



SENATE OF THE REPUBLIC OF TRINIDAD AND TOBAGO

ORDER PAPER

THIRTY-SIXTH SITTING, SECOND SESSION (2021/2022)

TWELFTH PARLIAMENT

WEDNESDAY JULY 06, 2022 AT 10:00 A.M.

1. PRAYER
2. OATH OR AFFIRMATION
3. ANNOUNCEMENTS BY THE PRESIDENT
4. BILLS BROUGHT FROM THE HOUSE OF REPRESENTATIVES
5. PETITIONS
6. PAPERS
7. REPORTS FROM COMMITTEES
 - (i) The Second Report of the Joint Select Committee on Foreign Affairs on an Inquiry into the Status of the CSME in Trinidad and Tobago, Second Session, (2021/2022), Twelfth Parliament.
(By Senator the Hon. Paula Gopee-Scoon)
 - (ii) The Sixth Report of the Public Accounts (Enterprises) Committee on the Audited Accounts, Balance Sheets and other Financial Statements of the East Port of Spain Development Company Limited (EPOS) for the financial years 2012 and 2013.
(By Senator Wade Mark)
8. URGENT QUESTIONS
9. QUESTIONS ON NOTICE

QUESTIONS FOR WRITTEN ANSWER APPEAR IN THE APPENDIX

Questions for Oral Answer

Question No. 127 to the Minister of Finance

(By Senator Wade Mark)

In light of the Government's decision to close down the operations of Education Facilities Company Limited (EFCL), which has debt amounting to over \$600 million owed to contractors, consultants and workers, can the Minister state how does the Government intend to treat with this debt?

Question No. 129 to the Minister of Labour

(By Senator Wade Mark)

Given the investigation launched by the Occupational Safety and Health Agency into the recent diving tragedy at Paria Fuel Trading Company Limited, will the Minister make this report public upon its completion?

Question No. 130 to the Minister of Energy and Energy Industries

(By Senator Wade Mark)

Can the Minister state:

- (i) whether the Safety and Health function of the Paria Fuel Trading Company has been outsourced to a private firm; and
- (ii) the reasons for this decision?

10. REQUESTS FOR LEAVE TO MOVE THE ADJOURNMENT OF THE SENATE ON DEFINITE MATTERS OF URGENT PUBLIC IMPORTANCE
11. STATEMENTS BY MINISTERS OR PARLIAMENTARY SECRETARIES
12. PERSONAL EXPLANATIONS
13. INTRODUCTION OF BILLS
14. MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE AND MOVED BY A MINISTER
15. PUBLIC BUSINESS

GOVERNMENT BUSINESS

Motions:

- (i) **WHEREAS** it is provided by section 5(1) of the Land Acquisition Act, Chap. 58:01 (hereinafter referred to as “the Act”) that the President may by Order declare that land is required for public purposes;
AND WHEREAS it is provided by section 5(2) of the Act that Parliament may by resolution approve an Order made under section 5(1);
AND WHEREAS the Land Acquisition (Requisition) Order, 2022 was made by the President under section 5(1) of the Act as Legal Notice No. 77 dated the 6th day of April, 2022;
AND WHEREAS it is expedient to approve the said Order;
BE IT RESOLVED that the Land Acquisition (Requisition) Order, 2022 be approved.
(By the Minister of Agriculture, Land and Fisheries)

Bills Second Reading:

- (i) **The debate on the Second Reading of the following Bill which was adjourned on Monday July 04, 2022 will be resumed:**
A Bill entitled, ‘An Act to amend the Bail (Amendment) Act, 2019 (Act No. 17 of 2019)’.
(By the Attorney General)

- (ii) A Bill entitled, ‘An Act to establish the Private Security Service Authority and to regulate the private security industry and for other related matters’.
(By the Minister of National Security)
- (iii) A Bill entitled, ‘An Act to amend the Supplemental Police Act, Chap. 15:02’.
(By the Minister of National Security)
- (iv) **The debate on the Second Reading of the following Bill which was adjourned on Tuesday January 18, 2022 will be resumed:**
A Bill entitled, ‘An Act to repeal the Livestock and Livestock Products Board Act, Chap. 67:05’.
(By the Minister of Agriculture, Land and Fisheries)

COMMITTEE BUSINESS

Motions:

- (i) **BE IT RESOLVED** that this Senate adopt the Report of the Special Select Committee established to consider and report on the Sexual Offences (Amendment) (No. 3) Bill, 2021.
(By Senator the Hon. Reginald Armour, SC)
- (ii) **BE IT RESOLVED** that this Senate adopt the Report of the Committee of Privileges.
(By Senator the Hon. Randall Mitchell)
- (iii) **BE IT RESOLVED** that this Senate adopt the Report of the Special Select Committee of the Senate appointed to consider and report on a Code of Ethical Conduct and Behavior for Senators.
(By Senator Dr. Muhummad Yunus Ibrahim)

PRIVATE MEMBERS’ BUSINESS

Motions:

- (i) **The debate on the following Motion which was in progress when the Senate adjourned on Tuesday June 28, 2022 will be resumed:**
WHEREAS in 2001 the States of the Caribbean Community established by agreement (by treaty) the Caribbean Court of Justice (“the Court”), convinced that the Court would have a determinative role in the development of Caribbean jurisdiction steeped in the ethos of the region;
AND WHEREAS Trinidad and Tobago, having ratified without reservation the agreement establishing the Court, is bound under treaty to refer its appeals to the Court in lieu of continuing to have them heard by the Judicial Committee of the Privy Council;
AND WHEREAS the unique and varied legal matters which arise in the Caribbean are far removed and foreign to the society, culture and habits of the Judicial Committee of the Privy Council, as sentiment echoed by Privy Council judges and senior British legal figures;
AND WHEREAS almost all Commonwealth States outside the Caribbean as well as four CARICOM states, have since delinked from the Privy Council, recognizing that it goes against the sovereignty of independent nations, and is therefore politically unacceptable, to have such a foreign tribunal permanently entrenched in their Constitutions as their final appellate Court;
AND WHEREAS this is an appropriate time for Trinidad and Tobago to accede to the Court in its appellate jurisdiction, so that the Country’s civil, criminal and constitutional appeals can be heard by the Court, which will also serve this Country’s democratic and developmental objectives regarding affordability, relevance and increased access to justice;

BE IT RESOLVED that this Senate agree that the Caribbean Court of Justice be recognized as the final Court of Appeal for Trinidad and Tobago and that the appropriate amendments be made to alter the Constitution of Trinidad and Tobago so as to entrench the court as its final court of appeal.

(By Senator Anthony Vieira)

- (ii) **WHEREAS** the Commissions of Enquiry Act, Chapter 19:01 provides for the establishment of Commissions to manage the conduct of enquiries into public officers, departments and matters of public welfare;

AND WHEREAS Commissions of Enquiry are recognized as an important tool for social investigation in contemporary society, an effective mechanism for delivering into and ameliorating matters of public concern;

AND WHEREAS successive Government administrations have failed to adequately address public concerns which have arisen from time to time on whether the Commissions of Enquiry in Trinidad and Tobago have been effectively and efficiently carrying out their mandate;

BE IT RESOLVED that this Senate call on the Government to review the Commissions of Enquiry Act, Chap. 19:01 and the public inquiry process in Trinidad and Tobago.

(By Senator Anthony Vieira)

- (iii) **WHEREAS** it is provided by section 1(2) of the Data Protection Act 2011 that the Act shall come into operation on such day as is fixed by the President by Proclamation;

AND WHEREAS Part 1 and sections 7 to 18, 22, 23, 25(1), 26 and 28 of the Act were operationalised on January 06, 2012 and section 42(a) and (b) were operationalised on August 20, 2021;

AND WHEREAS there are other sections of the Act that offer the necessary checks and balances in safeguarding the personal data/information of every citizen;

BE IT RESOLVED that the Senate call on the Government to immediately proclaim the remaining sections of the Data Protection Act and in the process ensure the necessary checks and balances aimed at safeguarding citizens' fundamental right to privacy.

(By Senator Wade Mark)

- (iv) **WHEREAS** the Senate, as a House of Parliament, ought to afford Members such freedom of debate so as to allow full, frank and meaningful discussion within the constraints of the Standing Orders and well established parliamentary practice;

AND WHEREAS the position and authority of the President of the Senate ought not to be used in a partisan manner to prevent and or stymie criticism of the Government;

AND WHEREAS the Senate President is the servant of the Senate and not of the Government and as such ought to be impartial at all times;

AND WHEREAS the President of the Senate by her rulings has demonstrated her bias in favor of the PNM Government and her lack of understanding of the nature and role of the Office of President of the Senate;

AND WHEREAS by her actions the Senate President has stifled the freedom of debate guaranteed by the Constitution and thus brought this Senate into disrepute;

BE IT RESOLVED that this Senate declare that it has lost confidence in the President of the Senate, Senator the Honourable Christine Kangaloo.

(By Senator Wade Mark)

(v) **WHEREAS** Section 76(2) of the Constitution provides that the Attorney General is responsible for the administration of legal affairs in Trinidad and Tobago;

AND WHEREAS the Attorney General is required to uphold the Constitution and adhere to the Code of Ethics of the Legal Profession Act, Chap. 90:03, and maintain the rule of law to engender public confidence and trust in the office of the Attorney General;

AND WHEREAS a Miami Court has disqualified the Attorney General from acting on behalf of Trinidad and Tobago, due to a conflict of interest as the Defendants in the Miami matter were his former clients;

AND WHEREAS in said matter the Attorney General swore an affidavit dated April 24, 2022, wherein, he made several patently false statements and manifestly misrepresented the facts of his involvement with his former clients;

AND WHEREAS the Attorney General's conduct has embarrassed Trinidad and Tobago and brought his office into odium and disrepute;

BE IT RESOLVED that this Senate declare that it has lost confidence in the Attorney General, Senator the Honourable Reginald Armour, SC.

(By Senator Wade Mark)

Brian Caesar
Clerk of the Senate (Ag.)

Senate Secretariat
Office of the Parliament
The Parliamentary Complex
The Red House
Abercromby Street
PORT OF SPAIN

July 05, 2022

ORDER PAPER WEDNESDAY JULY 06, 2022
QUESTIONS FOR WRITTEN ANSWER

Question No. 187 to the Minister of Finance

(By Senator Wade Mark)

In light of concerns that necessary supporting information was not submitted to the Auditor General in relation to the audit of THA Financial Statements ending September 30, 2015, can the Minister provide the following:

- (i) a list of any receipts and payments which were not submitted to the Auditor General;
- (ii) a list of bank accounts which were not submitted to the Auditor General;
- (iii) a list of payment vouchers which were not submitted to the Auditor General; and
- (iv) the reasons why the above mentioned information was not provided to the Auditor General?

(Answer due by 16.07.2022)

Question No. 188 to the Minister of Finance

(By Senator Wade Mark)

In light of the Auditor General Report in relation to the audited THA Financial Statements ending September 30, 2015, and the matter of six (6) special purpose companies, can the Minister provide the following:

- (i) the names of the six (6) special purpose companies;
- (ii) a breakdown of the total monies paid to each of the said companies; and
- (iii) the reasons why the supporting documents for monies paid at (ii) above were not submitted to the Auditor General?

(Answer due by 16.07.2022)

Question No. 191 to the Minister of Finance

(By Senator Wade Mark)

As regard the expenditure listed under “Operating Payments URP -Contingencies Account Expenditure” in the Report of the Auditor General on the Financial Statements of the Tobago House of Assembly for the year ended September 30, 2015, can the Minister provide the following:

- (i) a list of companies which have been awarded contracts under said heading;
- (ii) the sum of each contract awarded; and
- (iii) the reasons why the documented contracts cannot be found in the financial statements appended to the Report?

(Answer due by 16.07.2022)

Question No. 192 to the Minister of Finance

(By Senator Wade Mark)

Given the findings under “Financial Regulations and Instructions” in the Report of the Auditor General on the Financial Statements of the Tobago House of Assembly for the year ended September 30, 2015, which noted that “*there were breaches of the Financial Regulations, Chap 69:01, the Financial Instructions 1965 and directives of the Ministry of Finance,*”, can the Minister provide the following:

- (i) the total number of said breaches which occurred; and
- (ii) the corresponding expenditure of each breach?

(Answer due by 16.07.2022)

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