

SENATE*Tuesday, March 08, 2022*

The Senate met at 1.30 p.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]**COMMITTEE OF PRIVILEGES****(SEN. WADE MARK)**

Madam President: Hon Senators, I am now prepared to rule on the question of privilege raised by the Minister of Agriculture, Land and Fisheries on Tuesday, February 22, 2022.

Hon. Senators, it is important to understand the chronology of events that led to this issue being raised by the hon. Minister. Sen. Mark, on Tuesday, February 15, 2022, raised a matter on the Motion for the Adjournment of the Senate, namely:

“The need for the Government to explain its decision to appoint a nominee of the Government to the National Insurance Board as the Chairman of said board which is contrary to the National Insurance Act.”

Sen. Mark began by citing an article from the *Guardian* newspaper dated June 2011, and he stated and I quote:

“Where an alarm bell was raised about the Chief Executive of CIC Insurance Brokers, one Patrick Ferreira. The issue at the centre of this was a breach of the Insurance Act by this particular individual which eventually saw him leaving the actual place of employment...This gentleman was debarred literally by the Central Bank, right, as Managing Director of the Consolidated Insurance Company Limited.”

The Minister of Finance, in responding to the matter raised by Sen. Mark stated, among other things, and I quote:

“I just do not believe it. So, I will investigate the matter...” On Tuesday, February 22, 2022, the Minister of Agriculture, Land and Fisheries, raised a matter concerning the privileges of the Senate. In doing so, the Minister stated without qualification and I quote:

“...based on enquiry made to the Central Bank of Trinidad and Tobago, the bank has advised that no notice disbaring Patrick Ferreira or disqualifying him from holding any position in the insurance industry has been issued...Further...the Central Bank of Trinidad and Tobago has advised a determination of culpability against Patrick Ferreira for breaching the Insurance Act has not been issued.”

The hon. Minister submitted that Sen. Mark committed contempt of this Senate on the following grounds:

- “1. He deliberately and wilfully misled this Senate; and
2. He grossly and recklessly abused the privilege of freedom of speech in this Senate.”

In the circumstances, the hon. Minister asked that Sen. Mark be referred to the Privileges Committee.

Hon. Senators, my role as the Presiding Officer of the Senate is to make a decision on whether a prima facie case has been made, and if so, refer the matter to the Committee of Privileges of the Senate. Therefore, I am simply required to consider whether these submissions of the Minister of Agriculture, Land and Fisheries point to a reasonable possibility that contempt has occurred.

In this regard, I have carefully reviewed this matter. In reviewing the matter, I took into consideration the matter raised by the Minister of Agriculture, Land and

Fisheries; the *Hansard* of both Sen. Mark and the Minister of Finance for the matter raised on the Motion for the Adjournment of the Senate; and the newspaper article referenced by both Sen. Mark and the Minister of Finance.

Hon. Senators, one of the available reasonable conclusions in all of the circumstances might be that the newspaper article does not appear to contain support for the statements made by Sen. Mark. For example, one of the available reasonable conclusions might be that the article does not expressly state that the individual in question was debarred literally by the Central Bank of Trinidad and Tobago as Managing Director of the Consolidated Insurance Company Limited, and was disqualified by the Central Bank from holding any position in the insurance industry.

I therefore rule that there is a prima facie case to support a question of privilege requiring further investigation by the Committee of Privileges. I so rule.

PAPERS LAID

1. Ministerial Response of the Ministry of Digital Transformation to the First Report of the Joint Select Committee on Social Services and Public Administration on an inquiry into the effects of the hybrid learning system on student performance in government and government-assisted schools during the revised COVID-19 restrictions. [*The Minister of Digital Transformation (Sen. The Hon. Hassel Bacchus)*]
2. Ministerial Response of the Ministry of Social Development and Family Services to the Second Report of the Public Accounts Committee on an examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the Financial Year 2020. [*The Minister of Social Development and Family Services (Sen. The Hon. Donna Cox)*]

3. Ministerial Response of the Ministry of Education to the First Report of the Joint Select Committee on Human Rights, Equality and Diversity on an inquiry into the Right to Equal Access to Education with specific focus on the Underachievement of Schools in the Port-of-Spain and Environs District with respect to Performance in Terminal Examinations. [*The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat)*]
4. Ministerial Response of the Ministry of National Security to the Interim Report of the Public Administration and Appropriations Committee on the response of the Public Authorities to the COVID-19 pandemic in Trinidad and Tobago. [*Sen. The Hon. C. Rambharat*]
5. Ministerial Response of the Ministry of Labour to the Interim Report of the Public Administration and Appropriations Committee on the Response of the Public Authorities to the COVID-19 pandemic in Trinidad and Tobago. [*Sen. The Hon. C. Rambharat*]
6. Ministerial Response of the Ministry of Finance to the First Report of the Public Accounts Committee on the Follow-up on the Implementation of the Recommendation made in the Twenty-Fifth Report of the Public Accounts Committee on an examination of the Audited Financial Statements and Internal Controls of the NLCB for the years 2008-2012. [*Sen. The Hon. C. Rambharat*]
7. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the year ended September 30, 2017. [*Sen. The Hon. C. Rambharat*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Chaguanas Borough Corporation Mayor's Fund for the year ended September 30, 2015. [*Sen. The Hon. C. Rambharat*]

9. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Chaguanas Borough Corporation Mayor's Fund for the year ended September 30, 2016. [*Sen. The Hon. C. Rambharat*]
10. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Chaguanas Borough Corporation Mayor's Fund for the year ended September 30, 2017. [*Sen. The Hon. C. Rambharat*]
11. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Chaguanas Borough Corporation Mayor's Fund for the year ended September 30, 2018. [*Sen. The Hon. C. Rambharat*]
12. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Chaguanas Borough Corporation Mayor's Fund for the year ended September 30, 2019. [*Sen. The Hon. C. Rambharat*]
13. The Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Chaguanas Borough Corporation Mayor's Fund for the year ended September 30, 2020. [*Sen. The Hon. C. Rambharat*]
14. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Society of Trinidad and Tobago for the year ended December 31, 2005. [*Sen. The Hon. C. Rambharat*]
15. The Family Proceedings (Amendment) Rules, 2022. [*Sen. The Hon. C. Rambharat*]
16. The Corporation Tax (Small and Medium Enterprises Loan Guarantee Programme) (Extension of Exemption) Order, 2022. [*Sen. The Hon. C. Rambharat*]

INTERNATIONAL WOMEN'S DAY, 2022

Sen. Wade Mark: Thank you, Madam President. Madam President, if you will indulge me on the occasion of International Women's Day? May I extend to you and to all our women on all the Benches, Happy International Women's Day, 2022.

URGENT QUESTIONS

***Rainia* Vessel & Coast Guard**

(Update on)

Sen. Wade Mark: To the hon. Minister of National Security: In light of the recent incident involving the coast guard and the crew of the vessel *Rainia*, can the Minister provide an update on the action taken in respect of this incident?

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you very much, Madam President, and I too would like to extend on behalf of the Government and those on this side in particular, best regards in recognition and celebration of the women of Trinidad and Tobago and the world on this very important day of recognition for same.

Madam President, the Trinidad and Tobago Coast Guard interceptor crew involved in the incident has been removed from seagoing duties until the conclusion of the investigations.

Further, the assistance of an independent investigatory body from the Defence Force Headquarters has been sought to carry out an in-depth investigation. Thus far, this team has contacted the investigator from Grenada so that arrangements can be made to interview the crew members of the *Rainia-J*, the correct name of the vessel. The team is still awaiting the required information from Grenada regarding those interviews.

The local arm of the investigation is continuing, Madam President. However, preliminary interviews have been conducted with coast guard personnel

who were involved. Based on these initial interviews, a second round of questioning is to be undertaken with other personnel who may have pertinent information in relation to this matter. The coast guard is also standing by to assist the Trinidad and Tobago Police Service, if called upon, with their own investigation into this event. Thank you, Madam President.

Madam President: Sen. Mark.

Sen. Mark: Madam President, through you, can I ask the hon. Minister when did the communication occur between our end, Trinidad and Tobago Coast Guard and the authorities involved in this incident in Grenada? Can you tell us when that communication took place?

Madam President: Minister.

Hon. F. Hinds: I am unable to say with any greater specificity. Suffice it to say that communication has been made and the coast guard is awaiting feedback in that regard.

Madam President: Sen. Mark.

Sen. Mark: Is the Minister aware that based on a report on television last evening, the gentleman who is the captain of the crew of that vessel indicated that up to yesterday there was no communication whatsoever from anyone, any authorities, in Trinidad and Tobago? Is the Minister aware of this?

Madam President: Minister.

Hon. F. Hinds: Reluctant as I am to accept anything the Senator says as true, I did not see the report of which he spoke last evening. But again, I would repeat, Madam President, for the benefit of the Senator that communication has been made and feedback is being awaited.

Madam President: Next question, Sen. Mark.

Sen. Mark: To the Minister of Health. Should I wait until he—

Madam President: Yes.

Sen. Mark: Thank you.

Exemption of Family Wearing Masks

(Details of)

Sen. Wade Mark: To the hon. Minister of Health: Given the recent decision of the Government to exempt members of the same family from wearing masks while in a vehicle, can the Minister explain how this decision will be enforced?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam President. And, Madam President, may I add my own personal congratulations to you and all women of this honourable Chamber and women in Trinidad and Tobago and in general for the celebration of International Women's Day and to thank women throughout the ages for all that they have done.

Madam President, the answer to the question is a very simple one. The Trinidad and Tobago Police Service is the correct body that applies the law and the regulations. So that is where it will be enforced.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the Minister indicate whether he is aware that even the police that are responsible for the implementation of the law apparently, based on recent reports, seem to be having some difficulty in the interpretation and application of this regulation as it relates to family. Hence, the reason I am seeking, through you as the policymaker, what is the Government's interpretation of this concept of family.

Madam President: Minister.

Hon. T. Deyalsingh: Thank you. Madam President, as you all know, the TTPS has a very robust and strong legal department and I am sure that they will give the necessary directions to the TTPS. Thank you very much.

Sen. Mark: Madam President, may I ask the hon. Minister, in the formulation of this particular policy, can the Minister share with this House, when the Government uses the concept “family”, what exactly did the Government have in mind when they made such a decision? Can you help us?

Madam President: Minister.

Hon. T. Deyalsingh: Thank you very much, Madam President. Madam President, as I indicated, the interpretation of the word “family” will be left up to the legal department of the TTPS.

Madam President: Leader of Government Business.

ORAL ANSWERS TO QUESTIONS

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Madam President. Madam President, there are 11 questions on notice for response today, and the Government will be answering all 11. Thank you.

Madam President: Sen. Mark, you have two questions to the Minister of National Security, 44 and 59, so perhaps you can ask them—59 after you ask 44. Okay? For a smoother flow.

Rise in Serious Crimes

(Measures in Place for)

44. Sen. Wade Mark asked the hon. Minister of National Security:

In light of the rise in serious crimes, particularly the number of murders between November 20—22, 2021, can the Minister advise as to the measures being put in place by the Government to address this development?

Madam President: The Minister of National Security.

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you once

again, Madam President. Madam President, as often, the premise upon which the question is predicated is flawed as it purports that there has been a rise in serious crimes. The data received from the Trinidad and Tobago Police Services, Crime and Problem Analysis Branch (CAPA), shows that the number of serious crimes reported for the comparative 11-month period, January to November, between 2019 and 2021, has steadily declined.

In addition, the number of serious crimes reported for the comparative month of November between the period 2019 to 2021, has also consistently declined. Nevertheless, the Ministry of National Security notes that crime continues to be a major issue facing the people of Trinidad and Tobago. Accordingly, the Trinidad and Tobago Police Service continues to strategize and review its anti-crime policies with the aim of implementing contemporary and proactive strategies to assist in the deterrence and suppression of criminal activities, all in an effort to reduce the number of serious reported crimes including homicides. Some of these strategies include:

- targeted efforts at retrieval of illegal firearms and ammunition, and vigorously prosecuting those offenders in that regard;
- focusing on the seizure of illegal drugs as well as conducting financial investigations into the proceeds of crime—white collar crime is a major contributor to serious crimes and they are being pursued;
- targeting illegal gambling and the proceeds thereof, as well as money laundering and other financial crimes;
- targeting murder suspects and other priority offenders involved in serious crimes such as shootings and woundings;
- use of intelligence-led policing geared towards targeting gang members;
- use of roving road blocks and targeted patrols in hotspot areas;

- engagement of inter-agency intelligence and data sharing as well as intelligence-driven exercises in order to aggressively execute arrest warrants and apprehend alleged offenders;
- continuing the training of officers in evidence-based law enforcement and prevention strategies in order to uphold the best practices for homicide detection and deterrence;

And finally, Madam President, in this regard:

- use of technology to engage the public, such as the TTPS app, which is now available in other languages so foreign language speakers can provide information on crimes and criminal activities to assist law enforcement with these general pursuits.

Thank you very much, Madam President.

Madam President: Sen. Mark.

Sen. Mark: Madam President, in light of all those initiatives outlined by the hon. Minister, can the Minister indicate whether he is satisfied with the level of or the degree of murders that continue to haunt our society even in the light of all these initiatives outlined by the hon. Minister?

Madam President: Sen. Mark, I would not allow that question.

Sen. Mark: Can I ask the hon. Minister how successful the Government has been, from a statistical point of view, evidential point of view, as it relates to the retrieval of firearms as one of the initiatives outlined by the hon. Minister?

Madam President: Minister.

Hon. F. Hinds: Madam President, it is the police service, the only institution under the law and, to some extent, guided by constitutional arrangements that has the responsibility for intelligence-led targeted operations to seize illegal firearms. They, along with other intelligence agencies, are so engaged. Year to date, I am

advised, up to yesterday, the police would have retrieved about 96 illegal firearms; year to date as I said. And I am sure since that statistic was made know to me yesterday, I am not surprised if overnight they would have captured a few more.

What I can tell you as well, Madam President, is that the Police Commissioner outlined his strategies and we are all satisfied—I agree with him—that the retrieval of illegal firearms is critical to this fight and that process, that progress, will continue apace. It will involve all arms of national security, everyone. I was privileged to have listened to a report in this regard and the nation could look forward to a very active and live firearm retrieval programme in respect of dealing with crime in generality in Trinidad and Tobago.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can I ask the hon. Minister whether his Government intends to take measures and steps to ramp up activities, particularly at our ports of entry where, from the data—emerging data, a lot of our firearms seem to be coming in outside of the maritime borders? Is the Government prepared to initiate new measures to get to the bottom of those loopholes that appear to exist in the system at this time that allow firearms to come into this country in a more liberal way than it ought to be?

Madam President: Minister.

Hon. F. Hinds: Madam President, the Government has often stated that border security and control is one of the highest priorities of the Government of the Republic but for national security, it is our highest priority. The Senator is quite correct. He would have gleaned this from some joint select committee, no doubt, that yes, our legal ports of entry are the places where a substantial number of these come in, no doubt with the complicity of some state operators.

There is particular focus from national security on our general border

security arrangements. As you can see, from the acquisition of those vessels which are impacting powerfully on the situation, there is specific focus on the legal ports of entry and certain other illegal ports. We are, with intelligence behind it, focused on those who are now being targeted as being involved in these operations, including elements of the State where applicable and yes, we are focused to improving our border security in this regard.

Madam President: Sen. Mark.

Sen. Mark: Madam President, the hon. Minister said earlier on in his contribution that when we compare 2019/2020, 2020/2021, there has been a considerable reduction in serious crimes. Would the Minister care to share with this honourable Parliament those statistics so that the public and the Parliament would be made aware of?

Hon. F. Hinds: Most certainly, Madam President. Let me demonstrate. In 2019, there were 12,306 reported serious crimes between January and November. For 2020, for the same period, 9,787. For 2021, for the same period, 9,367 reported serious crimes. In particular, for the months of November of those years, for 2019, 1,052 serious reported crimes; for 2020 of November, 762 serious reported crimes; and for November of 2021, 564 serious reported crimes, demonstrating pellucidly clearly that the statistics support the thesis I expressed a while ago, that it has been declining and the question was based on a false, erroneous and quite typical premise.

Madam President: Next question, Sen. Mark.

Sen. Mark: Thank you, Madam President. Question No. 57 to the Minister of Finance.

Madam President: Remember, Sen. Mark, I suggested that you move to 59?

Sen. Mark: My apologies. Question No. 59 to the Minister of National Security.

COVID-19 Protocols
(Rule the Road Caravan)

59. Sen. Wade Mark asked the hon. Minister of National Security:

Can the Minister indicate whether all COVID-19 protocols were adhered to during the December 2021 “Rule the Road Caravan” sponsored by Angostura Holdings Limited?

The Minister of National Security (Hon. Fitzgerald Hinds): Madam President, according to the Trinidad and Tobago Police Service, the Rule the Road Caravan sponsored by Angostura Holdings Limited was held over three days: Friday the 3rd, Saturday the 4th, and Saturday the 11th of December, 2021.

The Trinidad and Tobago Police Service was engaged to perform escort duty of the said caravan. In this regard, one corporal, five constables and three marked police vehicles were utilized in this exercise. To ensure that all COVID-19 protocols were adhered to and strictly during the caravan, the following measures were implemented by the Trinidad and Tobago Police Service: social distancing, they insisted that those present maintained social distancing; proof of vaccination, they ensured as well that all persons involved in the caravan were fully vaccinated and produced their vaccination cards to prove such in order to deem the bubble a safe zone. They ensured that all participants of the caravan underwent on spot temperature checks. They ensured that frequent sanitization for all participants was carried out. They ensured that face masks were worn at all relevant times by the participants of the caravan. They disallowed disembarkment from the truck or trailer and they safely escorted the truck and trailer which avoided any stoppage and ensured that there was no gathering by members of the public. They prevented the distribution of trinkets and they prevented members of the public from following the caravan.

All of those, Madam President, as gleaned from the police service, were very responsible measures taken in accordance with our strictly-observed COVID-19 Regulations to ensure that the people who participated and those districts that they passed through were kept safe from the scourge of COVID-19. I thank you.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can I ask the hon. Minister, from his investigation and reports, were these measures outlined by him breached by the organizers of this caravan during the period identified by the hon. Minister?

2.00 p.m.

Madam President: Sen. Mark, I will not allow that question.

Sen. Mark: Can I ask the Minister whether he is aware that the police in a public statement indicated that there were breaches involved by the organizers of this caravan, and that they were supposed to hold meetings with the organizers of this caravan in order deal with the breaches that the police themselves admitted in a public statement? Is the Minister aware of this, Madam President?

Madam President: Minister.

Hon. F. Hinds: Madam President, I am aware of no such thing. I “doh” know which police Mr. Mark is—Sen. Mark is talking about. But the response I have just shared with this honourable Chamber is an official response from the—

Hon. Members: [*Desk thumping*]

Hon. F. Hinds:—Trinidad and Tobago Police Service.

Madam President: Sen. Mark.

Sen. Mark: Is the Minister prepared, once the evidence is presented to him of the name of the police officer who made a public statement of the breaches committed by the organizers of this caravan, is the Minister prepared to launch an investigation into this matter?

Madam President: Sen. Mark, I will not allow that question. You have one more.

Sen. Mark: Madam President, I will go on to my other questions.

Madam President: Yes. Sen. Mark.

Transition from Cotton to Polymer Notes

(Extension of Deadline)

57. Sen. Wade Mark asked the hon. Minister of Finance:

Can the Minister indicate whether Government will be extending the January 01, 2022 deadline for the transition from cotton to polymer notes?

Madam President: Minister of Finance.

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam President.

Hon. Members: [*Desk thumping*]

Hon. C. Imbert: The Government will not be extending the January 01, 2022, deadline for the transition from cotton to polymer notes. This is for small denominations, as persons in possession of bank notes of denomination of \$1, \$5, \$10, \$20, and \$50 will be allowed indefinitely to redeem such notes for value at the Central Bank of Trinidad and Tobago.

Sen. Mark: Thank you, Madam President. May I go on?

Madam President: Yes. Okay.

Sen. Mark: I am not asking any further questions.

Madam President: Sure. Next question.

Laptops Donated by UNICEF and CAF Development Bank

(Details of)

58. Sen. Wade Mark asked the hon. Minister of Education:

Having regard to the December 2021 donation of approximately 460 laptops by UNICEF and the CAF Development Bank, can the Minister outline the distribution process for the allocation of said laptops?

Madam President: Leader of Government Business.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Madam President. Madam President, the Ministry of Education continues to make available and distribute the 460 UNICEF and CAF laptop devices to means test applicants across primary and secondary school levels within all districts in Trinidad, to ensure that teaching and access to learning is continuously facilitated. The process for distribution begins, Madam President, with the identification of the students from the means test applicant pool. The schools of the recipients are then notified, and the ICT Division of the Ministry of Education coordinates the collection of the devices by the schools. To date, Madam President, the Ministry of Education has distributed 384 of these devices. Thank you.

Madam President: Sen. Mark.

Sen. Mark: Can the hon. Minister share with this House if he has the information as to the schools that received those 384 laptops thus far, Madam President?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, unfortunately I do not have that information before me now.

Sen. Mark: Can I ask the hon. Minister through you, if he would be willing to make available the schedule or the areas of the schools that received those 384 laptops at a later time? Hon. Minister, through the President.

Sen. The Hon. C. Rambharat: Madam President, as my friend has asked, at the next sitting—by the next sitting I will provide the listing by the districts of the distribution of the 384 devices to date.

Madam President: Sen. Mark.

Sen. Mark: Can the Minister indicate, given the fact that we have another almost

100 to distribute still of these laptops, is the Minister in a position to indicate a time frame for the conclusion of the distribution process?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, as indicated, the distribution is based on the availability of students who require access and who have satisfied the means test, that is called the means test applicant pool, and once there are persons, students who are entitled to receive it, based on the criteria, the remaining 76 devices will be distributed.

Madam President: Sen. Mark.

Sen. Mark: Can the Minister indicate what particular efforts are being made by the Ministry of Education to encourage students who are subject to the means test to really access this facility? In light of the importance of these kids having access to these laptops, Madam President, I am trying to clarify.

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, as I have indicated in my original response, the schools play a critical role in the distribution of the device. So, based on the recognition by the schools that there are students who should access a device under this programme, the school is really the common factor. And those students who are in need of it and have satisfied the means test, the schools should be making the contact with the Ministry of Education, and especially now that I have indicated that as of today, 76 devices are still available. Thank you.

Madam President: Next question. Sen. Richards.

Sen. Richards: Good afternoon colleagues. May I take the opportunity also to wish your good self, Madam President, and our colleagues in the Chamber happy International Women's Day, and also the staff of the Parliament and the nation at large.

COVID-19**(Venezuelan Death Count)**

79. Sen. Paul Richards asked the hon. Minister of Health:

Can the Minister indicate:

- (i) how many Venezuelan nationals have succumbed to COVID-19 in Trinidad and Tobago, since the start of the pandemic; and
- (ii) what percentage of the overall death count does this constitute?

Madam President: Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam President. As at February 17, 2022, the number of Venezuelan nationals who have succumbed to COVID-19 in Trinidad and Tobago since the start of the pandemic is seven—seven. Part (ii), the percentage of the overall death count that constitutes Venezuelan nationals is therefore 0.2 per cent.

Sen. Richards: Thank you, Minister.

Madam President: Sen. Richards.

Vaccinated Venezuelans**(Details of)**

80. Sen. Paul Richards asked the hon. Minister of Health:

How many Venezuelan nationals have been vaccinated in Trinidad and Tobago?

Madam President: Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much. The stated policy of the Government of the Republic of Trinidad and Tobago is that for matters of public health, all non-nationals and non-residents are entitled and encouraged to access any population vaccination programme inclusive of COVID-19 vaccines. To date, the number of vaccines by specific migrant

populations regardless of country or nationality is not readily available at this time. The data is not processed in that manner, and to answer this question, a detailed collation and examination of available records at all vaccination centres across the country is required.

Madam President: Sen. Richards.

Sen. Richards: Thank you, Madam President. Would the Minister be able to give an undertaking as to if that undertaking is being pursued?

Madam President: Minister.

Hon. T. Deyalsingh: Not at this time. As I said, the data is not processed in that manner, so therefore no undertaking can be given to find that information.

Sen. Richards: Thank you, Minister. Madam President, next question.

Madam President: Next question, yes.

Work from Home Policy

(Details of)

81. Sen. Paul Richards asked the hon. Minister of Labour:

Given the uncertainty of how long this pandemic will continue and its impact on the workplace, and the Government's previous statement on the positive aspects of a hybrid work arrangement, can the Minister give an update on the Government's Work from Home Policy?

Madam President: Leader of Government Business.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President. Madam President, the onset of the pandemic and the stay at home measures adopted to mitigate the spread of the virus serve to exacerbate the need and urgency for the State to develop and institute a work from home policy. However, Madam President, developing and implementing such a policy is a complex undertaking requiring

consultation with various stakeholders and that is being actively pursued.

Madam President, prior to the COVID-19 pandemic, a subcommittee of the board of Permanent Secretaries and Heads of Departments, chaired by the Ministry of Planning and Development, was actually established to consider the issue of instituting a work from home initiative in the public service to improve the performance of the public service, taking into consideration the myriad factors that must be addressed. Most notably, the issues of productivity and the welfare of the workers. The subcommittee, Madam President, comprises the Ministry of Planning and Development, the Office of the Prime Minister, the Ministry of Public Administration, the Ministry of Labour, the Ministry of Energy and Energy Industries, and Personnel Department.

Madam President, the onset of the pandemic and the ensuing mitigation measures employed by the Government that included remote work in the public service for non-essential services, served to exacerbate the need and urgency for a work from home policy in the public service. At the time the subcommittee was established, the digital transformation portfolio was under the Ministry of Public Administration.

In moving forward, the subcommittee will work closely with the Ministry of Digital Transformation, which is integral to the development of the work from home policy. Madam President, a work from home policy as it pertains to the public sector requires thorough study that each worker is treated fairly, and public services' delivery is improved.

Issues for consideration include the wide range of jobs and services that the public service provides, as some might be more conducive to work from home while others may have become obsolete. Reskilling and retooling workers; the terms and conditions of employment; structures, systems, and procedures to

facilitate work from home; parameters of existing legislative framework; responsibilities under OSHA legislation; office space requirements and configuration at home; the locus of financial responsibilities for setting up home offices; confidentiality concerns; performance management system; equipment requirement; succession planning; the impact of reduced face to face interaction, particularly the psychological impact; change management to support persons who are now working from home; internal and external sensitization and education; and value for money; transparency and accountability.

The work undertaken by the subcommittee so far includes research on the best practices, a survey conducted during the period November 17, 2020 to December 18, 2020. And, Madam President, the subcommittee is cognizant that key stakeholders must be brought into the discussion and the decision-making process.

Madam President, this work continues and the Ministry of Planning and Development, which chairs the subcommittee, is in the process of procuring a consultant for the purpose of conducting the further interactions and consultation. It is expected that a consultant will be procured in the month of April 2022, and a consultancy completed by the end of September 2022. Thank you.

Madam President: Sen. Richards.

Sen. Richards: Thank you, Madam President. I have one more question. Given the Minister's response and the hon. Prime Minister's announcement in the other place last week, that public sector workers are back out at 100 per cent, is there a time line envisioned by the Government regarding the Committee's report and the implementation of a possible work from home arrangement, given the vagaries and volatility that we have experienced in the pandemic so far?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, the completion of the exercise is contingent upon the two timelines I have given. One, for the procurement of the consultant to be part of the consultative process which we expect to do in April 2022, and the completion of that consultancy which we expect to be the end of September 2022. And on the basis of that work we would be able to determine a timeline for the implementation of a work from home policy in the public sector. Thank you.

Madam President: Sen. Seepersad.

Global Financial Integrity (GFI) Report

(Details of)

88. Sen. Charrise Seepersad asked the hon. Minister of Finance:

Considering the findings of the Global Financial Integrity (GFI) Report that this country faces manifest challenges in investigating and prosecuting low-level and high-level financial crimes, can the Minister advise whether the Government intends to provide the Financial Intelligence Unit of Trinidad and Tobago with the power to investigate suspicious financial activities?

Madam President: Minister of Finance.

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam President. The Global Financial Integrity Report for 2021, October 2021, on “Financial Crime in Latin America and the Caribbean” did identify the length of the judicial process, enforcement of anti-corruption laws, and illegal gambling as this country’s key vulnerabilities and weaknesses in the fight against financial crime.

The report, however, also noted Government’s efforts towards the creation of specific courts and specialized personnel dedicated to dealing with financial crimes, and recommended that future support be provided to the country in this regard.

Following the recommendation of the Caribbean Financial Action Task Force, which mandated countries to establish a Financial Intelligence Unit that serves as the national centre for the receipt and analysis of suspicious transactions and other information relevant to money laundering, other offences, and terrorist financing, and for the dissemination the results of the analysis, the Government took a structured and methodical approach in conducting research to assess the most suitable model of financial intelligence unit for Trinidad and Tobago. It was determined at the time that an administrative type FIU be adopted based on our legal and administrative system requirements and our capabilities.

As an administrative FIU, established in 2009, pursuant to the FIU Act, Chap. 72:01, the FIU is mandated to receive and analyze:

“...suspicious transaction...”—reports—“...suspicious activity...”— reports from all—“...financial institutions...”—and—“...listed...”—businesses as well as voluntary reports from other person or any other source.

Once suspicion of a financial crime is substantiated by the FIU, information is sent to the authorities in charge of criminal investigation and prosecution. Under our current framework, the Financial Investigations Bureau of the Trinidad and Tobago Police Service is the agency with the responsibility for investigating financial crimes, such as money laundering and the like. The TTPS is assisted by other law enforcement authorities including Customs, Immigration, Inland Revenue, and, recently, the Police Complaints Authority. And these law enforcement authorities are afforded a wide range of investigative tools to investigate financial crimes under various pieces of legislation, authorize, request, intelligence and information from the FIU. Likewise, the FIU is authorized to provide financial intelligence and information to the authorities.

Over the last five years, the FIU would have received 856 requests for

financial intelligence from local law enforcement and would have accordingly responded to all of these 856 requests. Over the same period, the TTPS would have proffered 1,479 money laundering charges against 57 persons. In this regard, the FIU is currently working effectively with all law enforcement authorities in their work. Therefore, it is considered that there is no requirement at this time to provide the FIU with the power to investigate suspicious financial activities.

Madam President: Sen. Seepersad.

Sen. Seepersad: Thank you, Madam President, through you. Minister, what deficiencies in AML/CFT policies in legislation have been highlighted by these findings of the GFI Report?

Hon. C. Imbert: I wish I could answer that question, but that is a complex question I would respectfully ask you to just pose it in the normal manner, and I will most certainly answer it. I do not have that level of detail with me here today.

Madam President: Sen. Seepersad.

Sen. Seepersad: I will do that, Madam President. Minister, can you tell us if you are aware of what further reforms are being identified and implemented to bring the FIUTT into compliance with international standards, including the power to investigate and prosecute these high and low level crimes?

Madam President: Sen. Seepersad, I will not allow that question based on the question that had been posed and the answer that had been given. Okay. Next question. Next question, Sen. Seepersad.

Sen. Seepersad: Sorry.

TTPS Financial Investigations Branch (FIB)

(Details of)

89. Sen. Charrise Seepersad asked the hon. Minister of National Security:

Given reported concerns that the Financial Investigations Branch (FIB) of the TTPS is under-resourced to adequately investigate and prosecute high-level financial crime, can the Minister advise as to the following:

- (i) how many cases of high-level financial crime/suspicious activity have been reported from January 2021 to January 2022;
- (ii) how many of the cases identified at (i) have been investigated and prosecuted;
- (iii) what is being done to ensure that the FIB is adequately resourced; and
- (iv) how does the FIB currently perform its duties given its lack of resources?

Madam President: Minister of National Security.

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you yet again, Madam President. Madam President, given the reported concerns that the Financial Investigations Branch (FIB) of the TTPS is under resourced to adequately investigate and prosecute high level financial crime, that is generally the basis on which the question is set, Madam President. The Financial Investigations Branch of the Trinidad and Tobago Police Service receives intelligence reports comprised of both money laundering and terrorist financing reports from the FIUTT, the Financial Intelligence Unit of Trinidad and Tobago.

In this regard, over the period 1st of January, 2021, to the 31st of January, 2022, the FIB received 30 reports from the FIU, 26 of which were classified as medium to high priority. Investigators have been assigned to all 26 cases which are at various stages of investigation. Apart from those cases, the FIB has over the period, also investigated 37 cash seizures, made 41 cash forfeiture applications before the courts valued TT \$15,235,150. They have charged three persons for money laundering, with a value of TT \$30,747,417, and they have sought the

direction of the Director of Public Prosecutions in several other high profile cases. While the FIB has placed internal advertisements to recruit police officers, the FIB is still below its desired strength. As such, the FIB continues to work directly with the Police Training Academy in order to recruit suitably qualified officers upon the completion of their training to augment the human resource capacity.

In order to ensure the efficient deployment of its resources to diligently investigate and prosecute intelligence reports, the FIB developed a case prioritizing policy which was submitted and approved by the Financial Action Task Force as part of the country's response to strengthening its anti-money laundering and counter financing of terrorism law enforcement mechanisms, and which was also adopted by the FIU for its analysis and classification of reports. And it also underwent a departmental restructuring to allow for specialized investigative teams such as cash seizure, unexplained wealth, operations, terrorist financing, parallel investigations and mutual legal assistance teams that are supported by a dedicated legal and analytical unit. These measures not only increase the efficiency and communication across the branch, but has also allowed it to make best use of its resources which has resulted in increased productivity and output. Thank you very much, Madam President.

Madam President: Sen. Seepersad.

Sen. Seepersad: Thank you, Madam President. Minister, given the gamut of resources that are required which are nontraditional police type resources, is consideration being given to recruiting the—or contracting these types of resources and people, attorneys, audit investigators, et cetera? I mean, you understand the wide gamut and the traditional recruitment of police officers would not attract these types of resources. Is any consideration being given to that?

Hon. F. Hinds: Thank you. Madam President, a very useful question which I

appreciate and respond accordingly. The police service today attracts people, like other police services in the world, highly qualified people with all kinds of qualifications and skills, Madam President. Some of them are similar to that which the Senator has just adumbrated.

But in addition to that, and to specifically answer the question, yes. More than consideration, action is now on the way to recruit persons to treat with those nontraditional, if you like, policing necessary skills. So I comfort the Senator to let her know, as we speak action is on the way in that regard.

Madam President: Next question, Sen. Roberts.

Caribbean Fisheries Training and Development Institute

(Board of Directors)

98. Sen. Anil Roberts asked the hon. Minister of Agriculture, Land and Fisheries:

Can the Minister list the names of the members of the current Board of Directors of the Caribbean Fisheries Training and Development Institute as well as their respective:

- (i) portfolio responsibilities;
- (ii) qualifications; and
- (iii) dates of appointment?

Madam President: Minister of Agriculture, Land and Fisheries.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Madam President. Madam President, the CFTDI was established by agreement dated June 21, 1974, and the Governments of Barbados, Guyana and Trinidad and Tobago with assistance from the Food and Agriculture Organization of the United Nations, and the United Nations Development Programme. The institute was incorporated by Act 59 of 1975 under the laws of

Trinidad and Tobago for the purpose of providing training and assistance in the development and expansion of regional fisheries.

Madam President, the operations of the institute as a regional body was terminated in 1977 due to the withdrawal of the FAO/UNDP funding and support from the Governments of Barbados and Guyana. Thereafter, various efforts were made by the Government of Trinidad and Tobago to reorganize and reestablish the institute.

In 1983, Madam President, Cabinet agreed that the institute should operate as a fully national institute under the then Ministry of Agriculture, Land and Food Production now the Ministry of Agriculture, Land and Fisheries. Madam President, on assumption of duties by me, I commissioned the diagnostic review of the fisheries and aquaculture sector. It was found that the institute played a lead role in the provision of fisheries sector training, particularly training in seafood technology and maritime operations to seafarers and committee groups in Trinidad, and through the THA.

It was found that the then management of the institute should be strengthened and the activities of the institute streamlined for more efficient and modernize operation to reflect the dynamics of the fisheries sector. In light of this, Madam President, in 2018 Cabinet agreed to the appointment of a management committee comprising of no more than seven persons to oversee the running of the institute for a term of two years. This management committee, Madam President was reappointed for a further term of two years with effect from 01 August, 2020. In 2019, there was one resignation from the committee and the new member was appointed March 2020 for a term of two years.

Madam President, the names, portfolio responsibilities, and qualifications of the management committee are as follows:

Paul Gabbadon A representative of the Minister of Agriculture, Land and Fisheries; the Chairman of the Management Committee. Qualifications: Master of Science degree in Fisheries and Aquatic Sciences from the University of Florida; BSc in Marine Biology and Chemistry from UWI; appointed August 01, 2020.

Natasha Isaac: Representative of the Maritime Services Division of the Ministry of Works and Transport; MSc in Port and Maritime Management; BSc in Government and International Relations; appointment August 01, 2020.

Dr. Ayanna Phillips-Savage: Responsible for design and delivery of training programmes for the fisheries and aquaculture sectors. A PhD from the University of Florida in Vet Medical Services; MPhil in Food and Animal Medicine from UWI; and a Doctorate of Veterinary Medicine with honours from UWI; August 01, 2020.

Fayola Berkley: In the area of food technology, research development and product development; MSc Food Science and Technology; UWI, BSc Human Nutrition from UWI; August 01, 2020, date of appointment.

Samuel Dennis: Attorney-at-law; Bachelor of Law; Legal Education Certificate; date of appointment, March 20, 2020.

Trevor Wallis: In the area of business administration and management; retired coast guard officer, 28 years of meritorious service in the military, Port Facility Security Officer, Squadron Fleet Chief Petty Officer; appointment August 01, 2020.

Denise Dickinson-Cunningham: In the area of finance; MBA Logistics and Supply Chain Management; a BSc in Agriculture from McGill University; date of appointment, August 01, 2020.

Thank you very much, Madam President.

2.30 p.m.

**Caribbean Fisheries Training and Development Institute
(Details of)**

99. Sen. Anil Roberts asked the hon. Minister of Agriculture, Land and Fisheries:

Can the Minister indicate:

- (i) the name of the current Principal and/or Acting Principal of the Caribbean Fisheries Training and Development Institute;
- (ii) the complete and detailed breakdown of the compensation package of the current Principal/Acting Principal; and
- (iii) the date on which the current Principal/Acting Principal was appointed?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, in accordance with the management structure of the CFTDI, the institute is managed by a principal reporting to the management committee appointed by the Cabinet. The last principal of the institute officially retired on June 09, 2012, but remained employed on a month to month contract until departure from the institute on September 17, 2019. In the absence of a principal, the management committee, guided by the Ministry, continued to manage the affairs of the institute. In March 2020, Cabinet approved the advertisement and recruitment of a principal for the institute and until such recruitment and appointment, for the chairman of the management committee to perform the functions of the principal. Therefore, Madam President, with respect from September 18, 2019, the chairman of the management committee Paul Gabbadon has performed the functions of principal. Mr. Gabbadon is qualified in the field and in particular, attained a Masters of Science degree in Fisheries and Aquatics Science from the University of Florida, Bachelor of Science degree in

Marine Biology and Chemistry from the University of the West Indies. Mr. Gabbadon has worked in the marine and agriculture sector for over 40 years regionally, locally and internationally.

Pursuant to the decision of the Cabinet, Madam President, the institute advertised the position of principal from the period December 03, 2020, to December 28, 2020, via daily newspapers and on the institute's website and social media pages. Publication was delayed because of the onset of COVID-19 restrictions and the reduction in the activity of the institute in particular, the low uptake of students and in summary the impact of the pandemic on the day-to-day operations of the institute. Based on the responses to the advertisement a shortlist was developed and a potential candidate for the role was identified. With the continuation of the COVID-19 restrictions, Madam President, into 2021 and the lockdown curfew in May 2021 the position was not filled. At the same time the Ministry has been seeking partnerships for CFTDI for the sustainability of its activities and is at an advanced stage of discussions with one private sector entity for joint activities in the sector. This agreement may change the scope of the position of principal. The chairman is therefore continuing to perform the functions of principal in addition to his functions as chairman and he is being compensated with the base salary of the principal, \$21,138 a month, and allowances in the sum of \$1,100.

More recently, Madam President, the European Union has expressed an interest in working with the Ministry in the development of the local seafood sector and the EU has identified the CFTDI as a prospective partner in that work. Those discussions are at an early stage and will also influence the decision to continue with their Cabinet approved assignment to recruit a principal. I thank you very much.

Sen. Roberts: Madam President, am I clear in hearing the hon. Minister that the chairman is also the principal of the CFTDI and that was approved by Cabinet?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Yes, Madam President, in the context which I have described, which is that Cabinet approved the advertising and the filling of the position and what was expected at that time to be a short term measure the chairman, who happens to be highly qualified to do on a short term basis—perform duties of principal, I have also set out the circumstances in which this acting arrangement has continued in particular, the impact of the COVID-19 restrictions on the institute and the decision to work with a private sector entity to do—perform some of the services jointly—those discussions are at a mature stage and further the current interest of the European Union in doing development work in the local sea food sector and the identification of the CFTDI as a prospective partner in that work. Thank you, Madam President.

Sen. Roberts: So, is it the hon. Minister's position that good corporate governance structure means that this chairman is also a substantive position of principal and the acting secretary of the board. Does the Minister not see this as a breach of corporate responsibility and corporate governance?

Madam President: Sen. Roberts. Minister.

Sen. The Hon. C. Rambharat: Thank you, Madam President. Madam President, I have set out for this House and the country the circumstances. We have for—a very fortunate position of having somebody who if he demonstrated interest may quite well hold the position of principal. I have demonstrated the circumstances—We have had in CFTDI, and because of the training and the restrictions, we have had zero training. We normally provide training for Antigua and some of the other islands. We have had, because of the closure of the border, we have had no

students down there. We have had minimal activities and in those circumstances, there is absolutely no risk from a governance or other point of view to the organization.

At the same time, I am on record in this House as saying that I consider the CFTDI to be on life support, because as my friend knows, there is additional work being done on the legislation which will determine what is required in terms of the institutional arrangements in our local fisheries sector and that is what has attracted the EU because, as my friend also knows, Trinidad and Tobago received a yellow card from the EU and we are working to meet the requirements to lift that yellow card and at the same time also meet the requirements to continue to export into the US markets. So it is in those circumstances, the reduced activity, the minimal activity, the fact that we have somebody who is there who could carry on the functions and while we do the work in parallel to determine the future shape, role, activities, and what a future principal would look like, we are able to continue the work, to continue the discussions we are having with the private sector entity, to facilitate the discussions with the European Union and prepare ourselves for the legislation which we hope would be passed and would determine the shape and structure of the local seafood sector and the institutional arrangements to support implementation of that legislation. Thank you.

Sen. Roberts: So then, Madam President, given the answer of the hon. Minister, hon. Minister, if Mr. Gabbadon you saw as fulfilling the role of principal and receiving a salary of \$21,138 per month plus perks, would it not have been responsible and correct for him to forego his chairmanship on the board?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, the issue of responsibility and irresponsibility does not arise. I consider that Mr. Gabbadon and the rest of the

board are well qualified. I have listed the qualifications in response to a previous question and I am satisfied. It is not the perfect arrangement, it is not clearly from what I have said. We embarked on a course before COVID, circumstances have changed, the current arrangements do not impair the functioning of the institute, and I am very optimistic that we would be able to make a decision. The interest of the EU is very recent. I am very optimistic that the interest would benefit the CFTDI and I am also cognizant of the fact that that may cause us to rethink the functioning of a principal and we will deal with that when we come to that point.

Madam President: Sen. Roberts.

Sen. Roberts: I—hon. Minister is very optimistic the reason and rationale for a chairman as opposed to a different human being, being principal is for checks and balances with the expenditure—

Madam President: Sen. Roberts, do you have a question?

Sen. Roberts: Does the Minister believe that checks and balances with one human being, being the principal and being monitored by himself is good corporate governance practice?

Madam President: Minister.

Sen. The Hon. C. Rambharat: Madam President, I will tell you what I consider to be good corporate governance practice. When I inherited the CFTDI from my friends who were in government before my appointment, I had very early in my term to deal with \$900,000 which was missing from CFTDI and was only detected because of my oversight and my dealings with the entities. So, my friend is no position to tell me about governance and governance of CFTDI.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. C. Rambharat: And it remains, the matter, I am happy to say that on behalf of the CFTDI and the taxpayers I pursued the matter personally and the

matter is being prosecuted at this time. So that, if ever you wanted a demonstration of governance and understanding what to do in the job, that is an example.

Sen. Roberts: Madam President.

Madam President: No, that is it Sen. Roberts you have used up, yes.

Minister of Foreign and Caricom Affairs.

**IMMIGRATION (CARIBBEAN COMMUNITY SKILLED
NATIONALS)(AMDT.) BILL, 2022**

Order for second reading read.

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne): Thank you, Madam President. Madam President, I beg to move:

That a Bill to amend the Immigration (Caribbean Community Skilled Nationals) Act, Chap. 18:03, be now read a second time.

Madam President, we in this Senate are called upon today to engage in a different type of contemplation, a different level of contemplation. The invitation this afternoon is to rise above the usual partisan to and fro, to put aside any insularity and the narrow interests and to look at the big picture. The people of the entire Caribbean Community are counting on us this afternoon, as they did when other Parliaments engaged in similar deliberation on similar amendment Bills. We stand today, Madam President, on the shoulders of giants of our region. The founders of Caricom—I was tempted to the say founding fathers, but today is not the day for that kind of phasing. The founders of Caricom—and our own Prime Ministers of Trinidad and Tobago have contributed in no small measure to the regional movement, from Dr. Eric Williams, to George Michael Chambers, to Patrick Augustus Mervyn Manning, to Basdeo Panday, to Kamla Persad-Bissessar and the current Prime Minister, Dr. Keith Christopher Rowley.

Madam President, I want to take this opportunity to wish you, to all Members of this Chamber, particularly our female Senators on the Independent Bench, the Opposition Bench and my colleagues of the People's National Movement, a happy International Women's Day.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: And I thought about the nexus between the Caricom Single Market and Economy debate and International Women's Day and, Madam President, it is an opportunity to signal to this Senate that recently there were two critical appointments to our regional movement. One was the appointment—the recruitment—of Dr. Carla Barnett, who is the first female Secretary General in the history of the Caricom Secretariat.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: That appointment was made during the Chairmanship of the Prime Minister of the Republic of Trinidad and Tobago in 2021—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne:—and the lead Minister for the regional recruitment effort that appointed this first female Secretary General was your humble servant myself.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: The other is the recent appointment this year of the first female Director General of CARIFORUM. These are two critical firsts for female leaders in our region. Again, your humble servant was the lead in the recruitment effort. A small ministerial committee was put in place, and we have

recruited Dr. Alexis Downes-Amsterdam, a Guyanese, as the first Director General of CARIFORUM.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne: Madam President, the debates relating to the CSME are generally public spirited in nature, noble, cerebral, and aimed at the overall good of our region. That hopefully should characterize all debates in the Senate. These debates, and I have looked at the *Hansard*, both of this Chamber and of others across the region, these debates—these amendment Bills are typically supported by Government, Independents and Opposition. A good example is when former Minister Mervyn Assam brought the precursor amendment Bill to this Senate and that occurred after considerable delay, but it was fully supported by the Opposition People’s National Movement in the best spirit of regional integration.

Madam President, what will we achieve today with the passage of this amendment Bill? We will remove additional barriers to free movement in the Caribbean Community. We will give national treatment to CSME skills certificate holders in line with the treatment received by Trinidad and Tobago nationals under the free movement regime. We will achieve simplification and harmonization of processes. We will achieve the accelerated cooperation among what Prime Minister of Barbados Mia Mottley, has phrased as the “coalition of the willing”. Prime Minister Mottley chairs the Prime Ministerial Sub-committee on the CSME, and has given us this concept of the “coalition of the willing” of which Trinidad and Tobago must be an aggressive part. And we will achieve the facility to use digital technology and public awareness to expand access to the benefits of the free movement regime to all Trinidad and Tobago nationals, and to help deepen the integration movement and engender a stronger feeling of regional solidarity. And I

would hope that fabric would be infused in all of the contributions even as Members would wish to share amendments, concerns and points for discussion.

Madam President, this Bill is long overdue and this Government, through its commitment to the regional integration movement, has taken the requisite steps to prioritize the Caricom Single Market and Economy, including the free movement regime as a key component of our post COVID-19 strategy for economic recovery. This House would recall that at the 27th Regular Meeting of the Conference of Heads of Government of Caricom in July 2006, and at its 18th Intersessional Meeting of Caricom Heads held in February 2007, the Heads of Government of our region agreed to expand the list of categories of persons eligible for free movement from five to 10. Although, this decision was implemented administratively, the legislative steps were not taken by Trinidad and Tobago. Today, we take those legislative steps. As a result, Trinidad and Tobago nationals in the past have been unable to apply for skills certificate in the additional categories and could not access the full benefits of the regime. Therefore, they were actually being placed at a disadvantage compared to nationals of other Member States.

Madam President, the Government seeks to work with colleagues to remedy this situation with the amendment Bill before the House. Today, we can take a very important step forward. The free movement regime is a fundamental pillar of the CSME architecture. This regime is enshrined in Article 45 of the revised Treaty of Chaguaramas, with which I know some Members are very familiar, which affords nationals of Member States the opportunity to move freely within the region to seek and engage in gainful employment, and entrepreneurial activities without the need for a work permit. It is a system of legal and orderly migration that allows

member states to maintain control of its borders, and there are measures within this Bill, designed to achieve that or maintain that, but also to collect taxes and ensure that its laws are upheld. It also affords rights and privileges to the main beneficiary of a skills certificate and to his or her spouse and dependents to live and work in participating Caricom Member States under conditions of national treatment, where there is legislation to do so. And, our nationals have been benefiting under the five categories that we have recognized and I will give some examples of that. And you have seen national—skilled nationals of Trinidad and Tobago, including I would dare suspect, some of our family members and friends who have taken up the opportunity to live and work in other jurisdictions within Caricom, contributing to the regional economy.

Madam President, on proclamation of this Bill, Trinidad and Tobago nationals will be able to access 10 categories for free movement, namely university graduates, artistes, musicians, sports persons, media workers, nurses, teachers, artisans with a CVQ, holders of associate degrees or comparable qualification, and household domestics with a CVQ or comparable qualification. There are also two further categories, security guards and agricultural workers, which were agreed to by our Heads of Government at the 18th Special Meeting of the Conference right here in Port of Spain in 2018. Those two additional categories will be eligible for free movement after agreement is reached on the appropriate descriptions. So they are not currently considered for implementation at this time. Such is the importance of free movement that at the said meeting in 2018, Heads agreed that those Member States that are willing would move toward the implementation of full free movement of persons within three years. And if you count three years

from 2018 it does not take you into the future, it takes you into the past. And there have been some challenges.

The goal has not yet been realized but despite the setbacks, including COVID-19, which was a major challenge for Caricom, or ability to meet and interact, the freedom to move within the region is still recognized as an indispensable component if we are to deepen the economic and political integration of our region and to build a cultural identity beyond Trini and Bajan and Guyanese in the recognition that we are diverse and unified Caribbean people. I am certainly proud of that identity. The Heads of Government recommitted themselves to the CSME through formal declaration at the 42nd Regular Meeting of Heads held on the 5th and 6th of July, 2021.

So, Madam President, as Trinidad and Tobago expands the categories, this Government is mindful to ensure that we have the requisite checks and balances put in place to deter would be abusers. And we have the experience because we have been confronted with some attempts to abuse the existing system, and some of the mechanisms in this Bill come out of that experience to ensure that we can put important checks and balances in place.

The Bill includes severe penalties for fraudulent activity. We have found that the lower penalties that currently obtains simply have not served as a deterrent and I want Senators to be aware of this. I know there are some harsh measures in here. The existing penalties have not served as a deterrent at all and we recognize the need for much sharper penalties in order to reduce the incidence of fraud and other violations. We have also, through our public awareness campaign, strengthened the verification process, and I have engaged our partner recruitment agencies and Ministries, including, very importantly, the Ministry of National

Security, to ensure that anyone seeking entry with a skill certificate must have it verified by the CSME unit of the Ministry of Foreign and Caricom Affairs. A new streamlined and efficient communication mechanism has been established between these two critical Ministries in this process, and the Government has decided not to attach any verification fee. There is no fee for the verification process so there should be less barriers to compliance.

No one wishing to work in T&T under the free movement regime will be able to have an indefinite stamp affixed to their passport without first having their certificate verified as authentic; that is very important. Additionally, Cabinet, on the advice of the Minister of National Security, has agreed to maintain the police certificate of character as a monitoring and safeguard mechanism, which is deemed necessary for assessing threats to public order and safety. The Bill also gives the competent authority, the Minister of Foreign and Caricom Affairs, the power to revoke a skill certificate under certain conditions specified conditions, and ensures that the Minister of National Security maintains the right to deny entry, to issue a deportation order in accordance with the provisions of the Immigration Act.

Madam President, these mechanisms have allowed this Government to feel confident in accepting one skill certificate as agreed to by the Conference of Heads in 2004. Currently, Trinidad and Tobago is the only Member State that requires skilled nationals to apply for another skill certificate upon entry to this country. So we are now joining our brothers and sisters in accepting one skill certificate. This step will harmonize the administrative process and uphold the principle of equality of treatment among our regional partners, again, avoidance of discrimination and adherence to the Revised Treaty of Chaguaramas. In fact, the CSME focal points across the region are currently preparing for a meeting during the course of this

month to further refine and discuss strategies to strengthen the processes for the implementation and harmonization of the free movement regime among Member States, and when those focal points meet, I would hope to give them very good news from the Parliament of Trinidad and Tobago.

Madam President, we are also cognizant of the need to maintain high standards in each of the skilled labour sectors that I have outlined. The Bill, in alignment with the 2004 Accreditation Council of Trinidad and Tobago Act, Chap. 39:06, utilizes the ACTT, the Accreditation Council of Trinidad and Tobago, as the principal body that verifies national and regional professional qualifications, including associate degrees, performs equivalent assessment of foreign qualifications and it accredit institutions and programmes within T&T. Additionally, nurses will be certified by the Nursing Council of Trinidad and Tobago, and teachers will fall under the Teaching and Teacher Development Division of the Ministry of Education. Additionally, the Bill also requires persons with non-academic qualifications to be registered with the relevant competent authority that conducts assessments and certifies skills in the said category. I will give an example. The National Training Agency, an umbrella agency of the Ministry of Education, registers and certifies household domestic workers through its prior learning assessment recognition facility. Musicians and other cultural sector individuals currently fall under the Ministry of Tourism, Culture and the Arts, where a National Registry of Artists and Cultural Workers has been established.

Madam President, this Government is aware that in order for nationals to be able to access the opportunities available through the free movement regime, we are required to employ modern tools to make the system more efficient,

transparent, and user friendly and we have been doing exactly that. In 2020, the Ministry of Foreign and Caricom Affairs embarked on a seven phase modernization plan in line with the National ICT Plan—the National ITC Plan 2018—2022 and the National Development Strategy *Vision 2030*.

3.00 p.m.

Our plan is aimed at developing a streamlined service, where information is accessible 24 hours a day, seven days a week, and where our nationals are fully informed of their rights and responsibilities under the free movement regime. Currently, we are collaborating with the Ministry of Digital Transformation to build an online application system that places power and predictability in the hands of the user through an application tracking facility and many other very modern features. Madam President, government services will soon be conducted from the comfort of one's home at the touch of a button, and this service will be easily integrated into a region-wide Caricom Application Processing System known as CAPS that would harmonize the application process across Member States.

Madam President, our nationals are well aware of the economic challenges which were exacerbated by the COVID-19 pandemic. Trinidad and Tobago is one of the last countries to levy an administration fee for applications for new certificates, as well as for replacement of lost or stolen certificates, which has been addressed in the amendments before Senators today. To date, we have actually foregone in excess of \$3 million to our Treasury, by not having in place these very basic administrative fees, which are in place across most of the region. The amendment would put an end to the practice of applicants failing to collect their certificates. That happens too many times. People just fail to come back to collect their certificates, resulting in a waste of scarce human and other resources.

Currently, Madam President, there are over 200 skilled certificates awaiting collection, even after a public awareness campaign. Some of these fees would assist in motivating individuals. There is a saying when something is too free, it may not be sufficiently valued.

Madam President, the Government also recognizes the need to expand the benefits of the free movement regime beyond our nationals resident in Trinidad and Tobago to the diaspora as well as those wishing to return to the region to make a contribution to our collective development. The ability to access employment, investment and other opportunities in any of the 14 participating Member States, we believe will act as a further pull factor for members of the Caribbean diaspora. It is an important step to help us address the balance and stem the migration of skilled labour outward from our region. Our diaspora now has a choice of where to apply their skills and knowledge and where to invest their capital.

As the region expands towards its full potential as envisioned by the founding fathers, an area of contingent rights provides the opportunity for families, not just the primary beneficiary, but families to relocate with the main beneficiary of a skilled certificate. Trinidad and Tobago signed the Protocol on Contingent Rights in 2018, but has not yet been able to ratify it due to ongoing deliberations among Member States, regarding the implementation of this protocol.

To date, Barbados and St. Vincent and the Grenadines have ratified the Protocol on Contingent Rights and, as such, Trinidad and Tobago nationals who have migrated to those two States have benefited significantly from this right without impediment. As such, we must remain vigilant to ensure that there are no barriers to skilled Caricom nationals and their families, enjoyment of fair and equitable treatment and contingent rights in Trinidad and Tobago.

Additionally, the Bill will allow the spouse and dependents of a non-national to maintain their status as a permitted entrant, even after the marriage has been legally dissolved, on the condition that the married couple resided in this country for a period of five years and more. We see this as a very advanced measure, Madam President. This Government understands the importance of balancing our obligations, as a responsible member of the regional and international community, which requires us to treat carefully with the issue of destabilization of family units by forced departure of parents.

Importantly, the Bill brings our country into compliance with our obligations under the Revised Treaty of Chaguaramas. The full realization of the CSME cannot take place without the support of the private sector. And I am pleased to inform this Senate that we have the full support of the Trinidad and Tobago Chamber of Industry and Commerce, and I am quoting from a letter from them, to the Ministry of Foreign and Caricom Affairs of 03 March, 2022, and I quote:

The expansion of free movement of persons is the only way the intended benefits such as greater scale of production, greater competitiveness, higher levels of foreign and domestic investment, increased employment and growth of intra and extra-regional trade can be achieved.

Actually, that was a quote from a letter from the Trinidad and Tobago Chamber of Industry and Commerce, as I said.

Additionally, the Bill has also been endorsed by the Trinidad and Tobago Manufacturers' Association, which said in a statement dated March 02, 2022, and I quote:

The TTMA endorses the widening of the categories for free movement of people within the rubric of the CSME. This long anticipated move is one

step in the solidification of the CSME process.

These are our manufacturers that some people instinctively would have thought would be against this opening up. They are seeing the big picture, as I have invited Senators to do today.

And I continue to quote from the TTMA:

The gains and economic welfare of all parties far outweigh any perceived negative outcomes from such a move. Trinidad and Tobago, as well as other Caricom States, needs to fully embrace the free and uninhibited movement of its peoples which would allow the participating countries to realize the benefits to their respective sovereign states and collectively as a unified group. The business community of Trinidad and Tobago looks forward to this, as well as other deepening measures which will allow the full implementation of the CSME.

Madam President, we owe our youth, our small and medium entrepreneurs, our graduates, our service providers and all our citizens access to the rich pool of human resources and opportunities available within our region for the benefit of all, and we must act now. This Bill is timely and it comes on the heels of T&T's participation in the recent Intersessional Meeting of the Conference of Heads of Caricom who met in Belize on the 1st and 2nd of March. During this meeting, a draft protocol on enhanced cooperation was considered to allow a "coalition of the willing", as I have already said.

I will now go through this Bill, Madam President, clause by clause, focusing on some key clauses and not on the usual administrative arrangements.

Sen. Mark: Hon. Minister, under Standing Order 45—

Sen. The Hon. Dr. A. Browne: I give way to the Senator, Madam President.

Sen. Mark: Could you clear for us, how many—I do not know if you have the data with you—but since the Bill became an Act in 1996, Act No. 26 of 1996, do you have any data as to how many Caricom nationals have been able to access this particular skills certificate and work in Trinidad and Tobago and vice versa between, let us say, 1996 or 2000?

Sen. The Hon. Dr. A. Browne: Yes. Thank you, Senator. Understood, understood. It is a very good question, Madam President, and fortunately, I do have that data, and I will be sharing with Senators. I will share some during the clause by clause and some during the winding up.

So, let us go to the Bill quickly, Madam President, in terms of the clause by clause. I would want to start with section 2. Clause 4 of the Bill, the amendment Bill, amends section 2 of the Act, principally, to look at the definitions and expand the definitions of certificate and dependent member of the family and to include a new definition for CSME and principal beneficiary, again, making us consistent with our regional partners.

Let us look at clause 4 as well. One of the benefits to the principal beneficiary of a skills certificate is the opportunity for their spouse and dependents to move and live with them in another Member State. I think that is fairly self-explanatory. I can indicate the number of dependents and spouses in T&T from other Caricom states. Between 2017 and 2022, the number of dependents that have come in is 432 and the number of spouses is 417 during that span 2017 to 2022.

Madam President, we can look at clause 5, new section 3(1)(a) and (b). These ensure that those Caricom skilled nationals that are:

- “(a) the subject of a deportation order issued against him under any written law; or

(b) afflicted with any infectious or dangerous infectious disease under the Public Health Ordinance.”

—will not be permitted entry into Trinidad and Tobago.

Clause 5(3), subs (4) to (9) seek to harmonize the protocol for Caricom nationals at the port of entry with the decision of the Heads of Government at their meeting in 2009, the 13th Regular Meeting that all eligible categories of skilled nationals must be granted a definite entry of six months if they present their skills certificate at the port of entry, and they would receive a stamp entitled, “Free Movement Definite Entry Right to Work Verification Required”. We then have six months in which verification would occur and upon verification an indefinite stay will be granted, and the stamp would be entitled then “Free Movement Indefinite Entry Right to Work” and this would be affixed into their passport. At present, they have to come back every six months and, again, it is not fair because we are not confronted with same when we go to Barbados and other Member States.

Madam President, let us go right along to sections 4B and 4C. Clause 6 of the amendment Bill would amend the Act by inserting after section 4A new sections 4B and 4C. The new section 4B would specify the circumstances under which a certificate that was previously verified as being valid, may be subsequently deemed to be invalid. The new section 4C would state what the holder of a certificate needs to do if he is desirous of changing employment outside of the approved categories. I do not know if I should go into more detail. I think we can take that either during the winding up or in committee stage. But I would want the Senate to note that during the period 2013 to 2021, the verification process successfully identified 134 fraudulent skills certificates—so these measures have been applied and do work—with 133 from one Member State and one fraudulent

certificate from another Member State.

Clause 6, 4C(1)(a), regulates the change of employment of the skills certificate holder within categories agreed to by Heads of Government. In this instance, the Caricom skilled national must apply for a replacement skills certificate from the CSME Unit in order to add the new category to their skills certificate, and this is in the spirit of the agreement. The spirit of the agreement is to seek employment within your chosen field. So we have the facility to add an additional category to the skills certificate.

Clause 6, 4C(1)(b), regulates the change of employment of the skills certificate holder outside of the categories agreed to by Heads of Government. In that instance, the national must obtain a work permit from the Ministry of National Security in order to work as required under regulation 10(1) of the Immigration Regulations. So that should be pretty clear.

In section 5, clause 7 of the Bill seeks to amend section 5 of the Act by revoking subsection (2) and substituting it with some new subsections, which would allow the Minister with responsibility for immigration—who we were just hosting a short while ago at the mike—he would be able to revoke the status of a permitted entrant in specific circumstances and subsection 2(d) would allow that Minister to revoke the permission granted under the Act, where the certificate is deemed to be invalid by the Minister of Foreign and Caricom Affairs.

I go to clause 7. Clause 7(2)(a) to (c) grants the power to the Minister responsible for immigration to revoke permissions given to the skills certificate holder under this Act due to threats of national security, public health, public morals and decency and 2(d) grants the power to the Minister responsible for immigration to revoke permissions given to the skills certificate holder, under this

Act, based on the recommendations of the competent authority, the Minister of Foreign and Caribbean Affairs on conditions such as wilful submission of false documentation, utilizing a false or cancelled skills certificate. We have had one case, thus far, of denial for criminal activities. This was—I would not name the nationality—someone who entered as a sports person, but he had been convicted of a robbery back at home and his application was then denied.

Clause 7(9) states that in the instance where permission would have been revoked under this Act, the skills certificate is deemed invalid and cancelled and the Minister of National Security may declare at any time that the skilled national can cease to be a permitted entrant, and then the Immigration Deportation Unit would kick in and a deportation order would be actioned at that point.

It goes to section 8 which is amended. Clause 11 of the amendment Bill amends section 8(1) of the Act, by deleting paragraphs (a), (b), (c) and (f). Paragraph (e) would also be deleted, but substituted with a new paragraph (e) that would allow for the issuance of skills certificates where the issuing authority has been accredited, as I said earlier, by the Accreditation Council of Trinidad and Tobago, and the certificate is recommended to be issued by the University of the West Indies, and I have some further explanations that I could share.

Clause 11(a)(1) to (ea) upholds the ACTT as the body that accredits institutions and qualifications of the applicants for a CSME skills certificate in accordance with the Accreditation Council Act.

Clause 11 (a)(2A) mandates individuals prior to applying for a skills certificate under a category, other than a university graduate or holders of associate degrees, must register and gain certification with the registered competent body approved by the Minister that assesses and verifies the skills of such persons. So, I

want that to be crystal clear.

It must be noted that in the year 2021, the CSME Unit held stakeholder consultations with the key bodies that assess qualifications and register nationals in varying professions in this country. This exercise determined the capacity of our country to facilitate the new categories of skilled nationals, and I have a range of comments from those bodies. They are on board including the National Training Agency, the full range. So, we have done the groundwork for this level of implementation.

Clause 11(a)(ii)(b) effectuates the payment of administrative skills, sorry—administrative fees for a skills certificate as approved by Cabinet in 2008, and agreed that the Ministry of Foreign and Caricom Affairs, at that stage, undertake the requisite action for the introduction of a processing fee for the issuance of skills certificates.

So, Madam President, Cabinet, in June 2021, agreed to charge the following fees and Schedule V of the Act lists the application fees as follows. Application for a certificate, \$750 and replacement of a lost, stolen or mutilated certificate, \$1,000. And, again, that is consistent if you have lost or your passport is stolen or your driver's licence is stolen, there is a fee associated. It is not just a free-for-all.

Clause 11 (a)(2A) allows the Minister the power to amend the fee, the fee Schedule, via negative resolution and approve competent bodies to assess non-academic qualifications. Madam President, currently there are 218 certificates awaiting collection between 2002 and 2022. So some stretch back decades, never been collected, and there would be varying reasons. Additionally, significant revenues have been forfeited, as I have said. We would have forfeited about \$3 million to our Treasury by the non-application of some of these fees. We are now

putting that in place. If you look at the fees across the region, Trinidad and Tobago's fees of \$750 for the application, \$1,000 for replacement, is not extraordinary. It is above the mean, but it is not extraordinary or out of the regional remit.

Section 9A is repealed and replaced. Clause 12 of the Bill would amend the Act by repealing and substituting section 9A of the Act. The new section 9A would be reconfigured to allow the specified categories of skilled nationals to be listed in a new Schedule III, which can thereafter be amended by the Minister by order subject to a negative resolution of Parliament. I expect some debate on the issue of negative resolution. I am very open to the submissions of Senators, and we will come to an appropriate consensus at the end of this debate, Madam President. Sen. Mark asked about skills certificates issued to T&T nationals—

Madam President: Minister, I think Sen. Thompson-Ahye is asking you a question.

Sen. The Hon. Dr. A. Browne: Oh, I am sorry, Senator. I did not see you, please.

Sen. Thompson-Ahye: I have a little difficulty. When you said forfeited just now, having regard to what you said before, did you mean they were foregone rather than forfeited?

Sen. The Hon. Dr. A. Browne: Thank you very much. Your word is much more appropriate. We have foregone about \$3 million in fees that could have come to the Treasury of Trinidad and Tobago. Thank you, Senator, accepted. So to quickly respond to Sen. Mark in terms of Trinidad and Tobago nationals that have been benefiting—

Madam President: Minister, you have five more minutes.

Sen. The Hon. Dr. A. Browne: Sen. Mark, I will have to take that one during the

winding up. I have the information. So, Madam President, there are several security measures in place on the Caricom skills certificate issued by the Government of Trinidad and Tobago and measures to reduce fraud. I just want to quickly focus on clause 13, which would amend section 10 of the Bill by inserting a new subsection (1A) and, this again, has to do with the contingent rights which would allow the spouse of a principal beneficiary exercising his rights and privileges under the Act without obtaining a work permit.

Madam President, the right to free movement of people within the Caribbean community is an essential part of the advancement of a single economic space. The Revised Treaty of Chaguaramas abolishes discrimination on grounds of nationality in all Member States. That has already been established. That is not for us to fight over here today. I am very open, as I said, to proposed amendments during this debate that would help us to achieve this noble objective. In fact, we already have a few amendments which will be treated with at committee stage.

Madam President, I have quotes from Mervyn Assam, I have quotes from Basdeo Panday, I have quotes from Patrick Manning, I have quotes from, of course, our current Prime Minister, Dr. Keith Rowley, all our Heads, all our Prime Ministers, including Kamla Persad-Bissessar, who would have contributed in some form or fashion to the evolution of this process. Today, we as Senators, have an opportunity to take another step.

The CSME is not optional. The CSME is not optional. Trinidad and Tobago has fully committed to it. Today, we take an important step forward, hopefully together, and I humbly request the support and participation of Senators for this amendment Bill. Madam President, I beg to move.

Question proposed.

Sen. Wade Mark: Madam President, could you guide me as to what time I stop?

Madam President: I am sorry. You have 40 minutes.

Sen. W. Mark: And what time do I stop? Just guide me again.

Madam President: I will just let you know.

Sen. W. Mark: Okay. Thank you very much, Madam President. Madam President, the Bill as presented by the hon. Minister of Foreign and Caricom Affairs is a Bill, when we examine in its current incarnation, seems to be extremely troubling and worrying in several aspects, particularly at a time, Madam President, when this country is experiencing high levels of unemployment.

Now, I want to make it very clear from the very outset, Madam President, that the United National Congress is like the progenitor of this movement of skilled workers, because we were the architects literally of the parent legislation that was introduced in 1996 for the free movement of professionals, later on university graduates and even in that Bill we had proposed artistes and musicians and sports men and sports persons and media workers. So, we want to make it very clear from outset that we are committed, as a party, as the alternative government to Caribbean integration, to the Caricom Single Market and Economy, but we have to be conscious of our history and our prevailing reality. Madam President, the Bill in its current form, as presented by the Minister, the Minister talked about consultation with the private sector, but I did not get from the hon. Minister that here was any consultation with some other key stakeholders like the labour movement. I do not know if any consultation was held with NATUC, JTUM, FITUN and civil society organizations. I am not too sure. But the Bill in its current incarnation leaves us worried, leaves us in a state of trouble and we are disturbed, and I will tell the hon. Senate, through you, Madam President, why we are

troubled.

This measure that is before us today, Madam President, seeks to expand the categories of workers under Schedule III of the legislation. And I want to make the point very, very clear, that there has been no consultation. What we do have is a report from the Foreign Affairs Committee of this Parliament, which would have been chaired by the hon. Minister of Trade and Industry back in 2019, and they had made certain findings and certain recommendations. That is the only consultation that we would have had in this Parliament on the Caricom Single Market and Economy.

3.30 p.m.

So we want to say very, very clearly from the outset that the Bill in its current form should go back to the drawing board. We believe that at this present time, when I looked at several reports, particularly the one coming out of the JSC on Foreign Affairs, one of the findings of that JSC was that there was need, hon. Madam President, through you to the hon. Minister, for a market information survey, literally what is called a manpower study on our gaps in Trinidad and Tobago. And I did not get from the hon. Minister, Madam President, that there was any manpower study, any labour market survey information report identifying the gaps between supply, and demand for labour. Let us be clear, Madam President, according to the NIB report of 2021, we have over 131,000 people unemployed, just coming from the NIB report. And when we look at the rough estimates in this country, we could be anywhere between 150,000 to close to 175,000 people unemployed in Trinidad and Tobago.

So whilst we are for Caricom and the Single Market and Economy, whilst we are for Caribbean integration, we must put the national interest first. We must

see about our people who are unemployed—

Hon. Senators: [*Desk thumping*]

Sen. W. Mark:—in Trinidad and Tobago first. So, Madam President, I raise this very early to let you know that we in the United National Congress do have serious reservations about what is before this honourable Parliament today. And I would have thought the hon. Minister would have taken a few moments off to go into clause 4(a) of this Bill. And I do not know, the legal luminaries in this Chamber may be able to guide us. Madam President, I am sorry that you are not on the floor because I am sure you would have been able to guide us on this one.

Madam President, hear what we are proposing in 4(a):

“...after the words, ‘In this Act’...”

—we are being told that the Government is introducing the following words:

“...unless the context requires otherwise’;”

Now, I would like the Minister of Foreign and Caricom Affairs to explain this to us because if we are being guided by the protocols of Caricom and if all the standards, the protocol, the qualifications necessary for entry into our country, we would need to know, Madam President, exactly what that definition means. The Minister would need to explain to us what that means because we are very worried about the flexibility of this particular provision in the legislation. Would that be able to give the Government the opportunity to redefine and to give wider interpretations to definitions, Madam President? We do not know. But that is an area that we are very concerned about, Madam President. So, Madam President, definitions and process, very critical in this matter that is before us.

Madam President, I want to rush quickly to Schedule III of the Bill that is before us which is headed, “Qualification Requirements Deemed to have been

Satisfied”. And I am asking the Minister if the Government is serious about the Caricom Single Market and Economy and they are serious about what they have brought here today, the Government must be able to put into this legislation or in the appendices of this legislation—and not regulations because you have already removed parliamentary oversight, Madam President. Where we had “affirmative”, they have removed it and put “negative”, where we would have had, Madam President, an oversight role to play. What informed the Government’s thinking in that regard, the Government would need to clarify. But, Madam President, there is something called the Caribbean Court of Justice and it has original jurisdiction and it also has, for those who have joined it, appellate jurisdiction and functions.

Madam President, would you believe that since the Caricom Heads of Government took the decision in Port of Spain, St. Ann’s—they call it the St. Ann’s Declaration—to incorporate new categories—and, you know, the Minister did not tell us, but I would like the Minister to tell us, Madam President, in the declaration which I have before me—in 2018, this conference was held, a special conference of Heads of Government on the 3rd and 4th of December, 2018. Madam President, you know what was stated in this declaration and the hon. Minister is yet to tell us if this is true? It states:

“We will include Agricultural Workers...”—that is here—“Beauty Service Practitioners...”—that is not here—“Barbers...”—that is not here.

So, Madam President, you understand our dilemma in terms of definitions because here we have in (g), under Schedule III, something called:

“an artisan qualified with the Caribbean Vocational Qualification or equivalent;”

Now, the Minister did not explain to us, Madam President, what is an artisan

but we know that when you look at the dictionary meaning, it is as broad as it is wide in terms of the skill sets and that dexterity and craftsmanship that is utilized by the hands of an individual. Of course, it is knowledge-based, it is critical, but he operates with his hands, Madam President. So a joiner, a carpenter, a construction worker, as an example, Madam President, a barber, all of these workers will fall under this category of “artisan”. But, Madam President, we have no definitions in the legislation dealing with these categories so that you and I, and Trinidad and Tobago would be able to understand and there will be no equivocation, no disequilibrium, no misinterpretation of the legislation.

So, Madam President, if you go to Schedule III, you will see:

- “(a) an artiste;
- (b) a musician;
- (c) a sports person;
- (d) a media worker;
- (e) a professional nurse;
- (f) a teacher;
- (g) an artisan qualified with the Caribbean Vocational Qualification or equivalent;
- (h) a holder of an Associate Degree or equivalent;
- (i) a domestic worker with Caribbean Vocational Qualifications;
- (j) an agricultural worker; or
- (k) a security guard.”

Madam President, what is the Government’s employment policy in Trinidad and Tobago? What is the Government’s labour market information system policy? Madam President, are we going to facilitate an arrangement where, as the Minister

pointed out, there are persons who can come and remain for six months in the first instance whilst they are settling in and seeing about their papers and getting the approvals from the relevant authorities, and then once they are through with that they go to the immigration authority and they are stamped on their passport, “indefinite”? So there are people who are coming here, according to this legislation before us, who are going to be here for a definite period of, let us say, six months, pending approval and thereafter, Madam President, you will be able to be here for an indefinite period.

And what does that “indefinite period” mean? It means, Madam President, that you can be here like how I am here. You can be here as a citizen literally for the rest of your life. That is what “indefinite” means. You will be entitled to work, so you get gainful employment. You will be entitled to own a home, so you own a property. You would be entitled, Madam President, to be able to engage in business through establishments. So if you are self-employed, like a barber or a beauty practitioner, you can become self-employed and open your own business and operate in this country.

But, Madam President, that is not all. The Government must tell this country very openly, when citizens from other countries arrive in Trinidad and Tobago—and as the Minister said, Madam President, if you look at the legislation, you will see the spouse of that individual in the definition section. You will see, Madam President, the unmarried children or children who—children would be involved; you will have persons 18 years and under, 18 years and over involved in the family arrangement given the definition that we have been supplied with. We were told in a report—and the Senator and the hon. Minister is here, the Minister of Trade and Industry—in the report submitted by that Committee, we were told that 4,000

skilled certificates were issued up to the time that they had submitted their reports by the Ministry of Foreign and Caricom Affairs to persons who had come from outside of Trinidad and Tobago, that is, Madam President, coming from other Caricom States.

So, Madam President, let us deal with some specific sections of the legislation that we want to bring to your attention and this honourable House. Madam President, I take you to clause 4(c) of the legislation, (iii). That is in the definition section. So the first area that I told you, Madam President, that we had concerns about is clause 4(a). We do not support this addition that is added after:

“...‘In this Act’...‘, unless the context requires otherwise’;”

We do not support that whatsoever.

[MR. VICE-PRESIDENT *in the Chair*]

Mr. Vice-President, if you go to 4(c)(iii), you are going to (A), it says:

“certified by a medical practitioner...”

Madam President, we need to do know—Mr. Vice-President, rather—when we talk about a medical practitioner, Mr. Vice-President, are we talking about a medical doctor, Sir? Are we talking about a nurse? Will it be a doctor from the public sector or the private sector? We need to have that clarified. Mr. Vice-President, if you go to clause 5, 4(1), we are talking about Caricom countries—

Sen. Dr. Browne: Sen. Mark, would you be willing to give way?

Sen. W. Mark: Yes. You could go ahead.

Sen. Dr. Browne: I see you remember that I was as generous with you. Mr. Vice-President, through you, I just wanted to seek clarification from the Senator as to whether he is unclear as to what a medical practitioner is and he is of the view that that includes a nurse. I just wanted to clarify that. Thank you.

Sen. W. Mark: What I am saying, Mr. Vice-President, is that these definitions—you see, unless there is clarity in the definitions, this matter before us is subject in the parent Act, 9A, to the interpretation of the Minister. The Minister has the final say in determining what is a skilled Caricom national. So there must be clear definitions in the legislation. And that is why I said, Mr. Vice-President, all these terms that we have used in this legislation in Schedule III, we need to put those things in the legislation; what is an artiste, what is a musician, what is a sportsman, what is a media worker, what is a security worker, what is an agricultural worker, what is a domestic worker. We need to be clear in our minds in this Parliament. So if this thing is challenged in the courts, there must be proper interpretations and you cannot leave it up to a Minister to interpret what a skilled—whether a Caricom skills certificate, rather, should be issued to this one or the other. So that is the point we are making, Mr. Vice-President.

Mr. Vice-President, I do not want to alarm you or this honourable House but if someone is coming here for an indefinite period and they are bringing their spouse, their mother, their father, their children, their grandchildren, all as dependent under the legislation, we can have a serious problem here in this country. We need to clarify these issues from the outset. And, Mr. Vice-President, the most important point I am emphasizing is that the Government is not ready for this piece of legislation. Trinidad and Tobago is not ready for this. There is no manpower audit. There is no manpower study. There is no labour market study so we do not know, as we speak, how many agricultural workers do we need in Trinidad and Tobago to come from Caricom, how many domestic workers do we need in Trinidad and Tobago to come from Caricom, how many nurses do we need to come from Caricom, how many teachers do we need. The Teaching Service

Commission has a surplus of over 2,500 teachers waiting to be interviewed because there is no job for them. So the point about it, Mr. Vice-President, is that we need to be very clear in what we are doing and we are not going to be part of any arrangement because there is some commitment to go that route. No, Mr. Vice-President. We are saying that the Government of Trinidad and Tobago is not ready for this particular legislation as we speak.

Mr. Vice-President, I want to go on again to this question about “indefinite” under clause 5, 4(1) of our legislation. Now, this question of access to persons and categories of workers and their employment status and other biodata—very pertinent—would be very useful in us understanding how this particular section is going to operate and how that section is going to be interpreted. Mr. Vice-President, under our Representation of the People Act, I want to ask the hon. Minister to go to sections 12 and 13. Minister, through the Vice-President, you may not be in that direction but under Part II, “Franchise and Registration”, it says that persons who are:

“...qualified to be an elector for...Parliamentary election, a Municipal Council election or the Tobago House of Assembly election...has”—to be—
“resided...”—or has to have been living in this—“electoral district for...at least two months...”

However:

“...the qualifying date...”—according to the Representation of the People Act, it says you have to be:

“(a) ...a citizen of...”—T&T—“eighteen years or upwards; or

(b) is a Commonwealth citizen, other than a citizen of Trinidad and Tobago, of the age of eighteen years or upwards who has resided in

Trinidad and Tobago for...at least one year immediately preceding such date, and who..."—according to this—"for a period of one year immediately preceding such date..."

Mr. Vice-President, I raise this question because I want to ask the Minister, through you, hon. Minister, through you—through the hon. Vice-President, when a person from Caricom settles here for more than one year, in accordance with our Act, would that person be entitled to vote in this country or is that person prohibited from voting in this country? If the person is qualified as an elector, as identified in this section of the Representation of the People Act, I am putting it to this honourable Senate and to the Minister that that person would be entitled to exercise his franchise and vote in a general election, in a local government election and in the Tobago House of Assembly election.

What we are saying, Mr. Vice-President, Trinidad and Tobago is not ready for this piece of legislation at this time. Those categories, 11 categories that we are talking about, Mr. Vice-President, will impact on our own nationals in this country. How do we explain to the youth who is a barber, who is a joiner, who is a carpenter, who is a mason in the East-West Corridor that he is now going to be subject or subjected to Caricom because there are people who will be coming in here because the Government has failed to do the manpower study required in order to protect your interest?

So, Mr. Vice-President, I go on to clause 10, 7A(1), (3), the Minister said that this is already in operation, the identification of a senior officer at the CSME Unit with responsibility for the CSME register. When we say a senior officer, Mr. Vice-President, who are we talking about? Who is considered a senior member or officer? Is this a public servant, Mr. Vice-President, or is it a contract worker?

Does this person report directly to the Permanent Secretary? What is the reporting process to the Parliament? How is this CSME Unit going to be resourced and is there going to be an adequate budget?

Mr. Vice-President, in clause 11(a)(ii), the Accreditation Council of Trinidad and Tobago is mentioned but you know what is not mentioned? The National Training Agency. But this agency is supposed to be—the both agencies, the Accreditation Council and the National Training Agency, hon. Mr. Vice-President, through you to the Minister, should be the designated authorities to recognize qualifications. But whilst the Minister mentioned the National Training Agency in his presentation, there is no representation for the role of the NTA in the legislation. So we are advancing that if the Government wishes to go forward, you have to take into account the role of the National Training Agency because the National Training Agency has responsibility for awarding and recognizing what is called the CVQ, that is the Caricom Vocational Qualification, and the Government needs to pay attention to that particular responsibility, Mr. Vice-President.

We would like to know under this section, what was the degree of consultation? Was there consultation with the Accreditation Council and the NTA? The Minister gave the impression that there was. Mr. Vice-President, we go to clause 11(2). The applicant for a CSME certificate does not have to register or obtain certification. Instead what would be required is that his qualification is recognized or assessed by the Accreditation Council or the National Training Agency. So we have in clause 11(2) where the Caricom Single Market and Economy skills certificate is being given to someone and we are saying it has to be registered or obtain certification. We are saying, no, that is the responsibility of ACTT or NTA.

When you go to clause 13, Mr. Vice-President, we see the spouse of the principal applicant should also be required to apply for a CSME skills certificate or work permit if the person is desirous of working. The question here is this, if the principal beneficiary is to apply—the question that we need to clarify, should the spouse not be required to apply for the skills certificate or a work permit if the person is desirous of working or should that person be allowed, Mr. Vice-President, to work without getting that skills certificate?

4.00 p.m.

Mr. Vice-President, we need to clarify these matters with the Minister. This matter before us is extremely—

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

Sen. W. Mark: This matter before us is extremely serious and, therefore, when we look at all the legislation in the Caribbean, we are seeing the Government, with this piece of legislation before us, is going contrary to several Caricom countries' legislative frameworks, and the Government is introducing measures that are contrary to both the spirit and the letter of this arrangement.

So in the five minutes I have, let me make it very clear that the United National Congress at this time will not be able to support this legislation in its current form. We do not believe that the time is propitious for such a piece of legislation to be introduced and to be passed in this Parliament. We think and we believe that because of the high unemployment situation in our country, the absence of proper data gathering by the Government and making it available to this Parliament, we are not being provided with any information as it relates, Mr. Vice-President, to the gap between demand and supply for labour in the various categories that have been outlined in Schedule III.

So we are being asked to approve a cheque, sign a blind cheque literally, and allow the Government through the Minister to determine thereafter who will be given a Caricom skilled certificate, to redefine the definition in accordance with 4(a) that we have before us, so that the Minister will be able to say, “You can be a skilled worker. You can be in Schedule III of this legislation. Mr. Vice-President, the Minister, in accordance with the legislation before us and his power, the Minister can alter Schedule III all by himself, without any oversight of the Parliament. How can we sit here and support this? How can we stand here and support this?

The Minister in the legislation has the power to redefine these categories, as we have it in Schedule III. So this is a recipe for confusion, for chaos and for literally opening the floodgates of this country. And at this point in time, with the high levels of unemployment, with the Government not providing this Parliament with a manpower study, in the absence of a labour market study before this honourable Parliament, we cannot really give—we cannot anticipate or appreciate this particular measure that is before us.

That is why we are saying to the Government, if there is a shortage of labour in the country, let us fill those gaps. Let those persons that we have here in Schedule III come in and fill those gaps, but it must be done professionally, Mr. Vice-President. This is why we are calling on the Government not to proceed with this measure at this particular point in time. We believe that the Government needs to go back to the drawing board and look at this measure very, very closely. Have proper consultation with all the relevant parties and stakeholders, Mr. Vice-President, to ensure that Trinidad and Tobago is not in any way being short changed, given what is before us.

So, Mr. Vice-President, with those few words, I thank you for the opportunity.

Mr. Vice-President: Sen. Thompson-Ahye.

Sen. Hazel Thompson-Ahye: Thank you, Mr. Vice-President, for the opportunity to join in this debate. First of all, I wish to extend best wishes on this International Women's Day to all the women in the Senate and the women following the debate on Parliament's various channels of communication.

The original Immigration (Caribbean Community Skilled Nationals) Act, as well as this amendment Bill 2022, had its origin in the Revised Treaty of Chaguaramas, which established the Caricom Single Market and Economy. This Treaty was signed by the Heads of Government of the Caribbean Community on July 05, 2021, at their 22nd meeting of the conference in Nassau, the Bahamas. Ironically, although the Treaty was signed in the Bahamas, Bahamas has not enacted legislation that facilitates free movement of Caricom nationals to seek work and/or engage in gainful employment in all Caricom States.

I was a little confused, because I did hear the Minister say all States. So I would like to know if that has changed. I do not envisage Bahamas changing, but if it has changed, I would be happy to hear that. Maybe because the present Prime Minister has a Trinidadian wife, but I have not heard that it has changed.

Now, this amendment Act and the parent Act is about facilitating free movement of Caricom nationals to seek work and/or engage in gainful employment in all Caricom States—except, of course, the Bahamas. So Caricom nationals with university degrees, or who are artistes, musicians, media workers, sports personnel, teachers and nurses can apply for a Certificate of Recognition of Caribbean Community Skills qualification, and then seek work and/or engage in

gainful employment in a Caricom State—as I said before, except for the Bahamas—without the need for a work permit. I did hear the Minister say this afternoon that we are contemplating extension of the categories of workers to include agriculture workers and barbers and so on.

This permission, which is given to a qualified Caricom national who holds a skill certificate from a qualifying Caricom State, is extended also to the spouse of the person who is called the “principal beneficiary”. Holders of a skill certificate can, as we have heard, acquire property in the Caricom country to use as a residence, or for that person’s business, and their children and dependents have freedom to leave and re-enter the State without further permission.

Now, I have a vivid recollection of a picture on the front page of a newspaper in the Bahamas in 2002. Now I do clippings, so I probably still have it home. It was a drawing of matchstick men carrying suitcases on which were written the names of Caribbean countries, save the Bahamas. So they were all carrying their suitcases and, supposedly, they were heading to the Bahamas, and that picture captured the fear of Bahamians that the rest of the Caribbean would overrun their small country in their quest for a better life. It is strange that I heard this afternoon the Opposition Senator expressing the same kind of fear that is not normally found through the rest of the Caribbean, but we do not know. Things may be changing that I am not aware of.

I regard Caricom as the Caribbean’s answer to the European Union, which is a political and economic union, on a much grander scale of course. Europe is now torn apart by war, and for me that is very painful. As convener of the International Society of Family Law Jubilee Conference, I have accepted proposals from judges and law professors and lawyers from 30 European countries, as well as Africa and

so on, who wish to speak at this conference, which will take place for the first time in the Caribbean in July 2023, and three of my speakers are from Russia and one from the Ukraine. So my heart grieves as I think of the suffering they must be experiencing.

Women and children always become casualties of war, suffering unimaginable atrocities, and I say today an urgent need for a modern day Lysistrata, Aristophanes' heroine who led women in a strike to force their husbands to cease waging war, and that play that we put on in UWI of Lysistrata, I will suppose now we would be charged under the Sexual Offences Act for some of the things that were portrayed. Now to the Bill.

It seeks to amend again the Immigration (Caribbean Community Skilled Nationals) Act, to among other things expand even further, as I said before, the categories of skilled nationals from other qualifying Caribbean Community States, who can enter Trinidad and Tobago under the Caricom Single Market and Economy regime. Previous changes have been made to this Act to expand the categories of skilled workers, to increase the list of accredited institutions and for other purposes.

Clause 4 of the Bill amends section 2 of the Act in various ways. It inserts the words, "unless the context requires otherwise", and differently from the last speaker, I see this as preparing us for a careful reading of the section to note exceptions perhaps to a general rule. It does not arouse in me any fear of things to come, but I want to understand what is happening, so I am going to read a bit more carefully. The name "certificate" is made more specific by adding words, thus giving a special title to the certificate, namely "Certificate of Recognition of Caribbean Community Skills Qualifications", set out in part of Schedule II. This

makes it readily apparent what the term “certificate” refers to when it is used.

The definition of “dependent member of the family” has been amended, and is more specific. The proposed definition of a dependent who is a child reads as follows:

- “(a) an unmarried child of a principal beneficiary, including an unmarried child of the spouse of a principal beneficiary, who is—
 - (i) under the age of eighteen years;
 - (ii) under the age of twenty five years and attending school or university fulltime; or
 - (iii) over the age of eighteen years and is—
 - (A) certified by a medical practitioner as suffering from a disability; and
 - (B) wholly dependent on the principal beneficiary as a result of the disability;”

Now, Mr. Vice-President, my question is: Where in this definition does it cater for a child who is over the age of 18 years and wholly dependent on the principal beneficiary, but is not attending university because that child decides, with the parents’ agreement, to have a gap year? Is that child placed in limbo now? I think this new definition is not an improvement on the former, which at (b) included in the definition of a child, a child over the age of 18 years and wholly dependent on that person for his subsistence. Perhaps the Minister can enlighten us as to what violence the present definition did to the existing regime that we feel the need the change it.

Now, the applicant who presents a skill certificate to an immigration officer, along with his Caricom passport, is granted a temporary or provisional stay in the

Caricom country for six months, while his documents are being verified and, thereafter, will be granted an indefinite stay in that country and can enter and leave the State as he chooses, in the same way as a citizen of the country.

Mr. Vice-President, the amendment to the definition of a “dependent” who is not a child, is another worrying aspect for me. Such a dependent is defined in clause 4(b) as:

“a parent of the principal beneficiary who is wholly dependent on the principal beneficiary for subsistence;”

Although there is clause 4(c) which states:

“any other person declared by the Minister, by Order, to be a dependent member;”

My question is, why this wording? Why can a parent of the spouse of the principal beneficiary or other relative not be deemed a dependent without more? Why this added level of bureaucracy? I invite you to examine the meaning of “dependant” in the Barbados law. Section 2(d) of the Barbados (Caribbean Community Movement of Skilled Nationals) Act 2004-13, include the definition of dependent:

“any other relative who is by reason of age or any infirmity of body or mind wholly dependent on the Community national for subsistence;”

So this way we do not have a situation where it is only the parent of the principal beneficiary. So your mother could come, but my mother cannot come, it could create some kind of friction in the home, especially if the other person, the other parent who does not come within the ambit of the legislation, is the one who should be there.

The St. Christopher and Nevis Act, which I mentioned earlier says, again:

“Any other relative who is by reason of age or infirmity of body or mind

wholly dependent on the Community national for subsistence.”

The St. Christopher and Nevis Act, which I mentioned earlier, simply states in section 4:

- (1) “Notwithstanding the provisions of any other law, an immigration officer shall, subject to sections 5, 14, and 16 of this Act, permit a national to whom this section applies and any dependant of that person to enter and remain in the Federation...for a period...”—not exceeding six months.

So “any dependant” it says, and it does not specify just one dependant.

Grenada’s Caribbean Community Skilled Nationals Act, Chap. 39B, at section 11(1), under the rubric “Spouses and dependent family members”, state:

“The spouse and dependent members of the family of the holder of a certificate under section 6(2) shall, notwithstanding the provisions of any other law but subject to section 16...—section 16 now is the area that deals with fraud on the application for the certificate—not be subject to any restriction on freedom of movement, including the freedom to leave and re-enter Grenada without further permission, which would not apply if that spouse or dependent family member were a citizen of Grenada.”

So it seems to me that these examples that I am putting forward of what obtains in the other jurisdictions makes things simpler. So I think we do not subscribe to the K.I.S.S principle, “keep it simple”. I know what the next letter stands for. So that let us try and see if we can get it done that way.

Now, sadly, Trinidad and Tobago is the only jurisdiction with a law that does not demonstrate our ability to recognize that dependent when spelt with an “e” is an adjective, and when spelt with an “a” is a noun. So please review clause

10, which amends section 7.

Clause 6 introduces a new section, namely, section 4B(b) into law. It set us out the circumstances under which a valid certificate may be deemed invalid. I have a difficulty with 4(b), and 4B(1)(b), but not with (b), (c), (d) or (e), and (b) says:

“It is subsequently discovered that the holder of the certificate was previously convicted of a criminal offence in the qualifying Caribbean Community State in which the certificate was issued; or

(d) the holder of the certificate was subsequently convicted for a criminal offence.”

So I will ignore that one, and just deal with the one where previously is being dealt with.

My view is that this provision is too wide. To be more precise, it is too draconian. The term “criminal offence” covers a multitude of sins. Are we adopting the same punitive approach for minor criminal offences as for serious crimes? What period of time does previously convicted cover? Do we recognize the concept of rehabilitation? If a man pays the price for his crime and does the time, must he continue to be prevented from earning a living, of contributing to society by use of the opportunity presented by his acquisition of a skilled certificate and subsequent employment? This provision raises these questions for me.

For a society that celebrated my dear departed friend, Wayne Chance, a self-confessed convicted prisoner whose contribution to our society through Vision on Mission was recognized locally and internationally, and a society that admires and appreciates another ex-convict, the popular Garth St. Clair, co-host of *Eye on*

Dependency, are we seriously going to enact a law to debar persons like these from sharing their talents and skills within the Caricom region? Have we considered the implications of such a provision, and what it says of us as a people? And during Lent too, you know, when penance and forgiveness should be uppermost in our minds. I suggest we think again.

To aid our deliberations, I commend to you for your consideration the manner in which some other Caricom countries dealt with the issue of undesirable persons coming into the country through the use of a skill certificate. I am presuming, of course, that that is a mischief that this clause was intended to address, namely, to keep out undesirables.

I refer here to St. Christopher and Nevis, or St. Kitts as we usually say. In their section 5(1)(d) of their Caribbean Community Skilled Nationals Act, Chap. 25:04, of the revised edition of the laws of St. Christopher and Nevis, it reads:

“Subject to subsection (2), an immigration officer shall not permit a Caribbean skilled person or any dependant of that person to enter into the Federation if that person—

(d) is, from information or advice, which in the opinion of the Minister is reliable information or advice, deemed by the Minister to be an undesirable inhabitant of, or a visitor to, the Federation;”

So what I am advocating is that a determination as to whether a person is an undesirable inhabitant of Trinidad and Tobago, should be made after consideration of information and advice of the present circumstances and character of the person, rather than there be an automatic denial of entry based on a past conviction.

Another troubling provision—and troubling is an euphemism for what I really want to say about clause 18—clause 18 amends the Act to insert a section 17

to address the case of a divorced spouse of the principal beneficiary thus, and “ah” going to read it slowly:

“Subject to sections 5(2) and 10A where the spouse of the principal beneficiary is living or has lived with the principal beneficiary for a continuous period of five years or more and is subsequently divorced from the principal beneficiary, the spouse and any dependent member of family of the spouse at the time of the divorce, shall continue to enjoy the rights and privileges conferred by this Act.”

Mr. Vice-President, I have two problems with this clause. One, spouse. First, there is the definition of “spouse” in the Act, and from the context—“yuh hear dat, from de context”, because the Act uses the word “divorce”, the word “spouse” can only refer to a married person. I consider the definition too narrow.

It is also at odds with our Domestic Violence Act, Chap. 45:56, which defines “spouse” as including, inter alia, a cohabitant or a former cohabitant. I do not expect a person with a skill certificate, moving to another qualifying Caricom country, to take with him or her a former spouse or a former cohabitant. Though stranger things have happened, some persons are gluttons for punishment, or it may very well be a matter of convenience, as the former spouse or cohabitant is the caregiver of a child whom the principal beneficiary does not wish to leave behind. They come as a package deal.

In the case of a current cohabitant though, I expect that a person may wish to move with a current cohabitant. We must understand that some people are just allergic to marriage, or they may have a real phobia for marriage, so they will have all the cohabitants, but no wives. We have to deal with that, and our Act has done with that.

It seems Government may have forgotten that since 1998 we enacted the Cohabital Relationships Act, and we also have the Distribution of Estates Act. So we do recognize in law a union other than marriage. We have granted a cohabitant status and rights. In the circumstances, it is only fitting that “spouse” be redefined in the Act to include a cohabitant.

I must mention here that there is precedent regionally for defining “spouse” to include “other than a married person”. Jamaica’s Caribbean Community (Free Movement of Skilled Persons) Act and Barbados’ Caribbean Community (Movement of Skilled Nationals) Act, both define “spouse” in identical terms, as included I read:

- “(a) a single woman who has lived and cohabited with a single man as if she were in law his wife for a period of not less than 5 years immediately preceding the date of the application under this Act;
- (b) a single man who has lived and cohabited with a single woman as if he were in law her husband for a period of not less than 5 years immediately preceding the date of the application under this Act;”

I recommend, therefore, not only that we include “cohabitant” in the definition of “spouse”, but also that we define “cohabitant” and “cohabitation relationship” as defined in the Cohabital Relationships Act, Chap. 45:55, of the Laws of Trinidad and Tobago, namely:

“‘cohabitant’ means—

- (a) in relation to a man, a woman who is living or has lived with a man as his wife in a cohabital relationship; and
- (b) in relation to a woman, a man who is living with or has lived with a woman as her husband in a cohabital relationship;

“cohabitational relationship” means the relationship between cohabitants, who not being married to each other are living or have lived together as husband and wife on a bona fide domestic basis;”

So our definition, as we can see, is more liberal than what obtains regionally. The other jurisdictions specify a single man and a single woman. We chose to create a law to accord with the reality of life, living in sweet Trinidad and Tobago, and should abide by it. The moral door was shut a long time now; we “cyar” go back there.

The other part now is five years living with a principal beneficiary. I have to drink some water for this.

Hon. Senators: [*Laughter*]

Sen. H. Thompson-Ahye: The requirement for five years continuous living together with a principal beneficiary, I find rather curious. Is it that our Legislature is now planning to engage in an exercise of authenticating the validity of marriages? That is how it seems to me. It would appear that Government is embarking on an exercise to determine whether the spouse of the principal beneficiary entered into a marriage of convenience, or a sham marriage, to gain the benefits accruing to the spouse of a principal beneficiary of the skill certificate. What a suspicious thought.

Suspicion must be the new contagious disease because later everything “de Government” does, however praiseworthy, is regarded by a very vocal but increasing minority with a suspicious eye. “There must be an ulterior motive”, is what town says. Now, it seems even “de” government may be infected with this disease.

I recall when someone applied for citizenship in the US after her marriage,

she was strongly encouraged to submit photographs of her and her husband before her interview. She had to show evidence of a very happy marriage. This objectionable provision also reminds me of when I applied for my very first United States visa, way back when, as a young school teacher. The consular officer looked at my letter of invitation accompanying my application, and very, very sarcastically asked me, “How do I know you are not going to remain in the United States like your cousin Bernadette?” I regarded him with a frosty stare, and in an icy tone responded, “I love my country”. Sufficiently chastened, he replied, “Return at 3.00 p.m. for your visa.” I nodded and I left.

https://www.google.com/search?q=International+Society+of+Family+Law+Jubilee+Conference&rlz=1C1GCEU_enTT922TT922&oq=in&aqs=chrome.0.69i59j0i67j69i57j35i39j0i67i131i433j69i60i2j69i61.3861j0j7&sourceid=chrome&ie=UTF-8define:Lysistrata - Google Search

<http://www.ttparliament.org/legislations/b2022s03g.pdf>

[http://104.238.85.55/en/showdoc/cs/186A#:~:text=An%20Act%20to%20remove%20the,Treaty%20and%20for%20related%20matters.&text=This%20Act%20may%20be%20cited,Movement%20of%20Skilled%20Nationals\)%20Act.](http://104.238.85.55/en/showdoc/cs/186A#:~:text=An%20Act%20to%20remove%20the,Treaty%20and%20for%20related%20matters.&text=This%20Act%20may%20be%20cited,Movement%20of%20Skilled%20Nationals)%20Act.)

[glcskn.info/wp-content/documents/Act17TOC/Ch-25_04-Caribbean-Community-Skilled-Nationals-Act.pdf](http://www.ttparliament.org/legislations/b2022s03g.pdf)

<http://www.ttparliament.org/legislations/b2022s03g.pdf> (site was not reachable)

https://aglcskn.info/wp-content/documents/Act17TOC/Ch-25_04-Caribbean-Community-Skilled-Nationals-Act.pdf

<http://104.238.85.55/en/ShowPdf/186A.pdf>

4.30 p.m.

When I recounted the incident to my father lately, my dad said, “Child, you

could not say thanks?” He really tried with me, you know. Later the US redeemed itself by my participation in an international visitors programme to travel through the US for six weeks to observe its legal protection of women.

This new section seeks to disallow a spouse from continuing to enjoy the rights and privileges conferred under the Act:

“...where the spouse...”—failed to live with—“...the principal beneficiary for a continuous period of five years or more...”—prior to the date of the divorce.

Is this a fair provision? I think not. I do recall that sometime ago women were given seemingly sage advice to choose their partners carefully. But the adviser probably never met a Jekyll and Hyde character who was sweet, sweet, sweet until he put “de” ring on “de” finger which he saw as ownership bestowed. Then, as they say, he “turn beast”. Or perhaps it was the signal for his true colours, though carefully hidden, to come shining through.

Mr. Vice-President, this provision should be removed. It is dangerous. It can force a woman to remain in an untenable situation, a situation of domestic violence even for five years, a circumstance from which she may not emerge alive. Should the law force her to remain in a situation of domestic violence when even Singing Francine advised her to put wheels on your heels? I think not.

Deceased Prime Minister of much revered memory George Chambers would have said, this clause is too wicked. Not a single vote for it. But he would not have said “single”, eh. I can find no parallel provision in any other Caricom State. On the contrary, what I found is a provision in the requirements for a green card for a permanent residence in the United States. The Violence Against Women Act of the United States amended their Immigration and Nationality Act to allow certain

spouses and children a permanent residence which is the green card holder's to file a petition for themselves without the abuser's knowledge. This allows victims to seek both safety and independence from the abuser who is not notified about the filing. So the United States looked at protection and we are looking at punishment.

And what of the situation of an innocent wife who is divorced by her husband who has entered a new country and fallen prey to a brazen Caribbean hussy? I met some of them on the prowl in a Caribbean island and I can say, they not easy. Well, I will save my stories for outside of the Parliament Chamber.

Today is International Women's Day and this provision, if enacted, can have negative consequences for women more so than men. I have dressed in the colour purple, the preferred colour for International Women's Day, to plead with my senatorial colleagues to join me in having this clause expunged from the Bill.

Mr. Vice-President, the Caribbean Court of Justice in a judgment in the case of *Cabral Douglas v Commonwealth of Dominica* 2017 CCJ 1 (OJ) has taken pains to explain who has legal rights to bring a claim for infringement of rights and benefits under Article 45 and 46 of the Revised Treaty of Chaguaramas which deals with the movement of skilled community nationals. The question of discrimination against Caricom nationals is also discussed in some depth. And I would commend this very interesting and enlightening judgment to all. Time will not permit a discussion here because we may very well have cause for litigation. So be prepared.

Now, impacting also on some of the things that we have looked at is the Sustainable Development Goals and we were taught that we must always look at the Sustainable Development Goals when we are looking at new legislation. So I looked at Goal 8 of the Sustainable Development Goals as being relevant. And

Goal 8 speaks about:

Promoting—“...sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all...”

And this skills certificate is a means of doing just that. And as a member of Caricom we should do all we can to facilitate this aspect of the treaty and remember that it is not moving only to our country but moving outside of our country as well.

Goal 5 I also thought was relevant of the Sustainable Development Goals. And we talk here about achieving gender equality and to empower all women and girls. And we have seen earlier about how women can become disempowered by our not using the treaty properly. So all of these things we need to look at. And also 11 of the Sustainable Development Goals to:

“Make cities and human settlements inclusive, safe, resilient and sustainable.”

To support:

“11. a...positive economic, social and environmental links between urban, peri-urban and rural areas by strengthening national and regional development planning.”

So all of these things that we only talk about, we have to find ways of giving life to them when we create legislation.

Now, I am ending now with the hope and knowledge and the sincere belief that we want to get it right. We want to put on our law books, laws that are well-thought out and fair to all and beneficial to all who deserve and qualify to benefit from them. The movement of skilled persons in Caricom is happening more and more. We have many nationals out there in various Caribbean countries. I go

around the Caribbean from time to time and sometimes I meet people and I say, “Aye, but I did not even know you were here”. I remember telling Prime Minister Gonsalves, “This person that you have here, this Trinidadian woman, I would like her to come back home because she is doing so much for your juvenile justice programme”. She is extremely talented. We did a workshop and, you know, I was very impressed with her. And he said, “I am sorry. I am not going to let her go.” So there are people who are doing wonderful things in the countries outside in the Caribbean and people who are doing great things here as well. So we have to share the talent around. We need to embrace our Caricom brothers and sisters and their families and they us. We must be welcoming and be cognizant of the golden rule: Do unto others.

Some of us are old enough to remember all too well the emotions aroused by Antigua’s King Short Shirt, “Tourist Leggo”. Remember that? “Tourist Leggo”? Well, this is a Parliament here so I cannot demonstrate or sing for you that calypso that had people shaking up and down the place. Our insular approach to who can win our Road March competition—do you remember that? It was a big fight. And some would secretly relieved when, in fact, what happened is, Calypso Rose eventually won with “Tempo”.

I also learnt that there was time when a foreign tune won the Road March, the “Happy Wanderer”, “valderi, valdera” when it was adjudged the Road March. Now, I agree with Brother Resistance, that we must protect and care for our culture. But we must also see that opening up to other influences, educational and cultural can enrich us all. Are we truly prepared to be a Caribbean community embracing the movement of skilled workers in word and deed? Let the show begin. Thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Minister of Trade and Industry.

Hon. Senators: [*Desk thumping*]

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): I apologize, Mr. Vice-President. I am happy this afternoon to be able to contribute to this Bill which is before this honourable place and I too take the opportunity to wish all of the women here, Senators in this honourable place, and also women here who are employed at the Parliament and as we speak of this regional Bill that my greetings are extended to the women of the region. So, I enjoyed listening to Sen. Thompson-Ahye and, of course, thank her for her support for the CSME. She obviously is a kin to regionalism and, of course, her research is well recognized as well.

But it is not the same with Sen. Mark. And, of course, we were treated to the usual hysterics. He used the language that the Bill that is before us is extremely troubling and worrying and I could understand his circumstances bearing in mind his party's position and I suppose it is the current position and certainly their position when they were in government. So he talks about the unemployment levels being high and he rants and so on. But we know their position, especially with the statements that are left in our minds that "Trinidad and Tobago is not an ATM". We will never forget it. And, of course, the other statement, "what's in it for me". Clearly a party that does not subscribe to regionalism.

And, of course again, we heard about putting our national interests first which is a very narrow-minded position considering, of course, Trinidad and Tobago's very advantageous position in Caricom and in the Caribbean region. Certainly, I can say as Minister of Trade and Industry that we are the largest exporter, we are the

largest manufacturing sector in the region. We are also—Caricom is the second largest market for our exports after the US. And so that when you travel to any island in the region, you can find our goods on the shelves and there are certainly a number of persons working across the region so that we have been able to export our services as well. But Trinidad and Tobago's businesses are established everywhere in the Caribbean, even our conglomerates are established there. I can tell you, almost every larger—or the larger Caribbean territories you can find a Massy store there. And, of course, ANSA McAL being present in many of the larger territories in the region as well. So this is the spirit in which we coexist.

And in the same manner there are a number of Caricom institutions registered in Trinidad and Tobago and I can attest to the CARPHA which is the Caribbean Public Health Agency, the Caribbean Court of Justice, and that is another matter where I will talk about their flip-flopping and, of course, the University of the West Indies with one university in Trinidad and Tobago. And there is also the Caricom Implementation Agency for Crime and Security (IMPACS) resident in Trinidad and Tobago. So, Sen. Mark, I do not think you have an appreciation for all things Caricom and the kind of reciprocity that takes place and the benefits that have accrued to not only our businesses but also to our nationals.

You went on to talk about the UNC being, or suggest, or you may have said it some subtle way, talked about the architects. By no means, you all can be considered architects of the region—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Gopee-Scoon:—not with the statements which I spoke about earlier. But certainly not when you continue to flip-flop about your support for the

Caribbean Court of Justice. Yes. Signed by you, I believe, it was under Basdeo Panday in the year 2000, Valentine's Day I believe. But, of course, and so much so that he argued for the Caribbean Court of Justice being located in Trinidad and Tobago. And here it is we cannot move on because your party, your government, will not give us the support in terms having the Caribbean Court of Justice in its full manifestation both in the original and the appellate court. We are still waiting on your support to this day. And, again, the flip-flopping with your signature on Valentine's Day in 2000. I think it is 2000 or it could be 2001, I stand corrected.

And again, you went on, as if you did not know, talking about—but I can understand why you will feel antsy about whether or not these Caricom members are allowed to vote in Trinidad and Tobago and it is well-established. And you know that. You have been a parliamentarian for so long. It is in the Representation of the People Act that any citizen over 18 years of age, a citizen of a Commonwealth country and who has been resident in Trinidad and Tobago for a period of one year and, of course, it goes on to qualify immediately preceding the qualifying date, et cetera, can in fact vote. And that is for general elections and so it is for municipal elections and so it is with the THA elections, right? But, of course, and also you would—from the Representation of the People Act for there are rules as well for non-Commonwealth citizens to also vote in the municipal elections. But you have to be here for, at least, five years and, of course, there is something about where you are located, where you live and so on.

So again, I correct what you are saying or I edify the public in terms of who can vote here but I can understand why you are so antsy about the Caricom nationals that come, that now reside in Trinidad and are now able to come to Trinidad. I can tell you the position of our Government is that we welcome them

wholeheartedly once they subscribe to the rules that are set out under the CSME.

Again, you had a concern about the accreditation body but it is set out in the amended section 8 of the Bill, the recognized accreditation body and it is certainly also in—perhaps you did not do your research in the Caricom document “Single Market and Economy Free Movement - Travel and Work”, 3rd Edition, so you should familiarize yourself with it. Yeah? The recognized accreditation body for the facilitation of verification of qualifications is the Accreditation Council of Trinidad and Tobago. It is a lot of hoorah but it is there. But very clearly I will just sum it up. You are not—it is very clear. You do not believe in the region and regionalism. Right?

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Gopee-Scoon: And the whole spirit of reciprocity for all that we have gotten, we all have to give. Okay?

Again, you went to talk about architects. You were talking about architects. I mentioned that earlier. And I will tell you, you were not the architects. And this whole CSME principle, if I can call it that, really is grounded in much earlier days. And it is in 1962 when we actually announced the end of the British West Indies Federation that Trinidad and Tobago, it is Trinidad and Tobago that proposed the creation of a Caribbean community and that was around 1962. It started with this Government. Right? A PNM Government in 1962.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Gopee-Scoon: And, in fact, Trinidad and Tobago hosted the first Heads of Government conference in July of 1963 and that was attended by Barbados, Jamaica and Guyana along with us. And, of course, that—this morphed into what we knew then to be the CARIFTA. All right? The CARIFTA Agreement

came out, I think, this was signed onto in 1968 by Antigua, Barbados, Jamaica and Guyana and there are other Caribbean States then joined on later in that particular year in 1968. And 10 years later, from the initial Heads of Government conference which was held in Trinidad in 1963, that Caricom again morphed from CARIFTA, that Caricom Caribbean Community and Common Market was established in Trinidad—sorry. was established via the Treaty of Chaguaramas. And then, of course, decades later in 2001 with the intention of deepening regional integration the Revised Treaty of Chaguaramas was created, as I said, in 2001 and that created the Caribbean Single Market and Economy which is the subject of the discussions here today. It was that—that is when the signatures took place but it entered into force in 2006.

So when you are talking about architecture of this, you and your government, your ex-past government and your party are not associated with architecture of Caricom and, again, regionalism and I make that very clear. Right?

So, we on the other hand, this Government, this PNM Government we have long believed in this whole idea of the free movement of citizens, long believed in the whole idea of free movement of citizens and I make the Government's position very clear because the CSME is intended to strengthen integration through policy harmonization and the integration of capital services, assets, job markets making the most efficient use of resources and distribution of labour. We know that it will rest five core regimes, the right of establishment which we spoke about which is the ability of businesses to establish themselves in other parts of the region, the movement of services, the free movement of capital and the free movement of persons which is the subject of the debate here today.

Now, I will tell you that there was some lag and the Minister touched on it in

moving the Bill. And again, we will come back to the whole question of who are architects. So in Trinidad and Tobago there was a heads—this is December 2018 it was the Heads of Government special meeting, an 18th special meeting, to deal with the CSME. And again, the real architects of that meeting would have been Prime Minister Mottley who is lead head with responsibility for the CSME and, of course, Prime Minister Keith Rowley. Those were the architects who came together and brought the region together again at the Hilton in 2018. And out of that came the St. Ann's Declaration on the CSME. And it attended to a lot of things which I will not go into. But again, at the end of it all, the declaration stated that we are:

“Convinced that the CSME continues to be the most viable platform for supporting growth and development in the Member States of Caricom.”

And the meeting considered a lot things that were very important including the Golding report which was the report on the commission to review Jamaica's relations with Caricom and CARIFORUM frameworks. And very, very important because in any area of growth and development there would be some setbacks, there would be some views and so on. And it was very important all of these were taken into account and that meeting looked at that.

So the general agenda would have been to advance the regional integration agenda. But again, in that meeting there was the commitment that we will complete the legislative and the other arrangements in all Member States for all categories of free movement of skilled persons and this is why we are here.

So let me start by saying that—and this is for the benefit of the public—that all Caricom nationals are entitled to enter each, in all of the Caricom Member States for six months. And that is just for the benefit of the public and it gives

context to the discussion. So you can enter for six months. And entry and stay must, of course, be definite and hassle free. But, of course, you are not allowed to stay indefinitely. You cannot work. You cannot take up residence. You cannot provide services, establish a business and so on. Right? And anything beyond that must be pursuant to the Caricom and also the national laws of that country as well in the event that you wish to get a work permit, et cetera, and so on.

But, and it is important to know that you cannot be refused in entering a Caricom State. And if you are refused, that State must give prompt reasons for the decision to refuse entry and so on and inform the national of his right to challenge the decision. And, of course, there is access to appeal and, of course, an opportunity to consult with an attorney and so on.

So that represents the foundation. But this Bill here today makes critical amendments to treat with the free movement of skilled Caricom nationals. And in order that Trinidad and Tobago can adhere to its commitments at the regional level and also maximize the benefits of the Caricom Single Market and Economy.

[MADAM PRESIDENT *in the Chair*]

In case you are asking, what is in it for me, Sen. Mark, I am telling you, there are benefits for this country and for the nationals of this country. And, of course, it also complements for the work that is being done by the Ministry of Trade and Industry to promote goods and also services, the export of goods and services. And, of course, the Bill too will give effect to national and regional policies to support the development of our services economy and build production capacity. So, I gave enough about the history and so on and the fact that there is free movement for us in the normal circumstances and I will go to the actual free movement of skilled nationals and relevant categories.

Now, Sen. Wade Mark, of course, in indicating that we cannot—that they cannot support, et cetera, looked at some of the categories that are currently allowed and those that we are now putting in place and he had a concern about the definition. He asked about the definition of "artisans and the definition of several other areas. And again, I would allow the mover in his winding up to confirm whether or not it should be legislated. But if you, again, go to the “Single Market and Economy Free Movement - Travel and Work”, 3rd Edition, you can, in fact, find—you asked, all of the definitions which we—with all the definitions for the particular types of work that are now—the eligible sectors that are now allowed currently and that we will allow further. It is here. It is there. So, for instance, you questioned the definition or “artiste”. It is here. It speaks to:

“Visual artistes—

- Fine artist
- Costume builder
- Costume designer
- Fashion designer
- Stage manager
- Lighting designer
- Lighting technician...”

The list is there. Holders of traditional knowledge. And you know why this is so important? It means that we can export our Carnival services. That is what this means, Sen. Mark, and indeed we do. For every Carnival in the region, our bandleaders who are manufactures in their manifestation; they are manufacturers. And I hope to join the Minister of Tourism, Culture and the Arts in, not a lecture, but in symposium of some sort to speak about manufacturing because they are, in

fact, manufacturing and exporting their services and goods, Sen. Mark. So the list is there.

You talked about musicians; you asked about the definition of a musician. It is there. Players of instruments including all of our pianists, singers, song writers, bandleaders, promoters; promoters, right? Events managers, they can all operate in the region. You asked about sports. And, Sen. Mark, you really should have done the research. It is clear. You asked about sports persons, athletes, coaches, team leaders, sport managers, massage therapists. I am not going to give all. You asked about the artisans which we are now introducing today. An artisan is—Madam President, I am quoting from the Single Market and Economy Free Movement - Travel and Work 3rd Edition.

“An artisan is a skilled workman or craftsman.”

And, of course, it goes on to give details. And, of course, it went into, minute details. The:

“Tasks performed by craft and related trade workers usually include: extracting and working solid minerals; constructing, maintaining and repairing buildings and other structures; casting, welding and shaping metal; installing and erecting heavy metal structures...”—et cetera—“...making machinery tools, equipment...fitting, maintaining and repairing industrial machinery including engines and vehicles...”

I am not going to read the entire thing but, again, it is there. It is clearly written and established, all of the definitions. And, of course, before we arrived at that point there would have been meetings of the Caricom foreign Ministers and in some cases the trade Ministers because all CSME matters end up at the COTED meetings.

5.00 p.m.

So that there would have been discussions on all of these, and there would have been agreed positions by Member States. And I can tell you in the case of teachers, it is on the record that in the case of teachers our standard of who is a teacher is in line with what is the position in Trinidad and Tobago that our teachers, our degree holders—so that teachers with two A levels, if that is accepted in external Member States of the region, that will not be accepted in Trinidad and Tobago. So, we have represented well, and, of course, on the advice of the particular Ministers, we have represented well and we have participated in making the proper decisions in line with Trinidad and Tobago's needs and concerns, et cetera. So, Sen. Mark, it would have just taken a little research. It is all there. So, I am not sure how much time I have left, Madam President?

Madam President: Nine minutes.

Sen. The Hon. P. Gopee-Scoon: Okay. I think, Minister, the mover spoke a lot about the actual clauses and so on, but let me go to the benefits, if I can do so. As I said before, the benefits are enormous for economy and our nationals. You are talking, instead of Trinidad and Tobago's population, which is a disadvantage. We are small and there are other Caricom territories that are even smaller, 250,000, 100,000, et cetera. It is because of our small size and small population which affect our economic growth and competitiveness that we came together, and that we must stay together. Even Jamaica with a population size of three million is considered small. So what we have created through the CSME is a pool of 18 million persons as at 2019. That is 18 million people, and I do not have the figure, I would admit for the labour market, but what I am saying, it is several million persons.

So that this pooling together really would help all of our territories to

increase our productive capacity, increase our markets, and to make, as I said, all of our territories more globally competitive, individually and as a region. So, that gives us together, it gives us better opportunities to attract investments and also to produce and to export goods and services. I speak as well—anyway, I will come to that after. So overall, the aim, yes, we are talking about nationals and businesses, but the aim really is to improve the standard of living for the people of the region and so on. So that free movement is central to the success of our citizens and our businesses, as I said before.

Let us also not forget that in choosing to live and work in a Caricom territory, or in the case of Trinidad and Tobago, choosing to live and work here, once you qualify and you have—you are in possession of that certificate and you begin to work in the territory, these workers pay the requisite taxes on income. So, Sen. Mark, any kind of insinuation that people fleecing off of the Government of Trinidad and Tobago, that is not so. They pay their taxes, and they make the required social security contributions. And I am talking about NIS and Health Surcharge. Right. And I will also add for the benefit of all, that there is an intra-Caricom double taxation agreement which when enacted, 10 Member States participated, including Trinidad and Tobago. And what that means is that once that individual is registered with the department—

Madam President: Minister, you have five more minutes.

Sen. The Hon. P. Gopee-Scoon: Thank you, Madam President—of the country where they are earning a wage, these nationals, therefore, would not pay their taxes twice. Right? So, again, I have given some of the advantages for the country and nationals, and I also want to say that, or point out—oh, I am not sure if the mover mentioned that under the legislation it means if you are a professional or your

certificate entitles you to work in a particular sector, and you move from one territory to another, you need not be certified in every Member State. I would imagine that the Member State has the right to verify always, but, again I want to bring this to the attention of the population, that it saves you time and money in that you do not always have to seek to get a new certificate.

Minister would have covered all of the matters of verification and penalties, and the safeguards which are allowed by the Minister with responsibility for Immigration, et cetera, ensuring that we do not have anyone entering who really would present to be a threat to the national security of our country. The legislation takes care of that. And I want to say as I begin to close, is that this is really a phenomenal piece of legislation in its initial orientation, and again with the amendments which we are making here today. Again I said before, it complements the work that is undertaken by Trinidad and Tobago in terms of promoting our services sector's exports, our services sector exports which are only at 10 per cent, and which we must focus on. This helps us in terms of being able to export our services. I spoke about all those who are involved in the Carnival business and the business of Carnival. And, of course, it complements also the work that is being done at the level of Caricom.

Only this morning I would have attended what is the Caricom services meeting where we are developing a regional services sector development strategy for the region, and, of course, it included how we are going to develop in a post pandemic era this particular services sector. We spoke about the single registration of professionals. So that is something that is coming, so that, let us say, you are a veterinary surgeon in Trinidad and Tobago, or a medical doctor, or any other—one of the professional categories and you do obtain a CSME certificate, you do not

have to go through the same registration process again. There will be one recognized single registration for professionals working in a territory external to their home territory.

So as I said, we are here today to advance the CSME and to build a more resilient community, and this freedom of movement of skilled nationals is just one step in that direction. So, the global pandemic has taught us that we need to hasten with all of our regulatory and institutional changes to truly realize the vision of the CSME to facilitate economic growth. Again, the pandemic has shown us the importance of functional cooperation in the region, and what we are doing here today is tied to prosperity, and it is tied to progress for the nationals of Trinidad and Tobago, and for the nationals of the Caricom region. Madam President, I thank you.

Hon. Senators: [*Desk thumping*]

Madam President: Sen. Lutchmedial.

Hon. Senators: [*Desk thumping*]

Sen. Jayanti Lutchmedial: Thank you, Madam President, for the opportunity to contribute to this debate on this very important Bill that we are here to look at today and to consider.

Madam President, let me start off by extending to you and all of the Parliament staff, and my colleagues here in the Parliament, a very happy International Women's Day. You know in 2021 we hit the highest record number of women in Parliaments around the world. I think it is somewhere around 25 per cent. And I feel very privileged as a woman, because I do not take it for granted, the opportunity given to stand here and be part of that. Because we know in some countries women still are not afforded these opportunities. So it is something to be

celebrated and we are very grateful for those opportunities. And I also want to say that it is good to be back after my short absence and to thank all of my colleagues from all the benches for the kind wishes, during my little illness, that were expressed.

Madam President, we are here to discuss a very important Bill that addresses the further expansion of the CSME regime, particularly the free movement of skills and labour, one of the critical pillars—there are five in all—of the CSME regime. Despite all that has been said by the previous speaker, the hon. Minister, I want to make it abundantly clear, that the UNC and those of us on this bench, we are committed to the process of Caribbean integration, and the expansion of the Single Market Economy. I think it is irrelevant firstly, that we are in this debate not focusing on our national development, not focusing on the present social and economic circumstances that we are facing as a country, but we are focusing more on who did what, when we did it, and from 1962 come forward, talking about accomplishments and achievements, and who did it first and who did it better. That is not the issues facing this country. And I find that in every debate, regardless of what we are discussing, whether it is crime, the economy, CSME, trade, we always rehash the past, and I do not know that that takes the debate any further. But it is disingenuous to try to discredit the UNC's contributions to the development of the CSME.

Because this Bill that we are amending today, and it is there on the record, and it is irrefutable that it was brought by a UNC administration. So let us just put that out there for the public, not that I think it matters. The fact is, it was done, and who did what in every Caricom meeting since and before really does not matter. Our position cannot be questioned on this. We brought the legislation, from

university graduates it has been expanded and now they are expanding it even further. So, the debate that we are here to deal with today opens the doors of this country a little bit wider to non-national workers from the region. And the expectation that I think everyone in the country has, or should have, and that we certainly have, is that decisions such as these to implement decisions taken at a Caricom Heads of Government Meeting, and to bring it into the local legislation, would be aligned with and driven by comprehensive national development plans that include, of critical importance, job creation. Job creation given the prevailing, as I said, social and economic circumstances in Trinidad and Tobago.

But we are not hearing about that. We are hearing about honouring obligations, regional obligations and so on, and we want to have unity and all of that. And that is great and that is fine, but opening the doors to more workers coming into an economy where we have suffered job loss, and, of course, nobody, and I took a note when the hon. Minister, speaking before me said that she does not have the statistics on the labour market and so on. None of us do, because there is a complete absence. A complete absence of empirical data on the current state of our labour markets. So whilst we are facing those circumstances and whilst we are dealing with the fallout of COVID, and we are dealing with a situation in this country where, you know, people are crying out for jobs and businesses are closing daily, and we are hearing about now we are trying to reopen our economy, but people are still complaining that they just do not have the liquidity, businesses simply do not have the means. They did not withstand the pandemic. We are talking about opening up our labour markets to persons to come from outside.

So, the concerns raised here today are not concerns about keeping out or diminishing or being against Caribbean integration, but it is a concern about the

present state of our economy and our affairs which, simply you just have to get things right at home before you can try to really get it right for the region. Because what are the consequences of opening the doors to more and more persons coming in to Trinidad and Tobago seeking employment when we ourselves are not in a place to accommodate it? Well, you may have issues such as exploitation. We have had for—and we cannot bury our heads in the sand, and do not pretend that there are persons from the region who come here seeking employment and they are exploited. They are exploited because we do not have up-to-date labour laws. We do not have proper enforcement of our labour laws, things like minimum wage and so on. And when especially you are opening up the categories of workers to some workers who may be classified as having—lower skilled persons, even though it is a requirement for them to have the C—what do they call it? The CVQ and so on, as domestic workers and all of that.

These are generally unskilled labourers, and you open the doors for persons to come here. Yes, with a certificate, yes, being recognized under CSME, but it could still be exploited and do our local laws and the enforcement of our local laws take into account all these things that could happen. So, we want to say that I think before we embark upon this process we should have undertaken a proper study of our local labour markets. We should have undertaken a proper assessment of where we are and what needs to be done, and take into account the serious implications for the local domestic market and labour planning. You see, we do not have proper planning, and that is a problem. That is a problem we face. A couple of weeks ago we came here to repeal the Foreign Labour Contracts Act. And what we heard from the other side is that, look, this is a colonial relic where you need permission and so on. And those of us in the UNC tried to raise the issue of why repeal a law

without replacing it and we were shut down, and it was, “this is irrelevant, and that is not what it is about, and all of that coming”, and so on.

Today we heard about a work from home policy that was discussed at the start of a pandemic, and the “pandemic done” and everybody going back out to work, and we have not seen the work-from-home policy as yet, and I wrote it down. They have a subcommittee that is still considering retaining a consultant to work on it. So, we are getting that in time for the next pandemic. I have said that here before, and that is the state of our planning and the state of how things are operating right now in this country with respect to labour. So, again, context is important to this Bill. It is not that anybody is against Caribbean integration. I love the idea of Caribbean integration. I say that if we could get UWI and West Indies cricket right, well, kinda right, sometimes right, we can get everything right together as a region. And those are two of the projects we have embarked upon as a region. And I think and I really do hope that the CCJ someday and that CSME and all of these things would follow suit and that we would get them right.

But to get things right regionally you have to get it right locally, and we have not been getting things right locally with respect to labour and the state of our affairs. We are not the European Union. We are not. We may aspire to get there some day where we have better labour relations, where we have decent work regulations and so on that deal with, you know, the conditions of labour in this new technological environment. We talk about we are getting into the Fourth Industrial Revolution, I think they call it, where technology is becoming more important. But we are not there at this point in time. So, when you open our doors to workers coming in, you have to factor in the nature of our labour market as it is right now, and not just that but in the region as well.

The lack of data is something that recently was discussed in the Joint Select Committee where we examined the CSO, and I think it is important to place on the record that no proper labour market survey has been done, and that they are now redesigning the labour market survey and hope to get it done by July. So I want to ask the question, what is the rush with this legislation? If that is in fact in train, and I expect that those on the Government Bench would know that and that they are now redesigning this survey to bring it up to speed with ILO standards and so on, and also to have add-ons as they describe it to deal with the impact of COVID and on labour and employment in the region, could we not have the benefit of that data before embarking on this exercise? And it is a simple question, and I would like to know how, you know, the results of those surveys coming forward might impact upon or even change the decisions made and the policies contained in this piece of legislation?

International obligations and regional obligations, Madam President, and I think Sen. Mark spoke about the CCJ opinion that was given with respect to an opt out and whether you even can still have reciprocity and benefit, if you decide to opt out. Now, it is a very narrow opinion and it deals with two countries in particular, but again I want to know whether any consideration was given. The Minister, the hon. Minister in piloting the Bill spoke about the fact that in 2018 there was a time frame, we did not meet the time frame. Well, a lot has happened since 2018 in this country and just as other countries asked for an opt-out then and they made their case, and the opinion of the CCJ really, you know, permitted that opt-out and did not prevent their nationals from benefiting when they opted out for a definite period of time, I think that consideration should have been given to something along those lines, if it is open to us to defer the implementation of some

of these decisions.

I want to get into some of the provisions of the Bill and in that respect I think my contribution has been significantly narrowed by the contribution made by Sen. Thompson-Ahye, because I think she covered a lot of my concerns as well. But, I have some concerns, and at committee stage, little drafting issues that I think we can work out. But I think that, I want to ask about the enforcement specifically of what will now be section 4B. I share the concerns raised by Sen. Thompson-Ahye. If we are—and again, we cannot look at things in silos and we cannot look at the process of making laws towards moving our society forward in silos. So, on the one hand when we are dealing with criminal justice reform and so on, we are saying that we want to move towards a system of rehabilitation and all of that, and yet we are bringing a law here that prevents anyone who may have been convicted, or who is convicted of an offence from accessing a CSME certificate.

Now, why is it, I think that that really—criminal offence as wide as it is, it covers a wide range of things. And if someone is convicted of an offence and then does—completes their sentence or whatever it is, do we want to have an automatic ban to render the certificate that they hold invalid, or do we want to have it invalidated during the period that they may be required to serve a sentence or so on and then allow them to reapply? Do we need to put that into the law? I think that a blanket prohibition on someone who has been convicted of a criminal offence, from accessing a CSME certificate is harsh. It may be counterproductive to the type of development we want to see in the region with respect to rehabilitation of offenders and all of that, and so I think we need to consider that.

But more than that, how are we monitoring those things? Because under the

new scheme right now, you are having your initial six-month certificate validated, and there is no need to return every six months, do we have the appropriate mechanisms in place to monitor people who may be convicted in their home country who are presently here, and I suppose, you know, those are administrative arrangements that we would need to hear more about. Because, we need to move again away from putting things in laws that simply are not going to be dealt with. And then when you become—when you are captured now, by these sections that would invalidate your certificate, there must be a process to move you from being captured by this law to under section 9 of the Immigration Act where you can then be treated. I think it is section 9(4) that deals with having a special enquiry, perhaps deporting you and issuing those things. So, what will be that process of when someone's certificate becomes invalid if it is we decide to move forward with all of the requirements here to invalidate that certificate, how is that supposed to work and will it work? Or will we have persons now hanging around and hanging out here with a certificate that ought to be invalidated and we are not picking them up properly in the system? So, those are just questions that I have.

The other thing is that with this change of employment, again, if you wish to change employment within the category, you apply to have your certificates basically changed or amended. But if you are going outside of the categories you are now required to have a work permit. That sounds practical if you are thinking of jobs in the sense of, you know, the higher skilled jobs. But this piece of law specifically is introducing categories of workers to come in here under this scheme who basically have no skills. What are the job skills for being a security guard? And if a security guard, for example, can no longer find employment as a security guard, and so they want to remain in this country but they need to move outside of

that category for which they were approved, will they get a work permit for let us say taking up casual labourer jobs in the construction industry? Has anybody ever applied for a work permit to mix cement and cast box drains? Because that is what people who are in those categories of work, if they cannot find work at some point in time after they are approved and after they are allowed to come in, that is the kind of work that they are going to be doing.

So how practical is it to ask them to then go and apply for a work permit, they may not get it, it may be uprooting their whole family. Because, of course now, we are allowing families to come in and also gain employment, and I will get to that in a little while and the concerns we have there. But there is an issue that we have to work out there, and of course the facility and our ability to process those work permits in a manner that is timely will also come into effect. There was a recent case surrounding a Guyanese national who had been, you know, surprisingly just taken into custody for a while, I guess, and then put under a supervision order. I believe the name of the case was Tekla Carmichael. And this was last year that there was a judicial review action being brought, and it all surrounded, it boiled down to this, during the period of a divorce—of divorce proceedings taking place, Immigration officers took actions which were essentially deemed to be illegal later on. And what happens when you have laws that are unworkable and nobody knows how exactly to interpret and to roll out these things administratively, you have claims being brought against the State, and this is one such case. And all of those claims result in the State having to spend a lot of money for false imprisonment claims, for judicial review matters, paying damages and so on, and it comes back down to really legislation being passed as impractical and unworkable.

So I would like to find out more, and I think that some consideration has to

be given to this change of employment and how it is supposed to work properly to move from when you become under the CSME scheme to just having to function as a regular permitted entrant under the Immigration Act and the holder of a work permit, that goes there. Madam President, we are in a position right now where—and again, and I ask for correction if I am wrong, but when you have that stamp on your passport saying “Indefinite”, then who is checking on whether or not that person who has that stamp in their passport and who is here under the CSME scheme whether or not they are in fact still employed in the categories that they say that they are employed in? Do we have sufficient resources to monitor those things, and whether people move outside of the CSME scheme and move into casual employment? Because we still have a lot of casual employment in this country that most of our people, our nationals subscribe to. And what is preventing someone who enters here under the CSME scheme from then moving into casual employment without informing the Ministry, and how are we monitoring that? So I think that that is something that we have to consider as well.

Madam President, I share the concerns that were raised with respect to a spouse, because I do not think it is wise for us to have legislation that is not—that it might be incongruent in terms of what is a spouse. In the entire Caribbean and in Trinidad and Tobago we recognize cohabitational relationships, we recognize, because it is a feature of Caribbean life. A very common feature. That is why we passed those laws. That is why when we brought the domestic violence legislation and our laws governing intestacy and so on, we cater for these things because it is a feature of our life.

5.30 p.m.

So when you have a situation now, where you are looking at spouses, we

have to be more, I think, considerate of that feature. We do not want to have laws governing CSME that may discriminate against persons who are—because again, I could foresee litigation. I could foresee litigation being brought by a common law spouse against the State for discrimination on the grounds that it is not a legal marriage and that they are not going to enjoy the same benefits that a legal spouse would be benefitting from. Because we as a country—maybe more than 20 years ago—I cannot remember the years, but more than 20 years ago, I am sure, accepted this feature in our law of cohabitational relationships and we have to then cater for it. So we cannot expand our laws to give a benefit to a legal spouse under CSME, to me, without facing the possibility of a legal challenge later down the road by a cohabitant.

That being said, the fact that a spouse, whether that includes cohabitants or not, can be employed in this country and enjoy all the benefits, they do not have to be employed in one of these categories. And again, I am saying that is opening up our labour market to an influx of persons not even within the categories that we have determined are, you know—that we want to allow people into. Now, I can see the benefits, for example, of allowing persons to come here under CSME as nurses, maybe teachers, I know that we have a lot of discussion taking place about nurses leaving this country to go abroad for better terms and conditions and so, we may have a shortage there. But again, I come back to the fact that is—that has to be driven by data.

Take, for example, Canada—and I have explored this to a great extent. When you are applying for permanent residency in Canada or you are applying for a job in Canada, it is not even at a national level but at a provincial level because, of course, they have that system in every province. But every province has data to

support what are the skills that they need. And a person has to be ranked on a point system before they are given a work permit and part of what is factored into that system—and I understand that we do not want to be so stringent when it comes to CSME and that would be against the treaty and all of that. But part of the point system and what you get points for is whether your spouse, your cohabitant or your partner, your dependent who is coming with you also falls into one of the categories of skills that they require.

We are, however, opening this thing up so much that the dependent—sorry, the spouse can come here and work in any category and do any type of work. And again, it sounds great for Caribbean integration that if my spouse is the holder of a CSME certificate, I can go to with him and work and do whatever I want to do. But is it in the best interest of the country? And nobody can fault us for asking that question. It is not about being—we are not xenophobic, we are not against Caribbean integration. But is it in the best interest of us right now as a country where people are looking for jobs, where people are suffering from, you know—businesses are closing and all of those other things I mentioned before, to basically allow persons in under this scheme who can work in any category and outside of what we are talking about?

Madam President: Sen. Lutchmedial, you have five more minutes.

Sen. J. Lutchmedial: Thank you, Madam President. So I want to ask some questions about that. I share the concerns about dependents and, you know, the narrowing of that definition as it relates to persons over 18 but not necessarily in education. And I also have a concern about over the age of 18 and suffering from a disability and wholly dependant as a result of the disability. There may be different reasons why children of a skilled certificate holder may not be employed. It may

not necessarily fall within the definition of disability. Of course, disability is subjective. What about somebody—I am just thinking off the top of my head—suffering from depression. It is not really classified as a disability and I could foresee again issues arising with people who would like to bring dependants with them under this scheme.

But, Madam President, in conclusion, I have to say that—the last point I want to make as well is that the new section 17—and I know one of the other speakers raised it from a different perspective of having people stay in a marriage to derive the benefits. But I want to say that in many other countries in the world and many Trinidadians, I think, take advantage of it, but you have a lot of marriage fraud also taking place. And I am respectfully saying that we have to consider that issue of marriage fraud when persons remain together, living together and come here married in order to derive benefits under CSME and then subsequently divorce because the period of five years is all that they have to meet and they have to live here for five years.

So someone who, for example, cannot get a skills certificate will then be able to take advantage of this section and are we, again, in a position to monitor—I think Sen. Thompson-Ahye talked about the fact that in a foreign country you have to produce photos and so on, to prove that your marriage is real when you are looking at residency and green cards and all of that. Well, are we going to monitor when someone says that I am now divorced but I have lived here for the period of five years, I have enjoyed the rights and privilege, not to work in one of the categories specified here which may meet with the needs and so on of this country, but I could have worked in any type of job I wanted to and after five years I am now divorced and I am going to continue to derive those benefits? Is that what we

really want again or are we going to encourage people to perhaps—are we going to see an explosion of marriage fraud from persons trying to enter our country and come here and, again, at the end of the day, be able to fall into jobs that locals may be vying for and also would this encourage people to accept lower wages, to accept working conditions that may not be ideal and which we know we have an issue with enforcing in this country? We need a tremendous overhaul of our labour laws in this country and I do not think anybody could deny that, from OSHA to minimum wage, all of these things and the enforcement of those things are very important.

And so, in light of all of that, I think that this Bill has serious implications for us as a country and we must not simply see it as “we want regional integration and therefore we must pass it”. Nobody is against regional integration, Madam President, I reiterate that as I close. However, legitimate concerns must be raised and that is our job to do so and we continue to do it and to seek the interest of Trinidad and Tobago first; one of those interests, of course, being that we want to move towards Caribbean integration in a manner that is beneficial to everyone in the region. Thank you very much.

Hon. Senators: [*Desk thumping*]

Madam President: Sen. Vieira.

Sen. Anthony Vieira: Thank you, Madam President. This is welcome legislation, in that it cures several shortcomings and gaps in the parent legislation which is now going on 26 years. For one thing, the parent legislation was too heavily weighted in favour of academic qualifications, not that I have anything against university degrees but I think it is safe to say that the country does not need more lawyers, dentists and engineers. Some may say that these fields are already

saturated. Academic degrees and university qualifications show that a person has completed classes, passed exams but they are not synonymous with skills which are really about the ability to perform actions that have been learnt through life, work experiences and studies.

Although the parent legislation refers to Caricom Community skilled nationals, it has been somewhat restrictive in limiting skills to academic qualifications and these amendments will allow for an expansion of the skill base to include professional nurses, teachers, artisans, agricultural workers and other skilled Caricom nationals who hold appropriate vocational qualifications or their equivalent. Two real life examples about needed skills over and above university qualifications may come from the aviation sector.

Now, back in the day, when we had BWIA, Trinidad was one of the finest aircraft maintenance hubs in the region. Now, having a degree in engineering does not necessarily mean one is qualified to work as an aircraft maintenance engineer or worker. That is a technical or a vocational qualification based on hands-on experience then a course of study defined by the international community. Guyana has set up a school which is producing excellent aircraft maintenance workers and so, once our Accreditation Council recognizes that school, then under the principle of mutual recognition it would pave the way for us to recruit and keep a cadre of skilled aircraft maintenance workers.

And the same applies with air traffic controllers. They get a diploma after going through an approved course but it is a diploma, not a degree, and under the current legislation they are not recognized. They are excluded from the benefits of being recognized as a skilled national of the Caribbean Community. That is going to change in the wake of this legislation which leads me to my second point,

namely that besides curing a skills gap in the parent legislation, this legislation offers win-win benefits to both Caricom skilled nationals and Trinidad and Tobago as the host country.

This legislation—and as we have heard, it is mirrored in all the other Caricom jurisdictions—will enable Trinidad and Tobago professionals and other skilled persons where the field may be over saturated and it is hard to compete and to get good jobs. It enables our nationals to find meaningful employment in other Caricom countries. So, in effect, we are expanding employment opportunities for our nationals to live and work in Guyana, Belize, Dominica, St. Lucia, Barbados, Jamaica, just by way of example but we are talking about 14 participating Member States.

Conversely, and even while we may have within our population of 1.4million, there are sectors which do not require an influx of workers but that may not be true across the board. So thus, where there are gaps in certain skill sets and additional workers are needed to supplement, this legislation will enable our Caricom brothers and sisters to come, work, live here. It offers them the opportunity to contribute to the development of our society.

Now, Sen. Mark spoke of the need for a manpower study. I say nice to have but that ship has already sailed. The CSME is not optional. As the hon. Minister of Foreign and Caricom Affairs has said, we are committed. In international law there is a principle and it is known as “*pacta sunt servanda*”, which loosely translated means, agreements must be kept, arguably the oldest principle of international law. So if we default on our binding obligations under the Revised Treaty of Chaguaramas, not only are we defaulting in binding legal obligations, but while at the same time our nationals are reaping the benefits of the treaty and other Caricom

nationals are being denied those benefits when they get here in Trinidad and Tobago, that is only going to engender mistrust and it deepens the perception of “Trickydadian”.

Now, I agree with Sen. Mark and Sen. Lutchmedial. The issue of unemployment and available work, that calls for very serious consideration, I would say even a national discussion. We do have an unemployment problem, but that is just stating the obvious. The issue is why? Is it that there are not enough jobs? Is it that people are not qualified for jobs? Is it that some people just do not want to work? Is it that some people are just unemployable?

The influx of Venezuelan workers suggests a willingness on the part of foreigners to take on jobs and tasks that our people just would not do. So we need to wake up to the fact that we have a real serious problem which I think is only going to get worse and we have to focus on the fact that we have two generations of young men who may very well be unemployable. They are not going away, we “cyah” lock them up when they commit crime. It is a real problem, jobs, the creation of jobs. And COVID is going to accelerate the use of things like robotics because robots do not get sick, they do not fall ill to COVID; automation and artificial intelligence.

So a few Caricom nationals coming in here under this legislation is hardly going to take away jobs from our people. We need to be creating new and sustainable jobs. We need to be developing all our citizens, all our people into becoming productive citizens and we need to figure out why is it when there are so many unemployed that business owners complain they cannot find enough workers. These are serious questions.

Now, one might say that the current legislation is doing a good enough job.

And one might be able to point to persons working in Trinidad and Tobago who have been able to avail themselves of the benefits of the parent legislation, and to an extent that is true. But this legislation is going to make the process a lot more user-friendly and a lot more welcoming to the families of qualifying Caricom skilled nationals. So, for example, under the current regime, the spouse of a Caricom skilled national does not enjoy the rights and privileges of the qualifying person. And if that spouse needed or wanted to work in Trinidad and Tobago, he or she would have to get a work permit and that, as we all know, is a cumbersome process where success is not always guaranteed.

Now, as someone who has worked in another jurisdiction where my spouse who had other qualifications was constrained to being a housewife, I have experienced the strain that that can put on relationship, especially where the spouse runs the risk of becoming deskilled if deprived of the opportunity to earn a livelihood and just feels generally frustrated having to play second fiddle to the working spouse. So under this legislation, the spouse of a principal beneficiary will be able to work in Trinidad and Tobago without the need of obtaining a work permit. I think that is an excellent amendment, a great improvement on many levels and not just as regards work permits. This Bill has humanistic leanings. It is family-oriented where it comes to the dependent members of the principal beneficiary, even to the point of allowing a divorced spouse the right to enjoy privileges which were conferred during the relationship, where that relationship lasted five years or longer.

We live in an interconnected world and in today's interconnected world it is important for Trinidad and Tobago to be seen as a welcoming, empathetic nation. The same way we want our Trinidad and Tobago nationals to be treated when they

live and they work abroad, we too should treat those who make our country their home and workplace. As Minister Gopee-Scoon had said, reciprocity. All and all, this legislation is consistent with the ideals, the functional relationships and economic objectives of the Caricom system, in particular the Revised Treaty of Chaguaramas which desires enhanced participation, integrated movement of labour throughout the states which are party to the Treaty. Indeed, Article 34:

“(b) require the Member States to remove administrative practices and procedures, the maintenance of which impede the exercise of the right of establishment;”

And to:

“(a) accord priority to the removal of restrictions on activities in respect of which the right of establishment encourages the development of...”—
among other things—
“(ii) the provision of services,”

Article 35 requires the establishment of:

“1. ...common standards and measures for accreditation or when necessary for the mutual recognition of diplomas, certificates and other evidence of qualifications of the nationals of the Member States in order to facilitate access to, and engagement in, employment and non-wage-earning activities in the Community.”

Article 37 requires:

“2. ...the removal of restrictions on the provision of...services”—within—
“the Community...”—in respect of—“Community nationals.”

And Article 46, mandates that Member States will accord skilled:

“1. ...Community nationals the right to seek employment in their

jurisdictions...

2. ...establish appropriate legislative, administrative and procedural arrangements to:
 - (a) facilitate the movement of skills..."

And to:

"(b) provide for"—such—"movement...without harassment or the imposition of impediments."

So this law is not only consistent with our treaty obligations, it in fact is the fruit of the Revised Treaty of Chaguaramas which was signed on the 4th of July, 1973, clearly slow ripening fruit which has taken some 49 years but hopefully well worth the delay. Accordingly, I am in favour of this legislation but I do have some concerns which hopefully we can resolve at committee stage. Just to join with Senators Thompson-Ahye and Lutchmedial, the word "spouse" is used and the concept of spouse is implicitly recognized at clauses 4(c)(a) and 18.

Now, my understanding of spouse is partner, married person and mate. It includes marriage but it also includes cohabitational and common law relationships. Sen. Thompson-Ahye rightly pointed us in the direction of the Domestic Violence Act which recognizes domestic relationships as including spouse or former spouse and cohabitant or former cohabitant. So we have special legislation in Trinidad and Tobago which recognizes and makes provision for cohabitational relationships, yet the Schedule at clause 19 does not recognize cohabitational relationships as a form of marital status. One is either single, married, divorced or widowed.

Now, I believe this should be rectified to allow for spouses in the broader sense of the word, especially when public attitudes towards marriage, both here

and abroad, has shifted significantly. There are studies showing that the millennials are hesitant to marry and statistics suggest today that people just do not want to get married by and large. So that part of Schedule II seems to be out of sync with contemporary life.

My second concern arises from an examination of Schedule III. I appreciate that the Schedule widens the categories of the qualifying applicants from artistes, musicians, sportsmen and so on, but others have asked the question, why security guards? Hon. Minister of Foreign and Caricom Affairs explained that security guards are not up for implementation at this time but I would be interesting in knowing, do security guards have special skills for which they can be accredited? I would be interested in knowing what are the vocational qualifications for security guards within Caricom?

And my third concern relates to clause 11 which amends section 8. Now, we are no longer specifying degrees from UWI as the major pathway for qualification requirements but UWI still has to issue a recommendation certificate. And my question is whether UTT qualifies for recognition throughout Caricom? Where does the University of Trinidad and Tobago fit in the grand scheme of things?

So, having said that, the free movement of services within Caricom will be one of the region's great achievements. It will encourage people to travel to fill jobs, it will help boost our economy, it will lower unemployment as people move from where jobs are scarce to where jobs are many, it will offset skills and labour shortages. As Sen. Gopee-Scoon has said, given our small size as micro and small states, it is this pooling together which is going to afford enormous benefits both for the economy and for our national. It offsets the negative impacts of economies of scale.

As I wind up, I want to just say today, I wear the colours of blue and yellow in solidarity with the people of Ukraine, a nation which is being punished, decimated for wanting to align itself with a regional grouping of nations. I say this to underscore that we should not take our Caribbean Community and the relative peace and stability we have so long enjoyed, we should not take these things for granted. The fact that we can deepen regional ties and facilitate easier movement for Caricom nationals to live and work within multiple countries is something for which we must be grateful. These opportunities and benefits did not fall from the sky. Regional leaders and technocrats have laboured long and hard to make this happen. So I join with the Chamber of Industry and Commerce, the Manufacturers' Association and the business community in commending Government for bringing this legislation; bringing this legislation today—I am speaking for myself—for letting us play a role in these ongoing and significant achievements. I thank you.

Hon. Senators: [*Desk thumping*]

Madam President: Sen. Lyder.

Sen. Damian Lyder: Thank you, Madam President. And, Madam President, I thank you for the opportunity to contribute in a very short manner given the fact that I am very low down on the batting line up and I know that a lot of points have been executed thoroughly, so I would do my best to skim through many of those points very briefly, once you allow me. But I thank you for this opportunity. And firstly, before I get started, Madam President, I would like to also take this opportunity in wishing the powerful women in our beloved nation, these powerful women that make up our mothers, our wives, our sisters, our daughters, we wish them a Happy International Women's Day. May they continue to be strong and build this community.

Madam President, today we are called to the Senate to debate the Immigration (Caribbean Community Skilled Nationals) (Amdt.) Bill, the Bill to make the provisions specific to the Caricom Single Market and Economy. And, Madam President, firstly let me start by saying that it was the United National Congress that first brought this legislation to the Parliament and as such, we indeed do support the CSME. But what we are having problems with, Madam President, is supporting the framing of this Bill, parts of it, some of the amendments within the Bill which I believe do not benefit our citizens, our workers in the long run.

6.00 p.m.

Madam President, the CSME has been at the heart of regional integration efforts for the past three decades, but let us always be reminded that with regard to the Caricom, ours is in an economic union and not a political union. So we must ensure that the citizens of our country must be protected first and foremost. Madam President, free movement of labour in the region has as a feature the need to balance the interest of individual territories along with the interest of the region as a whole. So the question is: Does this Bill accomplish that; does this Bill balance these interests? So, in my contribution I will prosecute the points that answer the question of balancing interests. Because we have sworn, Madam President, on an oath to uphold the Constitution and the Laws of Trinidad and Tobago. And so the interest of the citizens of our blessed nation must be paramount in this regard. And I also too, Madam President, questioned why this Bill has been tabled in the Parliament at this time.

This is because this Bill was introduced in the run-up to the Caricom Heads of Government Summit held last week in Belize, and I will get back to some comments made in that summit that is relevant to this Bill. So you see, Madam

President, this awakens this suspicion as to whether or not this Bill was tabled to appease the Caricom colleagues at this time. I am just asking. But you see—because it comes as no surprise for me because this was the case in 2003, under a former PNM Government, where this Bill was introduced simply to attend the Caricom Summit with a trophy in hand. But, Madam President, I will run along quickly into the clauses now. An examination of clauses 10 and 11 which outline the qualifications criteria—well, as the treatment of qualified persons in the register makes it necessary for us to briefly describe the Caribbean labour market.

Madam President, clause 10 establishes the skill register and the post of the CSME registrar, clause 11 broadens the categories of the skills allowed. And I spoke about Belize because no better summary was offered than what was delivered by the Prime Minister of Belize in the last week of the Caricom head summit in Belize where he was reported in Caricom's communique on the 33rd Inter-Sessional Heads Meeting to have said and I will quote:

He—“...observed that the CARICOM was contending with the worst economic recession in modern history.”

Now, Madam President, these words are remarkable. When a regional leader which sat as Chair of Caricom as in that conference can state that the Caribbean is ongoing “the worst economic recession in modern history”, we should stand up and take notice of this now at this point in Trinidad and Tobago. So are we prepared for a mass influx of workers in categories that will only serve to increase the competition for limited work opportunities locally, or would we prefer to prioritize persons who come to the sectors where we have deficiencies, Madam President? That is the question I asked.

This priority list, Madam President, can serve as a signal to regional

jobseekers to only make that journey to our shores where there is a high chance of being gainfully employed. Because if they journey to our country and they find difficulty in employment—like many of our citizens are finding right now—they can become wards of the State and we have to take that into consideration. Burdens on the State whether it is medical, whether it is protective services, et cetera. I will expand further. But, Madam President, you know—and this is seen today when we see the mass number of migrants that cannot afford even rent, and some of them have to squat in forests, others resorting to nefarious activities and working in houses of ill-repute. We want to ensure that does not happen, Madam President. So what we are doing, however, is trying to build an economy in darkness.

The Government needs to focus its energy on the categories of workers, Madam President. And, Madam President, it was even Antigua and Barbuda, and St. Kitts and Nevis, who decided to opt out of participating in this part of the CSME. Madam President, they opted out of the decision for a period of five years. They did not agree to allow persons with agriculture, security guards, and the CCJ permitted it in the First Advisory Opinion on the Freedom of Movement but I will not go any further on that, Madam President. I think Sen. Lutchmedial did mention that in passing.

I will move on to the next point, which is that, Madam President, I have seen the hand of the line Minister in operations of Government processes has become to me a reoccurring decimal in this regime. There are some mentions of the Minister in this document and I think I heard Sen. Mark made a few in passing, and I will just touch on a few others on passing. So the Minister can by order determine directly the status of someone either as and clause 7 amending section 5 to be deported under a deportation order. Clause 11(c) inserting new subsection (2A)

which empowers:

“The Minister...by Order subject to negative resolution of Parliament—

- (a) amend Schedule V; and
- (b) approve a competent body for the purposes of subsection (2)(a).”

Therefore, the Minister has the say to determine which certifications are accepted. And then finally in clause 12, new subsection (2), to amend Schedule III which provides for specified categories of skilled nationals to be listed and thereafter amended by order of the Minister subject only to negative resolution of Parliament. So the Minister can chop and change the list of approved skills.

So these are some of the mentions of the Minister in the document and, as such, we see that the Minister has arrogated much power unto himself, and to me, Madam President, this raises a lot of red flags as it has in many other debates in the past where I have had an issue with this. And I cast absolutely no aspersions on the sitting Minister today, anyone who is responsible for immigration or whatnot, however, I am stating that it opens the door possibly, regardless of a government, for political interference into a process. So I am not talking about any particular Minister here, Madam President.

Madam President, clause 18 treats with the mechanism for maintenance of rights and privileges for divorce, spouses of a principal beneficiary, and I too, similar to Sen. Lutchmedial, as well as similar to Sen. Vieira, would seek some clarification from the Minister. I will not go any further, but I too look forward to it. In fact, we did share some comments about that. So I look forward to his response on as it pertains to common law marriages and how that is going to be handled within there. So, Minister, we look forward to that.

Madam President, as I go on, when we now examine the low level skills

persons who will be given opportunities to work under these amendments, when you open the door, Madam President, to these low level skilled jobs such as security guard, home maintenance, gardeners, persons who have the ability to bring their spouses and their children inside of here, my concern is how would such a person be able on one salary to be able to take care of a family when we know the high cost of living in this country here today. In fact, Madam President, even now we see the Government hinting on an increase in utility fees, we see pharmaceuticals, we see problems with supply chain issues skyrocketing the cost of food in this country. So we are not making a law simply for today. We are making a law for years in the future, and we have to consider what is currently happening and whether or not this is the right time to open up the flood gates to persons who may not be able to maintain a full family if they come and, as such, can again become a burden on the State, Madam President. So that is something that concerns me.

Madam President, when we examine the Caribbean Vocational Qualifications, we note some worrying points. We note that the challenges for labour movement in the region and the broad-brush CVQ certification is dangerous in my opinion. The law should have based CVQ level access based on an update advisory of skill gaps from the National Training Agency. Therefore, a more clinical choice of CVQ based skills would be allowed permits within this Bill, Madam President. Madam President, again I heard Sen. Lutchmedial speak about that, then I heard Sen. Vieira speak about in issue with Venezuelans, and so therefore, for me I ask myself: Are we about to make the same mistake that we made with the 160,000-plus Venezuelans that were registered in this country some three years ago?

We must consider these things when we are about to pass this type of legislation. Because when the Venezuelans first came we did not seek to fill the gaps in areas where we had shortfalls on unemployment. Because of the Government's lack of proper data on unemployment categories from the registration exercise because they never found out in that registration exercise and compiled the information that we are aware of, of where these skills would have been used from the Venezuelans. So instead of deploying them to specific sectors to fill job shortages, they simply turned them out into the streets and they were absorbed in jobs *carte blanche*, whether it was bars, casinos, underground economy. I would not want to see that happen with my Caricom neighbours, because when they came the Government did not seek to quantify their expertise and match their skills with the economy.

Madam President, with respect to potential labour from the CSME that this Bill contemplates in clauses 3 through 11, some of the gaps in our economy are—for instance in farming, we have shortfalls in the tourism sector, persons working in hotels in service-oriented areas. So, there do exist gaps and categories that need to be filled. I agree with that. But when we look at the amount of persons that can qualify—which I will get into a moment—when we look at the amount of persons, I am also seeing where we have a glut of persons working in those industries.

Madam President, between 2010 and 2015 under a UNC government, we opened up the GATE, that GATE programme. We developed a highly educated population and so these persons working in jobs where the requirement was a university degree, and because of such a high-level demand for these university degree jobs, we have had a shortfall in workers in specific jobs that require the vocational qualifications. So when the Venezuelans came, fortunately, some of

them did go into farming, some did go into manufacturing and that was good—that was good—but several other simply slipped into life of crime, into jobs that competed against our locals, and again in houses of ill-repute. We cannot afford to make the same mistake over again with the CSME. It is one thing to bring persons trained in farming in Jamaica and Surinam who could add value to a farming industry, but when we can open it carte blanche you may be bringing in thousands of masons, thousands of plumbers, thousands of carpenters that we have a glut of in this market. So who are we really bringing in, Madam President? Because right now nurses are currently allowed to come in under the current legislation and we do not see a glut of them coming in stamping their Caricom passports.

Madam President, as I move on to the CVQ qualifications, the Caribbean Vocational Qualifications are wide-ranging not to mention that there also exists National Vocational Qualifications in the Caribbean territories which further broadens the scope of persons who may qualify at the Minister's orders. Madam President, by way of example, there are 141 CVQ certifications as detailed in the Caribbean Examinations Council website. And so to give you a little idea of an example, but I will just mention a few, Madam President, if you can bear with me. So, for example, agro food processing; basic chaining: building construction; drafting; carpentry; commercial food preparation; community tourism; crop production-grow box operations; customer service; dairy farm operations; data operations; drapery making; early childhood development; electrical installation; entertainment and events technology; events management services; extrusion operators; fabric design; fish handling, floral arrangements, and I can go on and on and on. I just stopped there alphabetically.

Madam President, this list feels inexhaustible, yet it is only a fraction of the

courses that are available. And, Madam President, some of the frustration I see on the other side I could tell when I was going on and on they wanted me to move on from calling out the names, but many of these students sit regionally in O' Level exams and are opting now for vocational exams. So this mean that virtually the majority of the region can qualify by way of the Caribbean Vocational Qualification. So this means that a significant amount of roughly 250,000 students who write CXC exams annually are now eligible to the benefit of the CSME regime in Trinidad and Tobago. And so this adds to the numbers that already qualify by the existing criteria.

Madam President, given the mass levels of graduate unemployment and general joblessness in Trinidad and Tobago, it would be more prudent to adopt a progressive approach to migrant workers for this region. Madam President, I reiterate the point to my colleagues on the other side, 250,000, that is half a million persons annually have the ability to come here, come Easter 2022 when this is passed. Madam President, if there is high unemployment among skilled persons we can rest assure there is also high unemployment amongst those unskilled in Trinidad and Tobago just facing the same faith. This mass unemployment in this nation, Madam President, which was explained by Sen. Mark when he referred to the NIB Report that showed more than 113,000 persons are now on the breadline on the last five years under this administration. So we are now bringing people to compete against those who have lost their jobs according to the NIB Report.

Sen. Mitchell: Madam President—

Sen. D. Lyder: Madam President, as I move on to clause 11 and to—

Sen. Mitchell: Would the hon.—

Sen. D. Lyder:—and to 13—

Madam President: Senator?

Sen. D. Lyder:—in this Bill—

Madam President: Sen. Lyder, a point of order is being invoked.

Sen. Mitchell: Sen. Lyder, would you give way?

Sen. D. Lyder: I know Sen. Mark was kind to give way, but today I know some people have to get to an eight o'clock meeting so I want to hustle very fast Senator. So not at this point, Madam President, and I have a tight contribution. But next time, Madam President.

Madam President, clauses 11 through 13 in this Bill treat with the way in which persons can qualify for work either directly or via a spouse.

Sen. Mitchell: Madam President—

Sen. D. Lyder: Clause 13—

Madam President: Sen. Lyder, just one second.

Sen. D. Lyder: Yes, Madam President.

Sen. Mitchell: Just by way of—on a point of clarification, could the hon. Senator identify the NIB Report that he is referring to?

Madam President: Sen. Lyder, continue.

Sen. D. Lyder: Yes. Thank you, Madam President, for not allowing further interruption on such frivolous points. But, Madam President, clause 13 for instance would allow the spouse of a principal beneficiary to work in Trinidad and Tobago without the need for obtaining a work permit. So we are getting a two for one special here possibly, and I am not going to go into details because Sen. Lutchmedial and Sen. Mark spoke about it. But I want to draw reference to the situation that should remind us about the societal clash that existed in the United Kingdom. I want to use them as a reference because one main reason—one of

reasons why the UK pulled out of the European Union was due to the influx of persons coming in from Central and Eastern Europe taking the jobs of the Britains and it was not being reciprocated, Madam President.

The British were not seeking jobs in Eastern Europe and Central America in similar numbers. So there would be a similar case where this Bill is the passed there will be less tendency for Trinidad nationals to search for jobs in the smaller islands where there is less opportunity there, and there will be an unbalanced level of movement here because this is Trinidad and Tobago, like Jamaica, there are a lots of opportunities in industry that do not exist in the smaller islands. Similarly, Madam President, we saw the British were not going to these nations in similar numbers. This is because the—and, Madam President, this then became a burden to their social services, their hospitals, their police service, their national security, their school system.

So, on Brexit and jobs, the UK sentiment was that they would need to protect the interest of British jobseekers, which means that we can actually learn a lot from the UK in striking a balance between regional cooperation and the protection of national worker interest. Madam President, because when you look at the public sentiment is that the Government has been grossly understating the number of foreign jobseekers that are here competing now against the 113,000 unemployed between 2015 and 2020. Trinidad and Tobago may benefit from a more rational immigration system notwithstanding the Caricom directive. National interest trumps regional interest, Madam President.

Madam President, I move on now to clause 10 of the Bill which seeks to establish a skilled register which I will address later in my contribution. The clause by way of changes to section 7 of the parent Act will introduce the post of the

CSME Registrar. The CSME Registrar will be the senior office assigned to the responsibility of maintaining the CSME Register. The first question is: Whether or not this can be considered in a political appointment? I am asking clarity because if the answer is yes, then it raises the suspicion as to whether or not via any government, not this one, any government. This can open the door for political interference based on the mechanism to hire and fire the Registrar, and this is because under new section 7A(3) it reads and I quote:

“The Minister shall assign a senior officer at the CSME Unit, the responsibility of maintaining the CSME Register established under subsection (1)”

So I am just asking because from my understanding on the framing of this subsection is clear that there is no intermediary between the Minister and the appointment of the registrar. Of course, positions like this will involve maybe the CPO for salaries and Cabinet approval for contract or whatnot. However, the Minister should still effectively have the power to hire and fire the registrar.

Madam President, the Registrar once elevated to that position, that post, would not be consoled with being able to remain a public servant if he is removed again given that he would be chosen from established senior staff in the Ministry. The bottom line here is, Madam President, is that the Minister will be holding all the cards—any Minister. Therefore, should the Registrar make one move that does not sit well with whoever acts as Minister, it can result in a termination of that post, and that can hardly be a practice in the matters of such importance that we are debating here today, Madam President. There will be security of tenure for a public servant—there will—but there will be no security of tenure that can be envisioned in the post of Registrar given the framing of this section, Madam President.

Madam President, Sen. Mark, and I heard he mentioned clause 5, as I move on to clause 5 I will not get into repeating what Sen. Mark stated, safe to say that Sen. Mark discussed clause 5 of the Bill which amends the parent Act and shall give ultimately a skilled Caricom national the ability to stay for an indefinite period which rises the issue of election franchise and voter registration. I think Sen. Mark spoke at length of that, the risk of affecting an election, and I will not speak about that except to say or cite an example, Madam President, in Antigua and Barbuda under the Representation of the People Act. Let us look at this other Caricom jurisdiction that would have incorporated some of the very same laws that we are contemplating today under the CSME. A July the 17th, 2013, article in the *Guyana Chronicle* reports the headline: “Antigua’s voter registration row”, and at the heart involves registration of new electors for the national poll. And, Madam President, the issue of voter padding in essence was at the heart of this row and the Caribbean community does not benefit when these types of things happen.

Now again, I cast absolutely no aspersions on any Minister. I am merely speaking to the framing of this Bill and the risk that it poses to possibly voter padding in the future. Madam President, how much time do I have left if I may ask you kindly?

Madam President: Sen. Lyder, you have six more minutes.

Sen. D. Lyder: Six more minutes, Madam President. Thank you very much, Madam President. Madam President, this new section, section 7A, the new section seeks to establish a Caribbean community skills register. The register would include persons approved based on the expanded criteria who have decided to exercise their options to come to Trinidad and Tobago. And, Madam President, again from the lessons we learned in the UK, they should tell Trinidad and Tobago,

then even if it may seem a bitter pill, we need to protect the interest of our citizens. And this actually can be achieved with targeted immigration policy for workers in the region and I will cite one or two examples, Madam President. The Government may ask which section we should target as an economy. The answer lies in the productivity indices of the Central Bank. They could look there for that.

The textiles, garment and footwear sector saw a—

Madam President: Sen. Lyder, you have five more minutes.

Sen. D. Lyder: Thank you, Madam President. The textiles, garment and footwear sector saw a decline of 7 per cent between 2015 and 2020. So that was a 7 per cent decline. This can be an area that workers from CSME can fulfil rebuilding that industry. Another section experienced decline, Madam President, from 2015 to date under this administration is the miscellaneous manufacturing which is down 11.4 per cent from 2015—2020. And, Madam President, even in agriculture we saw that beef production stood at 285 kilograms in 2020 which has now declined to 135 kilograms in 2019 which was the last data point available from the *Central Bank Economic Bulletin*.

Madam President: Sen. Lyder—

Sen. D. Lyder: This could be an area we could target—

Madam President: Sen. Lyder, a point of order is being invoked.

Sen. D. Lyder: Yes, Madam President.

Madam President: Minister.

Sen. Gopee-Scoon: 46(1), relevance.

Madam President: Sen. Lyder, you are nearing the end of your contribution.

Sen. D. Lyder: Yes. Thank you, Madam President. I will move on. So I just cited some examples, some industries that this Government can target instead of opening

the door carte blanche for everyone to walk into Trinidad and Tobago.

Madam President, as a businessman, we also saw the possibility of drain on forex. As a businessman, we already have shortages of forex. So when we have large influxes of migrants coming in to our country, many of them will be repatriating the US dollars back to their families at home and this can be a leakage of forex with this influx, Madam President. We are already seeing long queues at Money Transfer, and cambios, Western Union, and MoneyGram—

Madam President: Sen. Lyder, I have to caution you now on relevance. So you have a few minutes.

Sen. D. Lyder: Yes. Thank you, Madam President. Madam President, under clause 7 of this Bill speaks to the revocation of the status of an entrant. So, we are stating that this is inadequate and stronger measures should be put in place, and I want to use an example of how Antigua and Barbuda protected their local workers on the ground, Madam President. So we only have to look at the OECS to observe how it was done in the context of the Caricom framework. Article 164 is a regime which seeks to promote industrial development among less developed countries of Caricom.

So in essence when they invoked this Article 164, they protect their manufacturing plants and by extension they protect the jobs of their citizens in Antigua and Barbuda, and by extension all the rest in the OECS. Because, Madam President, the OECS saw the need for protection because of the sheer size of Trinidad and Tobago and Jamaica who could cripple their—the size of our manufacturers who could certainly cripple smaller manufacturers in Antigua and Barbuda leading to unemployment. So in very much the same way that we must recognize that the sheer size of Trinidad markets caused the OECS to impose this

protection tax, we must also protect ourselves by highlighting specific categories of workers in Trinidad and Tobago.

And, Madam President, as I close, in the United National Congress that placed this legislation, we support CSME, but with the measures in this Bill the Government has gone too far. This will take away the jobs of citizens at a time when we cannot find any. Our concern aligns with the amendments of this Bill and the fact that the Government must answer some key questions about the timing of this Bill. The broad inclusion of categories of certificate holders paves the way for an influx of labourers that may not fill the skill gaps, adding to mass joblessness already experienced locally. I have placed some questions regarding the common law divorcees, I expect to get that answer. And to conclude, the alarming insertion of the Minister in this Bill does not help bring credibility to what may have been able to be achieved. And finally, the loss of our leadership position in the Caricom does not augur well for the interest of the people.

So, Madam President, the Bill pushes Trinidad further down the slippery slope this Government placed us on when they allowed our borders to remain porous for tens of thousands of immigrants to come into this country over the last several years. It has resulted in a glut in our labour market with citizens left standing in the rain, Madam President. And, Madam President, with those few words I thank you.

Hon. Senators: [*Desk thumping*]

Madam President: Sen. Heath.

Sen. John Heath: Thank you, Madam President, for allowing me to contribute on this Bill entitled an Act to amend the Immigration (Caribbean Community Skilled Nationals) Act, Chap. 18:03. First, let me echo the sentiments of all my colleagues

who went before in wishing all women everywhere a happy International Women's Day. Madam President, I am now down to six points from the 12 that I had initially pencilled and that is to avoid clear repetition. If I may start at looking at clause 5(6) which states:

“Where a certificate has been verified under subsection (5) as being valid, the holder of the certificate shall within fourteen days of being notified come before the Chief Immigration Officer to be granted permission to remain in Trinidad and Tobago for a period to be determined by the Chief Immigration Officer.”

I have some concern that this particular period of time is in the subjective discretion of the Chief Immigration Officer, and I would rather think it would be more useful to have a sort of objective criteria that is used.

6.30 p.m.

I know for a fact that the Chief Immigration Officer, that office anyhow is often brought to court and so to avoid what may be seen as arbitrary periods being given to members, whether it is members of different countries or members within the same countries but different periods of time being given, I think rather than leave it to the sole discretion of the Chief Immigration Officer, an objective criteria should be given as perhaps a fixed period of time.

Next I want to move on to clause 6 which has been traversed by Senators before me but I want to add a somewhat different dimension and clause 6 says:

“The Act is amended, by inserting after section 4A, the following sections:

4B. (1) A certificate verified it is being valid under section 4 shall be deemed to be invalid where—

(a) it is subsequently discovered that the application was

transacted under a gross or willful misrepresentation or falsification of any document required for the verification process;”

I have no problem with this and the word “shall” here because if it is that you are using the seat to obtain the certificate, well it should follow that it should be invalid. However, when you look at (b):

“it is subsequently discovered that the holder of the certificate was previously convicted of a criminal offence in the qualifying Caribbean Community State in which the certificate was issued;”

Now, I know my fellow Senators have touched on this with respect to—and they were coming from the point of view that, you know, it cannot be that because a person has a conviction that society at large continues to frown upon them and make it more difficult for them to go ahead and progress in life.

But, in addition to that, there would be circumstances where a conviction in a Member State for a criminal offence may not have a mirror criminal offence in Trinidad and Tobago. And therefore in circumstances, much like extradition, we would not extradite one of our citizens for an offence which is not an offence in Trinidad and Tobago and just the example that quickly comes to mind. Let us say a Jamaican, age 30, is coming here, has a conviction for simple possession of marijuana 10 years ago, his certificate is invalidated though we have decriminalized possession of marijuana and that possession is usually one, point one gram, point two gram. It is something minimal, it is quite a number of years ago but because there is no spending of your conviction and it stays on their record and we have decriminalized it here, yet we would be invalidating a certificate for a crime which is not a criminal offence in Trinidad and Tobago.

And so therefore, rather than have the word “shall” here with respect to this particular subsection (b), it might be that we would use “shall” for certain types of criteria and “may” so that there is a discretion once it becomes known what the particular conviction is, there is a discretion still to allow the person to have a valid certificate. This also goes with respect to subsection (d):

“the holder of the certificate was subsequently convicted for a criminal offence.”

So that you have a certificate, you have spent years and years being a good worker, you have progressed, you have added value to the society of Trinidad and Tobago but you are convicted for obscene language. If it is “shall” then there is not any choice with respect to invalidating that person’s certificate and so that we need to perhaps be very careful with respect with the use of “shall” with respect to criminal offences because for very trivial criminal offences, non-violent offences, offences which do not deal with dishonesty, you would find persons’ certificates being invalidated and that certainly cannot be with respect to the spirit of the Act.

And because, Madam President, as I indicated, persons who have convictions find it continuously hard to progress in society where the transgressions from how many years ago, especially in countries like Trinidad and Tobago where we do not have a mechanism to have that conviction expunged save and except for a presidential pardon which in itself is a task. That becomes very difficult.

With respect to section 4C which says:

“Where a holder of a skilled certificate is desirous of changing employment—

(a) within any category of as approved under section 9A, that person

shall, prior to changing his employment, apply for a replacement of his certificate as required under section 6(2) for the category specific to his new employment; or

- (b) outside of a category as approved under section 9A, that person shall, prior to changing his employment, apply for a work permit as required under regulation 10(1) of the Immigration Regulations.”

And what jumped out at me here, Madam President, is what if a person is simply in-between employment? So that, you were gainfully employed and for whatever reason, you have ceased to be employed, whether of your own volition or your services were terminated, and you are not either seeking or you are not obtaining other employment so your status is hanging in the balance. In those circumstances, how long is that person to remain in that static position without something kicking in place? So that you could actually have that person being an expense on the State in a position where we did not envisage. So that I do not think that that particular section addresses a circumstance where the person is in-between employment and is not simply moving from one employment to another whether in the same category or not.

Also, Madam President, the next one I would like to touch on which was canvassed by Sen. Lutchmedial but I would just expand on it a bit more is with respect to subsection (7)(b):

“Where permission has been revoked...”

And which says—sorry, let me read that section. This is subsection (7)(b):

“the Minister may, at any time thereafter, declare that such person has ceased to be a permitted entrant and such person shall thereupon cease to be a permitted entrant.”

What I have observed and Sen. Lutchmedial did touch on it is that the Immigration Act presently does not cater for persons who are skilled nationals to be declared and ceased to be so that what I think has to happen is that the Immigration Act has to come into conformity with what is envisioned with respect to this Bill and the current Act. And why I say that? Because there is at least one judgment which basically says that. Sen. Lutchmedial had touched on it, that is, if I may just say, it is Claim CV2020, that is, 02571 between *Tekla Carmichael v Chief Immigration Officer*. The applicant in that matter was a spouse of the principal benefactor and she received an indefinite—her passport was stamped “Indefinite”. That passport subsequently expired. She divorced the principal benefactor and when she was going to head back having stayed for almost 20 years, when she was going to return to Guyana, she had gotten a new passport which the Immigration viewed as saying that she was not a valid entrant into Trinidad and Tobago.

And what they did, they sought to bring her under one of the section 9 of the Immigration Act and the only one that they could find that could make a possible fit was section 9(4)(i) which states:

“Where a permitted entrant is in the opinion of the Minister a person described in section 8(1)(k), (l), (m) or (n) or a person who—”

And subsection (i) says:

“returns to or remains in Trinidad and Tobago contrary to the provisions of this Act after a deportation order has been made against him”—or her—“or otherwise;

the Minister may at any time declare that such a person has ceased to be a permitted entrant and such person shall thereupon cease to be a permitted entrant.”

That is the way the Immigration sought to deal with Ms. Carmichael.

And the judge said, which brings it in line with what we are speaking about, the judge, Madame Justice Quinlan-Williams indicated that:

“Section 9(4)(f) details the sections of the Act to which it applies and it does not apply to a skilled Caricom national nor their spouse admitted under and by virtue of section 9(1A) of the Act and section 10A(1) of the Immigration (Caribbean Community Skilled Nationals) Act.”

So that is with respect to the current Act.

So I am simply indicating, Madam President, that we probably need to bring into conformity to consider not the expanded persons who can come in but currently needs to be considered under the Immigration Act if it is that the Minister is to have the powers of declaring “ceased to be”.

When you go to clause 13, Madam President, it reads:

“Section 10 of the Act is amended, by inserting after subsection (1) the following subsection:

(1A) For the period of a duration of a permission under section 3(1), the spouse to whom section 3 applies shall, notwithstanding the provisions of any law but subject to sections 4 and 5, have the right to work in Trinidad and Tobago without the need to obtain a work permit.”

Two things with that, please. It is certainly not without merit to perhaps forecast possible mischief that could happen by simply allowing the spouse to work unfettered. It is a phenomenon not in Trinidad but worldwide that there are often marriages of convenience and one can see that what would happen is that that marriage of convenience can take place in the Member State, the principal

benefactor could come across here with the spouse and in sort of a strange way, the spouse circumvents the requirements to work by being a skilled national simply by being the spouse of the benefactor. So that is something I think that needs to be looked at carefully.

In addition to that, whilst the dependants can come, I do not see that the particular Act caters for students. Certainly, if it is that both parents are not required to have work permits, it would be hard-pressed to see how a student will have to obtain a student permit and go through all the repeated procedures to keep validating that student permit. So that if it is that families are brought in, I think certainly students should be catered for with respect to possible exemptions.

And lastly, Madam President, I want to just echo the sentiments expressed by my colleagues with respect to the use of the word “spouse” and the expanded definitions that they have all alluded to. I want to adopt them as if they were my own for consideration by the Minister.

I thank you very much, Madam President.

Hon. Senators: [*Desk thumping*]

ADJOURNMENT

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Madam President. I beg to move that this House do now adjourn to Tuesday, March 15th at 1.30 p.m. On that day, Madam President, we intend to complete the debate on this Bill and take the Bill through the remaining stages. Thank you.

Madam President: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised. Sen. Seepersad.

Central Statistical Office

(Ongoing Human and Physical Resource Challenges)

Sen. Charrise Seepersad: Madam President, the matter I wish to speak on today is: the ongoing human and physical resource challenges faced by the Central Statistical Office, the CSO, impacting its efficiency and effectiveness and the need for the Government to expedite legislation to address these issues.

American statistician W. Edwards Deming said:

“In God we trust. All others must bring data.”

Data in and of itself is seldom useful if it is incomplete, inaccurate, stale or irrelevant. The basic statistics a country relies on for its internal social and economic planning and management must be current, complete, accurate and of course reliable. The same basic data is disseminated to international rating agencies and business decision-makers. Both leading and lagging indicators such as GDP, labour, prices, consumer information, money, health, et cetera, must be collected, processed, disseminated by an efficient statistical office. Madam President, presently, this is not the case.

The Central Statistical Office is not able to provide the data required since the current system does not facilitate the CSO from gathering and disseminating data. Further, the data that the CSO is authorized to collect such as child, youth and gender statistics is deficient. The CSO needs more resources including staff. As a result, the organization is producing the bare minimum statistical information. The under-resourcing of the CSO is also manifested in its physical infrastructure. Its original building on Independence Square fell into disrepair and was bulldozed. The office was then relocated to Frederick Street.

The CSO current database and methods of gathering and disseminating

information is outdated. Economists, researchers and various organizations have had issues with access to information and problems with the consistency in details. It must be noted that this was not always the case. In the 1980s, Dr. Gordon Draper provided consultancy services to the organization to raise the overall standards including the quality of statistical data. An example is the geographic information mapping system deployed with the capability of providing demographic information on any county in the country.

However, Madam President, it is also true that businesses and other organizations do not respond to the CSO business surveys to provide relevant data. Having access to reliable accurate data by public and private sector entities and families is crucial to making sound decisions. Gross domestic and balance of payments data are some of the most widely used measures of an economy's input and production. This allows businesses, policymakers and economists to analyse the impact to variables such as monetary and fiscal policy and economic trends. Madam President, without up-to-date data, many decisions and policies would at best be guesstimates.

Further, Peter Drucker, to paraphrase, is credited with saying if you cannot measure it, you cannot manage it, that is tracking the success of an endeavour is seldom possible without the necessary statistical measures. Madam President, let me give you an example. It took the COVID-19 pandemic to show the disparity between the number of children who needed to access online classes and children without access to digital devices. How did the Government who had made promises to develop data gathering systems not know what this disparity was? The answer: There was no available data on digital use among families.

A national statistical institute Bill introduced in 2018 was in 2019 referred to

a Joint Select Committee. This Bill is intended to replace the 1952 Statistics Act and to arrest and reverse the decline of the CSO which began at least 30 years ago and is continuing up to today. The NSITT is envisaged to be legislatively robust, autonomous and independent to effectively coordinate the national statistical system. In addition to the legislative foundation, there must be a superstructure of competent, independent, committed, trained personnel using the latest information technology who are most importantly responsive to users.

The NSITT will be given more autonomy to disseminate or authorize the dissemination of official statistics together with conducting censuses and surveys, collaborating with individuals, firms and other stakeholders to develop a national statistical system. These statistics must be based on conformance with a public code of standards and practice for statistics. State agencies such as the Board of Inland Revenue and the National Insurance Board and other private and public enterprises would have to provide relevant data on a timely basis to the institute.

The Minister of Finance stated in his 2022 Budget Presentation that the national statistical institute Bill would be debated and adopted soon. Finalizing and implementing a modern and powerful national statistical institute needs to be prioritized now.

Madam President, I thank you.

The Minister of Public Administration (Sen. The Hon. Allyson West): Thank you, Madam President. The legislative framework to provide the proposed national statistical institute of Trinidad and Tobago was intended to result in the transformation of the Central Statistical Office into a modern, statistical institution with the requisite authority to collect administrative data and coordinate the national statistical system. Fundamentally, the legislation addressed in a holistic

manner the functioning of the central agency as a producer, coordinator and disseminator of data.

The Bill was intended to address among other things the following:

1. The authority of the CSO to coordinate the national statistical system via the establishment of a national statistical coordinating committee consisting of the Director General, head of the NSITT, Permanent Secretaries, a representative of the THA and a member of each of the following academia, business community, field of human resources and civil society;
2. The authority of the CSO to collect administrative data allowing for the use of generally higher frequency data sets which in turn would enhance the ability of the CSO to produce more timely and higher frequency economic and social indicator measures; and
3. Revised staffing structure with a greater number of statistical professionals which would enhance the statistical capacity of the CSO to extend the range of statistical outputs produced and allow for greater research. In general, a revised structure would result in a more flexible organization.

The vision for this transformed organization was to allow for the operations of the CSO to expand to meet the growing needs of the socio-economic sectors so as to effectively influence and guide decisions based on evidence. The NSITT was intended to better guide policy on the demographic profile of Trinidad and Tobago, guide labour market policy based on more up-to-date labour force data and investments based on sound GDP data. It was intended to enhance product development of certain data sets which, by enhancing staffing, would have been

facilitated; it was intended to have greater dissemination and research and analysis; all features of the new legislation.

However, Madam President, in 2018, the Government sought to establish a Joint Select Committee to examine the National Statistical Institute of Trinidad and Tobago Bill of 2018. The development of that Bill was as a result of two consultancies from Statistics Sweden, two national committees which included the support of civil society, academia and the representatives from the trade union movement and yet the Joint Select Committee was unsuccessful due to the unwavering refusal of the Opposition to support the Bill which required the special majority for it to be passed. Therefore, the blame for the failure to expedite the legislation lies squarely at the feet of the Opposition. We cannot move forward without their support and removing the clauses which require the special majority will significantly weaken the legislation.

Despite this challenge, Madam President, and the disappointment that the setback of our Ottawa development has caused, there has been immense progress in recent years with the resources available in the following areas:

The CSO working with the Caribbean Regional Technical Assistance Centre has officially implemented the production and dissemination of quarterly GDP.

The CSO has continued to produce its core statistical products and has adhered to the enhanced general data dissemination systems. An advanced release calendar has been published for the core statistical products of the CSO.

The CSO has worked with the IADB and consulted with the ILO to undertake labour force training and revise the survey instruments for the revised labour force surveys which is planned for implementation in the third quarter of 2022.

The CSO has recently upgraded its website to allow for easier querying of data including time series data and is currently working with the IADB to implement an open data policy for the dissemination of statistical products.

The CSO, with the kind intervention of the Ministry of Trade and Industry via an IADB funded project, has upgraded the trade data extraction tool Webconnex which allows data users access to trade data at a very detailed level.

The CSO has begun to implement the use of the computer-assisted personnel interview method of data collection in sample surveys whereby data is collected on computer tablets or similar digital devices which enables the faster processing and dissemination of data.

The CSO working with our development partners has continued to work on the development of major surveys and the population and housing consensus. Those surveys would include the multiple indicator of cluster survey, a survey on the status of women and children, the household budget survey, survey of living conditions and the population and housing consensus. There is ongoing collaboration with Statistics Canada and the IADB on the planning and implementation of the census.

It should also be noted that the CSO and the Board of Inland Revenue have signed a memorandum of understanding to make valuable use of administrative data whereby the CSO agrees to provide training to the BIR on the coding of business establishments according to international standards and the BIR in turns shares non-identifiable value added tax data to the CSO. But, Madam President, it is important to note that an MOU is not law and what we need is robust institutional linkages that demonstrate our adherence to sound statistical practices. The legislation which we still need to pass would provide this.

7.00 p.m.

Madam President, more expert staff will always enhance the capacity of an organization to deliver its goods and services. In fact, in the past year, the CSO has been able to fill several of its vacancies for statisticians and additional members of the professional staff at the entry level to work on social statistics, as well as secure an increase in the number of field staff to meet the implementation of additional surveys in accordance with its statistical mandate.

The CSO is working with the Ministry of Planning and Development to acquire additional professional staff members on contract to assist in the coordinating role of the CSO, particularly as it relates to the Sustainable Development Goals, but more is required that the current legislation does not facilitate. But I wish to posit that the Bill would have given the CSO its holistic framework and mandate it to be a transformed and modern organization that would be responsive to the growing needs of all stakeholders.

In fact, the International Monetary Fund, in its concluding statement of the 2021 Article 14 Mission, encouraged the authorities to reduce publication gaps and overhaul national statistics, emphasizing national accounts, labour market, household surveys and capital flows. It indicated that the move to the independent National Statistical Institute is ongoing but that sustained efforts are needed to build statistical capacity and prioritize commencement of its operations.

In closing, Madam President, I will say that the Central Statistical Office is an essential organization in the national development of Trinidad and Tobago. As an institution, it is faced with challenges not unique to any public or private sector organization. However, it has done—in the context of its given limitations, it is a credible job in the collection and dissemination practices and can stand up to

scrutiny. Expediting the legislation would facilitate the development of the CSO into a modern and expanded organization that would have the capability to meet the expectations of all the producers and users of data. Supported by technology, a well-coordinated national statistical system and indeed more professional staff will get us there. And I will again urge the Opposition to reconsider its position on this matter. I thank you, Madam President.

Madam President: Sen. Mark.

**Lightsource bp, Shell and BPTT Solar PV Plant
(Details of Electricity)**

Sen. Wade Mark: Thank you, Madam President. Madam President, my matter is a simple and straightforward one. It is the need for the Government to explain the use of electricity from Lightsource bp, Shell and BPTT Solar PV Plant.

Now, Madam President, there is a consortium of Lightsource bp, Shell and BPTT currently working with the Government of Trinidad and Tobago to jointly build two commercial scale solar power projects, one of which is situated at a site to the south of Brechin Castle and will connect the solar farm to the T&TEC national electricity network, or grid, via the Brechin Castle substation, which will have an output power capacity of approximately 92 megawatts, that is at Brechin Castle, and 20 megawatts at a place called Orange Grove.

Now, Madam President, this facility, whilst rated at 102 megawatts, will actually supply around 2 per cent of the current daily electricity demand in Trinidad and Tobago, and is expected, upon completion, to be the largest solar facility in the Caricom region. Now, some of the data that I have been able to gather on this are as follows: 225,303 megawatt hours is to be supplied per year, which is the equivalent to the energy needs of some 31,500 households. Some

123,000 tons of carbon dioxide emissions would be saved and the equivalent to taking over 26,500 cars off on the road. Now, these two plants sit on some 587 acres of land over the three sites. Now, Madam President, in 2015 the administration announced that the policy target of 10 per cent of all electricity was supposed to be produced from renewables, as nothing was achieved during that period after the announcement. Now, this particular consortium of Lightsource bp, Shell and BP were awarded a contract and tariffs were being negotiated. Now, the Ministry of Energy and Energy Industries would be involved in this exercise.

Madam President, we read some time ago in a newspaper called *Argus Media* in September of last year, that the following was taking place; we read in this publication dated the 14th of September, 2021 that:

“France’s HDF Energy, Spanish fund manager Fistera and consultancy Kenesjay Green are spearheading a”—project valued at US— “\$300mn green hydrogen project in”—this country—“Trinidad and Tobago, where a chronic gas shortage makes fertile ground for the emerging fuel.”

—according to the article.

“Fistera...”—“...and”—local company—“Kenesjay Green are finalizing the technical and commercial terms for the project that will produce green hydrogen by 2024...”

Now, Madam President, we want to get some answers and clarification on this matter. We know the two solar farms will produce 130 megawatts of electricity. First of all, we would like the Government to clear the air on the following: is any of this solar energy going to go on to the national grid for the use of our citizens? That is the first area we want to clarify. We also would like to know who is paying for this particular plant, these plants valued at US \$300

million, or \$2.1 billion, its equivalent. Is this solar plant being constructed by the consortium of Lightsource bp, Shell and BPTT using some 587 acres of state land being built to provide energy for Ken Julien and his sons' private company? This is a question that I am posing. If this is a private venture, what is the Government's contribution? And we seem to think it is a joint project, as the tariff, Madam President, is being currently negotiated with the Ministry of Energy and Energy Industries and the consortium of Lightsource, BP and Shell.

And the last area I am putting for clarification is whether the Ministry of Energy and Energy Industries is about to sign a power purchase agreement to pay a tariff rate of some US \$0.04 per kilowatt hour? Madam President, we stand to experience billions of dollars annually if this rate, we are going to be spending billions of dollars, if this US \$0.04 per kilowatt hour is finalized. And we would like to know whether this rate is what T&TEC is going to actually have to sell to the consumers at the end of the negotiation process. So this is equivalent to \$2.1 billion, that is this project, and we are asking the Government to clear the air as to whether the Government will be using state funds on state lands to enrich a private company owned by this company known as Kenesjay.

So that is why we have brought this matter to your attention, Madam President, and through you to the Parliament, so that the Government could clear the air, whether this is a state-sponsored project, if this is a privately-driven project, if negotiations are currently taking place on this project, whether it is going to be on the T&TEC electricity grid, or is it going to be organized for the Point Lisas Estate; and whether persons who I have mentioned are going to be the main beneficiary at the expense of the taxpayers. Thank you very much, Madam President.

Madam President: Leader of Government Business.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President. And, Madam President, I will deal with the last statement first, which is to say the beneficiaries of this project would be the people of Trinidad and Tobago.

Madam President, it is wrong for Sen. Mark to say that nothing has been done since the announcement of these projects, nothing has been done. And I would go through some of the details. And what has been done involves a very complex process of open bids, involving an RFP, for which there were numerous responses, an evaluation process, and a determination of the preferred bidders. So it is wrong to say that nothing was done. We have gotten to this point because of the work that was done from 2015.

Madam President, much of what Sen. Mark said at the end is really a fishing expedition. He has invoked the name Ken Julien. At one point, I was not sure if he was talking about Kenny J, or Kenneth Julien, or what. He has invoked the name Ken Julien, that has absolutely nothing with what I am about to say. He has just invoked that. Questions are merely a fishing expedition.

These are the facts, Madam President. Trinidad and Tobago's nationally-determined contribution targets a reduction in overall emissions from the three major emitting sectors, namely power generation, transportation and industrial use. And that target is a 15 per cent by 2030, from business-as-usual levels and an unconditional commitment to reduce emissions in the transportation sector by 30 per cent.

The Government, in its *National Development Strategy 2016 to 2030, Vision 2030*, also committed to establishing the enabling environment to facilitate the use

of renewable energy for power generation. Additionally, the Government has committed to the incorporation of renewable energy into the local energy supply with its goal of achieving 30 per cent of total power generation demand from renewable energy by 2030. That, Madam President, answers that question of this renewable energy going into the grid. That is the obvious answer. That is the purpose, and it is intended to replace the sources of energy currently used by 30 per cent.

Madam President, the incorporation of renewable energy into the local energy mix will lead to a diversity of energy resources that will displace some domestic consumption of natural gas, making the displaced volumes available for LNG or petrochemical industries, thereby generating more foreign exchange. By fostering a local renewable energy market, the development of other economic sectors can also be supported, including the creation of job opportunities and services as a major conduit of diversification of the economy.

To that end, Madam President, in November 2018, the Ministry of Energy and Energy Industries issued a request for proposals for utility scale solar and/or wind renewable energy projects, with an installed capacity of 3 megawatts, up to 130 megawatts. Eleven bids were submitted in response to the issued RFP, which closed in July 2019.

On 27 February, 2020, the Ministry of Energy and Energy Industries issued the conditional letter of award to the highest-ranked bidder; the consortium comprising of Lightsource bp Renewable Global Development Ltd, Shell Trinidad and Tobago Ltd, and BP Alternative Energy Trinidad and Tobago Limited. This consortium has proposed a 92.2 megawatts solar project in Couva, together with a 20 megawatt solar PV project in Trincity, which will provide an installed

Lightsource bp Shell and BPTT Solar
PV Plan
Sen. The. Hon. C. Rambharat (cont'd)

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renewable energy capacity of 112.2 megawatts. The consortium comprising of Lightsource, Shell, and BP has proposed two solar facilities with a combined capacity of 112.22 megawatts. These facilities are located at Trincity in the Orange Grove area and the Point Lisas/ Brechin Castle area.

Madam President, it is expected that the total energy production from the two plants when combined would be approximately 268.7 gigawatts hours per year, and this is expected to save on approximately 2,000 MMscf or 2 million MMBtu of natural gas annually. This is approximately at current Henry Hub prices worth approximately US \$10 million.

Additionally, the annual greenhouse gas emissions savings would be roughly 150,500 tonnes of CO₂ and will contribute to the country's nationally-determined contribution target. Thank you, Madam President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.18 p.m.