord says in question—

is to contribute towards a lower rate of reoffending in sex offenders since a person's knowledge that he is registered or will be on a site with the police may dissuade him from committing further offenses and since with the help of same, the police may be unable to trace suspected reoffending persons faster.

That is the high principles that the hon. Attorney General has brought to the Parliament today and I wish to commend him for same.

**Hon. Members:** [*Desk thumping*]

**Mr. K. Scotland:** Madam Speaker, this dicta was crystallized and developed even further, in the case of *R (F and Thomson) v the Secretary of State for the Home Department*, a 2010 decision of the United Kingdom Supreme Court. And in



dealing with the efficacy of the website and the measures that are contained therein.

**5.00 p.m.**

This is what Lord Rodger had to say when balancing the human rights. He says:

I see no basis for saying that in themselves, the notification requirements, including those relating to travel and a disproportionate interference with Offenders' Article 8 rights to the respect for their family life, having regard to the important and legitimate aim of preventing sexual offending.

Therefore, Madam Speaker, it is my respectful view and submission that the jurisprudence in the international arena, we are now in accord with that by this piece of legislation that even though in its embryonic stage can have a far-reaching effect on the landscape of our citizens in Trinidad and Tobago. Madam Speaker, as I rise to support this Bill that, in my view, will help to eradicate sexual predators, I want to warn the constituents of Port of Spain South and the country about a different type of predator, political predators.

**Madam Speaker:** I am not sure where you are going, but I am cautioning you in front.

**Mr. K. Scotland:** Yes, Madam Speaker.

**Madam Speaker:** Member, remember we are talking about certain kinds of offences that are under the Sexual Offences Act.

**Mr. K. Scotland:** Yes, Madam Speaker. Madam Speaker, as I prepared my speech and I thought about sexual predators that concept came to mind but, Madam Speaker, your every word commands my obedience. So I say no more about political predators—

**Hon. Members:** [*Desk thumping*]

**Mr. K. Scotland:**—all over the place. Madam Speaker, I rise respectfully to

support this Bill, and this is my contribution.

Before I sit though, Madam Speaker, it has not escaped me that Sunday is a very important day for mothers in Trinidad and Tobago. I still have five minutes. Madam Speaker, I know—I hope no one will rise under 48(1)—but from my angle of nemesis, Madam Speaker, it will be remiss of me if I do not say to you, all Members on the honourable side, all Members on the side of the Government, all mothers, that I wish them a very happy Mother's Day, Madam Speaker. Thank you.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** Hon. Members, this House is now suspended, and we will return here at 5.10 p.m.

**5.03 p.m.:** *Sitting suspended.*

**5.10 p.m.:** *Sitting resumed.*

**Madam Speaker:** Leader of the House.

**Mrs. Robinson-Regis:** Madam Speaker, may I be allowed two minutes please, Ma'am. I apologize. Ma'am.

**Madam Speaker:** Member for Port of Spain North/St. Ann's West.

**Hon. Members:** [*Desk thumping*]

**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 join this debate here this afternoon, having listened to many previous contributions on both sides. First of all, allow me the opportunity as the Member for Port of Spain North/St. Ann's West to put on record the congratulations to the mover of this Bill, Mr. Reginald Armour, the Attorney General, and then for most of the speakers who spoke afterwards, including the last speaker from Port of Spain South, who made quite a passionate contribution.

Madam Speaker, it is a short Bill. I have just joined this debate to put on record that it is one that we support from Port of Spain North/St. Ann's West and one that even though it is short in clauses, it is expected to have quite an impact on not only the criminal justice system, but those of our citizens who, unfortunately, have fallen prey to the crimes of sexual offences. I think enough has been said by the previous speakers as to what the Bill addresses, Madam Speaker, and it is really just to say that it is a step in the right direction, and one that I look forward to the implementation of and that we, as citizens, all have a responsibility and a duty morally and, more so, the 41 Members of this House, to support anything that takes us forward to further protect and to ensure the successful prosecution or the successful ring-fencing of sexual offenders, and I think this is what this piece of legislation is another pillar in that build-up, that pyramid, towards what we are trying to achieve. So, Madam Speaker, with those few words, I would like to thank you for the opportunity to have contributed.

**Hon. Members:** [*Desk thumping*]

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Madam Speaker, thank you very much. I have listened with interest to the contributions from Members on the other side, and I hope I can be brief in the response that I will make without doing any disrespect to the several remarks that have been made by the hon. Members. I understand, essentially, that each of the Members for the other side who have contributed to this debate support the amendments which I bring to this honourable House today, but they have expressed concerns about a number of matters, which I think it is my responsibility to respond to albeit briefly.

And if I were to start with the comments which have been made by, first of all—the remarks which have been made, first of all, by the Member for Tabaquite,

which have been repeated and adopted by other Members, with reference to the amendment to section 48 dealing with the terminology “without delay” and the suggestion that there is an unnecessary lack of clarity and/or legislative precision in the use of the term “without delay”. May I just say, by way of response, Madam Speaker, two things? “Without delay” is introduced by the word “shall” in that amendment, and those of us who are familiar with the language of the law will understand immediately—[*Device sounds out*]

**Madam Speaker:** The owner of the device is not in here? Please continue AG.

**Sen. The Hon. R. Armour SC:** Thank you, Madam Speaker. Those of us who have spent some time reading legislation and having to assist in other places with the interpretation of the legislation would appreciate immediately that the introduction of the words “without delay” by the prefatory term “shall” introduces an imperative in the word “shall”. And then when we look at the Interpretation Act, section 23, with reference to the term “without delay” section 23 tells us that:

“Where a written law requires or authorises something to be done but does not prescribe the time within which it shall or may be done, the law shall be construed as requiring or authorising the thing to be done without unreasonable delay having regard to the circumstances and as often as due occasion arises.”

Taken in context, what that means is that draft person of the amendment to section 48 under consideration by saying “shall without delay” in respect of an obligation that is imposed on the Commissioner of Police, understands that that office of Commissioner of Police must be given a level and a measure of discretion to discharge his or her functions, but understanding that it must be done without unreasonable delay. So, there is no lack of clarity in the language “shall without delay” in doing that which the amendment empowers him to do.

If I may move to the other point made by the Member for Tabaquite, she says you cannot sell—the hon. Member, I beg your pardon. The hon. Members says you cannot sell the Bill as a solution to the public, the population, as there are so many other things that remain unfixed. But we have to appreciate, Madam Speaker, that this is a work in progress.

The Government of the Republic of Trinidad and Tobago, on which I have the privilege to serve, continues to bring laws to protect different categories of persons in our population.

**Hon. Members:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** Laws to protect the vulnerable in our society, example: child marriage, domestic violence, bail, trafficking in persons anti-gang, evidence, firearms, Children's Court, Family and Children Division, Criminal Division and pepper spray legislation. All of these are a holistic approach to seeking to protect the vulnerable in the society, and it cannot be dealt with in isolation. So, I do not accept the criticism that the Bill is being sold as a solution to the population while many other things remain unfixed.

**Hon. Members:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** The criticism was also made that consideration needs to be given in relation to the burden on the Trinidad and Tobago Police Service by placing timelines in the legislation. And one of the things that we have to appreciate, immediately, is that the Commissioner of Police is given explicit responsibility under section 48(3) of the amendment of the Act to ensure that the website is maintained and the information is recorded in accordance with the Act.

And, in point of fact, one of the things that we are cognizant of on this side, certainly, is that the Trinidad and Tobago Police standard operating procedures on sex offenders register and sex offenders website are contained in Departmental

Order 81 of 2018. So that the police have seized the nettle and have themselves passed their departmental orders to encourage their membership and to undertake the burden which this amendment and this new legislation has brought on them. So, I think that and I commended them for being very much up to the task of ensuring that the vulnerable are protected under this legislation.

We heard also from the Member for Couva—Member for Chaguanas West, I beg your pardon and I apologize, who spoke of the fact that a person's gender on the website has far-reaching consequences, and I stand subject to correction and I apologize to him if I have misunderstood him, the hon. Member, but I would say that the gender, in answer to the hon. Member, the gender of the sex offender is basic information that the public should have access to as there are both male and female sex offenders in our society.

**Hon. Members:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** This information helps to identify the offender. We in the drafting of the legislation have looked at other jurisdictions, including the United Kingdom, New Zealand and Australia where the information contained in those registers are far more detailed. We could have included more details, but we put that which we considered to be digestible for our society in the first instance. If the gender changes, the offender has a duty to inform the Commissioner of Police who has a duty to update accordingly.

There is a criticism as well from the hon. Member for Chaguanas West with respect to—a concern rather, with respect to section 47(2), Schedule 3 whether this information should be well know, that is to say, the information in Schedule 3. Well, a balance has to be struck, I say in answer. A balance has to be struck between information given to the public and the sex offender's right to privacy in order to prevent victimization of the offender or, indeed, vigilante fugitive justice.

We have to be careful when we pass laws that we strike the right balance, and we do not pursue laws in needless condemnation of persons' rights even while they are being found to be guilty, but they have rights of appeal and they have other rights of redress. So we have to be careful to strike the right balance, Madam Speaker.

The Member for Chaguanas West also spoke to the United States Megan's Law and Sarah's Law which takes a more conservative approach and questions whether there is a need to give greater information to the public. And we say, at this point, there is no need to give greater information to the public having regard to the wealth of information that is available on the national register, which is under the surveillance of the police on an updated basis and the national sex offender website which contains details, and which are in limited terms available to the public. So we think that the adequacy of the information and availability to the public serves the present balanced purpose that we seek to achieve and to serve.

And the question has been asked by the Member for Chaguanas West as well, whether members of the public should be notified. And we say in answer to that, that the sex offender website is notifying the public. There are also simply login and view the website, at any time. Abuse of the information on the website will be an offence. We think that that is an adequate measure and that the public is sufficiently notified.

Then there were some— [*Clears throat*] I beg your pardon—concerns expressed from the Member for Moruga/Tableland. She says that there were legislation and the initiative of the Government lacked educational programmes with the rural communities. Well, if I understood her correctly, I say that that is irrelevant to the current Bill being debated. She says that the—the hon. Member says that the Bill is meant to correct or to address corrections and that it is sloppy work by the Government. We are not all perfect and as we progress in life, we will

acknowledge with the courage that it takes to recognize that there is room for improvement, that there is room to come back to this honourable House and to improve the legislation as the circumstances dictate, and that was the basis—

**Hon. Members:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:**—on which I opened before this House today, Madam. I said that we are here today to improve on a continuing vigilant basis, the legislation that it is our privilege to bring to this House to improve the conditions and to protect the vulnerable. So, it is not sloppy work of the Government. It is an encouraging of a vigilance on our part and on the part of all parliamentarians and we will welcome contributions, positive, constructive contributions, from all Members of Parliament to ensure that as we work towards bettering the society for our citizenry, we continue to keep our work under review to improve at every step of the way.

I think the Member also said that we need social outreach and counselling for children re-entering the school environment. That is a laudable initiative but, regrettably, I say it is not relevant to the subject that we are here to debate this afternoon and, therefore, I do not think I need to answer that in any further detail. And then the Members for St. Augustine and Couva South also made suggestions about the “without delay”. I have already addressed that. I do not think I need to address that any further and, therefore, Madam Speaker, I beg to bring my contribution by way of reply, at this stage, to the end and I beg, at this stage, respectfully to move. Thank you.

**Hon. Members:** [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

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



**Madam Speaker:** This Bill has six clauses.

*House in committee.*

**Mrs. Robinson-Regis:** You can go ahead, Madam Speaker, please. Thank you.

*Clauses 1 to 6 ordered to stand part of the Bill.*

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

*House resumed.*

*Bill reported, without amendment.*

*Question put:* That the Bill be now read a third time.

**Mrs. Robinson-Regis:** Division. [*Crosstalk*]

**Hon. Members:** Division.

**Madam Speaker:** All right. So Members, a division has been called for. We will take the vote in silence. Thank you.

*The House voted: Ayes 33*

AYES

Robinson-Regis, Hon. C.

Imbert, Hon. C.

Young, Hon. S.

Hinds, Hon. F.

Deyalsingh, Hon. T.

Al-Rawi, Hon. F.

Beckles, Hon. P.

Webster-Roy, Hon. A.

Cudjoe, Hon. S.

Gadsby-Dolly, Hon. Dr. N.

Gonzales, Hon. M.

Mc Clashie, Hon. S.

de Nobriga, Hon. S.

Leonce, Hon. A.

Manning, Hon. B.

Morris-Julian, Hon. L.

Scotland, K.

Richards, K.

Monroe, R.

Lee, D.

Charles, R.

Ameen, Ms. K.

Indarsingh, R.

Padarath, B.

Hosein, S.

Benjamin, Ms. M.

Rambally, D.

Ram, A.

Ragbir, Dr. R.

Tancoo, D.

Haynes, Ms. A.

Ratiram, R.

Seecheran, Dr. R.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

**5.35 p.m.**

### **ARRANGEMENT OF BUSINESS**

**Madam Speaker:** Hon. Members, I crave your indulgence to revert to an item of

**UNREVISED**

business which has already been passed and dealt with.

### LEAVE OF ABSENCE

**Madam Speaker:** Hon. Members, I wish to advise that I have also received correspondence from Mrs. Kamla Persad-Bissessar SC, MP, Member for Siparia, requesting leave of absence from today's sitting of the House. The leave which the Member seeks is granted.

### ADJOURNMENT

**Madam Speaker:** Leader of the House.

**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to Friday the 16<sup>th</sup> day of May—sorry, Monday the 16<sup>th</sup> day of May at 1.30p.m.

**Madam Speaker:** Leader, would you like to indicate what matters are going to be discussed on that day?

**Hon. C. Robinson-Regis:** The Supplemental Appropriation Bill. Madam Speaker, at the same time I would like to indicate that on Friday the 13<sup>th</sup> we will have the Finance Committee meeting—Standing Finance Committee meeting.

**Madam Speaker:** And that too is 1.30?

**Hon. C. Robinson-Regis:** Yes, Ma'am.

**Madam Speaker:** Hon. Members, there is one matter that qualifies to be raised on the Motion for the Adjournment of this House. I will now call upon the Member for Barataria/San Juan.

**Hon. Members:** [*Desk thumping*]

**Mr. Hosein:** Madam Speaker, with respect to that particular matter, I would ask for it to be deferred because there are some new circumstances that have arisen, so I will advise the House on a later date.

**Madam Speaker:** So, is it at this stage you are asking for it to be deferred or are you going to withdraw it at this stage?

**Mr. Hosein:** For it to be deferred, Madam Speaker.

**Madam Speaker:** Okay.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 5.39 p.m.*