

**SENATE***Tuesday, November 08, 2022*

The Senate met at 10.00 a.m.

**PRAYERS**[MADAM PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

**Madam President:** Hon. Senators, Sen. Amrita Deonarine has requested leave of absence from today's sitting. The leave the Member seeks is granted.

**CONDOLENCES  
(DR. LESTER HENRY)**

**Madam President:** Hon. Senators, former Sen. Dr. Lester Henry passed away on Tuesday, October the 25<sup>th</sup>, 2022. I now invite Members to offer tributes. Minister of Social Development and Family Services.

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

**The Minister of Social Development and Family Services (Sen. The Hon. Donna Cox):** Thank you, Madam President. While it gives me no joy, I rise today to pay tribute to a friend and colleague with whom I shared both a professional and personal relationship. Sen. The Hon. Dr. Lester Henry, whose passing we memorialize today, was a walking encyclopedia on economic matters and never hesitated to share his acumen with those of us whose areas of expertise were outside the realm of economics and monetary policy. This Senate will long remember Lester as the PNM's chief protagonist in economic issues and his scholarship can be found in the 57 Bills to which he contributed, the 19 Motions which he debated and the 13 committees on which he sat during the span of this tenure in the Tenth and Eleventh Republican Parliaments. But those of us on this side who know Lester loved him and now ache because of his passing.

We knew him for more than the Bills to which he contributed. We knew

Condolences (Dr. Lester Henry)  
Sen. the Hon. D. Cox

2022.11.08

him as a colleague, as a father, as a husband, as a mentor to so many, as a man capable of breaking down the most complex of economic situations into understandable pieces but, most importantly, as a friend. I met Lester when he was appointed an Opposition Senator in the Tenth Parliament and our friendship bloomed over the years, so that even when we no longer shared these benches, he was still a friend. And so I came to know him as the brother who would casually sit with me for coffee, listening to my stories, allowing me to vent and then, with just a few words, capture not only the essence of how I felt but the direction he thought that I should follow.

Lester's many contributions in this august Chamber demonstrated his affinity to those who found themselves in the constituency of the rejected in the band of the unheard. Ever mindful of his own upbringing, he would often say that his senatorial work was to give a voice to those who were not heard, to add another rung to the ladder of opportunity for the dispossessed and to make real the dream of people like his father, Ferdie Ferreira, to make Trinidad and Tobago into the blessed Republic in which he had boundless faith. Lester was the political product of an age when the joy and nobility of politics prevented differences of party, platform and philosophy from becoming barriers to cooperation and mutual respect, a time when adversaries still saw each other as patriots. It is unfortunately a spirit so sorely lacking in our time that there are few who would truly and honestly yearn to occupy a vacant seat. And so, while the country is poorer for his absence and the light of this Senate is dimmed by the loss of his brilliance, it is Lester's generous heart we will miss.

I mourn for my friend and brother, not for the fact that he was a Senator, but for the void he has left in this country. We mourn for our friend, not because he has been taken from us, but because his absence reveals the stark reality of what he

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Condolences (Dr. Lester Henry)  
Sen. the Hon. D. Cox

2022.11.08

has left behind. Lester's passing was a shock to all who knew him well but it has served to drive home the reality of our mortality that none of us gathered here today can know with any certainty how much longer our stay in this realm will be. What we can do though is to embrace the opportunity and gift of each new day to live our lives as best as we can with purpose, with love and with joy. We can use our time here in this Senate to treat each other with the same kindness and respect that we wish for ourselves. We can utilize our time to truly be of service to the people of Trinidad and Tobago and not only for those whose support brought us here.

We can all seek to learn from our mistakes, because none of us is without fault, and grow from our failures, and we can strive collectively to make Trinidad and Tobago a better place. Hopefully, if one day we are blessed with the opportunity to look back at our time in this space, we will know that we spent it well, that we made a significant difference and that our fleeting presence did have a lasting impact on the lives of others. After all, this is how Lester lived, that is his legacy.

Lester Henry has returned to his maker, guided by his faith and the light of those in whose footsteps he walked, leaving us, his wife and their four children to grieve his passing, but we do so with the memories he left us, confident that the good he has done will live on long after him, not only because it is captured in *Hansard* but, more importantly, in the hearts of all who loved him.

So, on behalf of the Government of Trinidad and Tobago, we extend condolences to his family and friends, and pray that they would be strengthened and comforted at this time. Madam President, I thank you.

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

**Madam President:** Sen. Mark.

Condolences (Dr. Lester Henry)  
Sen. Mark

2022.11.08

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

**Sen. Wade Mark:** Thank you, Madam President. Madam President, less than one year and six months ago, we collectively mourned the passing of the then Leader of the Government Bench, the late Franklin Khan, a mere 63 years of age. Today, we are mourning, from within our midst in the Senate, a second young man, a mere 61 years of age, Dr. Lester Henry. On behalf of the Opposition Bench, I would like to express our collective grief on the untimely passing of Dr. Lester Henry, former Senator. He was becoming a veteran and establishing his own legacy in this honourable House prior to his demise. Quiet, steady, yet unassuming, Dr. Lester Henry contributed to our country and to our Senate in a very meaningful and critical way, and, Madam President, this was manifested in his many contributions during his service to this honourable Senate, both in the Tenth and Eleventh Parliament. I would like, especially, to extend our condolences to his family and particularly his father, Ferdie Ferreira, who I reached out to, on behalf of the Opposition, to record our condolences on the passing of his son.

Madam President, we know that Lester contributed enormously to several Bills as is recorded in our *Hansard* records. A total of 44 Bills in the Tenth Parliament, he intervened and contributed to. In the Eleventh Parliament he also contributed to several Bills, Motions. He also served on several joint select committees, permanent. I remember serving with him on the JSC on State Enterprises. He also contributed to—well, his knowledge that is, to several ad hoc committees, Madam President. So, he, that is Lester, played his part, left his mark—no pun intended—made his contribution to our Senate and, by extension, our nation.

Madam President, once again, on behalf of the Opposition, we record our collective condolences to his family and we pray that the angels would safeguard

Condolences (Dr. Lester Henry)  
Sen. Mark

2022.11.08

his entry into the realm of heavenly glory, and may his soul rest in perpetual peace and rise in eternal glory. Thank you, Madam President.

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

**Madam President:** Sen. Richards.

**Sen. Paul Richards:** Thank you, Madam President. Good morning, colleagues. Dr. Henry and I had an interesting way of greeting each other in the corridors of these hallowed halls. He would see me and say, “Tall man”, and I would say, “Yes, short man.” He would say, “Gimme some ah dat height nah?” I would say, “When you gimme some ah dat brain.” He may have been short in stature but he was an intellectual giant. He was a patriot. Unfortunately, he passed away just days after his 61<sup>st</sup> birthday. He was, of course, a Senator, a son, a husband, a father of four children, an academic, a scholar and a colleague who worked up to the day before his passing, his untimely passing. As has been stated previously, he would have contributed to numerous Bills, 57; 13 committees he sat on and many Motions he would have contributed to. Academically, he was, of course, a senior lecturer in economics at UWI, St. Augustine Campus. He taught monetary theory and policy, history of economics, tort, monetary issues in economic development. He was also Assistant Chief Examiner at CAPE Economics. He would have sat and contributed to the Minimum Wages Board between 2008 and 2010. And, of course, he was an economist of great note throughout the Caribbean, recently appointed and working on the board of NGC.

He served as an Opposition Senator for the PNM during the period of June 18, 2010, to June 17, 2015, and then he was appointed as a Government Senator for the period September 23, 2015, to July 03, 2020, in the Eleventh Republican Parliament. He would have made significant contributions to the DNA Bill, 2011; the Anti-Gang Bill, 2010; the Appropriation (Financial Year 2011), 2010, 2012,

Condolences (Dr. Lester Henry)  
Sen. Richards

2022.11.08

2013 and 2014; and the Bail (Amdt.) Bill, 2010 and 2013, among many others.

While we know him as a colleague here, he was a consummate teacher and educator. He would sit with you for hours on end regaling you with his knowledge, freely sharing his knowledge on economics at national development at that. He thought the best of Trinidad and Tobago. He was an optimist and a pure patriot who really saw the great potential economically of Trinidad and Tobago, but more so the human potential, which is why he always, in his conversations with me, spoke to why he loved education and educating and lecturing so much, because he said, what our responsibility was, was to ensure that the next generation did better than we did to fulfill the potential of this beautiful twin-island state which we have the honour of being birthed in.

I had the opportunity to reach out to his father because, like many of us, when I saw the news of his passing, I actually did not think—I thought it was fake news, as they say. I did not believe it because one is not thinking in that realm for somebody as vibrant as Dr. Henry was. And his father—condolences to him and his family—said, “Yes, it is true”—in his calm stoic manner said, “Well, he did what he had to do. He worked up to the day before and his family and the country have lost him.” So, on behalf of the Members of the Independent Bench, we first send our deepest condolences to his wife, his father, his children, his colleagues and his friends, but more so to thank him for his service and to thank them for loaning him to us for so many hours, making valuable contributions to this Senate and to Trinidad and Tobago. Madam President, I thank you.

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

**Madam President:** Hon. Senators, today, we pay tribute to someone who served in this Chamber for 10 years as an Opposition and Government Senator in the Tenth and Eleventh Parliament, respectively. I have listened to the tributes paid to

Condolences (Dr. Lester Henry)  
Madam President

2022.11.08

Dr. Henry here today and over the past two weeks and they all speak in the same voice to Dr. Henry's passion, his commitment and his enduring belief in the innate ability of the people of Trinidad and Tobago to improve their circumstances. Having listened, I now wish to join with you in paying tribute to the late Dr. Lester Henry, who was someone who loved his political party, his work as an academic and an economist, his country and his family. Here, in this Chamber, I remember his contributions as having been passionate, yet tinged with humor.

His contributions were object lessons in how to be vocal without being vituperative. His death was a shock to us all and serves to remind us that tomorrow is not promised to any of us. Still there is a sense that in the way that he lived his life, Lester Henry filled every minute granted to him with 60 seconds of distance run and left nothing unsaid and nothing undone. To his family who mourn him as a father, husband and son, we extend our deepest condolences and we thank them for the support they gave to him as he gave of himself to his country. May his soul rest in eternal peace.

Hon. Senators, I now ask that we stand and observe a minute of silence as a mark of respect.

*The Senate stood.*

**Madam President:** Thank you, hon. Senators. Hon. Senators, the Clerk will convey to the family of Dr. Lester Henry all of the sentiments that have been expressed here today.

**JOINT SELECT COMMITTEE  
(APPOINTMENT OF)**

**Madam President:** Hon. Senators, I have received the following correspondence for the Speaker of the House of Representatives:

“November 04, 2022.

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Dear President of the Senate,

Establishment and Appointment of Members to Joint Select  
Committees

I wish to advise that at a sitting held on Friday November 04, 2022, the House of Representatives agreed to following resolutions:

‘Revolved:

That the Representation of the People (Amendment) (No. 2) Bill, 2020 be referred to a Joint Select Committee hereby established;

That this Committee be mandated to adopt the work of the Joint Select Committee in the Second Session and report by 31<sup>st</sup> of March 2023;  
and

That, subject to the concurrence of the Senate on the establishment of the Joint Select Committee on the Representation of the People (Amendment) (No. 2) Bill, 2020, the House appointed the following six (6) Members to sit with an equal number from the Senate on this Committee:

Mrs. Camille Robinson-Regis, MP

Mr. Colm Imbert, MP

Mr. Fitzgerald Hinds, MP

Ms. Shamfa Cudjoe, MP

Mr. Saddam Hosein, MP

Mr. Davendranath Tancoo, MP.’

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

Thank you.

Respectfully,

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Hon. Bridgid Mary Annisette-George, MP  
Speaker of House”

**SESSIONAL SELECT COMMITTEES  
(APPOINTMENT OF)**

**Madam President:** Hon. Senators, in accordance with Standing Order 79(2), I have appointed the following Members the serve on the sessional select committees of the Senate for the Third Session, 2022/2023, Twelfth Parliament.

**Standing Orders Committee**

|                        |          |
|------------------------|----------|
| Ms. Christine Kangaloo | Chairman |
| Mr. Nigel de Freitas   | Member   |
| Dr. Amery Browne       | Member   |
| Mr. Wade Mark          | Member   |
| Dr. Varma Deyalsingh   | Member   |

**House Committee**

|                            |          |
|----------------------------|----------|
| Dr. Amery Browne           | Chairman |
| Ms. Donna Cox              | Member   |
| Ms. Laurel Lezama-Lee Sing | Member   |
| Ms. Jearlean John          | Member   |
| Dr. Maria Dillon-Remy      | Member   |

**Committee of Privileges**

|                        |          |
|------------------------|----------|
| Ms. Christine Kangaloo | Chairman |
| Mr. Nigel de Freitas   | Member   |
| Mr. Randall Mitchell   | Member   |
| Ms. Jearlene John      | Member   |
| Ms. Amrita Deonarine   | Member   |

**Statutory Instruments Committee**

|                        |          |
|------------------------|----------|
| Ms. Christine Kangaloo | Chairman |
|------------------------|----------|

|                                 |        |
|---------------------------------|--------|
| Mr. Rohan Sinanan               | Member |
| Mrs. Renuka Sagramsingh-Sooklal | Member |
| Ms. Jayanti Lutchmedial         | Member |
| Mr. Evans Welch                 | Member |

### **Business Committee**

|                        |          |
|------------------------|----------|
| Ms. Christine Kangaloo | Chairman |
| Dr. Amery Browne       | Member   |
| Mrs. Paula Gopee-Scoon | Member   |
| Mr. Wade Mark          | Member   |
| Mr. Paul Richards      | Member   |

### **FINANCE BILL, 2022**

Bill to make provisions of a financial nature and other related matters [*The Minister of Finance*]; read the first time.

*Motion made:* That the next stage be taken later in the proceedings. [*Hon. C. Imbert*]

*Question put and agreed to.*

### **PAPERS LAID**

1. Second Report of the Sentencing Commission of the Republic of Trinidad and Tobago for the period February 2019 to February 2020. [*The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC)*]
2. Third Report of the Sentencing Commission of the Republic of Trinidad and Tobago for the period February 2020 to February 2021. [*Sen. The Hon. R. Armour SC*]
3. Eleventh Annual Report of the Police Complaints Authority for the period October 01, 2020 to September 30, 2021. [*Sen. The Hon. R. Armour SC*]

4. Annual Audited Consolidated Financial Statements of the Trinidad and Tobago Bureau of Standards for the financial year ended September 30, 2020. [*The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon)*]
5. Response of the Personnel Department to the Third Report of the Public Administration and Appropriations Committee on the implementation of the recommendations of the Twenty-Fourth Report of the Public Administration and Appropriations Committee on an Examination into the Processing of Payment of Pension and Gratuity of Retired Public Officers and Contracted Employees. [*The Minister of Public Administration (Sen. The Hon. Allyson West)*]
6. Sessional Report of the Second Session (2021/2022), Twelfth Parliament of the Republic of Trinidad and Tobago. [*The Vice-President (Sen. Dr. Muhammad Yunus Ibrahim)*]
7. Annual Administrative Report of the Office of the Prime Minister for the period October 2017 to September 2018. [*The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne)*]
8. Annual Report of First Citizens Depository Services Limited (formerly First Citizens Asset Management Limited) for the financial year ended September 30, 2021. [*Sen. The Hon. Dr. A. Browne*]
9. Annual Report of Taurus Services Limited for the financial year ended September 30, 2020. [*Sen. The Hon. Dr. A. Browne*]
10. Annual Report of Taurus Services Limited for the financial year ended September 30, 2021. [*Sen. The Hon. Dr. A. Browne*]
11. Annual Audited Financial Statements of National Flour Mills Limited for the year ended December 31, 2021. [*Sen. The Hon. Dr. A. Browne*]

12. Annual Audited Financial Statements of Estate Management and Business Development Company Limited for the financial year ended September 30, 2013. [*Sen. The Hon. Dr. A. Browne*]
13. Annual Audited Financial Statements of Estate Management and Business Development Company Limited for the financial year ended September 30, 2014. [*Sen. The Hon. Dr. A. Browne*]
14. Annual Audited Financial Statements of Estate Management and Business Development Company Limited for the financial year ended September 30, 2015. [*Sen. The Hon. Dr. A. Browne*]
15. Annual Audited Financial Statements of the Trinidad and Tobago Securities and Exchange Commission for the financial year ended September 30, 2021. [*Sen. The Hon. Dr. A. Browne*]
16. Annual Audited Financial Statements of Development Finance Limited for the year ended December 31, 2021. [*Sen. The Hon. Dr. A. Browne*]
17. Annual Audited Financial Statements of Export-Import Bank of Trinidad and Tobago Limited for the year ended December 31, 2018. [*Sen. The Hon. Dr. A. Browne*]
18. Annual Audited Financial Statements of Export-Import Bank of Trinidad and Tobago Limited for the year ended December 31, 2019. [*Sen. The Hon. Dr. A. Browne*]
19. Annual Audited Financial Statements of Export-Import Bank of Trinidad and Tobago Limited for the year ended December 31, 2020. [*Sen. The Hon. Dr. A. Browne*]
20. Annual Audited Financial Statements of Export-Import Bank of Trinidad and Tobago Limited for the year ended December 31, 2021. [*Sen. The Hon. Dr. A. Browne*]

21. Annual Audited Financial Statements of the National Maintenance Training and Security Company Limited for the year ended December 31, 2019. [*Sen. The Hon. Dr. A. Browne*]
22. Annual Audited Financial Statements of the National Maintenance Training and Security Company Limited for the year ended December 31, 2020. [*Sen. The Hon. Dr. A. Browne*]
23. Annual Audited Financial Statements of National Investment Fund Holding Company Limited for the year ended December 31, 2021. [*Sen. The Hon. Dr. A. Browne*]
24. Annual Audited Financial Statements of Portfolio Credit Management Limited for the year ended December 31, 2020. [*Sen. The Hon. Dr. A. Browne*]
25. Annual Audited Consolidated Financial Statements of Trinidad Petroleum Holdings Limited for the financial year ended September 30, 2019. [*Sen. The Hon. Dr. A. Browne*]
26. Annual Audited Consolidated Financial Statements of Urban Development Corporation of Trinidad and Tobago Limited for the year ended December 31, 2016. [*Sen. The Hon. Dr. A. Browne*]
27. Annual Audited Financial Statements of National Infrastructure Development Company Limited for the financial year ended September 30, 2018. [*Sen. The Hon. Dr. A. Browne*]
28. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Siparia Regional Corporation for the year ended September 30, 2014. [*Sen. The Hon. Dr. A. Browne*]

29. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Siparia Regional Corporation for the year ended September 30, 2015. [*Sen. The Hon. Dr. A. Browne*]
30. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Recovery of Expenses of the Ministry of Energy and Energy Industries for the year ended December 31, 2021. [*Sen. The Hon. Dr. A. Browne*]
31. Ministerial Response of the Ministry of National Security to the Fifth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2014 with specific reference to the Ministry of National Security. [*Sen. The Hon. Dr. A. Browne*]
32. Ministerial Response of the Ministry of Health to the Twelfth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2016. [*Sen. The Hon. Dr. A. Browne*]

**10.30 a.m.**

## **JOINT SELECT COMMITTEE REPORT**

### **Human Rights, Equality and Diversity**

#### **Discrimination faced by persons with mental illness**

##### **(Presentation)**

**Sen. Dr. Muhammad Yunus Ibrahim:** Thank you, Madam President. Madam President, I have the honour to present the following report:

Third Report of the Joint Select Committee on Human Rights, Equality and Diversity, Third Session (2022/2023), Twelfth Parliament, on an inquiry into the discrimination faced by persons with mental illness and the ability to access quality mental health.

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**ORAL ANSWERS TO QUESTIONS**

**Madam President:** Leader of Government Business.

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Thank you, Madam President. Madam President, I am pleased to report to the Senate that the Government is prepared to answer all of the questions on the Order Paper today.

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

**Madam President:** Sen. Mark.

**Heritage Petroleum Company Limited and EOG Resources  
(Details of Procurement Process)**

2. **Sen. Wade Mark** asked the hon. Minister of Energy and Energy Industries: Given the exploration and production agreement signed in March 2021 by EOG Resources and Trinidad and Heritage Petroleum Company Limited, can the Minister indicate what was the procurement process used by the Heritage Petroleum Company Limited to select EOG Resources Trinidad?

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Thank you, Madam President. Responding on behalf of the Minister of Energy and Energy Industries. In the third quarter of 2019, Heritage issued a request for proposals in connection to the south-west Soldado Field to all upstream players of significant scale already operating in this country. Three companies responded to the RFP, EOG, Perenco and Repsol and as part of the RFP process were granted access to the virtual data room which contained the relevant data sets required to identify prospects in the south-west Soldado Field and informed a detailed development plan for the area. However, at the end of the RFP process on January 06, 2020, Heritage received no formal proposals from these three companies.

Shortly thereafter toward the end of January 2020, EOG submitted a

proposal to Heritage which addressed elements which were the subject of the RFP together with proposals addressing undrilled, greenfield areas surrounding south-west Soldado. Heritage subsequently engaged in discussions with EOG related to its January 2020 proposal which culminated in a firm proposal being submitted by EOG in September 2020. Heritage's tender rules allow for a sole select procurement approach in these types of situations where there is limited appetite or capacity within the marketplace.

Pursuant to paragraph 3.1.14 of the State Enterprises Performance Monitoring Manual, approval was sought by Heritage from its line Ministry, the Ministry of Energy and Energy Industries and the Ministry of Finance. Via a letter dated January 21, 2021, Heritage requested from the aforementioned entities permission to enter into agreements inclusive of a farm-out agreement and a joint operating agreement with EOG, for EOG to farm into a portion of the Heritage acreage within the offshore Trinidad northern areas exploration and production licence known as the Soldado Fields to conduct exploration and development works.

On March 19, 2021, Heritage received approval from the Minister of Finance under review by the relevant public officers of that Ministry subject to the finalization of said agreements and the consent of the Minister of Energy and Energy Industries. Heritage and EOG executed both the farm-out and joint operating agreements on March 24, 2021, and the deed of assignment on July 26, 2021.

Heritage subsequently received consent from the Minister of Energy and Energy Industries on July 26, 2021, co-terminus with the effective date of the deed of assignment. Thank you, Madam President.

**Madam President:** Sen. Mark.



**Sen. Mark:** Yeah. Madam President, can I ask, through you, to the Minister, if he can explain to this Senate, on what basis did Heritage Petroleum arrive at this decision that there was no further appetite for this particular project dealing with exploration and production of the Soldado Field having regard to the fact that there was no further attempt for request for proposals? Can the Minister explain, Madam, this?

**Madam President:** Minister.

**Sen. The Hon. Dr. A. Browne:** Madam President, as was very clearly and transparently elucidated, at the end of the RFP process on January 06, 2020, Heritage received no formal proposals from the companies. And that is the response to the question by the Senator.

**Madam President:** Sen. Mark.

**Sen. Mark:** Madam President, in light of Heritage not receiving any further requests, can I ask, through you, to the Minister, why did Heritage not pursue a second round of requests for proposals so that we would be in a better position to determine, right, whether or not, Madam President, there was any further interest in this particular project?

**Madam President:** Minister.

**Sen. The Hon. Dr. A. Browne:** Madam President, a key factor in this matter is the priority the Government places on increasing production of petrochemicals on behalf of the people of Trinidad and Tobago.

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

**Madam President:** Sen. Mark.

**Sen. Mark:** Madam President, can the Minister indicate that the Government is prepared to sacrifice accountability and transparency in these very sensitive decisions—

**Madam President:** Sen. Mark, that question is not allowed. You have one more.

**Sen. Mark:** Madam President, can the Minister indicate whether those agreements that have been arrived at between Heritage and EOG are going to be made available to the public by those documents being tabled in the both Houses of Parliament?

**Sen. The Hon. Dr. A. Browne:** Madam President, I am not able to give such a commitment at this time. But the information already presented contributes to the Government's transparency on the matter of this particular process.

**Madam President:** Next question. Sen. Mark.

**Sen. Mark:** Question No. 9 to the Attorney General.

**Madam President:** No. 8.

**Sen. Mark:** Yes. My error. I beg your pardon.

**Madam President:** Sure.

**Sen. Mark:** Question No. 8 to the Attorney General.

### **Transitioning of Associate Professionals to Legal Counsel I (Details of)**

**8. Sen. Wade Mark** asked the hon. Attorney General and Minister of Legal Affairs:

Can the Attorney General advise whether Cabinet has approved a policy, Circular Memorandum and/or any other documents issued by the Chief Personnel Officer which authorises the Permanent Secretary, Office of the Attorney General and Ministry of Legal Affairs to recommend and/or approve the automatic transitioning of Associate Professionals to the position of Legal Counsel I on fixed term contracts, without said persons being subject to a competitive recruitment process?

**Madam President:** Attorney General. [*Desk thumping*]

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald**

**Armour SC):** Madam President, the response to Question No. 8 as filed by my colleague Sen. Wade Mark is as follows. The placement and employment of government scholars is governed by a Cabinet-approved policy as contained in Cabinet Minute No. 376, February 2014. That policy is subject to certain approved terms and condition.

There is also in existence a draft memorandum of understanding detailing the expected rules and responsibilities of Scholarships and Advanced Training Division, the Ministry of Education, the employer, and the Ministry organization placement, and the scholar employed as an associate professional.

Pursuant to the aforementioned draft memorandum of understanding, the Ministry in performing its roles and responsibilities shall, among other things, consider where possible to employ the associate professional in long-team employment positions during or upon consideration of the existing contract term subject to the scholar's performance, and advise the Ministry of Education accordingly.

It is the practice that the Government scholars, associate professionals who complete their obligatory service in the Office of the Attorney General and Ministry of Legal Affairs are offered fixed-term contracts upon completion of their obligatory service and are absorbed in departments or units within the Ministry as required. As at this date, the Ministry of Education and the Ministry are in the process of finalizing this memorandum of understanding.

**Madam President:** Sen. Mark.

**Sen. Mark:** Madam President, may I ask the hon. Attorney General whether in finalizing this memorandum of understanding that he referenced in his contribution, whether competitive recruitment of those said personnel that he mentioned would be considered in placing these associate professionals into the

positions as outlined?

**Sen. The Hon. R. Armour SC:** Madam President, Senator, it would be premature of me at this time to anticipate a process which is in train and I would await the finalization of that draft memorandum by the relevant Ministry professionals.

**Sen. Mark:** Madam President, can I ask the hon. Attorney General whether he can share with us how many associate professionals, scholars would have benefited from this fixed-term contract upon the completion of their service to the people of Trinidad and Tobago to fill those positions—

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

**Sen. Mark:** You would not allow that question. Madam President, can the hon. Minister indicate whether there is any time frame for the conclusion of this memorandum of understanding between the Ministry of Education and his office?

**Madam President:** Attorney General.

**Sen. The Hon. R. Armour SC:** Thank you, Madam President. Sen. Mark, my colleague, the process is in transition and all relevant personnel are working assiduously to complete that process.

**Sen. Mark:** Can the—

**Madam President:** No. That is it, Sen. Mark, for that.

**Sen. Mark:** I thank you.

**Madam President:** And then, next question.

**Sen. Mark:** Thank you. Thank you, Madam President. Yes. Madam President, I think the next question is Question No. 9—

**Madam President:** Sen. Mark, my apologies. No. My apologies. You have one more question that you can ask.

**Sen. Mark:** Okay. Yeah. Madam President, I was about to ask the Attorney General if he can explain or share with this honourable Senate, how long or what

period of service are we speaking about as it relates to those associate professionals who have now transitioned to Legal Counsel I on fixed-term contracts? In other words, how long have these persons been in those offices pending the conclusion of this memorandum of understanding between parties?

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

**Errant Police Officers in Malicious Prosecution Cases  
(Legislative Action Against)**

**9. Sen. Wade Mark** asked the hon. Attorney General and Minister of Legal Affairs:

What legislative action does the Government intend to take to cause errant police officers involved in malicious prosecution cases to be held personally liable for damages awarded in such cases?

**Madam President:** Attorney General.

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Thank you, Madam President. In answer to the question posed by my colleague Sen. Mark, the Office of the Attorney General and Ministry of Legal Affairs has been in ongoing consultations with Trinidad and Tobago Police Service and the Ministry of National Security on the issue of errant police officers being held personally liable for damages awarded in malicious prosecution cases.

On the 3<sup>rd</sup> of March, 2021, the Ministry of the Attorney General and Legal Affairs held a meeting with the Police Complaints Authority, the PCA, and the Trinidad and Tobago Police Service to discuss the amendments to the Police Complaints Authority Act. At that meeting a proposal to amend the State Liability and Proceedings Act was briefly mentioned. The concern shared by all persons in attendance was that police officers should be given some burden of paying awards of damages for which they are currently insulated under the Act.

On that date, the PCA wrote to the Trinidad and Tobago Police Service on

the matter. The police service subsequently wrote to the Attorney General's Ministry on the 14<sup>th</sup> of June, 2021. The Australian legislative framework from three different states was referenced for consideration whereby police officers are held liable in civil proceedings to pay damages in certain circumstances. The position in the state of Victoria in particular was of note since under section 74(2) of the Victoria Police Act, the State is liable for all police torts unless it can be established that the conduct giving rise to such a tort was serious and wilful misconduct.

The matter is currently at the policy development stage and the Ministry of the Attorney General and Legal Affairs is considering a proposal which seeks to create a police tort, T-O-R-T, similar to what is provided for in the state of Victoria or alternatively to widen the scope of the State Liability and Proceedings Act, Chap. 8 No. 2 which is currently limited to negligence claims, to encompass all actions brought in tort against the State. In this regard, the Government is yet to have a finalized decision on this matter.

**Madam President:** Sen. Mark.

**Sen. Mark:** Yeah. Madam President, through you, given the plethora of judgments by our judges as it relates to police officers who maliciously prosecute innocent citizens and then the taxpayers having to foot those costs, can the Minister indicate, given this situation that is untenable, what time frame is the Attorney General anticipating for the conclusion of this policy paper so that a final decision can be taken so legislation can be brought to the Parliament, consistent with what you have just said in the state of Victoria or along lines—

**Madam President:** Okay. I think the Attorney General has gotten the—

**Sen. Mark:** Thank you.

**Madam President:** Attorney General.

**Sen. The Hon. R. Armour SC:** Thank you, Madam President. Sen. Mark, as I think you appreciate from the previous answer which I have given, this is a matter of research. Policy development is a careful thought through process. There are precedents which have to be looked at and examined in the national context and it would be, again, premature for me to prescribe a time. But I can give the assurance that it is being worked on assiduously.

**Sen. Mark:** Madam President, through you again. Hon. Attorney General, are you contemplating or is the Government contemplating looking at any interim solutions pending the conclusion of the policy decision to reduce, mitigate that level of exposure that taxpayers are subjected to, owing to these errant police officers? Any consideration of any interim measures to reduce or to mitigate that particular liability that is falling upon the State?

**Madam President:** Sen. Mark, that question will not be allowed.

**Sen. Mark:** Okay. Well, Madam President, before I leave the podium, I just wanted to ask you if, through you, I can either raise it after all the questions have been exhausted so we can go to written answers?

**Madam President:** Yes.

**Sen. Mark:** Can I do that at the end of the question period?

**Madam President:** I will just let the Leader of Government Business be made aware of the fact that he has not accounted for the written questions. So, at the end of the questions for oral answer, we will treat with that.

**Sen. Mark:** Okay. Thank you, Madam President.

**Madam President:** Next question, Sen. Lutchmedial.

**National Action Plan to Combat Illicit Trade in Consumer Goods  
(Implementation of)**

**48. Sen. Jayanti Lutchmedial** asked the hon. Minister of Trade and Industry:

Can the Minister give an update on the implementation of the “National Action Plan to Combat Illicit Trade in Consumer Goods in Trinidad and Tobago”?

**Madam President:** Minister of Trade and Industry.

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):**

Thank you, Madam President. Illicit trade is a global phenomenon and the Government of Trinidad and Tobago is cognizant of the impact of such activity which not only results in the loss of tax revenue but also undermines legitimate local business activities and exposes consumers to potential health risks from substandard products.

Cabinet in March 2021 approved the National Action Plan to Combat Illicit Trade in Consumer Goods in Trinidad and Tobago which formulates a holistic and coordinated approach to addressing illicit trade in consumer goods locally.

The action plan prescribed, inter alia, the establishment of a multi-agency Anti-Illicit Trade Task Force, development of recommendations aimed at counteracting illicit trade through the establishment of working groups within the AITTF, and the design and implementation of a public awareness campaign.

The Anti-Illicit Trade Task Force was created to coordinate the implementation of measures approved under the National Action Plan. Its core membership comprises representation from key Ministries including the Ministries of Trade and Industry, National Security and Health, as well as the Customs and Excise Division, Financial Intelligence Unit, Intellectual Property Office, the Trinidad and Tobago Police Service, Trinidad and Tobago Bureau of Standards, the private sector, namely, the TTMA and the TT Chamber of Industry and Commerce and one non-governmental organization, Crime Stoppers Trinidad and Tobago.



The AITTF commenced work in May 2021 and has held six meetings to date. Enforcement agencies such as the Trinidad and Tobago Police Service and the Customs and Excise Division have been conducting raids, seizures and the enforcement of penalties for illegally traded goods. One such initiative is the work of the Multi-Agency Task Force under the watch of the Trinidad and Tobago Police Service. The MATF compares various regulatory and law enforcement agencies and conducts operations in the area of illicit trade utilizing a multi-pronged approach to tackle offenders. The MATF has conducted various seizures of consumer goods items including alcohol and cigarettes. And during the period July 2020 to June 2022, the MATF conducted several illicit tobacco operations throughout Trinidad and Tobago, and a total of 10,087 packs of varying brands of cigarettes were seized.

Additionally, the Trinidad and Tobago Manufacturers' Association operates an illicit trade desk in collaboration with several private sector organizations that are commonly affected by illicit trade. The desk focuses on initiatives geared towards mitigating illicit activities and its associated consequences on the economy, business community and citizens in the domestic market.

And as part of the AITTF, the Intellectual Property Office of the Attorney General and Ministry of Legal Affairs plans to create an IP enforcement unit within the Trinidad and Tobago Police Service. And in this regard, the Intellectual Property Office has commenced the development of training sessions on intellectual property enforcement and prosecution with the Customs and Excise Division and the Trinidad and Tobago Police Service. The AITTF has also began work towards the establishment of an MOU between the public and private sector participants of the AITTF.

To aid in the fulfilment of its mandate, there is established four sectoral

working groups to develop recommendations aimed at counteracting illicit trade in specific consumer goods in the first instance, namely, alcohol, tobacco, cleaning agents and pharmaceuticals. And to date, 13 meetings have been convened by the working groups. The groups have been working alongside subject matter experts from both the public and private sector to propose a range of solutions to address the issue. The recommendations aim to improve the policy and legal framework, curb the supply of the illegal goods, encourage the reduction in consumer demand, enhance transparency in the fight against illicit trade and improve the customs environment. And some recommendations include:

- to introduce the more severe penalties;
- intensifying border control and security;
- institutional strengthening of state agencies to enable more robust enforcement;
- improving communication between legitimate importers and law enforcement agencies;
- mechanisms for the collection and collation of data on illicit trade;
- training and education;
- policy reform and strengthening the interagency and institutional collaboration.

In addition, the AITTF has established a working group to review national legislation such as the Forgery Act, the Tobacco Control Act and Standards Act so that illicit trade issues are appropriately addressed in these laws. And this working group would also consider specialized legislation aimed at combating illicit trade.

**Madam President:** Minister, your time has expired. Sen. Lutchmedial.

**Sen. Lutchmedial:** Thank you, Madam President. Minister, in March 2021, you stated at a press conference that the 26 measures identified in the action plan would

be implemented over a period of one year commencing May 2021. Can you tell us exactly how many of those 26 measures to date, 18 months later, have actually been implemented?

**Madam President:** Minister.

**Sen. The Hon. P. Gopee-Scoon:** Thank you very much. Several of them, as a matter of fact, including—

**Sen. Lutchmedial:** Several.

**Sen. The Hon. P. Gopee-Scoon:**—several of them including the launch of its national illicit trade awareness campaign.

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

**Sen. The Hon. P. Gopee-Scoon:** That campaign is focused on improving—

**Sen. Lutchmedial:** A campaign.

**Sen. The Hon. P. Gopee-Scoon:**—the identification of illegal goods and building awareness of the impact of illicit trade on all players in the economy. The campaign consists of—

**Sen. Lutchmedial:** [*Inaudible*]—like a PNM internal campaign.

**Sen. The Hon. P. Gopee-Scoon:**—social media outreach, a series of webinars, as well as print and digital media activities. And the social media campaign includes info-graphics explaining illicit trade, its impact and measures to detect illicit trade. And in September 2022, print and radio campaigns focused on the four key areas were also launched.

I would also remind the Parliament that there have been several raids, that is another accomplishment, in addition to which we have also formed the four working groups. Also, the working group to look at legislative enhancements and also we have come up already with recommendations that I identified including penalties, more border control and security, institutional strengthening, improving

communication, mechanisms for collection and collation of data, training and education, policy reform and strengthening interagency collaboration. Thank you.

**Madam President:** Sen. Lutchmedial.

**Sen. Lutchmedial:** That social media “eh costing” \$30,000 a month. Madam President, sorry. To the hon. Minister, the Minister recently addressed the United Nations Illicit Trade Forum and asked for data sharing platforms to be created for the United Nations member states to collaborate with respect to illicit trade. Can the Minister say whether any steps have been taken to create a data sharing platform amongst the 10 government agencies that sit in the Anti-Illicit Trade Task Force?

**Sen. The Hon. P. Gopee-Scoon:** Thank you very much. And, Senator, I am glad you raised that because we were recognized, Trinidad and Tobago was recognized on account of its very notable efforts to tackle the issue of illicit trade—

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

**Sen. The Hon. P. Gopee-Scoon:**—including the establishment of the National Action Plan to Combat Illicit Trade in Consumer Goods.

**Hon. Senators:** [*Crosstalk*]

**Sen. The Hon. P. Gopee-Scoon:** I need your protection, please, from Sen. Nakhid. Right?

**Sen. Lutchmedial:** You set up your Facebook page?

**Sen. The Hon. P. Gopee-Scoon:** And so that we are working on this platform among nations. We have made the recommendations that that is the best approach so that they can learn from the initiatives that we have established in Trinidad and Tobago. We do intend to establish a platform here as well. It is one of the recommendations. Thank you.

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

**Madam President:** Sen. Lutchmedial.

**Sen. Lutchmedial:** Sorry. And whilst we await the implementation of all of these recommendations, none of which have actually, it seems—

**Madam President:** Sen. Lutchmedial.

**Sen. Lutchmedial:** Can we ask—

**Madam President:** Sen. Lutchmedial—

**Sen. Lutchmedial:** Sorry.

**Madam President:**—you are asking a question, please.

**Sen. Lutchmedial:** Can the Minister say, in all that has been done or not done so far, how many persons have been actually charged or convicted of offences involving illicit trade, to date?

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

**Madam President:** Minister.

**Sen. The Hon. P. Gopee-Scoon:** Whilst I cannot give you the information as to how many persons were in fact charged, what I can tell you is that there have been several raids, the many raids by the police and action has been taken by several interagency task forces.

**Hon. Senator:** “And Ethelbert walk de port as well”.

**Madam President:** Senator?

**Sen. Lutchmedial:** No more questions.

**Madam President:** Next question, Sen. Lutchmedial.

### **PTSC School Transport Facilities (Details of)**

**49. Sen. Jayanti Lutchmedial** asked the hon. Minister of Education:

Can the Minister advise whether the Ministry provides school transport facilities via the Public Transport Service Corporation to all Primary and Secondary schools throughout Trinidad?

**Sen. Lutchmedial:** “Who walk de port”?

**Sen. Lyder:** “Hinds walk de port”.

**Sen. Nakhid:** The word for the day is “several”.

**Madam President:** Minister of Education.

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

**The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam President. Madam President, the school transport service via the Public Transport Service Corporation is provided to primary and secondary schools throughout Trinidad who request the service based on priority and subject to the following considerations:

- Needy students;
- decanted schools;
- schools located in areas where a regular bus service is not available;
- schools located in areas that are normal transport routes;
- schools located in areas with safety and security issues and
- schools located in rural or remote locations.

Concessionaires are assigned to as many schools as possible based on availability.  
Thank you.

**Sen. Lutchmedial:** Thank you, Madam President. Minister, in light of a recent occurrence of an accident involving a private bus where 12 children in the Couva area were injured, has the Ministry taken any steps to regulate or to investigate the use of private vehicles for transporting school children in areas where there is not a school transport service provided by PTSC?

**Madam President:** Sen. Lutchmedial, that question does not arise.

**Sen. Lutchmedial:** Minister, can you say whether all the arrears which were outstanding for the school maxi-taxi drivers, members of the association of maxi-

taxi concessionaires have been cleared to date, for at least up to the period ending '21, December 2021?

**Madam President:** Sen. Lutchmedial, that question does not arise.

**Sen. Lutchmedial:** Thank you, Madam President. Minister—can the Minister say whether or not the Ministry is looking at expanding the availability of PTSC school transport to different areas to minimize the use of private, unregulated transportation in certain areas in Trinidad and Tobago, particularly rural areas?

**Madam President:** Minister.

**11.00 a.m.**

**Hon. Dr. N. Gadsby-Dolly:** Thank you, Madam President. As many concessioners as possible are assigned and we do have schools who are requesting, and once we can get a concessioner certainly that will be taken into consideration to expand and assist as many schools as possible.

**Sen. Lutchmedial:** Can the Minister state whether there have been requests for funding, additional funding made through your Ministry to the Minister of Finance so that you can expand the school transport services and to different areas where they have requests pending?

**Madam President:** Sen. Lutchmedial, that question does not arise. Leader of Government Business.

### WRITTEN ANSWERS TO QUESTIONS

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Madam President, thank you. I am pleased to inform the Senate that the Government has provided responses in writing to the questions for written response Nos. 1, 3, 4, 5, 6 and 7, which constitute every single question for written response on the Order Paper today.

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

**Spotlight on the Economy  
(Details of)**

**1. Sen. Wade Mark** asked the hon. Minister of Finance:

As regard the “Spotlight on the Economy” event held at the Hyatt Regency Hotel on September 02, 2022, can the Minister provide the following:

- (i) the total cost of said event;
- (ii) the names of the service providers retained for the event;
- (iii) the amount of money paid to each service provider listed at (ii); and
- (iv) the procurement process utilised by the Ministry to retain the service providers listed at (ii)?

**National Gas Company  
(Details of Direct and Brokerage Insurance Services)**

**3. Sen. Wade Mark** asked the hon. Minister of Finance:

Can the Minister provide a list of the suppliers of direct and brokerage insurance services retained by the National Gas Company for the period January 01 2017, to September 15, 2022?

**First Citizens Bank  
(List of Direct and Brokerage Insurance Services Retained)**

**4. Sen. Wade Mark** asked the hon. Minister of Finance:

Can the Minister provide a list of the suppliers of direct and brokerage insurance services retained by First Citizens Bank for the period January 01, 2017, to September 15, 2022?

**Office of the Attorney General and Ministry of Legal Affairs  
(Details of Persons Employed)**

**5. Sen. Wade Mark** asked the hon. Attorney General and Minister of Legal Affairs:

Can the Attorney General provide a list of all persons employed during the period January 01, 2020 to September 15, 2022, on a 1-3 year fixed term



contract, as Legal Counsel I, Legal Counsel II and Legal Counsel III in the following departments within the Office of the Attorney General and Ministry of Legal Affairs:

- (i) Anti-terrorism Unit;
- (ii) International Law and Human Rights Unit;
- (iii) Central Authority Unit;
- (iv) Chief Parliamentary Counsel Department;
- (v) Office of the Chief State Solicitor; and
- (vi) Office of the Solicitor General?

**Office of the Attorney General and Ministry of Legal Affairs  
(Details of Employment)**

**6. Sen. Wade Mark** asked the hon. Attorney General and Minister of Legal Affairs:

As regards all persons employed during the period January 01, 2020 to September 15, 2022, on a 1-3 year fixed term contract, as Legal Counsel I, Legal Counsel II and Legal Counsel III in the Anti-terrorism Unit, International Law and Human Rights Unit, Central Authority Unit, Chief Parliamentary Counsel ii Department, Office of the Chief State Solicitor and Office of the Solicitor General within the Office of the Attorney General and Ministry of Legal Affairs, can the Attorney General provide the following:

- (i) a list of all the persons who were employed in the said positions through a competitive recruitment process; and
- (ii) a list of all the persons employed in the said positions who were not subject to a competitive recruitment process?

**Associate Professionals  
(Details of)**

7. **Sen. Wade Mark** asked the hon. Attorney General and Minister of Legal Affairs:

As regards all Associate Professionals who transitioned to the position of Legal Counsel I during the period January 01, 2020 to September 15, 2022, on a 1-3 year fixed term contract, in the Anti-terrorism Unit, International Law and Human Rights Unit, Central Authority Unit, Chief Parliamentary Counsel Department, Office of the Chief State Solicitor and Office of the Solicitor General within the Office of the Attorney General and Ministry of Legal Affairs, can the Attorney General provide the following:

- (i) a list of all the persons who were employed in the said positions through a competitive recruitment process; and
- (ii) a list of all the persons employed in the said positions who were not subject to a competitive recruitment process?

**National Gas Company of Trinidad and Tobago  
(Details of)**

51. **Sen. Wade Mark** asked the hon. Minister of Energy and Energy Industries: Can the Minister provide a list of all claims made against the National Gas Company of Trinidad and Tobago (NGC) in respect of the failure to deliver contracted quantities of natural gas for the period January 01, 2017 to September 30, 2022, including the following:

- (i) the date each claim was made;
- (ii) the name of the claimant(s) for each claim listed at (i);
- (iii) the quantum of each claim made;
- (iv) whether each claim was resolved or its present status; and
- (v) the total amount of money paid by the NGC in respect of (iv)?

*Vide end of sitting for written answers.*

**Madam President:** Leader of Government Business.

**JOINT SELECT COMMITTEES  
(APPOINTMENT OF)**

**Fisheries Management (No. 2) Bill, 2020**

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Thank you, Madam President. Madam President, having regard to the decision of Senate on July 06, 2022, made pursuant to Standing Order 77(3), I beg to move that the Fisheries Management (No. 2) Bill, 2020 be referred to a joint select committee established to consider and report on the Bill, and that this committee be mandated to adopt the work of the Joint Select Committee appointed in the Second Session, 2021/2022, and report by March 31, 2023, and that subject to the concurrence of the House of Representatives on the establishment of the Joint Select Committee on the Fisheries Management (No. 2) Bill, 2020, that the following six Senators be appointed to serve with an equal number from the House of Representatives: Mr. Nigel de Freitas

Mr. Avinash Singh

Dr. Muhammad Yunus Ibrahim

Mr. Anil Roberts

Dr. Varma Deyalsingh

Dr. Maria Dillon-Remy

*Question put and agreed to.*

**Shipping Bill, 2020**

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Madam President, having regard to the decision of the Senate on 06 July, 2022, made pursuant to Standing Order 77(3), I beg to move that the Shipping Bill, 2020 be referred to a joint select committee established to consider and report on the Bill, and that this committee be mandated to adopt the work of the Joint Select Committee appointed in the Second Session, 2021/2022, and report

by March 31, 2023, and that subject to the concurrence to the House of Representatives on the establishment of the Joint Select Committee on the Shipping Bill, 2020, that the following six Senators be appointed to serve with an equal number from the House of Representatives:

Mr. Randall Mitchell

Mrs. Paula Gopee-Scoon

Mr. Rohan Sinanan

Ms. Jearlean John

Mr. Deeroop Teemal

Ms. Charisse Seepersad

*Question put and agreed to.*

**SPECIAL SELECT COMMITTEE.  
(APPOINTMENT OF)**

**Code of Ethical Conduct and Behaviour for Senators**

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Madam President, pursuant to the Motion approved in the Senate on July 06, 2022, I beg to move that a special select committee be established to consider and report on a Code of Ethical Conduct and Behaviour for Senators by March 31, 2023, and that the following Senators be appointed to serve on the committee:

Ms. Christine Kangaloo                      Chairman

Mrs. Paula Gopee-Scoon                      Member

Dr. Muhammad Ibrahim                      Member

An Opposition Senator as Member.

Mr. Anthony Vieira                              Member

*Question put and agreed to.*

**Sen. Mark:** Madam President, may I just inform you and put on the record that

the Opposition Bench will not be participating in this Special Select Committee. So that this name of Opposition Member being announced, I just want to let you know that we will not be participating in this committee. Okay? I just want you to know that.

**Madam President:** Leader of Government Business.

**Representation of the People (Amdt.) Bill, 2020**

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Oh dear. Madam President, having regard to the correspondence from the Speaker of the House, dated November 04, 2022, in relation to the establishment of a joint select committee to consider and report on the Representation of the People (Amdt) Bill, 2020, I beg to move that the Senate concur with the House of Representatives in the establishment of the committee, and that the following six Senators be appointed to serve:

Dr. Amery Browne

Mrs. Paula Gopee-Scoon

Mr. Randall Mitchell

Mr. Wade Mark

Dr. Maria Dillon-Remy

Mr. Deeroop Teemal

*Question put and agreed to.*

**VISITORS**

**Trinidad and Tobago Association for Retired Persons**

**Madam President:** Hon. Senators, before we move on to the next item of business, permit me to welcome on your behalf members of the Trinidad and Tobago Association for Retired Persons for the district of Belmont. Those members are sitting in our public gallery. I do not know if it is a vain hope—

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

**Madam President:**—so we welcome the members and we try to be on our best behaviour to impress them.

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

**Sen Mark:** I hope—[*Inaudible*]

**Hon. Senator:** Hey! Best behaviour.

**Madam President:** Well, Sen. Mark.

**Sen. Mark:** [*Inaudible*]

**Madam President:** Sen. Mark, really? Seriously? The Minister of Finance.

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

### **FINANCE BILL, 2022.**

**The Minister of Finance (Hon. Colm Imbert):** Thank you very much, Madam President, I beg to move:

That a Bill to make provisions of a financial nature and other related matters be now read a second time.

The Finance Bill before the Senate is intended to put in place some of the fiscal measures that were announced in the other place on September 26, 2022, and some other significant measures. The Bill contains 13 clauses, most of which seek to implement the tax amnesty referred to in the 2023 budget statement. As I said before, this Bill addresses some but not all of the fiscal measures previously announced. And I wish to indicate, Madam President, at this time that barring unforeseen circumstances, it is my intention to introduce and debate the Finance Bill (No. 2) in the other place on the 2<sup>nd</sup> of December, 2022, and in this place, once agreed, on the 6<sup>th</sup> of December, 2022.

That second Finance Bill will deal principally with the amendments to the petroleum taxes legislation and a few of the measures that are not covered by this Bill. The reason why we are coming today with the Finance (No. 1) Bill is that the

tax amnesty is intended to be effective from the 14<sup>th</sup> of November, which is next week, while most of the other measures are intended to be effective from the 1<sup>st</sup> of January, 2023. Because of that date of November the 14<sup>th</sup> for the amnesty, there was a need to formulate, prepare and bring to the Parliament this Finance Bill in the shortest time possible after presenting the 2023 Budget Statement to ensure a smooth commencement of the 2022/2023 tax amnesty.

I will now look at the Bill on a themed basis. The first clause is self-explanatory and contains the short title. If I move now to the tax amnesty, within the last 22 years there have been tax amnesties in Trinidad and Tobago during the years 2000, 2007, 2010, 2015, 2016, 2019 and 2021. Of those seven occasions, three of them were introduced by a former government and four of them have been introduced by—three of them have been introduced by this Government and four of them by a former government. This amnesty is therefore the eighth of its kind since 2000. A tax amnesty can be described in its simplest terms as a period during which a taxpayer may remedy his tax liability owed to the State without having to incur interest and penalties for the late payment of taxes or late filings. It is important to stress that the amnesty does not result in a reduction of the tax liability owed.

If one looks at the whole point behind interest and penalties, the purpose of such interest and penalties is to motivate taxpayers to meet their tax liabilities within the time periods established in law. The rationale is, make your filings on time, settle your tax payments on time or you will be burdened by further expense through interest and penalties. The prevailing rate of interest under section 103 of the Income Tax Act is currently set at 20 per cent per annum, while the prevailing rate of penalty under section 54 of the Value Added Tax Act is set at 8 per cent of the amount outstanding per month or part of a month. Interest and penalties under

tax laws are therefore no light matters. There are serious financial consequences associated with the late payment of taxes and late filings.

I also am aware, and I am sure we are all aware, that there are those in society who intentionally evade the payment of taxes and, in some instances, seek to defraud the State of revenue. The remedy for intentionally evading the payment of taxes or defrauding the State is enforcement action before the court. There is no middle ground, halfway house or blowing hot and cold when it comes to that type of activity. If people deliberately set out to defraud the State with respect to tax payments, they must be brought before the court. The State will do its part and the threat of court action can be viewed as a deterrent in the first instance. However, for those engaging in criminality and those who intend to avoid paying taxes through illegal means, because there is legal tax avoidance, but tax avoidance through illegal means is considered to be tax evasion. And for those criminals who wish to evade payment of legitimate taxes, it is not settled that interest and penalties will scare these individuals into compliance, and that is why criminal prosecution is more effective.

There is also the situation, and this happens to many taxpayers, where taxpayers do not intentionally set out to avoid paying their taxes on time, but for one reason or another are unable to do so, or do not do so, and the failure occurs. This may happen for various reasons such as cash flow issues, absence of documentation, lack of provision of a TD4 in the case of individuals, and these are things that are beyond the control of taxpayers. In that context one may ask, what does a tax amnesty provide for such individuals? The answer is simple, it allows them to pay what they owe the State, or what they originally owed, that is the tax. So what the amnesty accomplishes is an opportunity for legitimate taxpayers to pay what they originally owed the State without the additional financial burden of



penalties and interest. Now over the years, tax amnesties have resulted in increased revenue to the State through elevated tax payments.

I have some information here, just looking at periods from 2010 and so on. In the 2010 to 2011 amnesty, \$1.6 billion in additional revenue was collected. In the 2014 to 2015 amnesty, I am advised the collections were about \$1.2 billion. In the 2016 amnesty—so those two 2010/'11, 2014/'15 were under the previous government. In the 2016 amnesty, the first amnesty under this administration, the collections were \$766 million; 2019, the second amnesty, \$2.5 billion; and in that particular one, the 2019 one, the belief was that we might collect somewhere around a billion dollars because we had collected \$766 million in 2016. So we thought with more aggressive promotion of the amnesty that we might reach a billion dollars in 2019, but we in fact collected \$2.5 billion in 2019, and that helped us in no small measure to deal with our cash flow problems as a government in 2019. In 2021, the last amnesty, we collected \$1.1 billion. In this amnesty, we are looking at just shy of \$700 million. In the last amnesty, 2021, a total of 25,920 taxpayers availed themselves of the opportunity offered by the State. In this amnesty, as I have just indicated, we are forecasting about \$680 million.

But if what happened in 2019 occurs in 2022/'23, the actual collection could be doubled that figure. We expect about 30,000 taxpayers to benefit from this amnesty, and the purpose of this amnesty is specific. In the last 2021 amnesty, a number of taxpayers communicated with the Ministry of Finance and asked for an extension. We did a small extension but we could not go further, and what became obvious is that the adverse effects of COVID-19, the public health restrictions on businesses, especially small and medium enterprises and micro businesses, the adverse effects of COVID had caused many businesses to fall behind in the

payment of their taxes. In fact, the reduction in cash flow during the COVID years, 2020/2021, was so severe that businesses had to choose between paying rent, paying salaries to employees, furloughing their employees, paying their statutory contributions, paying their taxes and so on, and some businesses simply found themselves unable to pay their taxes on time even though they wanted to.

Other problems arose during COVID where the question of auditing accounts became difficult. And again, one of the communications we got at the Ministry of Finance towards the end of 2021 was that businesses wanted more time to settle their financial accounts, their financial statements for the years 2020 and 2021 in order to properly pay their taxes in 2021, and they asked again for an extension for those reasons. We, at the time, were not able to give them the extension that they wanted. So we are certain that there are thousands of businesses out there who wish to pay their taxes but could not because of the very deleterious effects of the public health restrictions arising from COVID-19. So this particular amnesty is a special case. It is not an ordinary, if one can use that terminology, tax amnesty.

Now, on a previous occasion, Members opposite and Members in the other place in the Opposition have tried to create certain misconceptions that the tax amnesties given by this administration are variously giving people a “blich”, helping out friends and big business, condoning criminality. These statements are totally inaccurate. Every amnesty is limited to the period of the amnesty. If you do not settle your taxes during the time, the interests and penalties will be reinstated and you will have to pay accumulated interests and penalties, and that goes back to the point I made earlier that a tax amnesty does not reduce your original tax liability.

The other thing about a tax amnesty is that it is available to all taxpayers.

There is no distinction among taxpayers. There is no favouritism, there is no nepotism. It is available to all. And therefore, the concept that a tax amnesty is to help big business or to give friends a “bligh” is totally false. The tax amnesty also does not interfere with the discretion of the Board of Inland Revenue to pursue criminal conduct. Criminals can be prosecuted before, during and after a tax amnesty, it makes no difference, and assessments continue in the normal way. Audits continue in the normal way. The amnesty does not stop tax audits nor does it affect them in any way.

In two previous amnesties that were implemented by the former government, in one of them, the 2014/2015 amnesty, the then Minister of Finance, Larry Howai, indicated that that amnesty of the UNC was implemented in response to a request from the business community. That is what he said. He is widely reported as having said that.

In the 2010/2011 amnesty, Mr. Dookeran, at the time, was very brief in simply saying it is an opportunity to allow people to settle their tax issues while allowing the Government to collect additional revenue. I think he said about two or three sentences in his statement on that tax amnesty in 2010/2011. So, on previous occasions, under the former government, the approach was very cut and dry. In 2010/'11, it was just to assist people to settle their arrears while collecting additional revenue. And in 2014/2015, it was in response to request from the business community.

So clauses 4, 8B, 9B, 10 and 11 implement a tax amnesty for the period November 14, 2022, to February 17, 2023, which may be extended by order, which also has been done. In the other place there was a lot of hullabaloo about the power being given to the Minister to extend the amnesty. But ironically, in 2011, the then UNC Minister of Finance extended the tax amnesty, it appears by

executive fiat, without any debate in the Parliament or any legislation before the Parliament. This amnesty is therefore consistent with those that have come before. It addresses a number of tax laws such as the Registration of Clubs Act, the Income Tax Act, the Value Added Tax Act, the Stamp Duty Act, Property Tax Act. It extends to a number of other laws as they are linked to the Income Tax Act, the provisions of the Income Tax Act, including the Corporation Tax Act, the Unemployment Levy Act, the Petroleum Taxes Act, the Health Surcharge Act, the Miscellaneous Taxes Act and the Tourism Development Act.

Clause 2 of the Bill seeks to amend the Commissioners of Affidavits Act to bring an increase in fees relating to a number of services provided by commissioners of affidavits. And the fees under the Commissioners of Affidavits Act were last adjusted in 1993, 29 years ago. And therefore, the doubling or further increases of the fees for commissioners of affidavits is quite reasonable, and the fees have been raised, for example, for the appointment of a commissioner of affidavits, the old fee was \$200, the new fee is \$400. For each exhibit, the old fee was 50 cents, the new fee is \$2.50. And, Madam Speaker, because—sorry, President, I apologize. Madam President, because the fees under the Commissioners of Affidavits Act, the existing fees are almost 30 years old, what do find is that some commissioners of affidavits do not follow the prescribed totals at all. So I am told by my legal friends that some commissioners do not charge 50 cents for that exhibit, they charge far more than that. So I would hope that now that we are increasing the fees to reasonable figures that the relevant authorities will ensure that commissioners of affidavits comply with the law.

Moving on now to clause 3 of the Bill, this seeks to increase fees relative to the issue of licences, certificates and permits under the Firearms Regulations by 100 per cent. Again, with the exception of fees for pepper spray, all other fees

were last adjusted, FUL fees, in 1993. Again, nearly 30 years ago. So the current fees have been in existence for almost 30 years. Again, the increases are quite reasonable. The fee for a FUL is being adjusted from \$150 to \$300. And I can assure you, Madam President, that \$300 will not cover the administrative cost of reviewing an application for a firearm user's licence and doing all of the security and background checks that are required in order for the Commissioner of Police to make a decision as to whether to grant a firearm user's licence or not; \$300 is probably a fraction of the administrative cost relating to the issue of a firearm user's licence. And so it is with all of the other fees that are in the Bill. I will just mention a few.

The fee for a shot gun, \$120 to \$240; the fee for a dealer's licence, \$500 to \$1,000. Again, \$1,000 is a fraction of the administrative cost to the police and the State of determining whether a person is a fit and proper person to be granted a firearm dealer's licence.

**11.30 a.m.**

And I may say that in the Caribbean, in Barbados and the other islands of the Caribbean, the fees associated with the use of firearms are significantly more than the proposed increased fees in Trinidad and Tobago. We are way behind the rest of the Caribbean in terms of the cost of licences associated with the use of a firearm.

In the 2022 Budget Statement, I spoke about an increase in fees relative to something called an assault weapon. I am told that under the Firearms Act there is no—I do not want to use alliteration—but there is no definite definition of an assault weapon. And as I have said in the other place, I have done some research, and an assault weapon can be described as a semiautomatic firearm that is capable of discharging large number of rounds of ammunition in a short space of time. But

the legal specialists will come up with an appropriate definition for an assault weapon and certainly the fee for being allowed to carry an assault weapon, if people should be allowed to do that at all, needs to be quite significant, because that one would definitely require a lot of investigation and a lot of administrative work.

Clause 5 of the Bill seeks to increase the fine relative to the discharge of oil from a vessel in Trinidad and Tobago waters from \$10,000 to \$100,000 and that will amend the Oil Pollution of Territorial Waters Act, section 3(1). And again, Madam President, I remember the late Frankie Khan telling me that it cost the Ministry of Energy and Energy Industries over \$2 million to clean up an oil spill in the Chaguaramas area that occurred some years ago. So even this fine of \$100,000 may be too low. And we all know that oil pollution has a devastating effect on marine life and a very adverse effect on persons who depend on the ocean for their livelihood, fishermen, divers, tour operators, et cetera. The upliftment of the current fine therefore should go some way to deterring this completely unacceptable situation where ships discharge oil and destroy marine life.

With respect to the valuation of land, clause 6 of the Bill, as I had indicated previously, includes three new sources from which the Commissioner of Valuations could obtain information under the Valuation of Land Act for the purpose of the valuation of land in the country. As we all know, the Commissioner has been on a drive to obtain information from property owners—landowners, let me use correct terminology, to prepare a valuation role.

**Madam President:** Minister, I think Sen. Vieira is asking if you will give way.

**Hon. C. Imbert:** Sure. And before I answer him, Madam President, could you tell me how much time I have again?

**Madam President:** You finish at five minutes to 12. You have some seconds

after that, and it is now 11.34.

**Hon. C. Imbert:** Thank you.

**Sen. Vieira:** Thank you Minister, thank you, Madam President. On the fine for the oil spills, I understand the need for the uplift in the increase. Have you considered the possibility of having the fine on a continuing basis? So, for each day the offence continues that there is a cost.

**Hon. C. Imbert:** Certainly. I am not sure if that is already in this law, and in my wrap up I will get advice from the Attorney General, but certainly it should be, definitely. That is certainly an area where there should be a fine on a continuing basis.

So, coming back now to the valuation of land, the Commissioner of Valuations put out a notice in 2021, in accordance with section 29 of the Act, requiring every person in possession of lands or buildings to furnish the Commissioner with a return containing particulars required by the Commissioner. The Commissioner was caused to extend the deadline on a number of occasions to give landowners an opportunity to comply with that notice. The Commissioner can also access information from other entities other than asking the actual landowner to provide the information. Section 14 of the Valuation of Land Act already permits the Commissioner to request information from: the Board of Inland Revenue, the Registrar General, the Registrar of the Supreme Court, and an officer employed in or in connection with a department of government other than the department concerned with the administration of the Income Tax Act.

Similarly, what is proposed in clause 6 would require the entities listed in that clause to furnish the Commissioner with information on land that is in their possession. The new inclusions are, proposed, Trinidad and Tobago Postal Corporation, Water and Sewerage Authority, Trinidad and Tobago Electricity

Commission or an officer employed by those entities. When one looks at the Valuation of Land Act, a valuation role is required to contain among other things the following information:

- “...the name and postal address of the owner;”
- ...the situation, description and measurement or the area of the land;
- ...the address of the land;
- ...the unique land identification number or other number by which the land is identified;”

Certainly, information in the possession of TTPost, WASA and T&TEC may assist with the preparation and accuracy of the valuation role. And we want to have that as accurate as possible so that if disputes arise we would be able to address those disputes from a position of knowledge.

Now, in the other place, some matters were raised which, in our opinion, were without any foundation whatsoever. There was, appeared to be, a lack of knowledge by the Members of the Opposition in the other place, that on the 20<sup>th</sup> of August, 2021, Legal Notice No. 220, under the hand of your good self, Madam President, was published. And in this Legal Notice it says:

“WHEREAS it is provided by section 1(2) of the Data Protection Act, Chap. 22:04 (hereinafter referred to as ‘the Act’) that the Act shall come into operation on such day as is fixed by the President by Proclamation:

And whereas it is expedient that section 42(a) and (b) of the Act come into operation:

Now, therefore, I, CHRISTINE KANGALOO, Acting President as aforesaid, do hereby fix the 23rd day of August, 2021, as the day on which section 42(a) and (b) shall come into operation.”

Those sections of the Data Protection Act allowed the gathering of personal



information by the Commissioner of Valuation.

In addition, there was an argument that this Bill requires a special majority. We do not agree. And I referred the Leader of Opposition to the case of *Dominic Suraj and 4 others v Attorney General of Trinidad and Tobago*, which is UK PC 26 of 2022, and it is Privy Council Appeal No. 64 of 21 and No. 65 of 21, and I referred the hon. Leader of the Opposition for the hon. Members' information because the Opposition did not seem to be aware of this judgement. I understand, it is a 2022 judgment and not everybody is up-to-date with Privy Council decisions. And when one goes to 110 of the decision of the Privy Council in the *Dominic Suraj* case these words are important:

“The Rules did not have effect as part of the law of Trinidad and Tobago immediately before the commencement of the Constitution...when they were issued pursuant to the Minister's powers under section 105 and published in the Royal Gazette in accordance with section 132 of the Ordinance. Nor were the Rules an enactment otherwise 'referred to in subsection (1)'.”

But this is the important set of words:

“Aside from an existing law, subsection (1) covers enactments which repeal and re-enact an existing law without alteration, or”—very importantly—“which alter an existing law but do not derogate from any fundamental right in a manner or to an extent that an existing law did not previously so derogate. Although a strictly limited type of future laws are therefore to count as existing law, this does not include future regulations passed under existing laws.”

So let me read that again:

“Although a strictly limited type of future laws are therefore to count as

existing law, this does not include future regulations passed under existing laws.”

The whole point is the Valuation of Land Act already gave the Commissioner of Valuations the ability to deal with the Registrar, the Board of Inland Revenue, officers employed with various departments of government and so on. So by adding WASA, T&TEC and TTPost, we are strictly within the confines of section 110 of the Dominic Suraj decision which says that it will cover enactments which do not derogate from any fundamental right in a manner or to an extent that an existing law did not previously so derogate. So that is our position. The Members opposite are free to challenge that.

Moving now to illegal timbering. Clause 7 of the Bill is meant to address the scourge of what is known as illegal timbering in Trinidad and Tobago. The amendment seeks to uplift all the offences under the Forests Act to \$100,000, including illegally felling trees, illegally removing timber, illegally removing excess timber, entering prohibited areas, kindling, keeping or carrying fire into any forest reserve, et cetera, unlawfully—and this is very important because there have been many cases in the court about this—unlawfully affixing a mark used by a forest officer to any tree or timber. Quite often counterfeit marks are used or marks are illegally affixed to timber to allow persons to steal timber. So we felt this is very important.

With respect to value added tax, the threshold for registration for value added tax has been increased over the years and the reason being that small companies, micro enterprises and so on, find it very difficult to put in place the administrative bureaucracy required to comply with the Value Added Tax Act, and when audited, are unable to produce the required documentation. So over the years successive governments have progressively increased this threshold as the

cross-domestic product of the country and so on has increased. And we are proposing an increase from \$500,000, which is just about \$40,000 a month, and the VAT associated with that would just be about \$5,000 to \$600,000 to allow small businesses who have asked for this to not be subjected to registration for VAT.

Clause 12 of the Bill deals with offences under the Old Metal and Marine Stores Act, also known as scrap iron, and we are elevating the penalties from \$15,000, which is all it is, and when you hear about people stealing a sluice gate, as I heard my hon. colleague, the Minister of Works and Transport, talking about, that there was the theft of a sluice gate worth \$200,000, the fine at this time for that is only \$15,000. I personally am aware of the theft of the gate and the entire fence around the NP fuel facility in the Caroni area that must be several hundred thousand dollars in value and the fine is only \$15,000. I cannot imagine the value of the church bell that was stolen, but I suspect it is more than \$15,000. So we felt that it is necessary to increase the fines for stealing metal from \$15,000 to \$100,000.

With respect to clause 13 of the Bill, that establishes January 1<sup>st</sup>, clause 13(1), January 01, 2023, on the date on which clauses 2, 3, 5, 7, 8(a), 9(a) and 12 of the Bill will come into effect. Clause 13(2) of the Bill establishes November 14, 2022, as the date on which clauses 4, 8(b), 9(b), 10 and 11 of the Bill come into effect. And those are the tax amnesty provisions. The other clauses in the Bill will take effect on the date of assent. And as I indicated previously, the other measures that we announced in the budget, such as the uplift for apprenticeship, the tax credit for persons involved in electronic payment transactions, the petroleum taxes adjustments, SPT and so on, those will be dealt with in the second Finance Bill, which as I indicated, I am hopeful I can bring to this hon. Senate on the 6<sup>th</sup> of December. I believe I have about 10 more minutes, Madam President. Thank you

very much.

**Madam President:** You do, 10 more minutes.

**Hon. C. Imbert:** Thank you. Now, all of this is all about revenue. In some cases, the primary intention is not to raise revenue, it is as a deterrent so that the increase in fines for oil pollution, the increase in fines for illegally felling timber, the increase in fines for stealing metal, those are not primarily intended as revenue generating exercises. It is intended as deterrents. The tax amnesty purpose is twofold, to assist persons who were severely affected by the constraints of COVID-19 to be compliant with the law or tax laws, and also to raise some revenue.

I also want to refer to the question of the personal income tax allowance. I will deal with that in more detail in due course, but I also want to make the point that it is this Government that has increased the personal income tax allowance on two previous occasions and will now increase it on a third occasion, increasing it from \$5,000 a month, to \$6,000 a month, to \$7,000 and now we intend to increase it to \$7,500. And these are things that people should not trivialize. Because in addition to reducing the effective tax rate for 300,000 people, it also allows them to avoid having to go through the burden of filling out a tax return. Because once you are below the threshold you are not required to fill out a tax return. Because it is— if you are in the PAYE System, that is, Pay-As-You-Earn, and your employer would certify to the Board of Inland Revenue that you earn \$7,500 or less, you are not required to fill out a tax return. So that is a significant burden that has been lifted from taxpayers. And the effective tax rate now for a person earning \$7,500 a month or less is zero. It is zero. And as you go up the scale the person earning \$8,000, their effective tax rate might be just about 2 or 3 per cent and as you go up \$9,000, it might be 5 per cent and so on. So that what these measures do, the

increase the personal income tax allowance, it reduces the tax burden on taxpayers and therefore, I wanted to make that point because there is a view that this Government is only interested in increasing taxes. That is totally untrue. We have reduced taxes for 300,000 taxpayers over the last seven years. I wanted to make that point.

With respect to how this will help us going forward, we are hopeful that measures, such as the tax amnesty and so on, will counterbalance what we have to give up, the \$450 million we will have to give up when we increase the personal allowance from \$7,000 a month to \$7,500 a month. So, if we get \$700 million or a billion dollars or some number like that from the tax amnesty, it will assist us to give up that \$450 million in the personal allowance. It will also assist us to pay the \$1,000 grant to the 175,000 persons who are now going to get a transportation grant from this Government come January the 1<sup>st</sup>. That does not require legislative action, but when you take the increase in the personal allowance it will cost us \$450 million. The one-off grant is \$175 million, Madam President, so you are there well over \$600 million. So the tax amnesty will help us in no small measure to deal with all of that.

And then you have the other benefits, the apprenticeship allowance, the tax allowances for the use of renewable energy and so on. All of that will be counterbalanced by what we hope to collect from the tax amnesty. And before I conclude, it will be remiss of me not to report to the Senate, as I reported in the budget debate, I reported on our fiscal outturn for fiscal 2022, which would naturally affect—

**Madam President:** Minister, you have five more minutes.

**Hon. C. Imbert:** Thank you—which would naturally affect fiscal 2023. And at the time, as I have indicated in another place, when we presented the national

budget, we were using actual revenue collection up to the end of August. We did not have the figure for the end of September 2022. That only came in a short while ago. And when we were very conservative in our estimates with respect to what we would collect in September 2022—but we collected far more than we expected, we were looking at about \$5 billion for that month and we in fact collected well over \$7 billion in that month. And the actual collections were in fact two and a half billion more than we thought they would be. We also spent a little bit more, because on the last day of the fiscal year we had no option but to pay a significant sum towards the fuel subsidy, \$300 million actually, and there were some other expenses. So when you balance out the increased revenue and the increased expenditure, what we saw was that our deficit has been reduced from 2.4 billion, which is what we thought it would be in the budget exercise, to a remarkable figure of just \$300 million, which is less than 0.2 per cent of GDP. And I dare say of the 180-odd countries in the world less than 10 per cent would have achieved that kind of fiscal outturn in fiscal 2022.

In fact, virtually every country in the region, with the exception of one or two which are on IMF programmes and are forced to post a surplus, would have posted budget deficits in the billions. So that our actual performance in fiscal 2022 was much better than we thought it would be. And what was very intriguing is that although we got another six-odd billion from the energy sector, so collections from the energy sector moved from five billion to 11 billion causing—that was part of the total increase, the total increase was in fact 11 billion over the original estimate of 2021 when I piloted the budget in the 2021, what was intriguing is that in the non-energy sector, collections went from 6 billion to \$11 billion. So over 40 per cent of the increased revenue was from the non-energy sector.

And I close by saying that all of the commentators outside there who do no

research, who do not inform themselves, but simply repeat bad information that they pick up in the public domain need to do proper research. We have had an increase in collections in the non-energy sector in 2022 of \$5 billion. More than 40 per cent of the total increase came from the non-energy sector. So things are looking up in Trinidad and Tobago and I beg to move, Madam President.

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

*Question proposed.*

**Madam President:** Sen. Mark

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

**Sen. Wade Mark:** Thank you, Madam President. Madam President, may I join you in welcoming our retirees to the Senate's public gallery today and hope that at the end of their presence they would leave more enlightened and informed of our proceedings. Madam President, the Bill before us, Finance Bill of 2022, contains some 13 clauses and housed in this Bill is a plethora of fees, penalties and waivers which are designed, of course, to raise further taxes on the back of an already overburdened population and, of course, provide, as the Minister himself said, a "bligh" to others.

Madam President, the Minister ended his presentation by literally crowing and boasting that things are better today under the PNM, far better than the Government had anticipated. More moneys are in the coffers, \$2.5 billion now in the coffers, giving us a total of \$11 billion in excess revenues. And everyone who says anything contrary, naysayers, doomsday individuals, they need to do more research.

Madam President, I read somewhere, I do not know if it is true, but I do not think it is true, that somewhere a corpse, a corpse was seen delivering his own eulogy. I do not know if that is what we just witnessed—

**Hon. Senators:** [*Laughter*]

**Sen. W. Mark:**—a political corpse delivering the Government's own eulogy. I do not know, I just cannot say.

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

**Sen. W. Mark:** Madam President, the Government has presented a Bill today with a series of measures, with more to come in December, according to the hon. Minister and the question that we have to ask is: How will these measures benefit the ordinary citizens? The very retirees who are with us today, the workers, the farmers, the marginalized, the vulnerable, how would these measures, Madam President, help them?

Madam President, our economy is not in a recession, our economy is in a depression, where we have had seven straight years of economic contraction, no growth. Madam President, no growth means no development. No development means you cannot generate gainful, productive, sustainable, well-paying jobs to the tens and thousands of people who need it. I saw in the *Review of the Economy* some 137,100 citizens between ages of 15 and 29 years unemployed in Trinidad and Tobago. How will these measures, Madam President, that we are dealing with address it, address their situation?

**12.00 noon**

Madam President, the fiscal measures that the Minister has presented in this Finance Bill are going to force ordinary people, squatters, retirees, to pay property tax on their homes, and I will deal with that in my contribution. We have called on the Government not to pursue this draconian measure, but the Minister is insisting that it must be done, and his government. So, Madam President, Trinidad and Tobago is doing well. We have collected more money according to the Minister, yet still the International Monetary Fund has described Trinidad and Tobago as the



number nine out of 10 worst performing economies in the world for the period 2016—2021. That is where we are, Madam President, the worst performing economy. That is where this Government has taken us.

Madam President, today, I would like to pay attention to a few issues. I think we need to pay attention to what the Minister has addressed in his presentation, and that has to do with the whole issue of tax amnesties. I am not dealing with tax amnesties from a fiscal point of view, because as the Minister said during 2010—2015, it was a mechanism or a tool utilized by the then administration. But this, if I am not wrong, if my memory serves me right, Madam President, and I am subject to correction, this appears to be the fourth tax amnesty in the last seven years promoted by this Government.

Now, Madam President, I would like to put forward for your consideration what harm this measure can bring to bear on the institutions in our nation, those institutions that are responsible for collecting revenues, taxes to provide services to our nation's citizens. When every time, Madam President, these amnesties are announced, it gives these delinquent individuals and corporations the opportunity not to meet their obligations when their obligations are due. We did not have COVID between 2015 and 2019, but we had amnesties during that period and subsequent to that period. So there is a danger, Madam President, that institutions like the BIR could be harmed, could be injured, if we do not take stock of where we are going with this practice and literal trend that has emerged in this Government. So I say that this is a matter, Madam President, that we need to pay attention to.

Another area, Madam President, I would like to address, and that area, Madam President, is clause 6 of the Bill before us today. Now, Madam President, the Minister indicated that as far as he is aware and concerned, and his

government, the measure is above board; the measure contained in clause 6 is valid, the measure is constitutional. Madam President, I will demonstrate to you that the Minister and his government have developed a practice of cherry-picking provisions in legislation in order to achieve certain objectives, and the kernel—I am a bush lawyer, but I think I understand the kernel of this *Suratt v the Attorney General* judgment, and the concept of proportionality is what is at the centre of this whole question. You cannot be picking and choosing, Madam President, certain provisions in legislation in order to achieve your objectives.

I will show, Madam President, that we are not only talking about the Constitution of our country and the provision that it provides for protection of privacy rights, but I am also referring you, Madam President, to what is called the Data Protection Act of Trinidad and Tobago. Madam President, if you go to where we are in clause 6, you will see, Madam President, where the Minister and the Government have decided in clause 6 to include additional bodies and institutions to furnish the Commissioner of Valuation with what is called information, additional information. And, Madam President, I want to refer you and this honourable Senate to page 46 of the Budget Statement of 2022/2023. Under the heading of “Property Tax”, we are told and I quote:

The Government is—“...on track to commence collection of property tax in Fiscal 2023. The legal structure is already in place, but we intend to make some simple”—Madam President, simple—“amendments before the end of the year to the Valuation of Land Act, to tighten and clarify the procedures for the gathering and processing of information and valuation of properties.”

Madam President, we are hearing about information, the gathering of information, but what is the definition of “information”? How do we define “information”? The Minister gives us some brief outlines of what might be

required. But, Madam President, when you go to what is called the Data Protection Act of 2011, which is known as Act No. 13 of 2011, Madam President, there is a definition of information, and the information that the Minister is talking about is of a personal nature. What do you want my address for? You want my address, you want to know where I am living, you want to know where my property is located; that is personal and sensitive data and information.

So, Madam President, if you go—in the absence of any definition of “information” in the legislation, I have to refer to the Data Protection Act, and the Data Protection Act says:

“‘personal information’ means information about an identifiable individual that is recorded in any form including—

- (a) information relating to...race, nationality or ethnic origin, religion, age or marital status...
- (b) information relating to your education or...medical, criminal or employment history...
- (c) any identifying number, symbol or other particular designed...”

Madam President, hear what it says too, in (d):

“‘...information’ means...”—personal—

“the address and telephone contact number of the individual;”

It means:

“...the name of the individual where it appears...”

It means:

“...correspondence sent to an establishment by the individual...”

It means:

“...the views and opinions of any other person about the individual;”

Madam President, I raise these points to let you know that when the Minister

says we have to furnish—and when I say “we”, Madam President, I am referring to the Trinidad and Tobago Postal Corporation, I am referring to the Trinidad and Tobago Electricity Commission, I am referring to the Water and Sewerage Authority. What information is the Minister going to request via this amendment to the legislation from WASA, from the postal corporation and from T&TEC? Madam President, I want to indicate that in this legislation before us—and they brought you into this debate. Madam President, you were brought into this debate because Madam President was then Acting President when this particular proclamation was made.

And, Madam President, you would recall at the time when that proclamation was made, the Government decided, contrary and against the advice of the Commissioner of Valuation who advised the Government, through the Board of Inland Revenue, to proclaim the entire Data Protection Act. The Government was given that advice. I have the memorandum here, Madam President. But you know what the Government did, Madam President? They came to the Acting President to proclaim, Madam President, section 42(a) and (b), respectively, of the Data Protection Act. Madam President, when this Act was passed in 2011, it did not require a special constitutional majority. And the reason why it did not require a special constitutional majority is because there were sufficient checks and balances in the legislation to protect you and me, and the people of T&T.

So you cannot cherry-pick one section of the legislation in order to achieve your objective. And that is where the concept of proportionality comes into play, and this is why we will show how this Bill in this particular clause, Madam President, is unconstitutional and this requires a special majority. And we warn the Government, if you pursue this legislation, you pass it, and you give assent to it, we will take you to the courts.

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

**Sen. W. Mark:** We are not going to permit this Government to undermine and subvert the privacy rights of the people of Trinidad and Tobago.

Madam President, there is something call the Charter of Fundamental Rights in Europe, and one of the provisions in that Charter is my right and the European right to what is called personal protection of your personal data. You must protect my personal data. And, Madam President, you know what this said, the data protection law? It says, Madam President, that if you want to use my data, my personal data, my personal information, you must receive my consent. I must approve that. You cannot just go to WASA and ask WASA for my personal data. You cannot go to T&TEC. T&TEC would be acting illegally, T&TEC will be acting unlawfully. So too is WASA.

I want to warn WASA, and warn T&TEC, and warn TTPost, if you provide any data to this Government without a constitutional majority, we will come after you.

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

**Sen. W. Mark:** If my data is given without my consent according to the data protection law, Madam President, we will come after you. You have no right under the law to do so without my express consent, Madam President. And, Madam President, I want to tell you—

**Hon. Senators:** [*Crosstalk*]

**Madam President:** Members, please, Sen. Mark is making his contribution. I am trying to hear what he is saying. Continue, Senator.

**Sen. W. Mark:** Yes, Madam President. Madam President, you know dictators are made of a stuff that we are now experiencing.

Madam President, you know information is knowledge and knowledge is

power. Totalitarian states seek to get information on your movements, on every aspect of you as a person, and what the Government is doing, Madam President, is in a very flippant and almost stealthily—you know, they approach it in a very stealthily manner where they come and they insert into the legislation a provision that appears on the surface to be innocent, harmless, Madam President. But when you drill down, Madam President, you understand the implications and the impact of this on the rights of the citizens. Rights are removed, freedoms are undermined, Madam President, very slowly by dictators, and this is a measure that is telling us exactly that.

Madam President, I want to ask you and take you to section 4 of the Data Protection Act. Section 4 says, Madam President, that:

“The object of this Act is to ensure that protection is afforded to an individual’s right to privacy and the right to maintain sensitive personal information as private and personal.”

That is the object of the Act, and all the provisions, Madam President, therein, are based on this foundation. So you cannot, Madam President, go to section 42—and, Madam President, I want you to bear with me because the Government, through the Office of the President—I am not dealing with who was the President at the time. If I was the President, maybe I would have done the same thing. I am not on the President or the personality. I am dealing with the Office of the President here.

The Government went to the Office of the President, Madam President, and sought and got through with the proclamation of section 42. Madam President, what does section 42 say? Section 42 says:

“Except as provided under any other written law, personal information under the control of a public body may only be disclosed—

- (a) for the purposes for which the information was collected or

complied by the public body or for a use consistent with that purpose;”

And, Madam President, the second section that was proclaimed reads as follows:

“(b) for any purpose in accordance with any written law or any order made pursuant to such written law that authorises such disclosure;”

So, Madam President, the Government has ignored section 4. The Government has ignored, Madam President, a whole section that deals with what is called the general principles of privacy. There is a whole section called section 6, of the same Data Protection Act, that deals with the principles for the general privacy of citizens in Trinidad and Tobago, and is:

“...applicable to all persons who handle, store or process personal information belonging to another person:”

This applies to T&TEC, it applies to WASA, it applies to TTPost, Madam President. They cannot willy-nilly just provide information because the Government says so.

So, Madam President, I am arguing before you and this honourable House today—Senate, that is, that the Government is in violation of our constitutional rights not only as enshrined in the Data Protection Act, even though those sections have not been proclaimed, and this is where the proportionality argument comes into being but most importantly, the supreme law of the land is our Constitution, and the supreme law of the land protects me, safeguards me from any invasion and intrusion by any force and body. If you want to invade, come with a special constitutional majority.

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

**Sen. W. Mark:** And I am protected in terms of privacy rights.

Madam President, I want to turn to the Valuation of Land Act, and I want you to follow where I am going in terms of what is called section 14, I believe. Madam President, this is not saved law, you know. This is not the Public Health Regulations of 1942. This is current law. Madam President, in section 14 of the Valuation of Land Act, this amendment that I am about to read was passed in an Act of Parliament known as Act 17 of 2009.

Madam President, we are not dealing with 1942. We are dealing with 2009. That is after the Republican Constitution took effect in 1976. Madam President, at that time, the Parliament agreed in section 14 to give:

“The Board of Inland Revenue, the Registrar General and Registrar of the Supreme Court, and every other officer employed in or in connection with any department of Government other than the department concerned with the administration of the Income Tax Act shall, at the prescribed time and in the prescribed form, furnish to the Commissioner such information in possession of their departments as may be required by the Commissioner.”

Madam President, when this was passed in 2009, it was specifically for these bodies and they got the support in 2009. You know what is the problem, Madam President? The problem that we are dealing with today is that the Government is seeking to add to those bodies that were approved in 2009, WASA, T&TEC, TTPost. There is where the problem comes in. If you are going to add and they are going to be requesting personal data, personal information on citizens of this country, that must be passed, Madam President, with the specific requisite constitutional majority in the Parliament. You cannot go otherwise.

Madam President, I go further and I turn your attention to this provision that gives me worry. Madam President, the Bill in clause 6, after it talks about the bodies that they have added, says:



“...such information shall be furnished to the Commissioner in the form as approved by him,”—that is the Commissioner—“and within the timeframe prescribed by the Minister, by Order.”

Madam President, I looked at this Bill, I searched for the form. I have not seen the form. So the Government, Madam President, is asking us in the Senate to sign a blank cheque.

We do not know what information that the Commissioner of Valuation will be asking WASA, T&TEC and the postal corporation to supply because we do not have sight of the form before us today. Madam President, this is unsatisfactory, this is unacceptable, this is indefensible, this is inexcusable. The Government cannot take us for granted. If you want support, Madam President, for a measure, you must present good law. And therefore, we are asking the Government, Madam President, to table the form. Table the form in this debate.

**Madam President:** Sen. Mark, you have five more minutes.

**12.30 p.m.**

**Sen. W. Mark:** Yes. Thank you, Madam President. Table the form in this debate so we can understand exactly where you are coming from. So we serve notice, this measure is illegal, this measure is unlawful, this measure is unconstitutional, this measure is an invasion of privacy rights in Trinidad and Tobago and we will not support it.

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

**Sen. W. Mark:** And if you pass it, just like local government that you want to postpone, explain that to the Privy Council, the High Court and the Court of Appeal. You will have to explain this provision to the High Court, the Court of Appeal and the Privy Council.

Madam President, with the limited time I have, I just want to do two small

matters. The matter of the oil pollution issue is one in which nobody can argue because we have had several oil spills in our waters. The question here is not really just increasing the fines and as Sen. Vieira asked, if they do not pay, if it continues on a daily basis, you have for instance a system where once you disobey the law, you pay more fines. But there has to be enforcement and I do not think we have a mechanism of enforcement. Too many vessels come into our waters and they dispose of waste, including oil, and we do not have any mechanism in place, as far as I know, to monitor these people and their vessels. So we end up being environmentally challenged as our waters become polluted and contaminated and we are called upon to pay to clean up these spills.

There should be a measure for those who have done the crime to pay for the clean-up. Why must Trinidad and Tobago get involved in that? Madam President, I do not support that. I think that we have a duty to allow these people to pay, to pay the fine or to pay for the clean-up of whatever they would have done.

Madam President, this thing about the metals and the stores where dealing with the scrap iron people, we know this is a very serious matter. We know it is illegal what is happening in many parts of that industry and we know the consequences are very severe. The Government has shut down the industry and now they have come with a fine to increase the fine for stealing of metals and other matters. The Government needs to speed up its works on this matter. Too many people are on the breadline, too many families are suffering, you need to take some urgent measures to restore that industry, regulate the industry. No one is arguing against regulating the industry but you cannot leave people on the breadline for so long at a time when you have so many people unemployed. So the Government needs to come better than simply imposing a fine, they have to do a little better, speed up this arrangement and get that industry cracking because it can and it has

provided employment for a lot of ordinary people in our country.

Madam President, in closing, I want to tell you that these measures that are before us today will do nothing to bring about transformation, diversification or any revolution in how we do business. The rich will become richer, the poor will become poorer. The last research that was done on wealth concentration and distribution in our nation shows that 90 per cent of the wealth of Trinidad and Tobago is controlled by less than 3 per cent of the population.

**Madam President:** Sen. Mark?

**Sen. W. Mark:** We need to deal with these matters.

**Madam President:** Sen. Mark?

**Sen. W. Mark:** Madam President, I thank you very much.

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

**Sen. Dr. Varma Deyalsingh:** Thank you, Madam President, for allowing me to partake in this discussion today on the Finance Bill 2022. This Bill, it is an attempt to implement some of the fiscal measures that were mentioned in our recent budget statement that we had. So, you know, I looked at different aspects of it where you have a host of other Acts that we are looking at, a variety of Acts that we were looking at to see different parts of it which we could implement to help the fiscal policy of the Government. So I was a bit at pains trying to figure out the connection but I realized the Minister of Finance that had to take from different aspects to put this together and as he mentioned that others will be coming in December to fulfil his mandate to attempt to manoeuvre through these difficult times.

So we need to realize that—in this Finance Bill, I see certain measures that I would definitely support, certain measures that I may have some concerns with, certain measures I was trying to come to grips with the rationale behind certain

amendments, and I see it is filled with the waiver of outstanding liabilities and some persons mentioned, you know, that this a way of rewarding the tardy population who may be late in bringing their tax returns forward due to a variety of reasons. And we cannot just say it is COVID-related because even before COVID, we had amnesties occurring and as the Minister of Finance stated, it did give us a great deal of revenue that came about.

But be that as it may, I must say that COVID brought persons in survival mode, some businesses, some small businesses struggling to make it. And again, this time I think it is worthwhile giving that amnesty further—where persons may have been under a condition, “Should I just fold up, declare bankruptcy, move on,” or “I am getting an amnesty, it may help me move forward.” And I think any small business getting an amnesty, which may allow them to stay in business, is something that I would commend at this stage.

Also, I saw certain attempts to go after the environmental criminals and I look at the persons who take part in the illegal timbering, the cutting of our forest, deforesting. Also, the scrap iron industry where the Minister of Works and Transport had mentioned once that a sluice gate in Port of Spain was removed. So definitely individuals involved in these illegal activities definitely do not care about the effects they are having on the rest of us who are suffering from floods, suffering from the effects of the global warming. And I think any attempt to go after them, any attempt to have greater punitive measures on these individuals, I commend and I think this is something we needed to address.

We even have to look at what the Secretary General António Guterres of the UN—he had mentioned that:

“We are on a highway to climate hell with one foot on the accelerator.” There are the high-level meetings where the world leaders are meeting to discuss

the global warming and I think the fact that the timber industry here is now being addressed and measures are being put in place is something I commend. So therefore, we just have to see what is happening in other parts of the world. We see what is happening in St. Lucia. We see the fact that with global warming, the fact that torrential rains will come because more water will condense. All these things are related to deforestation, all these things are ways we have to move forward and address these.

So I have to, again, thank the Minister of Works and Transport for meeting with residents of my area recently to discuss flooding issues and definitely with this sluice gate being removed, I must say flooding is something we know it is going to get worse. I mean St. Lucia, for instance, will show that; Turkey had flood in Pakistan, a third of it was under water. This is something worldwide we are dealing with. So we have to put measures in place, not just what is here, but even those building on the banks of the rivers, those building on the hills and I look forward for further amendments in other pieces of legislation coming to us.

So as I look at the Finance Bill and I look at clause 2 which serves to increase fees payable under sections 3(2), 5(1) and 5(4) of the Commissioners of Affidavits Act, and I might say, Madam, the last time this was changed was in 1993, that is 30 years ago. Thirty years ago, those old fees were in place and with this new attempt to increase the fees—and in an instance I looked at the attempt to change section 3(2):

“...by deleting the words ‘two hundred dollars’ and substituting the words ‘four hundred dollars’;”

Then in part (b):

“in section 5(1), by deleting the words ‘two dollars and fifty cents’ and ‘fifty cents for each exhibit’ and substituting the words ‘ten dollars’ and ‘two

dollars and fifty cents...”—et cetera.

So I am seeing an attempt and I have no problems with the adjustments made because we are adjusting those fees that were applicable in 1993.

Where I do have some concern, Madam, is the fact that—the amendments that are attempting to be made to the firearms certificate or permit. And I see there are a lot of fees that were increased from firearm user’s licence, firearm user’s licence for a shotgun, for employee’s certificate, for employee’s certificate for a shotgun, also for looking at the firearm dealer’s licence, gunsmith’s licence, firearm disposal permit, all these are fees that came on board. So, again, I have no problem with the fees being increased in the sense that, again, those fees were there from probably, I think even 1993 also.

Where I have a problem is when it was mentioned that the—it is like, you know, the Government is looking at a way to prevent individuals from getting various firearms and variations, and this is where I may just want to make a comment that, Madam, we are dealing, in some dangerous times, with home invasions. We see individuals coming into the home now where—probably eight well-armed individuals, very fit. Some instances have shown persons from the army involved in certain of these robberies and invasions that occur, and these individuals are armed to the teeth coming into our homes. And definitely I am saying that increasing the fees for licence is one thing but—trying to increase the fees to get revenue is one thing, but trying to look at getting an increase in fees or trying to change the mindset of persons wanting to apply for firearms, I know the Government is under discussions with this. And I just want to beg to move that persons out there would have found that somehow they would have rather been given a chance to defend themselves.

I just want to make mention to the fact that there are instances, Madam

President, where there was a hardware owner who I knew who spent years building his hardware, his business, and then another hardware opened further down. There were some four men in Muslimeen garb, approached him one day telling him, “It is time to leave.” And this guy now went to the police, he applied for a firearm user’s permit and he was denied and the police suggested he hire off-duty policemen to guard his place. So he felt exploited and he migrated when these guys went to school one day where his daughter was and he realized, “Hey, how could I protect my family?” He moved on.

There is another instance, a doubles vendor who basically gets up every morning three o’clock with his parents to make his doubles and sell, and then men came demanding he paid taxes to them so he closed his shop. So there are individuals out there who unsuccessfully applied for firearm user’s licence and I think it was in the past they thought only a privileged class may be allowed this.

I grew up in a home where my father had judges over and they all had firearms. I grew up with firearms there. Some of them would go hunting, some of them would have had their shotgun, some of them would have their pistols. So I honestly tried to figure out what is this Government’s hesitancy or problems with giving the people firearms. It is just like a car. If I have a licence, I can buy five cars. If I went through the proper checks and balances—we have better checks and balances than the USA and other countries where we have to look at the permission from their spouses, psychological assessment, “police come look at the place”, you get police certificate of character, so there are things in place.

So I am thinking, I am hoping that Government would realize that, you know, once persons have that check and balance and you look at that, you kind of give those persons—because even trained policemen could have accidental negligent discharges. In 2005, a constable attached to the AKS was shot by a

fellow officer. Then there was an incident, Madam, where in Grand Bazaar, two police officers had a shoot-out. In April 2021, a police officer shot himself in the hand in Gasparillo station while cleaning. So there were instances where even well-trained police officers would have had accidental discharges, well-trained police officers who may have used their firearm.

So what I am trying to get through, Madam, is once there are safety checks and balances, I am thinking that we should not use any piece of legislation to try to come down on individuals when all they want to do is protect themselves and their family. And, you see, most people who ask for guns are not about advocating violence or callous disregard for life but to safeguard for everyone facing violent threats and home invasions.

So I am hoping Government will have a further discussion with this. I understand the Minister did say about assault weapons and the clarification has to become—he mentioned that they are now going to clarify what is an assault weapon and if it is like a AK rifle with certain calibre which could penetrate—all well and good. I have no problems with the Government trying to restrict those, except for those who are in competitive shooting.

But one has to understand, Madam, having a pistol now with eight guys coming into your home, you cannot defend yourself if each of them have guns. You need something called a carbine pistol which shoots off a lot of rounds. So this is something that I am just putting a plug in for the powers that be to understand if crime was okay, if there were not home invasions, I would not see the need to try to push for this. But the present situation, I think we should seriously consider giving persons the right to basically defend themselves.

I also now would like to go on to clause 4 where we looked at the registration of clubs, waiver of taxes owing, and I have no problem with that,



Madam President, in the sense that this, again, serves to get revenue, probably serves to keep businesses open who may have had problems during the COVID lockdown, persons who may have had problems with getting their books together. I am wondering, at the end of the year, when business places have to hustle, get their accountants to put their books in order, that is a very stressful period for not only the accountant but for the business persons.

I worked at the Inland Revenue for a period of time as an Accounts Clerk and I realized why can we not have a system where we could scatter how these returns are coming in? Certain businesses at a certain size, mid-year, give them that, you know, that is your deadline and then scatter it further down the line for other businesses to help their staff and also to help those businesses who would be pulling their hair out to try to see how to get their business in order to bring in these deadlines. You see, amnesty is good but having it as a habit would create that level where people will think they can get away with it next year and then it will just spill over to just a tardy populace just not caring that they have to do things in a time being diligent to produce their books in order. It is just a scattering of it maybe something to be considered.

And also, Madam, I would like to look at clause 5, and clause 5 of the Bill looks at oil spills and again, this is very commendable because what it seeks to do is to raise the fees that if there are any sort of spills from a vessel from \$10,000 to \$100,000. But, Madam President, I think the amount \$100,000 is too little and so, while I commend the Government for the increase, I think no, we have not done enough there. We have not done justice. And why I say that is, you know, the pollution that is caused by an oil spill, it is expensive to mop up, sometimes it costs millions of dollars. And while I commend the Government on this, knowing the fact that oil spills, any sort of oil spills and their mop-up operation is expensive and

it is dangerous to the environment—I would like to quote Sarah Johnson’s article in *The Guardian* August the 13<sup>th</sup>, issue 2021. And her article actually brought international attention to the recent oil spills in the Gulf of Paria and it was caused by a breach of a pipe belonging to Paria Fuel Trading Company.

Now, the FFOS, Gary Aboud, highlighted the improper clean-up techniques of breaking up oil layer causing it to sink to the ocean bed entering the food chain while Lisa Premchand noted no booms were used to contain the oil spill and an oil dispersant was used despite established guidelines discouraging its use near the shoreline. FFOS must be congratulated, Madam, because, you see, their request revealed that there were 498 reported oil spills since the beginning of 2018 with the lack of prosecution from the authorities. So this attempt here in this Bill is something I welcome because this shows that now we are trying to get a little more serious about it.

But, you see, what I would like to bring out in this, Madam, is that the Gulf of Paria in 2013, there were 7,000 barrels of oil leaked from Petrotrin’s lines and the company used something called Corexit, which is known to cause major health issues, and additional spills occurred up 2017, and the company was fined \$20 million by the EMA. So this \$100,000 to a vessel causing a leak to make is too low. We have to keep up with the times. Because, you see, this oil spill could cause major problems.

You see, we have to remember there was a vessel *FSO Nabarima*, which was a rusting storage facility filled with crude oil, was leaking in the water, so that occurred. And remember, those are hydrocarbons which are cancer-causing. Fisherfolk has to deal with equipment loss in nets, engine damage by oil spill. All these are things that they are fighting with.

And the fact is I would like to quote Imtiaz Khan, the President of the Carli

Bay Fishing Association, who said:

“We had a similar incident in 2018 in Orange Valley, and it negatively affected fishermen as fish prices went down because a lot of people were concerned about eating fish from the Gulf. Seventy-five percent of the fishing in this country happens in the Gulf...”

There was a 2017 presentation by Acting Director of Fisheries, Elizabeth Mohammed, who stated:

“Marine capture fisheries support around 40,000 persons...”

So Government seems to be getting serious about the oil spills but then we have to realize that—I think more should be done. A UTT study in 2019, was done by Balgobin and Ramroop Singh, found high levels of carcinogenic PAHs which is found in crude oil and vehicle emissions and they found these in fish in the Gulf of Paria.

So therefore, we do not have—you know, Mr. Manning wanted an oncology centre, we did not get it. We had wastage of millions of taxpayer’s money. That was a dream that medical personnel loved, but here we have oil spills affecting our fish, affecting our water and affecting the increase in cancer that we are getting in society. So I welcome Government’s move for this but I am thinking this \$10,000, it should be more. This is a foreign vessel coming in here and if we can charge our own country’s Petrotrin \$20 million, that \$100,000, I am hoping could be reconsidered.

I would like to look at clause 6, the valuation of lands, the Commissioner of Valuations and in clause 6, it seems to wider the information that the Commissioner of Valuations could get. Now, remember, he would be at odds sometimes to get the valuation of certain properties if the owner is not giving and using the postal corporation, WASA, electrical commission may be a good idea

but, again, as mentioned by Sen. Wade Mark, we have to be cautious about the privacy issues, about the fact that other prying eyes—a clerk in an office may now see how many properties certain persons own and, you see, that disbursement of information, more eyes see it. And Trinidad is a place where if you have these persons with your information out there at different areas, we have to be very, very careful it does not go into the view of criminal elements who may want to use it against you.

I would like to mention that—as I mentioned before, clause 7 seeks to look at the illegal timbering and I say, I welcome this. I realize that, you know, we have to maintain the forest, we have to understand that we have a duty to play. I mean the—to our carbon footprint, all these are things that we would have to look at. We were a part of the Paris Agreement. So conserving the forest is something we need to look at. But, Madam, we really need more conservation officers. I think they are lacking 60 persons there and even the range wardens, 40. So we need to complement, yes, it is good to have this piece of legislation; yes, it is good to increase the fine, but if we do not have the persons and the individuals to go out and find these places that are being deforested, if we do not have that team, that effort, then it is just a piece of legislation in the law books and not really something you can act out. So we do need to get that going with more of these members of staff.

We also have to realize that a reward system might be something we have to consider where a hotline, person could call in and say, “Look, they are cutting down trees in this area,” where you get a reward system for that. Just as how illegal quarrying and cutting trees—I mean, for years, this has been a problem and I always try to figure out why we cannot, you know—from aerial surveying, we would know certain areas. It is so easy. Now we have drones. Certain areas, you

can just put a drone out, look at a certain area and come back and so it is not challenging, it is just a matter of getting the persons to do their job correctly.

We have to realize with the deforestation, it is an economic loss when you have these floods and torrential rains, it causes social distress, loss of property. And remember, the world is experiencing a climate emergency and the sudden gush of water caused by heavier rainfall in our mountains causes the destruction and flooding. So we need to trap this water by the forest. We need to ensure that we do our part because we will be asking the Minister to solve problems but, on the other hand, people are removing floodgates, people are cutting trees and causing that destruction. So if I know that it is going to affect me, I would be one willing to pick up the phone, call a hotline and say “Look, I am seeing this occurring, please come in and do,” but we need your action. So we know warm atmosphere holds more moisture, paving the way for sudden torrential downpours, more rain is going to come, so we know that.

**1.00 p.m.**

The Intergovernmental Panel on Climate Change’s latest studies concludes that the earth’s temperature will reach a critical threshold of 1.5 degrees Celsius within the next 20 years. This is frightening. So, I think right now, we each will have to play a part in our efforts to maintain our environment to be a safer environment for our children.

Clause 8, I must commend the Government for their efforts in the benefits of the personal allowance increasing. And this was something that, throughout the years, we have seen a gradual increase. So, again, the man on the street will say thank you for that benefit. So, right now, you find that you do not have to pay taxes under a certain limit. And this is certainly a social benefit to those persons affected. And I think it will affect 300,000 persons who, I think, would be very

grateful for this. So we have seen even, in the UK, challenges where the increase in taxes that they wanted to have and the effects it had on their leadership problems there. So, definitely the Government's attempt to give the benefits of personal allowance is something I commend. And I think that is the right part to ease up some of the burden that persons may face with the increase in fuel prices.

Looking at clause 8, again, I have to mention the fact that 2021, I think the Minister had mentioned that 25,920 taxpayers actually used the amnesty and we got \$1.1 billion. So, yes, we may anticipate that we may get a good—I think the Minister anticipated \$680 million that he is hoping to get from this other amnesty. And if it comes on board, it will help us. If it does not come on board with that amount—because remember the COVID now would have destroyed certain businesses. So we do not know if he will—you know, the anticipation he gets, if he gets it, it is to the benefit of the country.

But, you see, a lot of persons were saying if I hire my accountant, if I am diligent, if I do my work and put my books and put it to the Government, why must those persons who are late, the slackers, the ones who are late with their taxes, why should they be benefitting for years, even before the COVID? So what can we do?

Now, sometimes you give a tax—your tax return and sometimes the Government owes you taxes and if they owe you taxes, they sometimes may not give it on a timely manner. Another instance, you may owe the Government taxes. So, a suggestion I have for those persons who pay on time, if Government owes those person taxes and after a year passes you do not get a cheque from Government, give us that tax with interest. If I owe you money and a year passes and you do not give me the final or the correct amount to say that I owe you these taxes, start minusing some that I have to pay. Because it will now bring a level of fairness to those persons who put their books in time, that they are getting some

gain from it. So this is something to consider, because I think we have to reward those persons who do their civic duty, pay their taxes on time, and just look at the landscape where other persons are getting away. So this is something for consideration.

I look now at clause 9, where the Minister mentioned the value added tax was amended, where now certain individuals will fall under a different bracket. And those individuals will not have to give of the benefit, the value added tax benefit.

Now, in the other place I heard the Minister was saying if you have to go after, just to get 5,000 from some of these individuals, the cost of your staff going after these individuals, it would not be cost-effective. But I dare say, if we are going to get a better revenue authority and we are saying it would be more efficient, I think that that would have somehow negated that fact that you are just going after 5,000. But in this place, I heard the Minister said that he was approached by certain businesses to help the economic situation, and I agree with that. If he was approached by those persons and he thinks it can benefit and let their businesses survive, I have a problem in supporting it for that reason. But not for the reason, what I heard in the other place that it might not be too beneficial, or efficient, or cost-effective to go after them.

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

I come now, Mr. Vice-President, to the scrap iron dealers, clause 12:

“The Old Metal and Marine Stores Act is amended in section 10, by deleting the words ‘fifteen thousand dollars’ and substituting the words ‘one hundred thousand dollars’.”

Now, this has been an issue that has been plaguing our nation where you find there is a lot of noise out there by those scrap iron dealers, who are trying to

claim that the Government is after the small man, the Government is against them. But if you look at you take a church bell, if you take a sluice gate, this is a criminal culture we are now seeing there. Government had no choice but to come down on those individuals. They had no choice.

And, you see, I would like to read in here, Mr. Vice-President, the USA, there is a report called an FBI reports and publications, which the FBI sends out, and as far back as September 15, 2008, and I read:

In the US, the FBI reports that:

“...critical infrastructure”—such as—“electrical sub-stations, cellular towers, telephone landlines, railroads, water wells, construction sites, and vacant homes...”

—are being targeted and presenting:

“...risk to both public safety and national security.

Copper thieves are typically individuals...”

And this is what they said:

“Copper thieves are typically individuals or organized groups who operate independently or in loose association with each other and commit thefts in conjunction with fencing activities and the sale of contraband.”

So it is not a simple little boy trying to get pieces of metal to sell or these things.

So we have to look at what the FBI said:

“Organized groups of drug addicts, gang members, and metal thieves are conducting large scale thefts from electrical utilities, warehouses, foreclosed or vacant properties, and oil well sites—so we have to be careful for any metal we have down south—“for tens of thousands of dollars in illicit proceeds per month.

The demand for copper from developing nations such as China and India is



creating a robust international copper trade...As the global supply of copper continues to tighten..."

Mr. Vice-President, cable theft in the UK costs £700 million every year. So it affects the people. It affected people's lives. Train journeys are delayed, cancelled. Sometimes villages have been left without telephone and Internet for days.

So when Government made this decision, I supported them because, you see, I have to just read in to you here that the industry is not just little hustlers trying to make a living, but it is now a lucrative international organized crime enterprise and no nation is spared from this fallout.

"Benson Ngqentsu, in his writing in City Press, mentions Africa has problems with the 'asset stripping of copper infrastructure on an industrial scale...this shows how brazen and strong the criminal network has become. With these staggering financial figures and the targeted sectors of our economy, it is compelling to characterise cable theft as economic sabotage. It is therefore clear that the scrap metal industry is in cahoots with cable and copper syndicates, given the rate of theft and destruction of infrastructure...those involved in these criminal activities are not just the lumpen working-class people, they are big fishes, and this is the nexus of many forces.'

South African President Cyril Ramaphosa used his Freedom Day address to condemn cable theft. Kenyan President Uhuru Kenyatta closed down the scrap industry."

So, therefore, we have to remember:

"The theft of copper lines and infrastructure at entities like WASA, TSTT, and T&TEC has disrupted service across the country."

So, even:

“At Mamoral No, 2 a year ago, some villagers apprehended four men who were caught stealing copper cables. Acting Commissioner of Police McDonald Jacob announced that TTPS was offering \$100,000 reward for those saboteurs and Cabinet acted decisively...”—in trying to stop this.

So, I thank the Government for bringing this. I know that they had promised that they were going to try somehow—they had promised the President of Trinidad and Tobago Scrap Iron Dealers Association, Allan Ferguson, that they were going to somehow try to regulate the industry, so it can become a legitimate form of income for people. So, I look forward for this. Because, you see:

“The incoming material must be inspected...the origin and photographs of merchandise”—should—“be taken...”—and—“recorded, along with the dealers...”—needing to be—“licensed to export their...”—materials.

So, I look forward to the Government regulating the industry and the interim measure it takes in this Bill to increase the penalties is something that I think that I welcome, if we could curtail this criminal activity.

So, in conclusion, Mr. Vice-President, I say I agree with the majority of these things in this Bill. I have my hesitancy in the fact that I still think that we have to look at the firearms applicants, the persons being afforded firearms to protect themselves, because eight persons coming into your home, a pistol would not take them down, but a carbine pistol would. If Government has a problem with persons having—I am not talking about the AK weapons—if they have a problem with carbine pistols, I am saying you can have it for just home use. Shotguns or carbine pistols, where it is not allowed to leave your home, except you have permission from the police to go in the range and come back. But we need to do something about crime and I think firearm use is something and I do not think

people should be punished for owning—

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

**Sen. Dr. V. Deyalsingh:** Yes. And I am hoping—it is just about 0.3 per cent of the population who has that application for firearms.

I remember the days when it was only a selected few people were getting this, judges, Members of Parliament, certain persons with connections in the police service. So therefore, gone are the days when they should be, and everyone should have their equal opportunity to be able to purchase one, get proper training. And I am thinking that the benefit of persons having it and staying in Trinidad and defending themselves would pay out from persons just wanting to pack up shop and migrate. And this is something I think we have to seriously consider.

So, Mr. Vice-President, I thank you for this opportunity and I hope that the Minister of Finance has success in raising some of his revenue and I look forward to his December part 2, where we would now be tackling further amendments. Thank you.

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

**Mr. Vice-President:** Sen. John, do you wish to speak?

**Sen. John:** [*Inaudible*]

**Mr. Vice-President:** Minister of Finance.

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

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Mr. Vice-President. I will be very short. I would like to thank the hon. Dr. Varma Deyalsingh, Independent Senator, for those very kind words and his belief or his hope that we will be able to achieve what we plan to achieve through the fiscal measures.

I am not an expert in firearms, Mr. Vice-President, and therefore, I am not sure what is the fundamental difference between a pistol and a carbine pistol, and I

would not even venture to try and go into that area. What I would simply say is that this debate is all about increasing fees and the question of the issuing of firearm user's licences and who should get a licence and who should get not, I would respectfully ask the Senator to leave that for another day, perhaps a substantive Motion or something like that. But I am not competent to speak about those matters.

I simply want to say one thing, with respect to what Sen. Mark said. Sen. Mark, regrettably, got his Privy Council cases mixed up. I understand, because there is a difference between Suratt and Suraj. And the Suratt case is an old case that looked at our constitutional rights. But Suraj, the case of Dominic Suraj with a "J", as opposed to Suratt, with a "T", expanded upon and amplified the learning that the Privy Council determined in the Suratt matter. And in the Dominic Suraj case, which is a 2022 decision, the point the Privy Council made, and it is a very interesting point, that if you have a saved law, which dealt with a particular concept, and conceptually the Commissioner of Valuations for many, many years was empowered under law to access information from the Board of Inland Revenue, from the Registrar of the High Court, from departments of government, that is a pre-existing power or authority that the Commissioner of Valuations had, conceptually the gathering of information from WASA, T&TEC and TTPost is the same. It is simply information on the addresses and other pertinent information that the Commissioner of Valuations will require for populating the valuation roles. And the whole point of all of this is the purpose for which the information is required will determine the type of information.

So that the Commissioner of Valuations would not be looking at how much somebody is paying on their WASA bill. That is irrelevant. What the Commissioner of Valuations would want to know is what do the records of the

Water and Sewerage Authority say with respect to the owner or occupant of a property, the address of the property, the type of the property, and so on, whether it is a commercial building or a residential building, residential dwelling, and so on. So that is the type of information that the Commissioner of Valuations would be looking for.

Similarly with TTPost, TTPost will have information on addresses. And they have more information, which is extremely helpful, which is GIS coordinates, with respect to the owners of lands and properties in Trinidad and Tobago. So the GIS coordinates are going to assist the Commissioner of Valuations to cross-reference the information that the Valuation Division has already. Similarly, T&TEC will have information on addresses, owners, occupants, type of structure. And therefore, when the Commissioner of Valuations puts all of this together, the information already gathered by the Valuation Division, the information in TTPost, the information in WASA, the information in T&TEC, the information in the Board of Inland Revenue, in the High Court, and also in government departments; all of that will assist the Commissioner of Valuations to be as accurate as possible in determining owner, address, type of property. So that is the only purpose of the amendment. It is not for the Commissioner of Valuations to go and peep and see how much somebody is paying in their electricity bill, and so on.

I want to thank hon. Senators, because I understand, Independent Senators, of course, that many of them came to the view that these matters were already fully ventilated during the budget debate. There is nothing in here that derogates or fundamentally changes the matters already discussed in the budget debate. And therefore, hon. Independent Senators, I thank you for allowing us to have a short parliamentary sitting today, and I beg to move.

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

*Question put and agreed to.*

*Bill accordingly read a second time.*

**Hon. C. Imbert:** Thank you very much, Mr. Vice-President. In accordance with Standing Order 57(2), I beg to move that the Bill entitled an Act to make provisions of a financial nature and other related matters not be committed to a committee of the whole Senate.

*Question put and agreed to.*

*Question put and agreed to:* That the Bill be read a third time.

*Bill accordingly read the third time and passed.*

**Mr. Vice-President:** Leader of Government Business.

### ADJOURNMENT

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Mr. Vice-President, I beg to move that this Senate do now adjourn to a date to be fixed.

**Mr. Vice-President:** Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised on the Motion for the Adjournment of the Senate. Sen. Mark.

[MADAM PRESIDENT *in the Chair*]

**Sen. Lyder:** You all are cowards. Total cowards. “Every one ah all yuh is cowards. Every one of all yuh is cowards!”

**Madam President:** Sen. Lyder! Sen. Lyder, please! That outburst is unacceptable. Are you going to apologize for that outburst? Because I think you should.

**Sen. Lyder:** Madam President, I apologize for talking the truth and calling them cowards.

**Madam President:** Sen. Lyder—[*Inaudible*]

Adjournment

2022.11.08

**Sen. Lyder:** I apologize sincerely, Madam President, for my comments.

**Madam President:** Sen. Mark.

### **Clico Investment Trust Deed**

**Sen. Wade Mark:** Yes, thank you very much, Madam President. Madam President, I have brought a matter in the interest of the public and in the interest of transparency and accountability and openness as it relates to a fund that was established in 2012 called the Clico Investment Fund.

Now, Madam President, there is a document that governs that particular fund called the Clico Investment Trust Deed. And under Article 19 of that Trust Deed, this particular fund is supposed to come to a close or an end sometime on January 02, 2023.

Now, in that said Article 19, the Government has certain options. The Government can in fact provide to the unitholders shares in Republic Bank Limited. The Government can purchase the units from these unitholders and therefore, buy the shares or there can be a third party involved in the acquisition of these shares.

Now, what peaked my interest was an article some time ago, I thought I walked with it, but I did not see it, which was written by one Anthony Wilson, where he was talking about some challenges that were beginning to emerge, meaning as if there were some kinds of concerns from the market emerging as to exactly what the Minister of Finance, as trustee, on behalf of the Government, will be doing. How is the Minister of Finance going to exercise Government's power in this particular event as this fund winds up? Now, we understand that there are some 204 million unitholders or shares, or let me put it another way, 204 units, Madam President. We understand that the Government has in fact some 17 million of those units available to itself. So the entire CIF value is about 25 per cent of

RBL shares. NIF also has 25 per cent. NIB has 20 per cent. So the question that is being raised and clarification is being sought is exactly what the Government is going to do.

We are now in the month of November, Madam President, and on the 2<sup>nd</sup> of January, this particular fund is supposed to end. So there is need for the Government to give an idea to these unitholders exactly what the Government is going to do with those units that I understand amounts to close to 204 million. Because the value of these units, as I understand, has fallen from the time they were issued. My information is they are about in value about \$27 per unit. So if you have to convert that into shares, obviously, it would be cheaper than when it was originally purchased at \$31 per unit. So this is an issue that apparently caught the attention of one of the stockbrokers and they too have issued a statement on the uncertainty surrounding this whole activity.

I have no interest. I have no units. I have no direct interest in any of these units. But when I read this Anthony Wilson article, I realized that something is happening and that there appears to be an interest in getting clarity from the Minister of Finance on this matter. And that is why I said I am going to raise it with the Minister of Finance, through you, Madam President, so that the Minister can bring some degree of clarity to the market and to those unitholders.

So the question that we are trying to clarify is: What is the Minister as trustee—because the Government is the trustee of these units and the actual fund. The Government is in charge. They are the trustees of the CIF. And therefore, they have a very important responsibility to indicate. Because what Anthony Wilson was indicating is whether there is going to be a trigger code effected; whether the Government, in the final analysis, will take control of Republic Bank Limited. Because, as I said, CIF, 25 per cent; NIF is 25 per cent; and NIB is 20 per



cent, which gives you a tally of 70 per cent. So, the Government needs to clear the air as to what it is doing.

**1.30 p.m.**

In fact, not being a stock market man, I did look at the price of the shares of RBL, and I saw just about three or four weeks ago it was in the vicinity of \$140 per share, \$140, and just about a couple of days ago it was at about \$133. So there is some uncertainty in the marketplace and therefore, there is a need for the Government to clear the air as to what it is going to do. Is the Government going to convert those units and allow the policyholders to have shares which would be equivalent of 25 per cent of Republic Bank Limited? So the policy holders will become 25 per cent owners of the RBL. Is the Government going to pay cash and give some shares to the unitholders? Or is the Government going to buy out the unitholder's shares and take the 25 per cent shares of the CIF, along with the 25 per cent in NIF, and with your control of NIB, trigger the takeover code and Trinidad and Tobago Government will be in charge of the Republic Bank Limited shares?

So, I think it is important as a nation for us to clear the air on behalf of these citizens and the country as to where we are going. As I said, Madam President, I am not a unitholder, I have no interest, but because of this article it generated my concern, and I said I will bring it to the attention of the Minister of Finance so that there can be some clarification on going forward. Thank you very much, Madam President.

**Madam President:** Minister of Finance.

**The Minister of Finance (Hon. Colm Imbert):** Thank you very much, Madam President. Let me just read the matter, lest people become confused or misled by the utterances of the hon. Sen. Mark. The matter is the need for the Government to

provide a status report on the provisions of Article 19 of the CLICO Investment Trust Deed, giving the impending termination of the CLICO Investment Fund.

Now, Madam President, I do wish one day I would come into this honourable Chamber and something said by hon. Sen. Mark would be true. Today is not one of those days. For the record, if one looks at the establishment of the CLICO Investment Trust, the units were given a face value of \$25, not \$30, or \$31, as Sen. Mark erroneously declared. I have no idea where Sen. Mark gets his information from. In fact, I do not want to know. All I know is that it is always wrong.

The value at which the CLICO Investment Fund units trading most recently is \$28.54, so that the units are now worth more than they were when they were first issued under the CLICO Investment Fund Declaration of Trust on the 31<sup>st</sup> day of October in 2012, which is when Sen. Mark was associated with a former government. So that when that trust was launched, the face value of the units was \$25. Let me make that crystal clear. It is now \$28.54 and there have been a series of distributions since then, dividend payments on the CIF units from 2012 to now. So, I do not think it is fair to even insinuate that holders of CIF units have lost out over the period.

Secondly, the information that Sen. Mark gave on the value of Republic Bank shares, also wrong. The value of Republic Bank shares, Republic Financial Holdings Limited, the last sale trade was at \$137.60, not \$127, not \$130; \$137.60. So everything that Sen. Mark said was incorrect.

Thirdly, everything is contained in the Declaration of Trust, which was created by and put into the system by the former UNC administration. And I would ask Sen. Mark, rather than coming here to carry on and speculate based on wild statements made by his journalist friend, he would read.

So let me go into the records now. The CLICO Investment Fund was established by the Government as a mechanism to redeem the 11 to 20-year series of bonds issued to holders of short-term investment products sold by Colonial Life Insurance Company and British American Insurance Company. The CLICO Trust Corporation was established as a wholly owned state enterprise, and is the trustee of the CIF and is governed by a trust deed.

The CIF is a closed-end fund comprising of 204 million units, which is traded on the Trinidad and Tobago Stock Exchange. The fund has a life of 10 years, all of that in the document that was created by the UNC administration which he, the hon. Senator, should have read, with a redemption date of January the 2<sup>nd</sup>, 2023. The CIF consists of a mix of 40,072,299 Republic Financial Holdings Limited shares and government bonds with a face value of \$702,867,000, with a coupon of 4.25 per cent and a term of 25 years.

Clause 19.1 of the Declaration of Trust Deed states that:

“The Trust shall continue until terminated on the Redemption Date and upon full and final disposition of the Deposited Property...”—that is the Republic Bank shares and the government bonds—“in accordance with Clause 19.2.”

—of the Trust Deed, the 2012 Trust Deed.

Clause 19.2 states that:

“Upon the Trust being terminated:

...the Trustee shall distribute the...”—Republic Financial Holdings—  
“...Shares, any other assets comprising the Deposited Property and any Fund Income in specie...”

And if Sen. Mark wants to know what “in specie” is, I may give him a lesson a

little later, which is a Latin term meaning “in actual form”—

“...to the Unitholders; Provided That the Trustee shall be entitled to retain out of any moneys in its hands as part of the Deposited Property full provisions for all costs, debts, liabilities, charges, expenses...”—et cetera—“...in accordance with...the termination of the Fund...”

As at September 30, 2022, the CIF had 6,027 unitholders. In accordance with the Trust Deed, the deposited property less cost of winding up is to be distributed in specie, which means in actual form, to the unitholders and will be allocated as follows: unitholders will receive 0.1964 Republic Financial Holdings Limited shares for each unit held. This is calculated as follows: 40,072,299 Republic Financial Holdings shares divided by 204 million CIF units.

Further, clause 19.2.1 of the Trust Deed states:

“Where the distribution in specie of the...”—Republic Financial Holdings—  
“...Shares would result in fractional shares being distributed...the number of...Shares shall be rounded down to avoid any absurd result.”

It actually says that.

The bonds will be similarly prorated and unitholders will be entitled to 3.445 bonds per unit held. Any residual amount due to unitholders resulting from the above distribution will be paid in cash. The last date for trading of CIF units on the Stock Exchange will be December 30, 2022. From the week of January 2023, the transfer of shares and bonds will commence. Once all transfers have been made and expenses paid, CIF will be deregistered from the Stock Exchange and wound up. During November, the trustee—this month—the trustee CLICO Trust Corporation would place ads in the newspapers advising of the closure of the fund. Letters will be issued to the Stock Exchange and the Securities

and Exchange Commission formally advising of closure of the fund on January the 2<sup>nd</sup>, 2023, and the lead broker will hold discussions with brokers of the unit holders in a transfer of shares.

Those are the facts, not all those conspiracy theories uttered by Sen. Mark in his usual manner.

**Madam President:** Sen. Mark.

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

**Government's Failure to Effectively Address Rise in Serious Crime in  
Trinidad and Tobago**

**Sen. Wade Mark:** Yes, thank you very much, Madam President. Madam President, the other matter that I would like to bring to your attention and, through you, to the Senate's attention, is the failure of the Government to effectively address the rise in serious crime in Trinidad and Tobago.

Madam President, the reality facing Trinidad and Tobago today is one of fear. People are living in mortal fear in this land. Who is next? Where is the next bullet going to travel? Who will be murdered? People are apprehensive, Madam President. Madam President, I think at the last count we were about between 515 or 520, right, murders in this country or just under that. And the trajectory, if it continues, if the Government remains in the incompetent and clueless state in arresting this scourge, we are predicting and the data is showing, we may end up with more than 630 murders in 2022.

Madam President, Trinidad and Tobago is now classified as the sixth most murderous country in the world. Venezuela is number one. At the rate that we are going, Madam President, under this incompetent, clueless, bankrupt Government, we may just end up shortly under Venezuela. So, Madam President, since this Government came into office seven years ago, we have had some 3,466 murders

Government failure to effectively address rise in crime  
Sen. Mark

2022.11.08

according to our count; 3,466. This represents, Madam President, about 29 per cent of all murders.

**Mr. Manning:** Madam President, 46(1), please. What is the source of this information?

**Sen. W. Mark:** “Wha” you asking me about source?

**Mr. Manning:** Yes, I am.

**Sen. W. Mark:** Add up the numbers, man.

**Madam President:** Sen. Mark, continue.

**Sen. W. Mark:** [*Inaudible*]

**Madam President:** No, no. Sen. Mark, please allow me to rule.

**Sen. W. Mark:** Sorry.

**Madam President:** Okay. So I will ask you to continue.

**Sen. W. Mark:** Madam President, it is 29 per cent since data began to be gathered in 1966. This is the highest amount of murders that have taken place within a seven-year period since 1966 in this country, Madam President, and the Government is clueless.

Madam President, you and I know that when we measure crime, serious crime in our country, we measure that thing called homicide, murders. And that is what is causing a lot of challenges in our country. Madam President, look at the psychological torture and fear injected into these children at Rose Hill Government RC School some days ago. Look at what happened at Tranquility just a couple of hours ago involving a principal.

Madam President, Trinidad and Tobago, as Dr. Varma Deyalsingh said earlier, when this UN Secretary General addressed the opening of the Climate Conference in Egypt, he said that the world is going, is travelling on a highway to climate hell. I want to just make the analogy and rephrase that, Trinidad and

Government failure to effectively address rise in crime  
Sen. Mark

2022.11.08

Tobago under the PNM is on a highway to hell—

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

**Sen. W. Mark:**—if we do not take this man away from the steering wheel. The driver of this car, the driver on the highway that is taking this country to hell, Madam President, is the Government of Trinidad and Tobago.

**Madam President:** Sen. Mark, I have given you a lot of leeway, but I am asking you, please, to dial back this rhetoric.

**Sen. W. Mark:** [*Inaudible*]

**Madam President:** No. Let me finish. Please, all right. You are treating with a matter here and I will ask you to be sensitive about the matter and not be—just dial it back, please.

**Sen. W. Mark:** Madam President, the reality is that I am shaken like you, because I live in fear like so many citizens in this country. Somebody could break into my home and murder me and my family because of how this thing is going in our land today. And when I speak, Madam President, I am speaking from the perspective of how the citizens of Trinidad and Tobago are feeling today. They are living in fear. And I am saying that the Government has a duty to mobilize the resources of the country. They were elected, they are in charge and they have to bring crime, especially homicide, under control.

Madam President, we know some of the factors that are leading to it. It is drugs, it is the gun trade that is leading to this bacchanal in our country, the crime wave, the crime tsunami, unemployment among young people. Madam President, I told you earlier that the information coming out of the CSO shows that 137,000 young people between the ages of 15 and 29 are unemployed in this country, and opportunities are closing in on them. These—I am not saying that is the factor or that should be a factor leading people to commit crimes, but it does contribute,

Government failure to effectively address rise in crime  
Sen. Mark

2022.11.08

Madam President. And we are saying on behalf of the citizens that the Government has to get off and do something properly to bring about a change. And “doh come with no Bail Bill”. “Doh tell me about no Bail Bill”. Those things have failed; they have failed.

So, Madam President, hear what I want to leave with you in closing. The Government must become proactive. The Government must take a preventative approach to crime; provide resources where resources are needed. The Citizen Security Programme, which was sponsored by the IADB ended a few years ago, the Government has never funded that particular programme.

A criminologist said recently that that programme resulted in 40 per cent reduction in serious crime in those communities where it was in operation, Movant, Laventille, John John, and Beetham and those places. So the Government has a duty, Madam President, to take measures, to pump resources, to invest in the young people of our nation. Give them the opportunity; give them hope, Madam President. And right now we are in a state of hopelessness under this Government.

So I have brought this Motion to give the Government and the Minister an opportunity to level with the population, to let the country know exactly what the Government is doing, what new strategies they are employing, what new measures they are adopting to provide safety, security, stability.

Madam President, human flight is on the rise, capital flight is on the rise, entrepreneurial flight is on the rise, investors are not investing, as they ought to, foreign investment is not coming because of the crime scourge in our country. And therefore, we cannot continue how we are going, Madam President, something has to give way. And I call on the Government of Trinidad and Tobago to explain to this country this evening—this afternoon, what measures, what new strategies they are going to take and put into effect to ensure that there is a massive



Government failure to effectively address rise in crime  
Sen. Mark

2022.11.08

and radical reduction in serious crimes in Trinidad and Tobago. Madam President, I ask the Minister to address those issues as we listen to his response. Thank you.

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

**Madam President:** Minister of National Security.

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very much, Madam President. Madam President, when one is speaking the truth, one does not have to shout—

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

**Hon. F. Hinds:**—one does not have to be frothy, for truth is enduring and it has its own volume. The Senator told us in his path that the Citizen Support Programme is not operational and not funded. That is simply untrue, notwithstanding the froth. In fact, it is now executed under the name Building Blocks, very much alive. I received a report on that matter as recently as two weeks ago.

So wrong as always, frothy, but wrong. We have many youth programmes starting with our seamless education system in this country, and we are satisfied. Though always looking for more, being creative looking for more, we are satisfied that there are sufficient opportunities offered by the Government and people of Trinidad and Tobago to our young people, so that they do not have necessarily to assume a lifestyle of crime.

The Ministry of National Security is fully cognizant and deeply concerned with the state of affairs as regards serious crimes in Trinidad and Tobago, in particular the murder rate, which I have been informed is mostly attributed to gang rivalry. In this regard and on behalf of the Government of Trinidad and Tobago, I extend condolences to all the families and the friends of those who would have suffered loss of lives and otherwise effected by crime. I went to Enterprise recently and they told me almost every house on Enterprise Street over the last 15

years would have suffered the loss of some individual.

The Senator spoke about fear; of course, people are living in fear because dangerous guns and people are about. Murders, we need to have a good look at that. Some of them are domestic, we saw a few mornings ago in San Fernando. Difficult for the police to know in advance. I saw recently in Diego Martin two brothers had a dispute inside the house, one say, “Ah going an get ah gun,” “go get it, come back and kill his brother”.

The gangland thing is generating the majority of the killings, the Police Commissioner has informed us, especially in the possession of automatic weapons. And we are now finding, Madam President, that legal weapons have emerged as a problem to us in Trinidad and Tobago. Because the Commissioner of Police informed me yesterday, that 108 legally issued weapons have featured in serious issues gaining the attention of the police, including four murders. So where we had a problem with illegal guns, we are now having a problem with legal guns, but that is a matter for another time.

The Ministry of National Security, through our law enforcement agencies, has been working to prevent crimes where we can bring those responsible to justice. To this end, concerted efforts have been made to bolster the capacity and the professionalism of the police officers. The TTPS has been channelling a substantial amount of its resources towards predicting, detecting and deterring criminal activities.

Madam President, I “doh” want to get into any statistical things because people are being murdered. It is a serious issue. It is traumatic, it is painful and we are fighting the good fight. But the truth of the matter is, apart from murders, all other serious crimes have shown downward trends. Woundings and shootings for 2021; they are less in 2022. Rapes, incest, sexual offences; less in 2022.

Government failure to effectively address rise in crime  
Hon. F. Hinds

2022.11.08

Kidnapping for ransom, two in '21, and two in this year, 2022. In so far as, Madam President, we try, to be honest, in all other serious crimes—

**Sen. W. Mark:** Madam President—

**Hon. F. Hinds:**—the figure is showing downward trends. And in so doing the police are using contemporary and proactive policing strategies to respond to the crime situation. One of the things they have done is to call out all the officers who are on vacation and preretirement leave to booster the actual strength of the police service day by day in communities around Trinidad and Tobago.

The Police Commissioner has introduced what he calls “active direct patrols”. I saw one in operation up to this morning, happily so. In this situation, scientifically-driven—it is a scientifically-driven patrol initiative that utilizes data from Kappa and it maps out zones and beats, and it is guided by GPS data in geofenced areas, and divisional command centres have direct local control on what is happening, and they mobilize their resources accordingly. That is having great effect, they are having many more interceptions on the road, detecting guns, drugs, and criminals in transit, and it is working particularly well. It involves, of course, strategic positioning of static interceptor patrols. I saw them for myself on the job. And the Police Commissioner has been reporting their success as I indicated to you.

All along from Debe to Grand Bazaar, on the Uriah Butler Highway, from the Valencia Roundabout to the west along the Churchill Roosevelt Highway, Audrey Jeffers Highway, and the Foreshore, and I am seeing them inside of Maraval now. And they are doing some very tactical moves, they stay on the spot for a time, they do a little patrol in the neighbourhood, they respond to calls in the neighbourhood, but they are there waiting for a call in case criminals are on the move. In the areas where we know there are some frequent home invasions within

recent times, they are very present and paying attention to the persons and the vehicles that have come in to their attention.

Establishment of a traffic crime and detection unit, what used to be ordinary highway patrol, they have been given survival training, special kinds of training, armed and ready, and now they have been converted—the highway patrol—into what is known in the police service as a traffic and crime detection unit. When they arrest somebody, as happened two weeks ago on the road, and they find anything in the motor car, it is no longer just a ticket. Those very police officers get involved in a complete investigation. Recently, out of that they went to a home and they found guns, and I am very impressed with that technique by the police in response to this situation.

Madam President, motorcycle patrols, the motorcyclists have been given similar training to those highway patrol officers, survival training, specialist police training, heavily armed and equipped. And now they are moving around in pairs in all of the communities, and they are under the directions for those patrols in the grid system, and led by the divisional command centres that have sight of its division, and dealing with it locally as opposed to from the central command centre which used to be the case.

In terms of addressing gun violence, the Government's policy has been, and the police service has adopted a National Firearms Retrieval Programme, a collaborative programme between the police, Customs and Excise, defence force, immigration, several agencies working, sharing intelligence. And we are on a very sustained gun retrieval programme which has yielded over 500 so far this year, including 76 high-powered weapons.

Madam President, evidence is always critical so the Special Evidence Recovery Unit in Cumuto is a one-stop shop. When they get seized firearms, they

begin some of the ballistic testing within 48 hours. And where necessary they send that down to the Forensic Science Centre for further analysis and attention. And that situation, in addition to the police case management system, which they are now effecting and teaching across all the divisions, allow the police to get a certificate that it is a firearm within a matter of 48 hours. And in their case management arrangement they can now prepare their files and be ready in seven days. I have seen that, Madam President. And therefore, the delays in the criminal justice system that were themselves—are themselves a problem to crime management in the country, are being tackled by the police in that way.

Madam Speaker—Madam President, I am so sorry, targeting of priority offenders. On the basis of intelligence, the police are targeting specific offenders and making progress. We have introduced the Gang Reduction and Community Empowerment Programme, that is to say, the GRACE, which is teaching police how to deal with gangland issues, specialist training where we know we have that.

We are improving our CCTV coverage arrangements. Madam President, we as a government are producing—and up to yesterday, I got the approval to acquire some more vehicles for the police service. Whenever they call for it, we make sure as a government and make the sacrifices financially to provide them with it.

And I now have in my possession a document from the commissioner stating that the police service is really with all the resources that it needs, and it is just to go out there and continue to this fight. So that this suggestion that the Government has failed is in itself a failure. Sen. Mark and this Motion should be flatly rejected. I thank you.

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

Government failure to effectively address rise in crime  
Hon. F. Hinds

2022.11.08

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 2.00 p.m.*