

**HOUSE OF REPRESENTATIVES**

*Wednesday, December 14, 2022*

The House met at 1.30 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**URGENT QUESTIONS****Injunctive Relief Granted to Former Commissioner of Police  
(Government's Intention to File Appeal)**

**Mr. Saddam Hosein** (*Barataria/San Juan*): Thank you very much, Madam Speaker. To the Attorney General: Will the Attorney General confirm whether or not it is the Government's intention to file an appeal against the injunctive relief granted to former Commissioner of Police preventing the Prime Minister from laying in the Parliament any part of a purported report on the issuance of legal firearms by the Trinidad and Tobago Police Service?

**Madam Speaker:** Attorney General.

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Thank you, Madam Speaker.

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

**Sen. The Hon. R. Armour SC:** In answer to the question posed by the Member for Barataria/San Juan, on the 13<sup>th</sup> of December, 2022, yesterday, the Government of the Republic of Trinidad and Tobago, by my office, filed Notice of Appeal, P3112 of 2022, between the Attorney General, Prime Minister, members of the National Security Council, against Mr. Gary Griffith. And the application for an urgent hearing was filed today.

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

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**Madam Speaker:** Member for Barataria/San Juan.

**Mr. Hosein:** Madam Speaker, can the Attorney General indicate to this honourable House the fees paid and/or invoice in relation to this matter to the attorneys-at-law on record for the State?

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

**Madam Speaker:** I consider that out of order based on the question asked and the answer given. Member for Oropouche East.

**Dr. Moonilal:** Thank you very much, Madam Speaker. To the hon. Attorney General, Mr. Attorney General, do you consider it an appropriate use of taxpayers' money—

**Mr. Hinds:** Yes.

**Dr. Moonilal:** Let me repeat that. Madam Speaker, could you ask—

**Madam Speaker:** Okay. So, Members, allow the Member for Oropouche East to exercise his right and responsibility as a Member of Parliament. I will determine if the question is in order. Member for Oropouche East.

**Dr. Moonilal:** Thank you so much, Madam Speaker. Mr. Attorney General, do you consider it an appropriate use of taxpayers' money to pay lawyers to challenge the injunction bearing in mind the judge's intention to give a final decision in this matter in three months by March 2023?

**Madam Speaker:** Attorney General.

**Sen. The Hon. R. Armour SC:** It is an appropriate use of taxpayers' money to challenge a decision which is patently wrong on—[*Inaudible*]

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

**Madam Speaker:** Member for Naparima.

**Removal of VAT from Sale of Fuel**  
**(Government's preparedness)**

**Mr. Rodney Charles** (*Naparima*): Thank you Madam Speaker. To the Minister of Finance: In light of the Central Bank's November 2022 Monetary policy report, released this week, which indicated rising fuel prices were significantly impacting inflation and food prices through increased transport costs, will the Minister state whether the Government is prepared to immediately remove VAT from the sale of fuel at the pump?

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

**Madam Speaker:** Minister of Finance.

**The Minister of Finance (Hon. Colm Imbert):** Madam Speaker, it is always unfortunate when hon. Members opposite do no research, do not read, do not bother to understand anything, check nothing, misquote, misinterpret, misstate, and also make statements that make no sense. With respect to the impact of increased fuel prices on inflation, if the hon. Member had bothered to check one would see the actual component of fuel itself in the inflation calculation is small. What happened, as happens often, is after the fuel prices were raised, which had a very small effect on inflation, transport providers took the opportunity to increase their prices exponentially. It was a case of price gouging. The effect of the fuel price was less than one per cent, but the transport providers doubled and tripled their prices.

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

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Is the Minister denying the actual words of the monetary policy

report, which says, the Central Bank report, which says:

“...subsequent increases to maxi and taxi fares, and transportation costs in general, can have a more substantial effect...”—in inflationary effect and cost of living expenses.

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

**Madam Speaker:** Minister of Finance.

**Hon. Imbert:** Madam Speaker, that is exactly the point I am making. The actual increase had a very small effect on the inflation number, but subsequent increases in taxi fares and transport rates is what caused the problem. That is what happened. And, unfortunately, that is what happens in this country. The cost of fuel for a trip may go up by 10 cents, but the taxi fare may go up by \$1, \$5, \$10. Unfortunately, that is what happens in Trinidad and Tobago.

**Madam Speaker:** Member for Naparima.

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

**Mr. Charles:** Is the Minister denying that the increase in prices in gasoline led to an inflationary spiral, whatever the cost, and therefore a reduction in the cost by vat of 80 cents per litre of premium gasoline will have a significant impact on the pockets of consumer in this Christmas?

**Madam Speaker:** Minister of Finance.

**Hon. C. Imbert:** Madam Speaker, I am grateful for the opportunity to point out that in 2022 the fuel subsidy liability for the Government was somewhere in the vicinity of \$2billion. And in 2023, it could be \$1 billion or more. The VAT collected on fuel is less than \$200 million and therefore, the VAT is the fraction of

the taxpayer's money, because the fuel subsidy is taxpayer's money. So you taking from one pocket to put into another pocket. It is over \$1 billion we spend on fuel subsidy and therefore, I am afraid that that request cannot be entertained.

**Madam Speaker:** The Attorney General.

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

### **SCRAP METAL BILL, 2022**

*Order for second reading read.*

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Madam Speaker, thank you very much. I beg to move:

That a Bill to create measures to regulate the business of dealing in scrap metals and for other related matters be now read a second time.

Madam Speaker, the scrap metal industry in Trinidad and Tobago and worldwide is big business. In 2020, the global trade of scrap metal was valued at approximately US \$128 billion. The largest generators of scrap metal include the United States of America, Japan and the United Kingdom. The largest importers of that commodity are China, Turkey and India. The growth of this industry globally has also been reflected domestically. According to data from the Central Statistical Office, scrap metal exports rose sharply from approximately TT \$82 million in 2009 to an estimated TT \$285million in 2021, an increase of 248 per cent.

Significantly, this industry provides viable business opportunities for a number of small and micro industries in Trinidad and Tobago. It promotes the country's socioeconomic objectives, including job creation, export promotion, income generation, foreign exchange earnings, as well as the added benefit of a

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cleaner environment by the removal of derelict items and hazardous waste.

This exponential increase in exports has also, unfortunately, involved a concurrent increase in the larceny of various metals that support the country's critical infrastructure on a scale which has threatened our very national security capacity. The Telecommunications Services of Trinidad and Tobago, the Trinidad and Tobago Electricity Commission, and the Water and Sewerage Authority are among the utilities severely affected by persons who have stolen millions of dollars' worth of cable and iron pipes.

During August 2022, Madam Speaker, it was reported that the police recovered TT \$1 million in iron and steel poles, belonging to the Ministry of Works and Transports, which were found at one scrap iron yard in central Trinidad. At the end of July 2022, persons stripped out TSTT's underground fibre-optic and copper installation in San Fernando, interrupting communication services to tens of thousands of customers.

Persons also unlawfully entered WASA's California booster station and stole electrical cables. The estimated cost of damage was \$400,000. The Ministry of Public Utilities reported that TSTT spent \$15 million in restoration works, and T&TEC spent \$3 million as a result of the larceny of cable and iron.

The private sector, including the Downtown Owners and Merchants Association, in June 2022, called on the police to take action as copper thieves were caught targeting businesses in Port of Spain, among other places, our capital city Port of Spain, hacking away copper lines attached to air-conditioning units on rooftops. Significant also in the scourge of illegality

associated with this industry is the proliferation of illegal scrapyards, money laundering and concealment of illegal firearms.

The history, Madam Speaker, of attempting to regulate this industry dates back to 2013. And what we are engaged in today is simply an updated, robust culmination of more than 10 years of study for the attempted regulation of this important industry. In 2013, there was an approved scrap metal policy for Trinidad and Tobago. Consequently, the Old Metal and Marine Stores (Amdt.) Bill, 2013 was prepared; further revised in 2015 after consultation with the Ministry of Trade and Industry.

Given the rapid changes to the industry and the new developments emerging during the last decade, however, the Ministry of Trade and Industry undertook a further review of its 2013 policy. This involved consultations with key industry stakeholders, including as far back as 2015, among others, the Trinidad and Tobago Scrap Iron Dealers Association, the Environmental Management Authority, the Ministry of Rural Development and Local Government, the Ministry of National Security, the Trinidad and Tobago Police Service, and the Ministry of Health. Their comments and feedback were incorporated into a revised scrap metal policy for the period 2022 to 2027.

Madam Speaker, hon. Members of this august House will recall that on the 12<sup>th</sup> of August of this year, as a result of the very rampant illegality in this industry which had threatened, as I have said, our very national security infrastructure, by Legal Notice 164, issued by her Excellency the President, under the Customs Act, this Government was constrained to shut down the

scrap metal industry until the 28<sup>th</sup> of February,2023.

By Legal Notice 183, passed on the 8<sup>th</sup> of September,2022, limited exports were permitted on that banned export of scrap metals, subject to specified conditions being complied with by exporters who, at the 12<sup>th</sup> of August,2022, had already obtained export permits. Those conditions were:

1. To provide full disclosure by exporters of all supporting documents in respect of the goods already cleared for export.
2. The provisions of names and addresses of the dealers from whom the scrap metal was purchased; and
3. Permitting inspection of the contents of the containers which had been cleared for export.

Madam Speaker, without divulging more detail than is prudent, given the possibility of prosecutions which may flow, I am able today to advise this honourable House that consequent on that Legal Notice, Legal Notice 183, which permitted Customs and Excise to gain entry into containers in accordance with those prescribed conditions, significant amounts of copper have been recovered from containers, which at August 12<sup>th</sup> had already been cleared for export, and that process is ongoing as we gather here today.

Immediately following on the issue of the first Legal Notice on the 12<sup>th</sup> of August,2022, as Attorney General and Minister of Legal Affairs, Madam Speaker, I passed a brief to the Law Reform Commission for the urgent development of a policy paper and a draft scrap metal Bill, 2022, for urgent reform of this important industry to enable me to take that policy and Bill to



Cabinet for its approval.

The remarkable professionalism, competence and urgency with which the Law Reform Commission, the Legislative Drafting Department, and other extremely competent legal professionals within the Office of the Attorney General and Ministry of Legal Affairs undertook this challenge must be acknowledged today. By their hard work they have enabled me, Madam Speaker, to bring that policy paper and draft Bill to the Cabinet for its approval in the period November through to December 2022—

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

**Sen. The Hon. R. Armour SC:** —well ahead of the 28<sup>th</sup> of February 2023 deadline which this Government had originally committed to. I salute them. I salute the reality with which I am proud to associate myself today of being part of a team of this Ministry, of a very committed professional body of hardworking public servants who are committed to the future of a safe, thriving Trinidad and Tobago.

The policy prepared by the Commission identified several challenges presented by an antiquated law with no enforcement capacity. This policy as approved by Cabinet examined the operation of existing laws governing the industry in this country, noting that at present the industry is principally regulated by the Old Metal and Marine Stores Act, with guidance provided in the Import and Export Control Regulations, 1941 and the Trade Ordinance, 1958 for the purpose of granting export licenses.

The policy now, Madam President—Madam Speaker, I beg your pardon,

is clear. Modern legislation is necessary in order, adequately, to address the multiplicity of issues with which this industry is grappling at present. The aim is to create a legislative regime that reflects the industry in a modern, well-regulated economy, and which legislation strengthens current crime-fighting initiatives in relation to the criminal activities plaguing the industry.

The policy accordingly accepts the need to repeal the current Act and for the introduction of new legislation to regulate that industry. In order to give effect to the recommendations contained in the policy the Commission prepared the Scrap Metal Bill, 2022, approved by Cabinet, which is before this honourable Chamber today.

Madam Speaker, the Bill which is before this House today is the culmination of a significant process of consultation which had its origins under the auspices of the Ministry of Trade and Industry. In August 2022, the Office of the Attorney General and Ministry of Legal Affairs established a Scrap Metal Industry Regulation Ad Hoc Committee comprising key stakeholders, including the Law Reform Commission, the Trinidad and Tobago Police Service, the Customs and Excise Division, the Trinidad and Tobago Defence Force, and the Ministry of Trade and Industry. The Committee was mandated to address the issues plaguing the industry and to make proposals for reform after consultation.

Since August 2022, Madam Speaker, stakeholder consultation was conducted in three ways. I emphasize that throughout, the Law Reform Commission, which was tasked with preparing that policy and drafting this Bill, was provided with the responses of the stakeholder consultations and took into

account the views and recommendations of the stakeholders finalized in the Bill before this august House.

This first consultation was very thorough, involving very pertinent feedback from the ad hoc committee members and their recommendations to modernize the industry. Secondly, through a questionnaire which was sent out in October 2022 to the Scrap Iron Dealers Association and other key stakeholders, 245 responses were received, all very pertinent. And thirdly, in November 2022, along with the Minister of National Security and the Minister of Trade and Industry, I met with collectors and dealers to discuss the way forward. At this meeting we informed stakeholders of the work of the Law Reform Commission of the draft scrap metal Bill which had been prepared months ahead of schedule, invited discussion with stakeholders present, and followed up with an e-mailed summary to the stakeholders that weekend of what the Bill proposed, with a further invitation to send in comments for the consideration of the Cabinet when it met to review and approve the Bill. Very useful stakeholder input was received in that way.

The Commission also undertook a comparative analysis, Madam Speaker, of the laws of regional jurisdictions, such as Guyana, Jamaica, Barbados, and internationally, the United Kingdom, as it pertains to provisions relating to the industry such as licensing regimes, types of licences, information to be provided upon application for a licence, the provision for a register of licences, the powers of entry and inspection, as well as offences and penalties.

Madam Speaker, the laws in Barbados, Jamaica and the United Kingdom

are comprehensive and detail particular information that an applicant must provide in his application. This Bill adopts much from and reflects those provisions. The jurisdictions examined also provide for a register, which has the benefit of creating the forum where the appropriate information on all licences issued can be recorded, updated and checked. In line with the provisions of the United Kingdom and Jamaica, this Bill also provides for the establishment of registers.

With respect to the powers of entry and inspection, the respective jurisdictions provide various law enforcement officers with specific powers of entry and inspection of vehicles and sites that engage in the scrap metal business.

The Government of Trinidad and Tobago is cognizant of the fact that any regulatory regime is only as good as the enforcement regime that supports it. Hence, the approved policy recommends a power of entry and inspection. As it concerns offences, the approved policy highlighted the need for higher penalties to encourage compliance with the law, and also to act as a deterrent.

Madam Speaker, I now turn to examine the Bill itself. In brief, the Bill seeks to modernize the law governing the scrap metal industry by repealing the Old Metal and Marine Stores Act, Chap. 84:07, and introducing new measures to regulate the business of dealing in scrap metals. Therefore, the Bill seeks to provide the line Minister, that is to say, the Minister of Trade and Industry, with power, to among other things:

“...issue, refuse, revoke, renew, suspend or vary two types of

licences...”—a scrap metal collector’s licence and a scrap metal dealer’s licence.

To:

“...establish registers of licences granted...”

To:

“...appoint Scrap Metal Inspectors to perform certain functions under the new legislation.”

To exercise the regulatory-making power.

“The Bill also makes provision to regulate how, with whom and when a licensee may conduct business...”—such as no business with persons under the age of 18 years or outside certain hours—“and finally creates numerous offenses to be enforced by way of administrative fines, or with hefty penalties both at summary and indictable levels.”

Madam Speaker, I turn to examine the Bill in greater detail. Part I of the Bill contains the preliminary provisions such as the long title, commencement and interpretation. I wish to draw hon. Members’ attention, in particular, to the definitions of “authorised officer”, “deal” in scrap metal”, and “scrap metal” itself.

Part II of the Bill focuses on the new licensing regime. Clause 3:

“...provides that a person requires a licence to conduct the business of dealing in scrap metal.”

And clause 4 provides the qualifying criteria to apply for a licence such as age, nationality, and specified criminal convictions.

Clause 5 seeks to confer on the line Minister:

“...the power to grant, refuse, renew, vary, suspend or revoke a -

- (a) scrap metal collector’s licence; and
- (b) scrap metal dealer’s licence,”

A licence may be issued subject to specified conditions requirements or restrictions but will not be issued retrospectively nor in relation to a dwelling house.

It is to be noted that as a condition of this licence, a licensee must consent to the entry of authorized officers on his scrap metal site during working hours to allow the officers to perform their duties under the Act, such as inspection of the site scrap metal records, scrap metal stored there, and generally to ensure compliance with the Act.

The consent of the applicants who have scrap metal dealer licences or scrap metal collector licences is important in that it means that the enforcement of the provisions of this Bill will be done with the consent of the persons in possession of and managing those sites, and therefore does not require this Bill to be subjected to anything but a simple majority vote.

Clause 6 will address the issue of applying for a licence. This will be set out in greater detail in the regulations, including the application form, the fees and the form of the licence itself. Two points are to be noted. A licence is valid for one year only but renewable on application, and a person applying for a scrap metal dealer’s licence must name another person as the site manager of the scrap metal site stated in the application. So that, that scrap metal dealer is

not allowed to say, “Well, I did not know what is going on on the site which I operate as a scrap metal site.” Because that dealer must employ a manager to manage that site to comply with the law.

By clause 7, the Minister will have the power to refuse an application for a licence in specified circumstances. Example, the applicant is a person under 18 years of age or is an undischarged bankrupt or the application contains false or misleading information.

Clause 8 will seek to confer on the Minister, Madam Speaker, the power to renew a licence. This will be done essentially if the applicant had operated within the Act or the terms and conditions of his licence or other matters, which are to be set out in the regulations. An application for renewal must be made three months before the licence expires to the Minister in the prescribed form and pay the prescribed fee.

Clauses 9 and 10 seek to give the Minister a power to revoke or vary a licence respectively, both in specified and prescribed circumstances. Note, that a variation cannot transfer a licence from one person to another. An application for a variation is made to the Minister in the prescribed form upon payment of the prescribed fee and must set out the change required. An obvious case would be where a dealer has appointed a new site manager.

Clauses 11, 12 and 13 allow for the application of the principles of natural justice. Simply a person will have the right to be heard before the Minister decides to suspend or to refuse to grant, or not renew, or revoke a licence. And if the Minister does not grant nor renew or revokes a licence, the Minister must

notify the person of his decision with reasons for the decision. In other words, the decisions must be made on a rational basis and on rational grounds.

Clause 14 is a prohibition against the transfer or assignment of a licence which will also not pass to a new owner who buys a scrap metal dealer from a licensed dealer—who buys a scrap metal site from a licenced dealer, I beg your pardon.

Madam Speaker, Part III of the Bill sets out the provisions to regulate how a person can conduct the business of dealing in scrap metal. Clauses 15 and 16 provide that a scrap metal collector's licence is required to transport scrap metal. The licence must be prominently displayed in the motor vehicle being used to conduct the business. The collector must obtain personal information from the persons from whom he purchases or receives scrap metal, and he must get a signed and dated statement from that person, that that person is the owner of the scrap metal or has the authority to sell it.

Clause 17, on the other hand, seeks to provide the rules applicable to a scrap metal dealer in the conduct of his business, such as possession of a valid scrap metal dealer's licence, satisfying certain prescribed conditions, prominently displaying a copy of his licence, and a business sign with his name, et cetera, at the scrap metal site.

**2.00 p.m.**

Clause 18 seeks to set out some conditions applicable to both a collector and a dealer, such as receiving or buying scrap metal only during 7.00 a.m. to 6.00 p.m.; sorting or loading scrap metal at a scrap metal site only, during 7.00 a.m. to 6.00 p.m.; no scrap metal business with or employment of a child; no scrap metal



business with a person who appears to be under the influence of any intoxicating liquor or drug, and loading of freight container only at licensed scrap metal site.

Clause 19 seeks to impose the duty on a scrap metal dealer, who buys or receives scrap metal to keep that scrap metal at the scrap metal site without selling or altering for 15 days. That is an obvious stipulation, which will permit persons who fear that their premises have been stripped, to be able to go to a scrap metal site, alert the inspector at the Ministry and have the scrap metal inspected within 15 days of it being stored at that site.

Clause 20 also seeks to impose another duty on a scrap metal dealer who wishes to operate from a new business address. That scrap metal dealer must apply for a new licence for the new scrap metal site.

Clause 21 will impose a duty on both scrap metal collectors and dealers to keep proper records of their scrap metal business at the time of each transaction and the record must be in writing or electronic form. By clause 22, the record must be kept for, at least, six years.

Part IV of the Bill addresses the issue of exporting scrap metal, Madam Speaker. It is to be noted that this Bill does not make specific provision for an export licence for scrap metal. That is because by clauses 23 and 24, a person wishing to export scrap metal will be required to get an export licence under the Trade Ordinance, 1958, from the Minister of Trade and Industry because scrap metal, except copper, will be added to the export negative list. And may I interject, at this stage that the Bill that is being passed eliminates copper from the definition of “non-ferrous metals” and there is going to be no capability to deal in copper as part of scrap metal until the Government revisits this particular issue, and that is not likely to happen for, at least, another year while this new legislation, if passed by this House, brings the regulation of the industry into manageable proportions.

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

**Sen. The Hon. R. Armour SC:** The export negative list provides a list of goods requiring a licence for export from the Minister. The exporter must give, at least, seven days written notice to the Minister and to the Commissioner of Police, so that the relevant officers can be present to inspect the loading of the scrap metal and certify that it is fit for export.

Part V of the Bill deals with inspections. By clause 25, provision is made for inspection of premises by authorized officers as defined in clause 2, who may enter and inspect the scrap metal site, scrap metal on the site, records or vehicles or containers on the site. Entry may be made at a reasonable time when the site is open for business with or without notice to the site manager. By clause 26, a police officer may stop and search any person whom he suspects is in possession of stolen scrap metal and, if necessary, arrest the person and seize the scrap metal for investigation.

Part VI of the Bill deals with scrap metal inspectors. They are to be designated, as such, by the Minister under clause 27, and clause 28 sets out their functions.

Part VII of the Bill provides for the creation by the Minister of a scrap metal collector's register, a scrap metal dealer's register, both of those being public registers and a private register. These matters are provided for in clauses 29 to 31 as follows. The registers may be in written or electronic form. The public may inspect and get a copy of an extract from any of the public registers. The Minister may disclose data in relation to a private register in very limited specified circumstances. The Minister will have management of the registers, and must ensure that the information therein recorded is correct and updated. Where there is a change in any information in relation to the scrap metal business of a collector or

dealer, that dealer or collector must inform the Minister, who is required to make the necessary change to the register.

Part VIII of the Bill, Madam Speaker, speaks to provide for the use of administrative fines in lieu of criminal sanctions. By clause 33, the Permanent Secretary of the Ministry of Trade and Industry will have the discretion to offer to a person, by notice, the chance to pay an administrative fine within 21 days. The offence and the fine will be set out in the regulations.

Part IX of the Bill. Clause 34 sets out a number of general offences which would be punishable summarily or on indictment, such as knowingly giving false or misleading information on an application for a licence, operating as a scrap metal collector or as a scrap metal dealer without a licence, operating as a scrap metal dealer at a scrap metal site not listed in your licence, failing to display your licence, displaying of false or invalid licence, failing to keep proper records and knowingly falsifying information on the export documentation for the export of scrap metal.

Part X, Madam Speaker, of the Bill, seeks to deal with numerous miscellaneous provisions under clauses 35 to 41, such as a general power for the Minister to vary time under the Act, a right of appeal to challenge any decision of the Minister under this Act to the court, a power to the High Court to suspend or revoke a licence upon conviction, a transitional provision to address current licences, a power in the Minister to make regulations and repeal of the Old Metal and Marine Stores Act.

Amendments, Madam Speaker. As I have said before—and I saluted the officers within the Ministry of the Attorney General and Legal Affairs for the remarkable time period within which they have enabled me to bring this Bill to this House.

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

**Sen. The Hon. R. Armour SC:** In due course, Madam Speaker, there is still work to be done. As a result, at the appropriate time, the Government intends, before this House, to move a number of amendments to the Bill. This Bill, up to this point in time, as complete and as comprehensive as it is, is still being a work in progress, but it has been brought to this House because the Government recognizes that there are persons in this industry, legitimate bona fide members of the community, who earn a living from this business, who need to return to work, who need to return to earn money from this industry, and it is for that reason we have brought this Bill before this honourable House for passage today.

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

**Sen. The Hon. R. Armour SC:** We will be proposing today, as part of the work in progress, at clause 2, to expand the meaning of an “authorised officer” to include a constable appointed under the Supplemental Police Act. My Ministry has been in active consultation with the Ministry of Trade and Industry. The Government appreciates that it will take some time before the line Ministry can train and appoint scrap metal inspectors. Hence, the proposed amendment is to provide additional enforcement personnel to the Ministry, those personnel already existing in law, supplemental police, whilst it puts in place the procedure to appoint properly trained scrap metal inspectors, and to allow for the introduction by the Minister under clause 40 of comprehensive regulations.

There is an editorial amendment that is proposed at clause 5. In clause 7, the Government will propose that the Minister may also refuse a licence where he is of the opinion that the applicant is not a fit and proper person as prescribed.

In clause 11, we propose to expand the power to undertake an inspection prior to suspension from only scrap metal inspectors to all authorized officers,

which will include supplemental police officers. This amendment is necessary to allow for the operation of this provision whilst the line Ministry establishes the procedure to appoint scrap metal inspectors.

In light of the prior consent, envisaged by this Bill, to be given by licensees to permit the entry of authorized officers on their scrap metal sites, we propose to amend clause 25, to make it clear that these authorized officers may enter scrap metal sites without a warrant and with or without notice to the site manager in order to perform their duties and under the Act. They may also use reasonable force, if necessary, to perform their duties. A police officer would, however, need a warrant to enter a dwelling house if he reasonably believes that an offence under the Act was or is being committed at that house.

The Government proposes in clause 27 to allow the Minister to be able to designate any person as a scrap metal inspector and not just public officers. This will expand the pool of persons from whom the Minister may consider for appointment as such officers.

Finally, Madam Speaker, the Government proposes to introduce a new transitional provision at clause 39 to allow licences, in existence under the current Old Metal and Marine Stores, which is being repealed should this House pass this Bill today, to allow those licences to be deemed to be scrap metal dealer's licences under this Bill when passed into law, and to be valid until the 14<sup>th</sup> of April, 2023, or such later date as the Minister may, by Order, determine. In order to benefit from this provision, however, the licence holder will have to make a declaration that he consents to the entry of authorized officers on his scrap metal site.

The form of the declaration will be inserted in a Schedule to the Act to make it easy for licence holders to comply with this condition. The date of the 14<sup>th</sup> of April, 2023, was appropriate, given that it is the same date already set out in Legal

Notice 2015 of 2022, which extended other periods of time specified in section 4A(1) of the current Act which is to be repealed. The Minister will also be empowered to impose terms and conditions on these transitional scrap metal dealer's licences and to specific those scrap metal sites to which they applied.

The deeming of existing licences to be scrap metal dealer's licences would make existing licence holders scrap metal dealers under the Act. This is consistent with the discussions we have had with stakeholders to permit the industry to reopen under this Bill, once passed into law in the shortest time, even whilst we build out the further regulatory regime which is a work in progress. This way, Madam Speaker, the Government is able to bring certain enforcement and other provisions of this Bill when it becomes law, which relate to the regulations of scrap metal dealers into force before the full proclamation of the Act. For example, authorized officers would be able to begin entering and inspecting scrap metal sites, charging scrap metal dealers for offences under the Act and monitoring the loading of the containers for the export of scrap metal. This amendment will also ensure that the current licensed scrap metal dealers will be able to operate once this new section 39 comes into force, but for a limited time and to be supervised by the more comprehensive regulations when those are promulgated by the Minister, which is subject to negative resolution under clause 40 of the Bill.

Madam Speaker, in conclusion, the current Act, the Old Metal and Marine Stores Act, Chap. 84:07, is clearly ill-suited to address the growth and resultant challenges in the scrap metal industry in Trinidad and Tobago today. The Act came into force on August 26, 1904. This Bill seeks to provide a modern regulatory framework to manage the scrap metal industry, especially in light of the archaic nature of the current Act.

The Government is confident that the Bill will address the many challenges,

including criminal issues currently facing the industry, whilst giving a lifeline to the small business people of this country who rely on this industry for their livelihood. Madam Speaker, I beg to move.

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

*Question proposed.*

**Mr. Rushton Paray** (*Mayaro*): Thank you, Madam Speaker, for the opportunity to join in this debate today and respond to the hon. Attorney General. Madam Speaker, let me say from the outset that we on this side fully, unequivocally support the regulation, the regulating and control of the scrap iron industry—

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

**Mr. R. Paray:** —but it must be grounded on good law that is reasonable and fair.

Madam Speaker, the basic rule in crafting proper legislation is that you do not judge policies based on your intentions, but you judge policies based on their outcomes. Madam Speaker, one would have thought that when this industry was closed a few months ago, it was done with the premise that it would have put a hold on criminal gangs who were engaging in a serious amount of theft, as indicated by the Attorney General, in terms of our telecommunication infrastructure and so on. But, Madam Speaker, six months later, there has been no indication that those who have engaged in those activities have been brought to justice. And while doing so, in terms of the shutting of the industry, hundreds of families have been placed on the breadline.

Madam Speaker, let me say, this Bill in how it is laid out and presented, is possibly a victim of government's approach to the drafting of legislation and to governance, generally, in a very mismatched type of way. Madam Speaker, with only a few days left in this year, and the Government not having accomplished much with respect to their legislative agenda, this ill-advised, and might I say a bit

sloppy version of the Bill, has been brought to this Parliament, Madam Speaker.

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

**Mr. R. Paray:** Madam Speaker, this Bill is a bit half-baked and ill-considered. That is the only explanation that the Government is racing to deliver on its promise in presenting legislation in this calendar year of 2022. And, Madam Speaker, it is evidenced, the Attorney General came today with a number of amendments which he proposes for today. So, clearly, the rush over the last couple weeks or couple months to get this legislation in place, only today the Attorney General has identified some key issues that he tends to bring amendments to, I guess when we get to the committee stage.

Madam Speaker, this industry, as indicated by the Attorney General, is worth about \$220 million each year and my intention today, Madam Speaker, is to go through a bit of the clauses which were presented today, not in too much of the detail by the Attorney General, and I may touch the surface of many of them, while my colleagues, who would come after me, may drill down on matters of labour, constitutionality and some other areas of general law. But, Madam Speaker, the biggest thing for me is that this Bill is really burdened with red tape and it does not match our entrenched culture as a society, and I will explain those things as I go on in my contribution today, Madam Speaker.

Madam Speaker, you would recall that the Government received several proposals from the scrap iron dealers and other stakeholders for the legitimate and efficient administration of the industry. Generally speaking, Madam Speaker, those measures from the players of the industry met best international practices. I can inform this House that, through the dealers association, although they were engaged in several conversations with the Cabinet-appointed body to look at this industry, my information, Madam Speaker, is very few, if any of the



recommendations as put out in the legislation today are hinged from some of that conversations that were made with the dealers, Madam Speaker.

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

**Mr. R. Paray:** Madam Speaker, even worse, one would have thought that the Government, in pioneering legislation to determine the future of an entire industry, would have had the good sense and decency to share the legislation with the stakeholders and allow time for digestion and feedback. Madam Speaker, I am informed that the dealers association may have only laid eyes on this Bill, just like us, last week Friday. So that, to me, Madam Speaker, would not have given the main stakeholders the time to digest what is being put forward before this Parliament today. Madam Speaker, this is how you rule with a bit of disrespect and a bit of lack of empathy, Madam Speaker.

Madam Speaker, the Bill is not good law, and we really ought not to support bad law, and I would proceed to give some examples as we go along. Madam Speaker, this industry is really important to Trinidad and Tobago. It is very important in terms of the fact that, you know, as indicated by the Attorney General, it has substantial benefits in terms of international trade. And when you look, there is an expected output in the industry of over 748 million metric tonnes of scrap metal by 2026. Also, this industry, it leads—by pursuing in this industry, Madam Speaker, it leads to a reduction of CO<sub>2</sub> carbon emissions, which is a significant part of our energy saving and environmental impact. Madam Speaker, the potential is huge for Trinidad and Tobago, so we must pursue it and, clearly—

**Madam Speaker:** Hon. Members, I would just remind you all of the Standing Order 53 for Members who are not speaking.

**Mr. R. Paray:** Thank you, Madam Speaker. Madam Speaker, I would like to begin my analysis with a few comments on Part I, which provides some legal

interpretations of relevant terms and seeks to place them into context. Clause 2, Madam Speaker, lists a public health inspector of a regional corporation as an authorized officer. But, Madam Speaker, my concern here is that a municipal corporation PHI is a contracted worker whose term, typically, runs for two years. So, my concern is, it really begs the question of what happens to a PHI who is no longer employed while a matter, in which he may be a central figure, is before the courts? What happens to him and his testimony? Giving that officer that power and his contract is not renewed some time down the road, would that lead to collapsed cases in an already struggling judicial system, Madam Speaker? Would justice be served?

Among the definition, as also indicated by the Attorney General, is the scrap metal inspector, who will be appointed by the Minister in accordance to section 27. For one, a scrap iron inspector would simply be someone designated by the Minister. But is he going to be appointed by a decree, but not as a result of specialist training or experience? But, today, the Attorney General has identified that he will be focusing on some training and so on for these officers and, in the meantime, he is going to use supplemental police who may have a little more training than those new ones. So, I look forward to seeing that amendment coming from the Attorney General later in the proceedings today.

Madam Speaker, another issue that I have is that, you know, they speak about these inspectors being public officers. Now, we all know that public officers are appointed by the Public Service Commission and not by a government Minister or Cabinet. They can do contract employees. The question here, Madam Speaker is: What is the benefit in terms of—you know, you have public officers, are they going to be moving across the public service? Where they are going to come from? What are their background, their skills and their experience? Because,

clearly, under the legislation, as it is, they cannot be contracted officers, Madam Speaker.

Madam Speaker, if I were to go to Part II, clause 4(3), clause 4(3) comes, in my view, Madam Speaker, into conflict with 4(1), based on the wording. And if you were to just follow me for a couple minutes, Madam Speaker, 4(1) sets out to explain who is eligible to set up a scrap iron business in Trinidad and Tobago. Besides being a national or resident within a minimum age, a limited liability company must have at least 38 per cent native, which I suspect is Trinidad and Tobago shareholdings, as set out in 4(1)(a), and the balance I assume can be foreign ownership. So, you know, you do not have a foreign company owning a large scrap iron business in this country.

But, Madam Speaker, if I were to draw your attention back to 4(1)(a)(iii) it also states that:

“is a citizen of a CARICOM Member State, other than Trinidad and Tobago...”—is eligible.

So, if 4(1)(3) instructs that 38 per cent shareholding must conform to 4(1)(a)(i), (ii) and (iii), am I to assume that 38 per cent can be owned by a member of a Caricom state and the other 62 per cent by an entity outside of Trinidad and Tobago? Madam Speaker, this may be a drafting error. If I am reading it wrong, well, the Attorney General can correct me. But I do not want to end up in a problem where, because of how it is worded, we end up with a foreign company having 100 per cent ownership in a very important industry like the scrap metal business in Trinidad and Tobago.

Madam Speaker, I would like to draw your attention to Part II, in particular, to clause 4(1)(4). This stipulates that a licensee must agree to permit access to his or her property by an authorized officer by virtue of the granting of the scrap iron

dealer or collector's licence. I would like to know, Madam Speaker, if there is a constitutional issue here? Are we eroding a constitutional right by pinning unwarranted and unnecessary searches or entrance into your place of business and pinning it to the granting of the licence? That is something, perhaps, we would like to explore as the debate goes further. Madam Speaker, this provision raises the issue of abuse in law by rogue officers who may initiate unlawful searches and conduct illicit activities. But I must stress, Madam Speaker, that the overwhelming majority of officers who carry out their public duties under various law are honourable, dutiful and professional.

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

**Mr. R. Paray:** But it is foolhardy as well, Madam Speaker, to ignore the fact that there are crooks in the system. Licensees, therefore, could face unwarranted and illegitimate searches and be criminally set up, as they say in colloquial terms, Madam Speaker, and they can get themselves in a heat of problems based on these persons, Madam Speaker. Madam Speaker, under the proposed law, a licence holder is being held responsible even for an unlawful search by a criminally-minded officer, and these are the realities of our culture here in Trinidad and Tobago. Madam Speaker, we continue to see the occasional abuses of the law by people in this country, people of authority. The unchecked mandate given to officers must be viewed in that context, so I would to explore whether there is a constitutional issue by allowing them that unfettered right through the granting of the licence.

Madam Speaker, if I could ask you turn your attention to clause 4(1)(5). Now, this 4(1)(5), it is very vague and it highlights the point that I made that the legislation may be hastily designed. The stipulation is that:

“The Minister may require any further information to be

submitted...within a specified time..."

Madam Speaker, I therefore ask: What is further information? Is it the blood type of the licensee? Is it his polling or electoral division? Madam Speaker, this ambiguous language may be either the result of poor drafting or a bit of negligence on the people's part who put it together. Surely, Madam Speaker, even this Government should know that such unclear and dubious terms are unacceptable in legislation. I would hope that this too can be revisited by the Attorney General or some comment be made on it to bring further explanation.

Madam Speaker, the Government must indicate the specific range of subjects in which the Minister may have an interest. Those matters must be appropriately listed. Further, there must be stipulated minimum time period for the licensee to deliver on official request. It cannot be based on, you know, an arbitrary notice that, "I giving you one week or two weeks or five months or six months." My view is that there should be a fixed time frame, and if the licensee wishes additional time based on the issue, he can then apply for some additional time.

**2.30 p.m.**

Madam Speaker, an example could be if a Minister demands that the history of a licensee inventory be provided within 24 hours; that could be a problem, Madam Speaker. Madam Speaker, I am not suggesting in any way that any Minister would be mischievous, but in the conduct of his duties he could insist that substantial material be furnished in a period of time that makes the exercise impractical. These are the realities of our existence, Madam Speaker. We must prevent that in the legislation.

Madam Speaker, if I ask you just to turn to clause 5(1), which gives the Minister widespread powers to grant, revoke, refuse, renew and suspend a variety

of—or vary licences, sorry. On the face of it, Madam Speaker, it is my view that these powers are too excessive and far-reaching for a Minister of government. When you consider that the Minister could act in his own deliberate judgment, the powers become worrisome in the hands—and I am not saying of this administration, but any administration going forward into the future who thrives on vindictiveness and a type of discriminatory type of system. That is what we must prevent when we draft laws, Madam Speaker, that we do not give a government today or in the future that type of power.

Madam Speaker, there are no conditions that are being placed on the restriction—or no restrictions placed on the Minister in the legislation. Madam Speaker, the Minister is not duty-bound, in my reading of the legislation, to accept expert advice. The Minister does not have to explain or justify his or her action as far as the legislation goes. The relevant Minister could act on the basis of impulse or partisan bias or favouritism, which is something that is widely alleged throughout our dynamics in our society. Madam Speaker, I think this is an unjustifiably wide berth that is being granted to a line Minister and we are going to register our position to this particular piece of legislation.

Madam Speaker, if I ask you to just turn your attention to clause 5(5), which is totally unreasonable in my respectful view. It states that:

“A licence shall not be granted in respect of a dwelling house.”

Now, I heard the Attorney General speak on the issue of dwelling houses and there should be some provisional arrangement with licences for continuance going forward. But this is the point I want to make about the dwelling houses, Madam Speaker. The dwelling houses, historically, and its compound, have been used by the vast majority of small scrap metal dealers over the years.

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

**Mr. R. Paray:** And, I mean, scrap metal dealers, very few of them own large fancy buildings with a lot of, you know, land around it to conduct the business. They are not corporations, Madam Speaker. So, Madam Speaker, this culture that we have in our society, are we going to tell these scrap metal dealers, even if they are given a moratorium until sometime April next year, how are they going to move? How are they going to avoid coming into conflict with the law of operating this scrap iron business within the confines of their dwelling house?

Madam Speaker, the Minister probably, or somebody who is responding, could indicate a bit of justification for debarring the use of the premises around a dwelling house. You see, we do not want the Government to be accused of acting in an arbitrary or prejudicial manner. If a valid and accepted justification can be presented, will the Minister consider granting a provisional licence, giving a fixed period to these scrap iron dealers who are operating in their dwelling houses or in the vicinity of their dwelling houses, a fixed amount of time to exit their premises and, perhaps, look at another location to conduct their business? Perhaps it may be well within the State's facility to zone, perhaps, non-arable state land as alternative locations for these licensees who are operating in the confines of their dwelling homes to set up their collection yards. That is going to help tremendously the smaller operators at the end of the day, Madam Speaker.

Madam Speaker, if I were to ask you to look at clause 6(2), this is also questionable. It stipulates a one-year duration for the licence. My question is, Madam Speaker, why one year? There has been no rationale. Perhaps in the Attorney General's wind up, he could perhaps identify why one year was chosen for these licences. Madam Speaker, the short term is particularly problematic in our highly bureaucratic public service which the Government has been pushing its digitalization at snail's pace over the last couple of years. So, Madam Speaker, the

principle behind the move really escapes me, Madam Speaker, assuming that, you know, there were some thought process in putting these licences for one year.

Madam Speaker, if I could ask you to look at clause 6(3), (4) and (5)—clause 6, subclauses (3), (4) and (5), which calls for the naming of another person as a site manager. Madam Speaker, that in itself, to me, it looks like a prescription for chaos, and I will tell you why. It is difficult to understand the need to insert another named person on the licence for someone who does not share a vested interest in the business, Madam Speaker.

So you have the owner who has his interest, his investment, his property, his time, but now we are asking to put somebody who does not have a vested interest in the business on the licence and you could run afoul of the law if that person is not named or if there is someone else as a site manager and that name is not listed on the licence. Madam Speaker, a site manager is a salaried employee who can leave, who can be terminated for cause in a moment's notice. This scenario, Madam Speaker, is, unlike what obtains in, as far as I am aware, in any other type of business activity, it appears to be a case of calculated and forced entrepreneurship, Madam Speaker. What makes the scrap metal industry so peculiar that a named person must be indicated in the application form of the licence? Now, I can accept that a position or a classification of a key position be described and mentioned in the law, but to name a person outside of someone who has a vested interest as a holder in the licence, I think it is a recipe for disaster, Madam Speaker, and perhaps the Attorney General could take a look at that one more time.

This provision, Madam Speaker, could make the licence holder exposed to possible extortion or unnecessary demands, financial or otherwise, from a site manager. Because, you know, the licensee could well be holding—you know, there



is a term, they say, “You are holding a tiger by the tail,” in having a partner only to fulfill the obligation of the law as well. So I think this requires a bit of revisiting, Madam Speaker, and I know the Attorney General has indicated today that it is a work in process. I am hoping even after today, in his review, he can look at some of these issues which are real cultural issues that we have to address going forward.

Madam Speaker, clause 7 is, again, further proof of a bit of lack of consideration, in my respectful view, in drafting the clauses in this Bill. Madam Speaker, in clause 7 the Minister is being authorized to refuse to grant a licence if:

“...he is of the opinion that...”—issuing such a—“...licence would be contrary to the public interest.”

Now, let me tell you where it gets a little tricky. Is the Minister going to be guided by his opinion with respect to the public interest if not substantive facts? The Bill does not spell out the core matters, Madam Speaker, of public interest by which the Minister must be guided, and I will give you some examples, Madam Speaker. Would these key interests pertain to the environment, geographic location, spatial planning?

Madam Speaker, in terms of the public interest, and I have to ask the Attorney General, who is going to determine the minimum size of a scrapyard, one lot, one acre, 10 acres? Who is going to determine, Madam Speaker, the geographic location? Can we set up a scrapyard in the middle of Port of Spain or in the middle of San Fernando? Can we use the lands that are adjoining the botanical gardens to put a scrapyard? What about next to a school, a church or a hospital? Can we use a site for a scrapyard that sits on an aquifer or a water table? So those are the areas where I see definite that a Minister could say, “No. In the public interest we say, no.” But I suspect those are very broad areas that we have addressed in other legislation. I know we looked at it in the cannabis legislation

that we can put in terms of the definite law that someone who is applying for a licence knows that if you are in breach of these areas, you are going to get pushed back. Madam Speaker, in absence of such details in the legislation, the Government could face accusations of being prompted by subjectivity instead of specifics. Madam Speaker, in the process an applicant could be denied the opportunity to make a living or look after their family and that could have serious consequences for any government.

Madam Speaker, clause 8 authorizes the Minister to renew a licence if there were no changes in the circumstances that existed at the time the licence was originally granted. Now, Madam Speaker, this creates a spectra of an applicant being denied renewal if, for example, the site manager has been changed. A slight change of circumstance, no matter how justified, could rule out a renewal. Now, in the legislation, I saw where the law does provide for the Minister to make an update to the licences. But, Madam Speaker, the reality of the industry is that the participants, very few of them are folks who have perhaps a very strong and long educational background of MBAs and first degrees, and so on, and you may end up in a situation by virtue of, you know, the fact that, you know, you have a process, a paper process, a paper filing process, some of those people may miss those updates and changes and then they can be subjected, as seen in the section on offences, very steep fines and issues with regard to jail time as well. So, I do not know how the Attorney General can relook at some of that in terms of how would you make it easier for these updates to changes of the licences which could hamper some of their renewals at the end of the day.

Madam Speaker, clause 8(2) states that an:

“...application for renewal of a licence...”—must—“be made...not later than three months before the...expiration of the current licence...”

This seems to suggest that the real life of a licence is really nine months since the licensee must engage in the reapplication process in the final three months of his or her term. Again, Madam Speaker, this brings into question why a “one year”, because, again, we are adding more bureaucracy in terms of these renewals and these applications. Perhaps that is something the Attorney General could look to revise that and extend it beyond one year, rather than having all this bureaucracy dealt with in such a quick time period, Madam Speaker.

Madam Speaker, if I were to go quickly to clause 9, which empowers the Minister to revoke a licence if:

“the licensee is no longer eligible to carry...”—out the business.

This authority to revoke based on eligibility is separate and apart from conditions listed in clause 9(b), (c), (d) and (e). So the relevant question that I have, Madam Speaker, if in clause 9 you have identified (b), (c), (d) and (e), which is standard reasons to have your licence revoked, what it is in (a) that will make a licence holder ineligible outside of the factors identified in (b), (c), (d) and (e)? So I am a bit lost in terms of what those issues around eligibility are going to be if not what is stated in (b), (c), (d) and (e), Madam Speaker, and perhaps the Attorney General could answer that question in his wind up.

**Madam Speaker:** Hon. Member, you have about 35 seconds left of your ordinary speaking time. If you wish, you are entitled to 15 more minutes—

**Mr. R. Paray:** Sure.

**Hon. Members:**—to continue.

**Mr. R. Paray:** Yes, Ma'am.

**Madam Speaker:** Yes. Please proceed.

**Mr. R. Paray:** Thank you. Madam Speaker, I would like to turn your attention to clause 11, in particular, subclause (2), which stipulates that the Minister must

inform a licensee of reasons of his licence being suspended. The licensee would be required:

“...to remedy the breach...”—in—“the time specified in the notice.”

Madam Speaker, my view is that they should have fixed time in law for remedying all breaches, no matter what the size and the shape. And, as I indicated before, if the licensee requires additional time based on the breach, he must then notify the Minister or the body that, “Listen, I need an additional two or three months based on this particular breach.”

Madam Speaker, if we were to turn to Part III, clause 15 states that:

“...no person shall transport scrap...”—iron—“unless he”—or she—“holds a...licence...”—granted—“by the Minister.”

Now, Madam Speaker, there is a situation that is going to arrive here. What if someone is delivering scrap to a dealer? What about someone who is clearing his property of scrap from a torn-down building—

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

**Mr. R. Paray:**—and they are moving the material through a third-party transport company? That person is transporting scrap iron but he does not have a licence, so he comes into the arms of the law in terms of the breach. Because clause 15 is stating that you must have a dealer’s licence in order to even transport scrap metal, Madam Speaker. Madam Speaker, what about a public agency, let us say like the municipal, the regional corporation? They do have bulk waste days where they move old stoves and freezers, and so on. Would they come into conflict of the law if they do not have this licence to transport metal, scrap metal? What is their legal risk in terms of their bulk waste scavenging? So that is something that I feel that the Minister must look at in terms of how the transporting should happen.

Madam Speaker, clause 16(5) debar an operator from purchasing or

receiving scrap iron:

“...without verifying the person’s full name and address; and  
...a signed and dated statement of ownership...”

Madam Speaker, is this document that has to be signed, is it going to be a statutory declaration from a JP or a Commissioner of Affidavit, or is it a piece of paper in the back of an envelope that you are going to sign? The law is not clear in terms of, you know, what this document ought to be. Madam Speaker, in absence of something definite, there could be a waste of precious time and money and, again, more red tape as, you know, we discussed earlier.

Madam Speaker, I want to touch quickly, in the couple of minutes that I have left, clause 18(1)(d) which debars anyone under the age of 18 from being involved in this activity. Madam Speaker, a lot of family businesses have children and grandchildren who work inside of these businesses. I do not know if the legislation is specifically looking at those persons or an employee who is on a payroll, but I know in a lot of family businesses you do put your grandchildren and your young teenagers, and so on, who may not be doing very well in school but they stay in the family business, you put them on the payroll to register them for NIS and so on, so they now become employees of the business. That is a cultural reality that I feel that the legislation is not dealing with and having this issue of “less than 18” would put a lot of families in a bit of conflict and bring them in front of the law by just having the family business move forward, Madam Speaker.

Madam Speaker, there is another issue about debarring someone who is the age of 18, because at 17 he can drive a car, and at 16 the National Insurance Board sees you as an employee because they accept you in their system for national insurance. So that is something that I think could be revisited to see how real this issue of the age of 18 or whether we want to look at family members who are

working in a family business, does this interfere with the law as proposed, Madam Speaker.

Madam Speaker, the other issue, 18(1)(e) talks about the influence of drugs and alcohol. Now, I am making it very clear, we on this side, we do not condone any substance abuse but we would like to ask: Who determines the employee who is under the influence of drugs or alcohol? Would an inspector make that determination? And if so, what criteria would he be guided by? Would he ask for a blood sample or a breathalyzer test? Would a charge be proffered on that person? What is the offence and what is the penalty? So, Madam Speaker, how would this be enforced? So those things are not clear in the legislation. Perhaps the Attorney General or the next speaker could clear some of that up for us.

Clause 18(3) states that:

“The loading of scrap...”—iron—“into freight containers...”—must—“be done at...”—the—“site...”—of the licence holder.

But it comes back down again, Madam Speaker, when these containers are filled and a trucking company has to take it to the port, does the trucking company run afoul of the law by transporting this metal in this container and they do not have a licence? Perhaps the Attorney General could look at having a transportation licence by itself for third-party operators, who are in the business in transport, who would cover them from running afoul of the law for moving this type of metal.

Madam Speaker, and lastly before my time is up, this issue with regard to the 21(4), clause 21(4), which calls for the most extensive and precise in the identification of someone engaged in any business. Madam Speaker, the law is asking you, someone who is selling this scrap metal, to provide ID. It could be ID, passport, and imagine they want you to describe the colour of their hair, their eyes, any distinguishable feature as a mark. Madam Speaker, the way how the law is

written, it seems that they want you to draw a copy of the person and, perhaps, colour them with crayons as well. So, Madam Speaker, I think what is going to happen is that the way how the bureaucracy is designed, it is going to stop people from being able to legally sell their scrap metal. It is going to put metal dealers in a bit of a bind that they will be hesitant to buy this material. And next thing, the material will end up in landfill, it will end up in rivers, because nobody wants an old fridge and stove in front their home. “They drive dong de road this evening and throw it in ah river”, and we end up with the issues of flooding and so on.

So, Madam Speaker, you know, the issue of the bureaucracy that is identified—I think with the best of intentions—I know what the Attorney General wants to do—really put some controls, put some systems that we can hold this thing together, but the bureaucracy could work against us, Madam Speaker. And I hope during the course of this debate, Madam Speaker, some clarity could be brought to some of these amendments. And with those few words, Madam Speaker, I want to thank you for the opportunity.

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

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

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

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):** Thank you very much, Madam Speaker, and let me say, it is always a pleasure to come to this honourable place and—yeah—let me say that I am always pleased to come to this honourable place and I am absolutely pleased to contribute to this Bill which is before the House today, which is intended to repeal and replace the existing Old Metal and Marine Stores Act, and create a new and well-regulated scrap metal regime for Trinidad and Tobago.

Before I go into my full contribution, I would just like to say a few words

Sen. The Hon. P. Gopee-Scoon (cont'd)

based on the Member for Mayaro's contribution. Firstly, I want to correct the records because he said that we are here six months later dealing with this, but I want to correct this because it is not six months. We are here in just over three months.

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

**Sen. The Hon. P. Gopee-Scoon:** The ban was a six-month ban, but this Government did everything possible; the hon. AG, the Law Reform Commission, the CPC, the Minister of Trade and Industry, and worked on this, and they have brought this before the honourable place in less than four months, just over three months. So I correct the records, it is not three months—not six months.

Again, he questioned whether or not we listened to the proposals from the scrap iron dealers, and I think that the AG dealt with that in terms of the number of consultations that we have had, not only with the Scrap Iron Dealers Association but with all associated persons and entities involved in the trade of scrap iron. And I can tell you, even before we started, and we completed partially, the legislation, and before we came up with the draft, the Ministry of Trade and Industry, from as far back as 2019, has been in touch and has been consulting with the Scrap Iron Dealers Association, and they know that, and other members associated with the industry. So you are wrong on that as well. And what we have brought here today—what we have brought here today before the House is really very modern law, law for the future, and I cannot understand what difficulty the Member for Mayaro would have with the very detailed laws which are presented today.

We do not doubt the importance of the industry but we make the point that the problem which we had before must not now exist, and therefore the industry must be one that is well regulated and here we are with well-documented law, modern law for the future. What we want to ensure is that we have an industry



with zero crime and zero corruption, and this is the nature of the law which is brought before us today. I mean, the Member for Mayaro struggled in his contribution to bring up all sorts of concerns and nuances. Not all of them are valid and therefore where valid, I can tell you that many of the issues raised would be captured in regulations. You cannot place all of the details, the minute details into the law. So there are regulations to be brought and the AG has given us a date of August 14<sup>th</sup> by which the regulations would be brought and by which we would have full implementation of the law through the Ministry of Trade and Industry.

The Member brought up, again, the question about inspectors being public officers. The AG did raise that there is in fact an amendment which deals with this particular issue where the Minister, by order—there is a new—we are now deleting “public officers” and we are substituting with the words “any person”. And it is precisely for that particular reason to avoid the problems which may come up with the definition of who is a public officer, hence the reason why we have gone with the more generous words, “any person”, which would then give you the opportunity to use “contract officers” as well. So the new clause will now read:

Designate any person to be scrap metal inspectors for the purpose of this Act to inspect scrap metal sites at reasonable times to ensure compliance with this Act or any conditions, restrictions or requirements, subject to which a licence is granted.

So we are now using, “any person”.

Again, he criticized the fact that the Ministry of Trade and Industry is being granted powers that are too wide and I am not sure what exactly the Minister—the MP wants, having regard to the fact to the kinds of issues that we have had, that existed before and which brought us to this position where we really have to review—where we have had to review and replace and repeal the entire piece of

legislation before us. So I could give you the assurance, again, that there will be no, as he suggested, as he wants to suggest, there would be no question of acting on impulse or favouritism, or anything like that. The law is detailed as it is and, in fact, detailed regulations will be developed and that is going to be based on sound government policy, some of which—I would give you a sense of, if I have the chance, but I call tell you that the Law Review Commission has in fact developed sound policy already, which has to be revisited, yes, but they have already done a lot of work which will guide the regulations that are now to be formulated. Right?

The Ministry of Trade and Industry would in fact be developing a very dedicated scrap metal unit and therefore there is no—the issue of the “one year” will not become a problem because we are already at an advantaged stage of digitizing the processes that would be involved under TTBizLink, and therefore the operations and the renewals would be well handled within the year that is now put forward in the Bill, on account of it being very efficient through TTBizLink, which we are all familiar with.

The question of the site manager, absolutely necessary, and I could not understand why you would have a problem with that. Dealers are not always on site. They are engaged in all sorts of—and the definition will tell you that dealers are involved in all sorts of activities along the value chain and therefore it is absolutely necessary that we have the site managers who would really understand what is going on in the business and who will be required to ensure that what is legislated and what is in the regulations will in fact be followed. So, site managers, absolutely necessary.

**3.00 p.m.**

He seemed to have a question with dwelling houses, and I am not sure what really is his concern there, but I would give the assurance to the scrap metal dealers and, of course, to the public as well, because I do not think anybody wants to have a scrap metal dealer operating a scrap metal site next to their residential home. I think the population will be concerned about that, and this is why you have to have the necessary land use permission from Town and Country Planning, and that must be submitted in order to obtain a dealer's licence. So that, again, is very clear in terms of dwelling houses.

Member for Mayaro, I am really sorry for you here. What you would like is for us to have child labour involved in this industry. And I want to say—and you call it cultural—well, I want to say that this is not the position of the Government, absolutely not the position of the Government.

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

**Sen. The Hon. P. Gopee-Scoon:** It cannot be cultural that we would have children, 14 and 15 and 16 years old, engaged in scrap iron dealing and collecting, and so on, when you know the sort of nefarious activities that have been in operation alongside this industry. Very, very poor reflection on you there, Member, and I am quite surprised.

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

**Sen. The Hon. P. Gopee-Scoon:** But I want to say that the Government is aware of the importance of the scrap iron industry to the economy, and therefore the ban that was placed was purely temporary, and it is really to treat with the proliferation of crime and criminal activity and, of course, more particularly, the rampant theft of infrastructure that we were witnessing within the industry. But it was always our intention to strengthen the existing scrap metal legislation and, as of 2019, the

Ministry of Trade and Industry had begun its research. And certainly our outlook is to see, beyond even what we are doing now, as to whether or not the industry can in fact be further developed along the metal recycling value chain. This is where ultimately we would like to see the industry go.

Again, I came in a little late, and I am not sure whether the AG drew reference to the fact that there are a number of countries globally that have been in the same position as us, even around us in our neighbouring countries, Bahamas, Jamaica, Guyana, they have all had to impose similar export bans to treat with this same criminal issues within their scrap metal industry. I can tell you outside of the region, countries like South Africa, Kenya, have all, again, had to institute the same bans and so on. Again, in the case of the UK, they had a ban as well because they then wanted to treat with the fact that they will not use cash at all within the industry. So there are global issues associated with the industry. And what is consistent is that prior to the expiration of all of these bans in these various countries, every country had developed and modernized the legislative and the regulatory framework governing the industry, and this is what we are doing now in Trinidad and Tobago. So this Bill will bring focus to a new and well-regulated industry and, again, set the foundation, again, for possibly expanding the industry along the value chain.

Now, I started off by speaking—this is when I began my actual contribution—I spoke about the importance of the industry to the economy, and one of it, we acknowledge, is employment. So I would tell you that the industry contributes to the livelihoods of thousands of citizens, and we recognize that; thousands of citizens. I can tell you though, there are about 160 scrap metal yards across this country. Problem, only 81 of them are registered. So the other 80, and that is an estimate that we have, are unregistered. And that therefore tells you that

this is a serious issue, serious problem that must be dealt with, but we understand the implications for employment.

So, therefore, we are called to deal with it. If half of the sites within Trinidad and Tobago are unregulated, it cannot be left as is. And I will tell you, these are across the country, and we sought to understand where they are. People think that they are only in Claxton Bay and Chaguanas. But Claxton Bay has about 50 yards, Chaguanas has about 40. In Arima, there are about 20; Port of Spain, there are another 12; Penal, another 10. It is across the country. Gasparillo, Williamsville, there are another five yards. In Point Fortin, another four yards and so on. We have done the work to understand really what is going on and the basis for which we must put in place this level of law and regulations as well.

So, significant employment, and apart from that I am saying the thousands I speak of would include all of the unregistered collectors, and there must be at least 500 of those. There are also those recyclers themselves. There are re-exporters. There are those involved in the logistics and provision of services related to the industry as well. And, of course, we are all aware of the itinerant ones who go around on a Saturday morning calling out for scrap iron and so on. So we are well aware. Again, it is unregulated largely, and therefore it must be—the focus now must be on having this industry fully regulated.

The other big plus is the export capacity. And the AG would have spoken a little bit, I think, about the importance of it globally. I want to just bring some statistics to the population. Utilizing data from the World Integrated Trade Solution, it is estimated that global imports of scrap metal, and that is both ferrous and non-ferrous, including copper, in 2021, was valued at US \$117 billion. That is the length and breadth of this industry, US \$117 billion. And I asked them to look at 2019, because I thought if perhaps the numbers would have been down during

the COVID period. But no, in 2019, it was just US \$75 billion. So it tells you it is growing and expanding, some for good reason, some for not. But the point is, again, there is the importance of it being properly regulated.

So China is the biggest importer to the extent of \$15 billion. Turkey, India, Germany, all substantial importers—South Korea and the US at \$5 billion. Alternatively, the value exported globally, from the figures from the same source, was in 2021, \$106 billion, with the largest exporters being the US at US \$16 billion, Germany, the UK, Netherlands and Japan. So it means—what I am saying, Madam Speaker, is that countries across the globe are involved in this kind of industry, and there is no reason why Trinidad and Tobago should not be. The fact is we must be, but we must be very much regulated.

Another plus, again, is that scrap metal is used in manufacturing and, therefore, again, along the value chain we would love to see that much of it could be—may be better used here than exported to be used in someone else's manufacturing process. Again, the other positive about this industry is that it relates to the environment, because the scrap metal recycling reduces the use of chemicals that are needed for ore mining and uses significantly less fossil fuels. So, again, very important in terms of climate change, et cetera, but also, as we well know here too, it rids the country of waste and junk which is hazardous in many ways as well.

But in Trinidad and Tobago, according to the CSO, our scrap metal exports have now increased substantially from TT \$152 million in 2017, to \$284 million in 2021, with about 16 exporters of scrap metal in 2021. I will tell you, the exporters, in many instances, are not the dealers. Many dealers are involved in the business of dealing—and I will come to the definition of that—but there are fewer huge exporters that are involved and they too need to be regulated, because a lot of the

nefarious activities, not just among the dealers, but also among those big exporters as well. So, again, highlighting the need for this very detailed law and very detailed regulations to come as well.

So the exports have been significant, and despite the ban, it is lowered, yes, but it is still as substantial. When I looked at the 11-month period, January to November of this year, it was \$193 million. So very valuable to the economy in terms of earning foreign exchange as well. As a matter of fact, when I looked at the non-energy figures, you would be surprised, it is in the top 10 in terms of non-energy exports. So important, and therefore it must be well regulated.

So I want to say that, again, the data is very clear that the industry has provided significant income earning opportunities for individuals, micro businesses, small business, et cetera, and therefore we want it to remain as a viable industry for them, and contribute to the achievement of all of the socioeconomic objectives, and export diversification and foreign exchange generation, and so on. I would tell you that all of this fits nicely within our *Vision 2030*, which is about Theme IV, among other things, Building Globally Competitive Businesses, and Theme V: Placing the Environment at the Centre of Social and Economic Development.

I want to speak a little bit about compliance with international environmental agreements because my friend would never seek to bring up these sorts of concerns, which are very, very important to the industry, especially as it is growing. So, I said before that the industry plays a great role in terms of preservation of the environment, and the protection of public health, and the management of old and hazardous metal waste. So therefore, it takes into account our national environmental objectives and international environmental obligations.

So it is important to note that Trinidad and Tobago is a contracting party

under the control of transboundary movements of hazardous waste and their disposal. Therefore:

“The...”—main—“objective of the Basel Convention is to protect human health and the environment against the adverse effects of hazardous waste. Its scope of application covers...‘hazardous wastes’...”—...including; including non-ferrous metals.

It is very important, again, that we are compliant with the Basel Convention to which we are a contracting party and therefore, again, we must be in compliance with regard to all of this transboundary movement of this hazardous waste and so on. We must ensure that the waste is:

“...managed and disposed of in a very environmentally sound manner.” Hence the importance, again, on the environment.

I do not think that it is necessary for me to go in too much. I think the AG, the mover of the Bill, would have spoken about the policy development and those who are involved, the LRC, the Ministry of Trade and Industry, all of the scrap iron dealers and so on.

So I want to say that what is before us is really very comprehensive. I want to emphasize that because there seems to be some flippancy in terms of what the expectation of the Opposition was. It has to be—and therefore what we have brought to you today and worked very hard at is very comprehensive legislation which adequately reflects the views and recommendations of the stakeholders, and which also ensures that Trinidad and Tobago is compliant with our international agreements, et cetera. Therefore, I think what is presented is favourable to all of the stakeholders. Once they make up their minds that if I want to be in this business, these are the rules. This is the law, these are the regulations. If you break the law, if you do not comply with regulations, there are serious



repercussions for it, and there is good reason for that.

Therefore, the Ministry of Trade and Industry would want to completely support the Attorney General in the presentation of this Bill that is before us because, again, we want to see the developed industry and, of course, we want to ensure that criminal activity is indeed stamped out.

Now, it is a way forward, because I would tell you, the current Act, there are several shortcomings associated with that. Therefore, it really is outdated, being more than 100 years old. If you go even to the definition of “old metal”, you would find that it does not even categorize what is ferrous and what is non-ferrous and so on. It just refers to “old metal”. So it is completely inadequate. Of course, the criteria for granting a scrap metal dealer’s licence is very, very lenient. It just asks for a police certificate. They go before a magistrate with the police certificate, and the inspection by fire and the TTPS and the public health, and that is it. So it is, again, too lenient.

There is no requirement to license mobile scrap metal collectors, which is something that must be addressed. And, of course, there is a proliferation of unlicensed scrap metal sites, as I said before. And the current regime also does not provide the environmental and the public health standards, which licensed sites must comply with. Of course, there has always been the issue of the inspections, which must become a thing of the past, and will become a thing of the past as well.

So, again, this current legislative framework will therefore correct all of the issues with the old Bill. Again, there is nothing in the old Bill—it still is the current Bill to guide the purchase and the collection of scrap metal—it is all inadequate and ineffective, and so on. Many scrap metal dealers do not properly store—that is another big issue—they do not store their loads properly when being transported. I know the MP for Mayaro has a problem with transport but, again,

Sen. The Hon. P. Gopee-Scoon (cont'd)

the reason why we have to impose these restrictions is because many of them do not properly load the goods which they are transporting. Therefore, they are in breach of the regulations under the Motor Vehicles and Road Traffic Act as well.

So, again, I am just highlighting all that was needed to be corrected. Of course, the increased penalties and fines under the current Act, the old Act, are insufficient to deal with the criminal activity, and therefore I am strongly in support, the Ministry of Trade and Industry is strongly in support of the increased fines and so on.

So I can tell you that I am very pleased with some of the new aspects. Madam Speaker, may I ask the—

**Madam Speaker:** Minister, your ordinary speaking time ends at 3.22, so you have about five minutes left. You are entitled to 15 minutes extended time if you wish to continue your contribution.

**Sen. The Hon. P. Gopee-Scoon:** I certainly wish to continue, and I thank you, Madam Speaker.

**Madam Speaker:** Please proceed.

**Sen. The Hon. P. Gopee-Scoon:** There are a couple of things that I want to elaborate on that are new to this Bill, namely with the inspectors, the collector's licence, which is entirely new. I think I may speak a little bit about the export licence, time permitting as well. So there are three types of licences associated with the Bill, which will be the collector's licence, the dealer's licence, the collector's, and of course the export licence under the Trade Ordinance Act as well.

So this scrap metal collector is distinct from a scrap metal dealer, and was not at all caught under the old—I will still say current, because we have not passed the law yet. Therefore, the clause 16(5) states that a scrap metal collector is

required to verify. So there are now details, and therefore this collector must have a licence, right. You do not want to know that anybody is entering your premises and you do not know who he is, what he is associated with or anything like that. So therefore, there are specific requirements for collectors. Clause 16(5) states that a scrap metal collector is required to verify the full name and address of the person he is getting the scrap metal from.

I can tell you, as Minister of Trade and Industry, sometimes I check on the work of the Trade Licence Unit. Many times I have seen where persons have sought to get these export licences, and I have asked for the list, the accompanying list of sources of these purchases of scrap. When I look at it, I will tell you, on one occasion I saw the very same list repeated. The same Sandra, Jane and Mark purchased—repeated for another export licence. This is why we have to be so strict with this.

So the full name and address of the person from whom you are getting the scrap metal.

“...signed and dated statement...from the person that he is...”—either:

- (i) the legal owner of the scrap metal; or
- (ii) ”—is legally—“...entitled to sell...”—it.

Also, 16(5) prohibits a collector from offloading, storing, packing or sorting scrap metal anywhere, but at:

“...a scrap metal site specified in a scrap metal dealer’s licence.”

It also requires a scrap metal collector to verify the information obtained as well, also—16(5), by referring to documents, data or other information from reliable sources, such as valid national IDs, et cetera, and so on.

So, again, it puts some measure of strictness into how these collectors operate and then, of course, I think we would be more familiar with the dealer’s

licence. I think the hon. AG spoke a little bit more about the dealer's licence, and I would not go there.

So let me say now that the Ministry of Trade and Industry will now have the responsibility of the granting of the dealer's and collector's licence. So this is now being moved away from the Magistrates' Court, and will now allow the Minister to grant, refuse, renew, vary, suspend or revoke a scrap metal collector's licence and scrap metal dealer's licence. I know my friend from Mayaro had a concern that things would operate in a very free-for-all environment, and I can tell you absolutely not. I had said to you that even now in the original policy, which is the basis for the Bill which is before us, there are details on the reasons for revocation. There are details, again, on the conditions to suspend a licence. Of course, we are going to be refining these and going into them and, of course, the conditions to refuse a licence as well. All very important.

Like for instance we will refuse to grant a licence—under clause 7, we will refuse to grant a licence to any person who:

“is under the age of eighteen years;”

And I say that again, who:

“is an undischarged bankrupt”:

Who:

“has been convicted, during the period of five years immediately preceding the date of the application...”

So that all of these, there are details that are to be built out. What is not in the legislation you will certainly find in the regulations.

Again, a most important figure, not there before, is the scrap metal inspector, very, very important. Clause 28 provides the duties of a scrap metal inspector. I have already indicated the importance of a well-regulated regime and compliance,

and that is the role of a scrap metal inspector. That inspector will have the focus on inspecting the scrap metal sites, and the collection of activities and the monitoring for compliance, and so on. The inspector will also collaborate very, very closely with the other authorized officers that are named, be it the officers from the Trinidad and Tobago Police Service, from the EMA, from public health officers associated with the municipal corporations and so on.

So all of this is similar to what obtains in our neighbouring jurisdictions. You can go back and research and have a look at it. All of this is what obtains now. We have drawn from the legislation of Jamaica and Guyana, and so on. And you would see it there, that the scrap metal inspector will operate out of the scrap metal unit under the Ministry of Trade and Industry. The unit will be the body that is responsible for the implementation of the scrap metal industry legislation.

So this scrap metal inspector, he will, as I said:

“examine the scrap metal site, facilities...”—et cetera.

“interview the staff working at the scrap metal site;”

“take samples or photographs of scrap metal;

inspect...”—the—“motor vehicle...or containers...used for the storage of... scrap...”

“tag...any...vehicle...or container...which the Inspector believes to be in contravention of...”—the new—“Act;”

Also:

“give directives to...”—any—“operator of any motor vehicle...or container...used...for the storage or transportation of scrap...”—if they are not operating in a proper way.

Of course, the inspector would be involved in the review and the extraction of records and documents where necessary as well.

I detailed these because, Madam Speaker, I really want to show the rigour and the powers included in this new Bill to allow for proper enforcement, and to really encourage compliance with the industry.

The only way it will grow and develop into something else, better than it is now in just trading, collecting and exporting as it is, the only way is via proper law and proper regulations.

So, again, let me just say with regard to the exports, nothing changes there. It requires an exporter of scrap metal to obtain a licence from the Minister with responsibility for trade and industry, under the old Trade Ordinance of 1958. I want to say though what is different about the export is that the Bill introduces this fit for shipping certificate, which will be issued by the scrap metal inspector and signed by the police officer that is present and so. I think AG spoke to the process which would involve seven days written notice, specifying the location and time of the loading, requiring the Commissioner of Police to ensure the relevant officers are present. I am talking about whosoever the Commissioner of Police may send, a constable or definitely a member of the TTPS and so on.

Of course, clause 24 also restricts:

“...the loading of a freight container...”—to the—“scrap metal site specified in the licence of the licensed scrap metal dealer...”—and so on.

And, of course, it requires the Fit for Shipping Certificate as well. Very, very important.

The AG would have spoken about the record-keeping. Again, the responsibility that the Ministry of Trade and Industry would have, both with regard to public registers and also a private register as well. But, again, the Minister with responsibility has to therefore establish and maintain for each type of licence granted, being the dealer's licence, the collector's licence, and also the export

licence as well. There must be public registers for that. Also, a private register as well, which could be in written or it could be in electronic form. I can guarantee you that eventually it will be in electronic form, sooner rather than later. Again, all of this is to ensure that there is conformity with the law and, of course, the public being able to verify anything through the public register.

I want to say as well, in the little time that I have, I want to speak to the—let me just tell you what is going on at the Ministry of Trade and Industry right now to facilitate the immediate implementation of the Act. So that we are working very closely with the CPC and the Law Reform Commission to prepare the regulations for the scrap metal industry, and this is expected. This will be before the Parliament well before the instituted deadline of August 14<sup>th</sup>. Therefore before that, a Note will be taken to Cabinet with the draft preliminary regulations, so that we have the approval to take this for the CPC to prepare and so on. These regulations will include all of the prescribed forms and, of course, the fees, all of the procedures as well.

There will be an established scrap unit within the Ministry of Trade and Industry, within the Trade Licence Unit. That unit will be able to deal with all of the matters that are required as laid out in the law and the regulations. Of course, there will be functions for the officers under that particular unit. There will be an organizational chart, et cetera. It is going to be a proper unit established under the Ministry of Trade and Industry. So there is much work to be done, of course, including the hiring of these scrap metal inspectors, which will have to be recruited.

I want to say, in the short time that I have again, I want to just speak to the outlook again. Yes, we are engaging in dealing with the collection, what is known as the dealing, the export of scrap material. But I want to, again, emphasize and

look to the future where the use of recycled material in manufacturing is becoming more and more popular due to its environmental, its energy and, of course, its financial benefits. Therefore, that is where Trinidad and Tobago must look.

**3.30 p.m.**

And in particular the use of scrap metal has really proven to be a low cost and energy-efficient substitute as a manufacturing input and therefore, is among the few materials that do not degrade or lose their chemical or physical properties during the recycling process. And it is very much useful to many new industries and many sectors globally.

So scrap metal is in high demand as a consumer product, as well as inputs into the construction sector, into the manufacturing of engines and engine parts and ship repairs and into ship repairs as well. So, whereas now we are operating at a rather rudimentary level and where everything is manually done, collected, sorted, packed for export and so on, we really want to benefit greater on the additional value and that additional value, it will bring more revenue, additional revenue.

So, again, this is—we will continue to have these dissuasions with all those associated with the industry. We want to have more value added extracted from the industry, rather just exporting bales and bales of ferrous and non-ferrous scrap metals. Right? So it is expected that this legislation, which we have brought here today, it will drive the transformation of the local scrap metal industry. And in the first instance, what it will facilitate is a well-regulated industry, one that is critical for the industry's incorporation into the circular economy.

And in the initial stage I give you the assurance as well, that we are undertaking some studies, one of them is called a waste characterization study. And that is with a view to implementing activities that are targeted to enhancing the sorting and the collection of scrap metal. And all of these kinds of learnings is



what we would share with the members of the industry to ensure that technology is introduced into the sorting processes and so on, again, having a more modern industry and, of course, greater focus being placed on the promotion of the higher value-added downstream activities and activities including compacting and dismantling and shredding, milling and blending purification and so on. There is every possibility that we will support and encourage the further—I mean, once we get this thing rolling and operating effectively and efficiently, and we want to look again, as I said, to the further development of the scrap metal industry. There is no need for me address to the management of the transition. I think that was well handled by the hon. AG and so on. And he has laid the date of April 14<sup>th</sup> and given the justification for that date and certainly we are looking forward to full implementation at that time with applications coming in subsequent to April 14, 2023 being submitted to this new scrap metal unit and, of course, to be—all to be inspected and so on by the new—what is the new scrap metal inspector.

So, I am very, very pleased to be associated with the legislation which is before us. I want to say that this Government remains committed and steadfast to developing new and viable emerging sectors in its effort to advance Trinidad and Tobago's diversification, and this is one. To this end, this industry, this scrap metal industry has been identified as one with potential, once properly regulated. It is one that would—for which there can be growth and further development and really have a transformative effect on our country's non-energy sector as well.

So with this, Madam Speaker, I want to commend this legislation before this honourable House and add my full support to the Bill before us. Thank you very much.

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

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

**Mr. Dinesh Rambally** (*Chaguanas West*): Thank you, Madam Speaker, for the opportunity to contribute in this debate. Madam Speaker, there are just few matters which I would wish to commence in response to the hon. Minister of Trade and Industry and I know that some of the comments made, in which I wish to respond to, were made by the hon. Minister in response to the Member for Mayaro. I start off by adopting and endorsing the contribution of the hon. Member for Mayaro.

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

**Mr. D. Rambally:** And I would like to thank him for that insightful and a reality-based contribution—

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

**Mr. D. Rambally:**—not an airy-fairy style of contribution to what is a very important topic. Now, I know that the hon. Minister started off by saying, to correct the record, that the Government is here in three months and therefore wishes to correct the record. It is not six months as proposed or probably suggested on this side. But I think that that has to be looked at in the context of the Government having a report and this is the scrap metal policy for Trinidad and Tobago originating from the Ministry of Trade and Industry. And I think the hon. Attorney General would have made reference to this report from sometime in 2013. But certainly the copy that I am looking at has a published date of 02 March, 2016, and I want to say that this was a very comprehensive report. And when you look at the executive summary, the very problems that were considered in this report are those said problems that continue until today. And, you know, when you look at the executive summary it says:

“Despite these benefits”—of the scrap metal industry in terms of its contribution to business, local business—“there are many issues that have

been raised by stakeholders relating to procurement, pricing, and the marketing and distribution of scrap metal that continue to stymie the development of this industry in Trinidad and Tobago.”

It goes on under rubric heading “Focal Areas of the Scrap Metal Policy” and it speaks to:

“...issues...further substantiated through the critical input of stakeholders, both domestic and international, who participated in consultations...”

So even this—the reason why I am saying this is because, with this scrap metal policy which comes about certainly by 2016, these issues that we are debating today, they were, in fact, considered:

“The stakeholders identified, inter alia, unfair competition in the industry, an outdated Old Metal and Marine Stores Act of 1904, theft, unemployment and

lack of enforcement of environmental standards, as the most critical issues affecting them in the industry.

...there is urgent need for a policy to be developed...”

—and I skip over to part of the rationale:

“...primary among the concerns that have led to the development of this policy document are the lack of proper regulations to manage and operate the

Scrap Metal Industry, lack of adherence to national environmental standards in the country, damage to the country’s infrastructure and demand from local dealers for a policy to regulate the industry.”

And why I raise this is because against that context, as though you are boasting that you have brought something in three months and not necessarily six months, we have had a scrap metal policy since 2013. If I am wrong with the

2013, I am saying that this was certainly published by March of 2015—sorry, August of 2015. So I raise that there.

Then the hon. Minister spoke about, what is being processed here is modern law and it is modern law and went on to suggest that this is law for the future. I find this to be somewhat of an oxymoron that we are suggesting here, this is modern law and law for the future but this law is not married with the regulations and that regulations is yet to come.

Now, we also spoke about the Members—well, the Member for Mayaro would not bring up environmental concerns but I think that when we are talking about environmental concerns, that is a debate that we will get into as the debate progresses. But is not fair, you know, to say that we do have environmental concerns in relation the scrap metal and what the components may do for the environment. Regulations have been stated, as I said, to be brought by August 14<sup>th</sup>. And in as much as I am on that point, Madam Speaker, that regulations will come, we are not necessarily clear on when the industry will be reopened. And this is a matter of concern, obviously, for all of the stakeholders.

Now, I want to say that today I heard the Attorney General make reference to that date 14 April, 2023. I am not so sure, and maybe the hon. Attorney General or any speaker after can give us some clarification on when this industry will, in fact, be up and running again, even if it is exclusive—excluding, sorry, the copper metal, transacting with copper metal. But in a media briefing on Friday, November 25, the hon. Attorney General said he held consultations with stakeholders from the scrap metal industry earlier on that day on draft legislation which would permit the resumption of scrap metal exports. And I just want to quote what the Attorney General would have indicated on that day.

“I’ve been able to advise stakeholders...”

—Sorry. I am quoting now:

“I’ve been able to advise stakeholders in the scrap metal industry that I took a draft Bill to Cabinet yesterday, which...we hope is going to be passed into law later year to introduce a new legislative regime into the scrap metal industry and therefore to bring forward the period of the ban under six months [to end by] the end of December, 2022.

Copper is taken off the export list of scrap metal for at least another year, the government will of course revisit that issue in the course of a year; regulations are being built out to support the legislation that is coming into force...”

The reason why this is being quoted and, as I said, we can get some clarification, when exactly will the ban be lifted albeit it will exclude the transacting with copper. So, we just wanted to get a clarification of that for the purpose of the stakeholders.

One of the things that I think was raised and was not fairly raised in response by the hon. Minister of Trade and Industry insofar as dealing with the contribution of the Member for Mayaro was suggesting that, you know, the Member for Mayaro was saying, well, you can have 14-year-olds and 15-year-olds. Those numbers were never uttered by the Member for Mayaro. What he spoke about was that you could have 16, 17, and we are talking about the figure 18 in this instant Bill, but you do have as a matter of reality 16-year olds and 17-year olds, I do not know which, you know, business or the industry in which the hon. Minister of Trade and Industry assesses but in Trinidad and Tobago you do have 16 and 17-year-olds being recognized by the NIB and they do work—

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

**Mr. D. Rambally:**—in groceries, in supermarkets, they help you with your bags,

they help you with your trollies, among other things. And when you go to the bakeries you have them there and they are trying to make some little, you know, pocket change, whether it is to support themselves in the course of their studies and otherwise. So the Member for Mayaro was really speaking about a reality that in some family businesses also you can have the 16-year-old and the 17-year-old. And as I said, this is recognized by the NIB. It is not anything to do with child labour. And so, I want to put that on the record. Nobody here is promoting that insofar as the Minister of—hon. Minister of Trade and Industry was saying that, you know, we are going in the realm of child labour.

[MR. DEPUTY SPEAKER *in the Chair*]

Now, one thing that I noticed that the hon. Minister of Trade and Industry spoke about was that you have South African countries and I think mention was made of Kenya as well in terms of the industry and shutting down the industry and, in essence, pressing the reset button. I just want to make a simple distinction but I think it is an important distinction. And that is, when you look at South Africa, from what I have done in my research, as at the 1<sup>st</sup> of December, 2022, certainly when you look different media reports, the English web news, what they had indicated was that:

“South Africa...”—and this was one of the news headlines, that it had—  
“become the latest African country to control the sale of scrap metal as it bans the export of copper and other metals in a bid to thwart rampant infrastructure theft.”

So this, inasmuch as the Minister mentioned that, what I wanted to make the distinction with respect to, was that:

“The government...”—of South Africa had—“placed a six-month ban on exporting copper and copper-alloy scrap, as well as most ferrous scrap.”

But what is instructive in how they approached the ban, it was not a total shut down as we had seen here. What they did was that you had a ban which was:

“...imposed in three phases.”

The first was a phase of:

“...copper and copper-alloy...”—because what the—“government...”—believed was that the—“theft of these metals...”—was—“imposing the greatest economic cost.”

Then you had a second phase of—which is proposed, it has not come in yet:

“The second phase will concentrate on ferrous metals.”

And so that is a distinction and what you had there was:

“...the Department of Trade, Industry...”—in South Africa—“said that the theft of these metals was becoming costly for the economy.”

So, I want to make that distinction, that when we are recognizing these countries, they did not just simply say, “Okay, shut down and have a ban across the board of the industry.” They actually went about it in phases because they were able to identify and I think that obtains here as well. The copper and copper alloy metals are the ones that cause, you know—are causing the most amount of havoc. So, I wanted to raise that please and in response to the hon. Minister.

So, Mr. Deputy Speaker, I just raised that to rebut and I wish to move on to other matters. And one of the things I want to be careful with, Mr. Deputy Speaker, as I proceed is, there is—I do not wish—I know there is some 25,000 employees who one may consider to be at the lower end of the chain, the business chain in this industry and I think I would like to be fair to them, Mr. Deputy Speaker. This is really something that we have to be careful about in terms of how we project what our position is in moving forward with resetting the law in regulating the industry.

Mr. Deputy Speaker, I wonder if we take the time to ever wonder what happens to old stainless steel stoves and fridges and the galvanized sheeting and the bed frames or even a toaster. These are some of the items that we take for granted. Someone might pick it up from a garbage area, they take it to the scrapyards where it will be sorted or even recast eventually into something new. It ought not to be considered as just down and dirty work of recycling. There are those who get up every morning, Mr. Deputy Speaker, to what others may consider a wheeler-dealer business daily but it is fast paced for them. And by afternoon they do not know what they may have collected or dealt with earlier that morning. So when you make—when they, in that business, they make a bad deal, they have to keep on moving. That is the nature of the business that they are in but it is a lucrative industry generally. So across the board it is something that is lucrative.

And I want, before I get into the social aspect and why I would want this industry, workers in this industry not to be stigmatized because of the criminal elements which, you know, have infiltrated the industry, it is important to deal with the figures. And I know, I do not think anybody is at odds from the contributions I have heard thus far in terms of the figures but for the record, Mr. Deputy Speaker, I would like to reference the CSO. So according to the figures provided by the Trinidad and Tobago Central Statistical Office, scrap metal exports escalated from approximately TT \$69 million in 2009 to an estimated TT \$216 million in 2018, registering an increase of over 213 per cent over a 10-year period. And this can be found in [www.news.gov.tt/content/scrap-iron-industry](http://www.news.gov.tt/content/scrap-iron-industry).

Now, last year US \$43 million which is the TT \$290.51 million in scrap metal was exported. An article in the *Express* newspapers, Mr. Deputy Speaker, cites statements by economist, Dr. Vaalmikki Arjoon, who indicated that from his research usually over 350 to 400 containers of scrap metals are exported each



month. So the rapid growth of export within the industry occurred simultaneously with an alarming surge in the theft of scrap metals that support the country's infrastructure. The question is whether the Act that is being proposed, which is obviously meant to regulate legitimate dealers whilst ensuring that the criminal elements are targeted, is effective. Does it accomplish what it has set out to do when we consider what is being proposed or is it just here to appease public opinion? I do not think that that is what the industry needs. Metal thefts will continue as long as there are people, Mr. Deputy Speaker, desperate enough to steal because of poverty and addiction issues, and those causes have to be addressed as well, something we have not heard of as yet with respect to this Bill.

When we are not talking about petty theft but about an industry with criminals holding certain parts of the society to ransom, we consider that this surge in criminal activities was driven by the low risk of detection and the Government's lack of effective framework to combat metal theft and to operate the scrap metal industry. This surge, Mr. Deputy Speaker, in scrap metal theft was also as a result of the Government's failure to ensure adherence to national environmental standards in the country.

So it is somewhat, again, of an oxymoron to hear the hon. Minister of Trade and Industry speaking as though we on this side do not have any care about the environmental impact with this when we speak of this industry.

Now, I get back to the social aspect which I want to be very fair to those who participate in this industry. And to do so I want to reference a *Newsday* article. It is of Sunday—dated Sunday, September 11, 2022, and I will not read the entire article but just certain excerpts, Mr. Deputy Speaker. And in this article it is titled:

“Why women get into the scrap iron industry?...”

[MADAM SPEAKER, *in the Chair*]

That is the title. It is posed as a question.

And what is the strap headline, Madam Speaker:

“It is honest work”.

And what it says in this article, it says:

“...a handful of women are working to change that notion and leave their mark on the emerging industry.”

Namely, that women are now attracted to the industry and how they are seeing—they are beginning to see their way in the industry.

“For most of them, the decision to go into the industry was taken under a desperate need to make money. But it wasn’t too long after they developed a deep attraction with the operations and the satisfying returns.”

These are the—it is an article which references females who are participating in the industry as workers. And these women act as secretaries, drivers, scrap collectors and trade coordinators of old and scrap metal under the TT Scrap Iron Dealers Association. It goes on to reference one particular person:

“Scrap iron dealer Nancy Pierre hopes more women will see the benefits of getting into the handling and exportation of scrap iron.”

“It’s an honest...”—

And I am quoting. The article is now quoting Ms. Nancy Pierre:

“It’s an honest job, just do it the right and legal way and everything would go smoothly for you. Some people look at us as scavengers and that’s too low but if they see how this industry is growing they would see how every struggling parent can benefit.”

And, Madam Speaker, I found this article worthy of referencing in the debate because it goes on to quote more persons, Karen Salazar, a mother of eight

and speaking about how when the closure of the industry came, they saw it fit to speak out that the industry should not be broad brushed on account of you have the serious criminal elements infiltrating the industry. You actually have these honest hardworking persons who need this industry as their bread and butter.

So, Madam Speaker, I want to say that certainly we should not stigmatize those who participate in this industry by any account. We know the closure or the ban of the industry was proposed on a certain premise and if that be the case, with the reopening it must not be that everybody who participated under the old industry, what I may call the unregulated industry, was somehow complicit with participating in any kind of criminal activities. It is far from.

As a matter of fact, when we had in August, I believe, shortly after the 12<sup>th</sup> of August at the invitation of Member of Parliament for Pointe-a-Pierre, I accompanied the Member in meeting these stakeholders and some of the persons who worked in the industry at his constituency office. And having met the Scrap Iron Dealers Association representatives and those who worked in the Pointe-a-Pierre, Claxton Bay area, it was clear that they depend on this industry in a tremendous way and questions of they paying their loans, and that it comes back to my reason for asking the question to clarify exactly when they can expect this industry to get running and operating again.

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

**Mr. D. Rambally:** So the issue of stigmatization, Madam Speaker, I have dealt with that. And I am saying that it is important that they know exactly when they can get back to this industry. It is their honest way, approach of earning a living

Now, I want to move on, Madam Speaker, to deal with just a few clauses of the Bill. I know the Member for Mayaro would have touched on quite a few. And I would simply just to want treat with a couple of the points, not that he raised, but

some other parts of the provisions in this Bill. And particularly when we look at, it would be clause 12 in particular, but 12(7). Now, what clause 12 purports to do is that you have a provision now dealing with representation in case of refusal, non-renewal or revocation of licence. Now, we—I could go, Madam Speaker, into some depth of public law to speak about, you know, how a person is entitled to make representation but I do not propose to do that. Honing in on these provisions, it is an opening and it is a positive opening that you can have people that are able to make representation in the event that they are, one, they want to make their own representation but, two, if they are about to be refused. And this is where I want to go. So particularly 12(7):

“If the applicant or licensee informs the Minister that he wishes to make oral representations, the Minister shall give him the opportunity of appearing before, and being heard by, a person appointed by the Minister.”

Now, one of the points that I will get to is the role of the Minister under this Bill, proposed under this Bill. But for the purposes this clause 12(7), exactly who is this person to be appointed by the Minister and whether we should not have some further details as to basic qualifications, experience to be able to act on behalf of the Minister in entertaining representations from those who wish to make representation under the clause 12.

Now, it goes on to 12—sorry. Clause 13, “Notice of decision”:

“If the Minister refuses an application under section 7, or refuses to renew or revokes a licence under section 8 or 9, respectively, the Minister shall give the applicant or licensee a notice setting out the decision and the reasons for it.”

This accords with normal decision making that you will give the decision and properly in writing, that is the ideal situation, and it ought to be accompanied with

reasons. So that is fine. But if we are giving the opening in this Bill where we are talking about licensing and the turnaround time is going to be one year, Madam Speaker, we already have the opening where you are allowing them to make the representation.

If it is you are going under 13 to give the notification of refusal, in public law there is a concept of where you could actually invite the person. And if the refusal is it is on account of shortcomings that they may be able to remedy, that is something that you can still entertain at that stage, as opposed to giving the notice of refusal and then what you can potentially be faced with is an appeal. So what you could do is, you can actually have persons being more compliant which will give effect to what is the spirit of the provision here and the spirit of the Act, as opposed to they coming to have to do it after by way of an appeal. Even that appeal could probably be followed by a judicial review application.

So legislation should include the provision that, if the Minister is of the view that the person applying for the licence should be denied, he or she should allow the applicant to be heard before that final decision is made. And as I said before, it may be on account of the person being non-compliant with things that could be dealt with and the person can make good on whatever those non-compliant issues are and therefore be entitled to get a renewal or get the licence in the first instance. Many persons who operate in this industry may view the process, Madam Speaker, of hiring a lawyer to make an appeal to the High Court, which is also contained in this piece of proposed law, an appeal to the High Court or applying for a judicial review, as highly onerous, bureaucratic and an expensive process.

So by allowing the applicant to be seen prior to the outright denial of his/her licence, I am saying that trite public law will save the State money, will allow these persons to get into the business, and time spent on legal fees and otherwise allowing natural justice principles to prevail, I think that it will help the situation. And that is in terms of clause 12, in particular I have referenced 12(7), and also clause 13.

**4.00 p.m.**

So, Madam Speaker, I raised that in terms of my consideration of that aspect of where you can make representation, be told of a refusal, then there is the appeal, there is also more that we can do to assist these people that are contained in this industry. Now, I want to move as well, Madam Speaker, to another aspect of law, and it goes a little bit broader in the sense that what you have here is a framework to be created and what it does, it sets out an astounding range of power to the Minister rather than a committee. And no aspersions, obviously, are being cast on the Minister, but this is when we are dealing with law making and legal legislative drafting. There is a concept of, you know, what you do is you pass law not taking into account a particular individual, but with passage of time you want to know that the law is good for everybody regardless of who is in government and who occupies the particular position.

So the argument please, Madam Speaker, is that there is potential given that the Minister is granted the sole power to grant, vary or suspend a licence, a potential for issues to arise from time to time. The Minister is really going to have a very astonishing range of power. How many cases are we aware of, and there is no limit to the time I am talking about now, but in terms of the history of persons challenging under a statutory power, how many cases are we aware of where a Minister is brought before the court and you can have declarations of findings of

unlawful behaviour, unlawful conduct, et cetera? I am saying that we can treat with that in how we deal with this.

**Madam Speaker:** Member you have three minutes left of your ordinary speaking time. You are entitled to 15 additional minutes to wrap up your contribution, if you wish.

**Mr. D. Rambally:** Madam Speaker, may I have the additional time, please?

**Madam Speaker:** Please proceed.

**Mr. D. Rambally:** Thank you. So, Madam Speaker, I leave that point there. But I think it is registered. I believe someone raised it before, the Member for Mayaro. So given the large-scale investments into this scrap metal industry by illegal entities that live abroad and the concerns of large-scale money laundering using shell companies, are we not creating the exact hotbed for corruption and the creation of shell companies to launder large-scale moneys? That is something that is considered and that is something we will ask the Attorney General to factor in.

Maybe a recommendation might be that a committee made up of persons who are trained and knowledgeable about the field instead of a Minister, a particular Minister. A licence being granted to a person with 30 per cent status in Trinidad creates, again, as I said, a hotbed of foreign investors who may be able to take advantage of persons in the industry. The potential for the setup, Madam Speaker, of shell companies is extremely high as the money laundering framework will be easy to maintain with foreign access to local licensing regimes. The licence is not to be granted to any person convicted of an indictable offence which is too wide and discriminatory.

Madam Speaker, a person charged with wounding with intent may not have any issue ordinarily in obtaining a licence, but this treads closely to punishing a person twice for the same offence. If the offence for which a person is convicted is

not related to scrap iron, then he ought to qualify, and that is something that when we look at the general provisions in the Bill, the factors for denial for criminal conduct need to be clearer. I hope that the Attorney General may take that into account. The framework for licensing and monitoring is similar to what I would say the quarrying industry, and therefore will have the same problems as that sector.

When we look at clause 26, Madam Speaker, again dealing with criminal offences, the Bill grants powers of inspection. This again can also give—and I use this not to ascribe aspersion to anyone, but again we are talking about the culture in which we live in. The fact that we are trying to stymie criminal conduct, this can give rise to massive corruption. A systematic framework for monitoring the scrap iron yards, which includes the EMA monitoring unit, is more advisable. And that is something maybe the Attorney General will tell us, you know, how these entities which are named in the Bill have a role to perform, whether it will go so far.

The penalties for the offences, Madam Speaker, are somewhat inconsistent. They are onerous, and I am saying consequently open to constitutional challenge, and the Attorney General may want to take this on board under the Barry Francis principles, where the mandatory nature of a sentence and the onerousness of the penalty was discussed in that case. The Member for Port of Spain South is in the Chamber and he will be aware of that. According to the penalties listed there is a difference of \$50,000 for a person who operates without a licence, and someone who fails to display his licence. So this disparity will not have the deterrent effect which the legislation, obviously, will want to intend. There is the reference to the penalty of having in your possession stolen scrap iron. However, this will be impossible for the purchaser to know, and creates a built-in defence to the offence. So there needs to be cross-referencing with the penalties for receiving stolen



goods. So that is another general aspect that I would hope that the hon. Attorney General would take on board in determining whether the Bill needs firming up. Certainly from where we sit or stand, as the case may be, we are of that view that there needs to be some firming up.

So, Madam Speaker, in terms of the overall thrust of the Bill, I have spoken about the time frame that we have seen, which is we had a policy, now we are coming, we want to get it right. I spoke about the stigmatizing, which we should not do in the industry. With the closure of the industry, the Ministry of Social Development and Family Services—and this is something that happened very recently. I recall the Member for Chaguanas East would have asked the questions, upon the closure of the industry, what social relief would be given to members and those same workers that I would have referenced in the earlier article, affected by the ban, the export ban? And I believe that the response from the Government was that they could apply for grants. And as one commentator said in a newspaper, that really is a joke for people who hate laughter. So I think that it is something that we need to bear in mind, that we are talking about these things but there must be some infrastructure. Closure must have been and must continue to be accompanied with assistance to those who are affected and are going to be affected. Are we seeking—and I think I dealt with this point already. It is that we are appeasing public opinion and in doing so targeting legitimate dealers, or are we really interested in stamping out the criminal elements?

So, Madam Speaker, I think that at the end of the day that we would all on this side, for sure, I know that my colleagues and myself, the Opposition, we would want to ensure that there is the quickest return to the operation of this industry, at the same time stamping out those criminal elements, and ensuring that we are not necessarily targeting, whether by way of bureaucratic processes or

undue bureaucratic processes, we are not targeting the law-abiding participants in the industry. Madam Speaker, with those few words, I thank you very much for this opportunity.

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

**The Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. Madam Speaker, I would like to start my contribution by just assuring not only the population, but those who are active participants in the scrap metal industry, that the Government is not against this industry. And I think that point is an important starting point as I begin my contribution, because this Government will always support legitimate business. This Government will always support people who are willing to abide by the law.

And what this whole debate is here today is about tackling and not burying our heads in the sand, but tackling the criminal elements that spoil a good thing. Because the Government accepts that not everyone who is involved in the industry, in fact it is probably a small, small minority, are non-law-abiding citizens. And what this whole legislation is here today to do is to ensure that those who want to operate in the scrap metal industry will do so within a regulated framework for their protection as well as the protection of the public. So, you see, contrary to the submissions we have heard from the other side, this is good legislation, and I would like to thank the Attorney General and his team for turning around what is really revolutionary legislation in a very short period of time.

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

**Hon. S. Young:** And I sat and I listened to the previous speaker and I had to smile, because at the start of that contribution we heard about a 2016 policy, and a quotation. But then, quite comically thereafter, you heard about a policy in 2013.

“We had a policy in 2013”, but, yes, the record reflects, and the fact cannot be changed, that whatever policy you may have had in 2013 was never implemented. And what we are here today to do is to implement the current policy of a government that is willing to tackle difficult problems in society. So to come here and to tell the population, “Oh, I had a policy”—

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

**Hon. S. Young:** “Oh, I had a policy in 2013”, when the record reflects you did nothing with it. You did not amend a single thing. You did not even amend the application fee for a licence. You did not even amend the fines that were attributable to illegal activity in the scrap iron industry. So you did nothing, which is really reflective of that whole period.

To quickly follow on that, Madam Speaker, and through you to the population, there is an undeniable, obvious need, Madam Speaker, to regulate this industry. In fact, even the members of the industry, and I see here today in the public gallery the President of the Scrap Iron Dealers Association and some of his support, accept—because I participated in meetings, I was for a period of time chairing a sub-Cabinet committee along with the Minister of Trade and Industry, the Attorney General, and the Minister of National Security, to engage with the scrap iron dealers. And when we met, the scrap iron dealers accepted and they were advocating, yes, there are problems. And we all know that there are problems in this industry, and what we have come here to do is to tackle that frontally.

So to listen—to sit here and to listen with the dog whistling, and with the continued attempts by the Opposition to say, “We will support legislation once it is good legislation, and this is not good legislation,” but never to point out what would be good legislation for them, the population is not being fooled by that. So to put us back in context, Madam Speaker, this Bill is all about regulation of the

industry, because we accept that this industry has a role to play in the economy of Trinidad and Tobago.

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

**Hon. S. Young:** But I would like, Madam Speaker, through you, to just remind the population to take us back to the effects this was having on the national psyche a few short months ago, when we woke up one morning and read in the front page of the newspaper, a church bell; a church bell, a sacred church bell was stolen. That we were hearing that people's gates, their fences were being stolen. Reading the reports of a man who stood looking out of his window at people cutting his fence and going off with his fence, and then threatening him if he should say anything. This weekend I was in my constituency, and still seeing the copper wires that were cut and hanging down. We all saw the videos, Madam Speaker, of persons pulling up on open tray trucks, cutting wires, carting the wires off. At a fuel bond in Caroni they stole the gate. In the oil and gas industry they were stealing compressors, they were stealing pumps, they were cutting pipes. We had a number of oil spills, albeit thankfully small oil spills, as a result of persons engaged in that industry who are engaged in criminal activity. We will all remember waking up one Sunday morning having no Internet, no connectivity, and when we found out the reason why, it is because the bandits, the criminals were stealing the TSTT cables from underground.

So they were not only cutting above ground, but they have now found their way inside the piping underground to steal the cables. And the population rightly was being traumatized. After being traumatized, was calling out for intervention by the Government. And what you had was a government that immediately intervened and put an immediate ban on the export of all items. And let us remind the population, again, what happened, because some of those on the other side were

then participating and encouraging the blocking of roads, the burning of tires. We had the highway in front of Claxton Bay blocked one day by purported scrap iron dealers. And I want to remind the population that the poles at the time, a 100 per cent of persons supported the Government intervening to prevent the destruction of infrastructure. Infrastructure, state and private infrastructure was under attack and being destroyed, stolen and exported.

I want to remind the population at this point, that immediately when we put that ban there were 91 containers on two ports in Trinidad; 91. And I can tell the population that despite the Opposition lawyers who challenged the Government initially to release those containers, a government stood firm and did not release the containers. And I can tell the population today, and the Minister of National Security will give further details, that on opening those containers stolen items have been found. Pumps, compressors from the oil and gas industry have been found. Stolen copper cables have been found. So let us remind ourselves, because those on the other side not only have a short-term memory, but unfortunately some seem to encourage this type of behaviour in the country, that what you had was a government that intervened to deal—

**Mr. Ratiram:** Madam Speaker, I rise on Standing Order 48(6), please.

**Madam Speaker:** Okay. So, Member, I will just ask you to withdraw it and find another way to say that, please.

**Hon. S. Young:** I withdraw that. But you know there is an old people saying that, “when stone pelting, he who bawl is man to watch”. So I think the point was just proved, this country suffered at the hands of persons who were intent on stealing and destroying infrastructure, stealing and destroying TSTT cables and copper.

And then what was worse is they were so indiscriminate in their rampant looting and destruction of infrastructure, that they began cutting fibre, because they

could not tell the difference between what was copper and what was fibre. And that had, for a number of months, consistent on a daily basis, interruption of communications. That all disturbed productivity. And let us follow the value chain here. When this is done there is destruction and stealing of state and private property, that then ends up being transported where? To a yard somewhere, and from a yard somewhere, packed into a container somewhere for export. Because, you see, none of this is being reused, recycled, purchased here in Trinidad and Tobago for domestic use. So it is then shipped off into oblivion.

So the church has never recovered the church bell. Those who have had their infrastructure destroyed, their fence. A colleague of mine was saying that persons saw not only their fence being taken, but the lock and the chain on the gate being taken as well. So let us not fool ourselves. Let us not forget what we have come here today to do. And to hear as well, suggestions. And with all credit to the previous speaker, he was very timid in his approach, in his run up to the point, talking about South Africa. But anyone can go and do the research to see that many jurisdictions have suffered similar fate. And strong governments have had to intervene.

So to quote what is going on in South Africa in 2022, is forgetting the whole story of the run up. For many years, South Africa was suffering and the infrastructure was being taken. I see the Member nodding his head. I just pulled up the articles, that even now currently they are still having state infrastructure, and he talked about, "Well, they took a step and a stage on what to ban." Immediately this Government, only a few months ago, three months ago banned the export of everything, and that put a stop. So now the population can look on and think about it. So in the past few weeks, in the past month, how come it is that we are not hearing of these trauma stories? How come it is that not every day infrastructure,

communications being disrupted, et cetera?

And I remind those on the other side, that the polls taken at the time showed a 100 per cent support by the population. So I want to say again, at this stage, this Government has no issue with those who are willing to abide by the law and within the law. We are here to work with law-abiding citizens, and to ensure as best as we can that good legislation is passed to protect them.

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

**Hon. S. Young:** Because you will not see this Government out on the streets with those who are engaged in criminal behaviour. Having said that, the laws were archaic and outdated. The first thing we did as a government is look at the existing laws and determine immediately, doing this kind of surgery on the law through amendments is not going to work. We need to revamp the whole legislation to deal with this problem.

And just to tell the population who are interested, these are global issues, so go and do the research. Right here in the Caricom you had bans on the export of metals in Guyana, Bahamas and Jamaica. Jamaica still, at this stage, is facing what we were facing a few months ago. You have the same types of problems in Kenya, South Africa, Zimbabwe, as just a few examples. It is the destruction of infrastructure and the theft of what does not belong to persons. There can be no doubt, Madam Speaker, that there is an element of criminality involved. So what you are seeing here today, through the introduction of this legislation, which is good legislation, despite what those on the other side would like to suggest, you are seeing an acceptance that there can be money laundering because this is a cash industry. This is a cash industry.

So what you are seeing is the potential, the opportunity for me to come and steal your fence, your gate, your church bell, the mosque's fence, the mandir's

fence. You had people up in Bornes Road, in Port of Spain South stealing the WASA connections. And the question that any sensible law-abiding citizen asks, is stealing to do what with it? Because they are not taking it somewhere to smelt and to sell in Trinidad. It is being exported. And there is only a demand for this, so therefore you only steal to supply, if there is a demand. And the Government put a stop to that demand to return some level of sanity and stability to the country. And this is what has happened for the past two months. And then what do we do? We do not sit down quietly and talk about, “I had a policy in 2013.”

We updated a 2016 policy, and we have come here today with good legislation. And when anyone looks at the legislation, as I will do in a short while, and you go through it you will see that all of the areas along the value chain are being addressed. So those who are going to collect the scrap metal—because there is a need. There are people who want to get rid of an old stove, an old fridge, old pieces of metal, et cetera. So there is a need. But those persons who are going to collect are now going to be required to be registered and licensed, and what could possibly be wrong with that? Which law-abiding citizen can object to that? So now you know that when I go to X’s house to collect, I have to get a receipt from X that X is the owner. I take it from X, and if somebody stops me down the road, I could prove, “Look, X gave me permission.” So when you go down the road and you are caught with a church bell, you better be able to say, “Father Padre gave me permission to take the church bell.” But no, there are those who do not want that, because they want the rampant engagement of criminality in our society, but this Government will push back at that and that is what this Bill is about.

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

**Hon. S. Young:** Anyone, Madam Speaker, looking at this legislation would immediately see, accept and support that it is designed to regulate every single step



along the value chain, every part of an industry that can very easily lend itself an influence to the criminal element. So we are here to work with those who are prepared to abide by the law, and to do what is the right for Trinidad and Tobago, to regulate that an industry that can help many in our society. Even when we were deciding in the policy how much the fees should be, this Government sat down and said, “Okay, so those collectors going out there, we cannot put a high fee because this is a source of employment for them.” But now they will be captured, they will be regulated, they would be registered, so the nine out of the 10 of us who are registered and abiding by the law would be able to point to number 10 and say, “Look, number 10 has no licence,” or the police stopping 10 of us at night, will see nine of us have a displayed licence and number 10 does not. It is not only about the passage of legislation, it is about working to see how you can enforce the legislation to make it effective.

So now I turn, Madam Speaker, to the legislation. The first point to be made as the Attorney General, I believe, touched on, is this Act requires proclamation. So there will be parts of the Act that will be proclaimed, so they can be implemented immediately, but there is an acceptance, and also in the provisions of the Act they set out that those who already have licences will be allowed to run to a particular point in time before you move into this new set of regulations. You look at the first definition under the Bill in clause 2:

“‘AML/CFT/PF’...Anti-Money Laundering/Countering the Financing of Terrorism/Financing the Proliferation Of Weapons of Mass Destruction;”

The archaic laws did not have that because that was a previous time where you were not dealing with these real issues.

So we are working with the industry to make sure they do not fall prey to the potential trappings of money laundering. You now have defined an authorized

officer” to mean a police officer. We are going to amend to add an SRP, a public health inspector of a corporation, an environmental officer, environmental officer of the EMA, or a scrap metal inspector. So for the first time you are creating a scrap metal inspector. It talks about what is dealing. It talks about non-ferrous metal. And importantly this Bill does not include, at this time, copper because we know what happens with the copper. In fact it is quite ironic that at the first set of meetings with the scrap iron dealers, they too accepted that you should put, and their proposition was put an immediate ban on copper.

We all know that that is one of the main metals that is a problem outside of there. But, you see, the indiscriminate attempts to find what is copper and what is not copper leads to a destruction of a whole set of other infrastructure. You now have for the first time a scrap metal collector being defined, a scrap metal dealer being defined, scrap metal inspector being defined. You have something called a site manager. All of these provisions are being put in there, in particular the site manager is being put in there as a result of wanting to have somebody responsible.

Because, you see, when you go through this legislation and you understand what is behind it, all it is doing is pinning responsibility along the value chain. So a site manager means, you, sir or ma'am, now have the responsibility for this site, that is a licensed scrap metal site. So it means that you better make sure what is going on in this yard is all legal and above board. Who could complain and quarrel with that? That you have somebody now identified in law that has to take responsibility, as opposed to the authorities pulling up to a yard and everybody saying, “Is not me, is not me, I not responsible. Is not me is he. He not here. Dey not there.” So it is well-thought-out legislation.

So to have previous Members go into the booth and just say that it is not good legislation, and say, “Well, I do not know this and I do not know that,” it

really takes us nowhere. And now you have the Minister being given the permission, the authority at clause 5, to grant, refuse, renew, vary or suspend, or revoke a licence.

#### **4.30 p.m.**

Importantly, Madam Speaker, at clause 4(4) of the Bill is a critical provision. This is a provision where, and the form will show it, the licence will have it a person who is willing to engage in this industry will make:

“a declaration in the prescribed form...if the licence is granted...”—to he or she—“the licensee shall consent to the entry of authorised officers on any scrap metal site specified in the licence during working hours or such other times as the scrap metal site is open to the public or otherwise...”

Again, anyone engaging in the industry who is law abiding this is going to be one of the terms of it. Again, when we engage with the scrap iron dealers, this is one of the things they were saying. They went even further, the scrap iron dealers, the legitimate ones were saying, “Put cameras on every site and monitor it that way.” But of course that has other privacy elements to it.

You go on with the legislation, how you make an application. So at clause 6:

- “(1) A person or entity who -
- (a) deals or proposes to deal in scrap metal as a scrap metal collector; or
  - (b) owns and operates or proposes to own and operate a scrap metal site as a scrap metal dealer...”

That is the identification of who is a collector and who is a dealer.

We get into at clause 6(4), the site manager. So at clause 6(5):

“A site manager may be named in a scrap dealer’s licence at more than one

site; but no site may have more than one site manager named in relation to it.”

Immediately the logic, the sensibility of that is brought home, that what it means is you the site manager are now responsible. It is no different to a liquor licence on a bar or on a grocery that is entitled to sell liquor. It identifies the name of the person. There are repercussions in law for that.

You then move on where there is a refusal to grant licence.

“...the Minister may refuse to grant the licence...”—and it sets out in what circumstances.

We are introducing a concept of you must be a fit and proper person. There is now an importing discretion where the Minister:

“...is of the opinion that the issue of the licence would be contrary to the public interest.”

That is an excellent discretion in law. Because when you are drafting legislation we all know you cannot think of every single possibility or eventuality that may take place, but there are occasions that are going to be contrary to the public interest that a Minister should not grant a licence.

You go on in the legislation about the suspension of licence. Again, at clause 11, an extremely important power. Because the suspension of the licence is not a revocation, a cancellation or a termination. So, in other words, it gives the Minister the power, if there are infractions of law, to provide an opportunity to the person to tidy up their house, to take the necessary steps to get back on the right side of the law. And what I found interesting and what is good is that clause 11(1)(a), they talk about and this is all about when Minister can suspend. The Minister can suspend when:

“11(1)(c) he is satisfied that it is not possible to carry out a proper

inspection of any premises to which a licence relates;”

Because, you see, we know from experience, we know from reality that sometimes you go onto a site and it is impossible because of the way the metal is stacked, the way everything is set out, for them to find in the whole mess what may or may not be stolen. So you could suspend and say, “No this is not the way you can carry out your site.”

- (e) a licensee is no longer a fit and proper person, as prescribed, to be a licensee;

Of course, one of the points made by a previous speaker is at clause 12, you can now have: “Representation in case of a refusal, nonrenewal, or revocation of licence”. Again, that is in keeping with proper and good practice and procedure. That is capturing expressly the provision and protection of natural justice. So, “Listen, I, the Minister, I thinking of not granting you the licence for these reasons so come forward now and tell me why you should be granted a licence.”

**Madam Speaker:** Hon. Member, you have four more minutes of ordinary speaking time. You are entitled to 15 additional minutes to wind up your contribution if you wish.

**Hon. S. Young:** Thank you very much, Madam Speaker. Madam Speaker, Part III of the Bill is what is going to govern and regulate the conduct of scrap metal business. And this is where you start to get into the other part of value chain. So clause 15: “Restriction on transportation of scrap metal”.

Population, cast your minds back to four months ago and five months ago. The same stories I am relating to you here today, where the man is looking through his window at three o’clock in the morning and seeing people cutting his gate to take his gate; when people are looking out of their window in a neighbourhood and seeing people standing on the back of a van cutting wires and leaving the wires to

hang as they cart it off; when you woke up one Sunday morning and your communications were cut because those engaged in criminal activity went for the TSTT cables underground. That poor church bell, the fuel bond where the gate, the fence was cut, the traumatized person who had to watch, not only their gate going, not only the fence going, but the chain and lock that were supposed to protect the gate and the fence. And those are the people that this legislation is to tackle.

So now what we are saying, is, when you are collecting scrap metal and you are transporting scrap, you have to have a scrap metal collector's licence. The reason for that is obvious. The reason for that, Madam Speaker, is that you can properly regulate the industry. All it requires you to do is to go give your information, provide the data that is necessary, pay a small fee, you are licensed.

The Bill goes on, when you are conducting business as a scrap metal collector. In other words, those people who will come around on a weekend and say, "Willing to buy batteries, willing to buy fridge, willing to buy stove, et cetera," they will now be licensed. And the law-abiding people will have no problem getting licensed and being part of a regulated industry. But to come back to what the old people say, "when stone pelting the man who bawl is the man to watch". So when you have people protesting too much, that they do not want these regulations or you should not have these regulations and you have those who only willing to stand on a soapbox for anybody holding themselves out as, "Come to me I will advocate your case for you," those are the people to watch.

So you now have at clause 16 that:

"(1) The holder of a scrap metal collector's licence shall display a copy of the licence on any motor vehicle or goods vehicle that is being used in the course of the collector's business."

The reason for that is clear. So that, you, me and any member of the public, when you see someone collecting scrap metal, you can see whether they are licensed or not by just looking for the sticker, and better yet law enforcement's job is made easier. So if you see nine vehicles going down the road all with the appropriate sticker and they are licensed, fine. Statistically, they are going to be carrying out their business above board. But then you see a vehicle going down the road, no sticker, so you stop them. Again, statistically, if they are not licensed, nine out of 10, 9.9 out of 10 times they are going to be engaged in criminal activity. So it makes the job of enforcement better. And that is how the legislation should be looked at.

You then have, take at clause 16(5):

“A scrap metal collector shall –

- (a) not purchase nor receive scrap metal from a person without verifying the person's full name and address...”

So, in other words, “ah cyah sell yuh meh neighbour fridge, or meh neighbour stove”. And you have to:

“(b) obtain”—now as a scrap metal collector—“a signed and dated statement of ownership from the person that...”—you are:

- “(i) the legal owner of scrap metal; or
- (ii) lawfully entitled to sell the scrap metal.”

Again, which sensible law-abiding, civic-minded citizen could have a problem with that? So, in other words, you are now protecting the scrap metal collector to ensure that he and she is not engaged in criminal activity. So when somebody calls them and says, “Take this away, et cetera,” he or she as a scrap metal collector will say, “Well, provide me with proof of ownership.”

And then we are now on licensing scrap metal dealers at clause 17:

“(1) No person shall carry on the business of a scrap metal site unless he obtains a scrap metal dealer’s licence.”

And, again, they are obligated to:

“(3) ...display in a prominent place in an area accessible to the public at each scrap metal site...

(a) a copy of the licence...”

And also, the same thing like you have over bars is a licenced scrap metal site.

So these are some of the examples that very quickly jump out to prove the point, it is good legislation, that the old archaic legislation could not be amended, that you have proper government policy governing how this legislation came to be.

At clause 18: “Circumstances for dealing”. This is another, Madam Speaker, good example of properly regulating the industry. So:

“(1) No person shall -

(a) purchase or receive scrap metal...between the hours of seven o’clock in the morning and six o’clock in the evening;”

Immediately any law-abiding citizen can understand why.

So what it is saying is carry out your business between 7 o’clock in the morning, six o’clock in the evening and that is when there is light, when we the population can see what is going on. You do not need to be carrying out this in the middle of the night, in the dark of night with stolen goods coming to your property to then be put in a container and exported off.

You must:

“(b) sort, pack, load scrap metal at a metal site...between...”—those same hours.

It talks about when you:

“(c) purchase, receive or enter into...”—a—“transaction...with...”—



somebody they must be over the age of 18.

At clause 19, another good provision. So I am trying my best to understand and to make sense of nonsense that I heard previously. Clause 19 talks about the: “Retention of scrap metal for specified days.” This provision says that you cannot disfigure, change the form, shape, used, sell, loan or dispose of:

“...otherwise from the site for a period of fifteen days after the scrap metal have been purchased or received.”

The answer for that is obvious. Anybody who sees how the containers are packed, and we are seeing it now with these 91 containers that are being unpacked with a barrage of stolen items in them, it is saying keep it 15 days so they do not go and cut up the church bell into a thousand pieces, cut up the T&TEC pole into pieces—

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

**Hon. S. Young:**—because that is what was going on in the industry. So this is good legislation, it is legislation that is saying keep it whole for 15 days so it will allow the inspectors to come, make a pass and make sure you are abiding with the law.

So, again, I ask the population to look very carefully to see who it is that has a problem with this type of legislation and then question why, question why is it that as soon as they bring the church bell or the compressors or the pumps or the TSTT cable or the T&TEC poles, or the man’s fence or the fuel bonds gate—

**Mr. Ratiram:** Madam Speaker, I rise on Standing Order 55(1)(b). We have been hearing this time after time again about the failure of this Government to protect the assets of the country and of the citizens, and he keep repeating it over and over and over about the church bell—

**Mr. Hinds:** [*Inaudible*]

**Madam Speaker:** Okay. So, Member for Couva North, thank you for the invitation. Overruled, please continue.

**Mr. Hinds:** [*Inaudible*]

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

**Hon. S. Young:** I would like the population, Madam Speaker, at this stage to understand that Couva North has a problem with a church bell, and that speaks words to him.

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

**Mr. Ratiram:** Madam Speaker—

**Mr. Hinds:** Any—[*Inaudible*]

**Mr. Ratiram:**—I rise on Standing Order 48(6), that what the Member has said is totally misleading and false.

**Madam Speaker:** Okay. Overruled. Continue.

**Hon. S. Young:** Thank you. Clause 21, they are now required to keep records and it is updating the type records, Madam Speaker, that must be kept. So:

“(1) A scrap metal dealer shall”—now—“keep an accurate and legible record of scrap metal that is stored, received and disposed of at his scrap metal site.”

That is to protect both the site manager as well as the scrap metal dealer. Because if you have proper records then what do you have to worry about? But what we know now as a fact by those who are engaged in the criminal activity prior to this legislation is that you are seeing bills of lading, you are seeing records repeating the same thing, over and over and over with no proper identification, where the scrap metal came from, what is the scrap metal, et cetera. So all of this legislation is designed to correct those problems.

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

**Hon. S. Young:** But yet still you will have those on the other side come here today to try and mislead the population and say, “We will support good legislation but this is bad legislation.” In what way? I have taken the time to point out only a few of the instances along the value chain for the population to understand the type of legislation that is being proposed here today.

You then get very quickly along to clause 21, this is still in the scrap metal records, clause 21(4)(f) and (h), where you are now required to have the following information, Madam Speaker, at your yard:

“the vehicle registration number of any motor vehicle or goods vehicle used to deliver the scrap metal;”

That is good legislation, because now you as the site manager or the scrap metal dealer will have a record of vehicle X that came from Couva North with so and so registration, provided X, Y and Z, including a church bell. So you could then go Couva North and find where that problem came from.

And then you also have at (h):

“a statement of ownership that is signed and dated by the person who delivered the scrap metal.”

So anyone who has any logic or sense would see those two provisions aligning up for enforcement of the law and to make it easier to then prosecute somebody who is in infraction of the law. The scrap metal dealer of a tax purposes. You see, people do not like to or bury their heads in the sand about the payment of tax, but we have heard what has been said, we have heard it said that this hundred million-dollar industry, a billion-dollar industry. Fine, operate legitimately and pay your tax. Pay your tax on the revenue and the profit earned. What could be wrong with that?

You then have, that we are saying keep the records at clause 22 for six years.

That marries with the tax legislation, it also is in case that you need prosecution. Part IV, Madam Speaker, deals with the: “Export of scrap metal”. And it is now saying that a person, at clause 24:

“(1) A person who exports scrap metal shall give at least seven days written notice...to the Minister and the Commissioner of Police of his intention to load the scrap metal for export.”

I heard it being suggested that there is a problem with this provision. But why should anybody have a problem with this provision? If you are engaged in legitimate business and you have legitimately obtained the scrap metal that you are going to export, you tell the Commissioner of Police, “I intend on X day, a week from today, to export X, Y and Z.” The Commissioner of Police can then send police officers, the scrap metal inspectors can turn up, look at it and give you a clean bill of health. But, you see, if you are hiding the church bell, that offends Couva North, in the container then you are going to be in problems.

**Mr. Ratiram:** Madam Speaker—

**Hon. S. Young:** On point.

**Mr. Ratiram:**—I rise on Standing Order 48(6)—

**Mr. Hinds:** [*Inaudible*]

**Mr. Ratiram:**—Couva North is not offended by the use of the church bell. It is just that the Member continued to repeat the Government failure—

**Madam Speaker:** Member, Member, that is not a ground for objecting under Standing Order 48(6). Member for Laventille West, it did not escape me what you just blurted out. I really do not think that that is parliamentary, okay. So I will ask you to just withdraw it, I am sure it is there, all right, please.

**Mr. Hinds:** Madam Speaker, the Member, my friend for Couva North, he jumps on his feet every time about human trafficking.

**Madam Speaker:** Yeah, yeah, yeah. But no, no, no.

**Mr. Hinds:** So, Madam Speaker—

**Madam Speaker:** No, no, no. Okay, wait, wait.

**Mr. Indarsingh:** Sit down, sit down Laventille West.

**Madam Speaker:** Okay. I did not ask for an explanation. There is a certain innuendo that may have been interpreted for what you shouted out, okay. So just kindly, the gentleman that you are, I am sure you did not intend it but just to ensure that you did not intend it, just withdraw that and let us proceed.

**Mr. Hinds:** In deference to you, hon. Speaker, I humbly withdraw.

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

**Madam Speaker:** Thank you. Okay, let us get on with it.

**Hon. S. Young:** Thank you very much, Madam Speaker. Madam—

**Madam Speaker:** Let us get on with this, okay. I am sure you will most probably join the debate, let us save our good energies, positive energies for that, okay?

**Hon. S. Young:** Madam Speaker, may I proceed? Thank you very much. Madam Speaker, I will tell my very good friend and colleague, the Member for Laventille West, let your heart not be troubled, because the old people have a saying, it is better you stay silent, those on the other side, than you open your mouth and confirm what needs to be confirmed.

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

**Hon. S. Young:** Madam Speaker, at clause 24(3) of the Bill it talks about:

“Where a notice is given...”—this is to the Commissioner of Police—“the Minister and the Commissioner of Police shall ensure the relevant officers are present at the scrap metal site to conduct inspections whilst the scrap metal is being loaded.”

Good legislation. So it is providing protection for the public, it is providing

protection for the scrap metal dealer and those involved that they will get a clean bill of health, once they are abiding within the confines of the law.

It also says at (6):

“Scrap metal in a scrap metal site may be held for five days for viewing by any member of the public, and the licensed exporter, upon written notice from any member of the public, shall afford that person a reasonable opportunity to view the scrap metal before loading for export.”

And this is the appropriate time to recount for the population what we had the Minister of Works and Transport tell us during the time when there was rampant theft taking place, that the Minister of Works and Transport told the population that metal had been laid down in a Ministry of Works and Transport site for work to be done and overnight was stolen from that site and found in the yard of a scrap metal dealer. So if you have the five days, it now allows people that opportunity to try and locate their property, to locate the church bell.

You then have at Part V: “Inspections”, Madam Speaker. And the Attorney General will deal with this because I believe there may be some amendments. So I will skip over to Part VI of the Bill, where for the first time and, again, kudos to the Attorney General and the drafts people of this legislation who took current government policy to draft and they have introduced for the first time scrap metal inspectors.

Madam Speaker, I heard the most—well, I cannot say the most, because you “does hear” a lot of it, a very disturbing proposition from the Member of Mayaro asking, designate public officers. So who are these public officers? Where are you going to find public officers? You pulling them from—that is simply not how it works and to come and to try and confuse the population. The population can be assured, as we heard the Minister of Trade and Industry say, that a proper

department is going to be built out to carry out the regulation of this industry.

You are going to have at Part VII, “Registers”. And then, importantly, at Part IX, “Offences”. And this is an area that the population is invited to take a look at, Madam Speaker, because you are seeing how serious the Government views this problem of the theft and the destruction of infrastructure, both private and public infrastructure that then end up as exports in containers, when you look at the types of fines, the types of sentences that can be passed when one is found guilty of committing an offence under this legislation. So, for example:

- “(4) A licensed scrap metal collector who fails to display his licence in the motor vehicle or goods vehicle used in his business as a scrap metal collector commits an offence and is liable on -
- (a) summary conviction to a fine of two hundred and fifty thousand dollars...”

So, in other words, do not engage in illegality.

Madam Speaker, we see that this is good legislation, the Government has thought it through, the Government has listened and the Government has produced this and I fully commend it to the population, through you. Thank you very much, Madam Speaker.

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

**Madam Speaker:** Member for Pointe-a-Pierre.

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

**Mr. David Lee:** Thank you, Madam Speaker, for allowing me to join this debate, the Scrap Metal Bill, 2022. Before I get into my contribution I will just like to rebut some of the information that the Member for Port of Spain North/St. Ann’s West would have put out there in his debate.

Firstly, Madam Speaker, let me just start off by saying the Opposition is

about good legislation.

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

**Mr. D. Lee:** We support good legislation. And we also support and we all agree that the metal Bill, the metal industry or the scrap iron industry needs regularization and needs regulating. Even the association, who is led by Mr. Ferguson, who is in the public audience today, is in agreement with proper and good legislation for the industry, Madam Speaker. So let me put that out in the table. What we are in disagreement with is that whether or not this piece of legislation that is presented here today can work for the industry of Trinidad and Tobago, Madam Speaker.

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

**Mr. D. Lee:** And, Madam Speaker, let me first start off, I listened to the Member for Port of Spain North/St. Ann's West intently.

**Madam Speaker:** Member. Now it is a time-honoured tradition thumping the desk. Banging the desk is not consistent with that time-honoured tradition. So maybe Members are stronger than they realize, but some of what is passing as thumping can constitute disturbing the proceedings, okay. So I will ask all Members to take a barometer on their strength. Continue.

**Mr. D. Lee:** Thank you, Madam Speaker. Madam Speaker, let me just start off by saying, again, the Member for Port of Spain North/St. Ann's West, and I listened to his debate very closely, intently, and I want to say after listening to what he presented here this afternoon, I want to say respectfully that the Minister does not understand the scrap iron industry.

Madam Speaker, they brought a piece of legislation here today, and I am going to repeat that we do not feel that it is workable, the association or the people in the industry does not feel this piece of legislation is workable in its current form



that is being presented here today. And I will show some concerns.

Madam Speaker, and I want to start off by saying, in my constituency of Pointe-a-Pierre, Claxton Bay area, I was not even aware until when this Government shut down the industry that the Claxton Bay area generates or earns, generates in that industry over 50 per cent. So it is a huge industry out of the Claxton Bay area and I do not know if it is because of the location close to the Forres Park waste environmental site, Madam Speaker. So I was surprised of the high employment that this industry generates for the Claxton Bay area. And besides generating employment and earning a revenue for the people of Claxton Bay, it is the lower end of the social strata that earns an income to keep sustenance, to keep a meal to feed their family on a daily basis, based on this scrap iron industry.

So this scrap iron industry is very important, not only for the country but certain parts—I would say for the entire country but especially certain parts of my constituent of Pointe-a-Pierre. So I listened to Minister Young—the Member for Port of Spain North/St. Ann's West, I apologize, Madam Speaker, when the Member referred to old people saying that, “when you pelt stone the person who bawl is the person to watch out for”. But I want to tell the Member the people who are hurting in this country are the people who get employment and earn a sustenance when this Government shut down the scrap iron industry in August. And we are crying and we are asking this Government for the good of the people, for the good of the industry, for the good of the families that this industry feeds and earns a living from, Madam Speaker, that please, maybe bring a piece of legislation that is workable to put back the industry on its feet. Because in its current form, if you were to take this piece of legislation in its current form, Madam Speaker, I would not be surprised that this industry will never open up

back again, Madam Speaker, based on the kind of legislation and clauses and licensing regime that is required.

Madam Speaker, the history of this scrap iron industry goes back beyond, especially, I would just say from 2001, for the last 20 something years, the industry has mushroomed to, I would say one of the revenue earners for this country, over \$200million. I also listened to the Member for Port of Spain North/St. Ann's West when he gave his debate, the Member talked about, it is a small minority of people who do illegal activity within the industry. And we agree with him. I think the association and the dealers association and the individuals that work in that industry, they also agree with the Member for Port of Spain North/St. Ann's West, that is why the association and the industry has been calling for, time and time again, regularization of the industry. So that things could be better for them, they can have proper banking information, they can go and have—well, something similar to the Gambling (Gaming and Betting) Control Bill, Madam Speaker, that the industry within the scrap iron area, that they can have better banking facilities and they can get better loan facilities, et cetera, et cetera.

**5.00 p.m.**

So, Madam Speaker, we have no problem with regulating the industry, but it has to be done in a way that it can bring back the industry to life and the 25,000-plus employees who earn a living can get back on their feet and earn a living to feed their families. That is what we are asking about. I think that is what the association has been calling for.

Now, the Member for Port of Spain North/St. Ann's West in his contribution, his entire 45 minutes, Madam Speaker, the Member keeps referring to the criminal element of the industry, Madam Speaker. There is and has been a criminal element, and we agree that maybe the type of strong regulations that are in

this Bill can maybe lessen the severity of the criminal element within the industry, Madam Speaker, and the association is happy for that. They are not against regulating the industry. The Opposition and the parties is not against regulating the industry, Madam Speaker.

[MR. DEPUTY SPEAKER *in the Chair*]

And one has to ask yourself, Mr. Deputy Speaker, given the state of the economy and given what has been happening in the scrap iron industry, especially in the last two years, is it due to the fact that under this Government we are really seeing that they have been hapless in trying to make our economy buoyant and give people sustenance? Because we did not have the level of criminality in this industry before, Mr. Deputy Speaker. It just talks about where we are as a country, especially the economy, Mr. Deputy Speaker.

So that when you shut down several industries or close down several industries within Point Lisas, in the energy sector which is close to Claxton Bay, Mr. Deputy Speaker, what you found happening is a lot of the males, the heads of the household, had to actually generate an income and a lot of them got into the scrap iron industry as a quick way of trying to feed their families and we cannot fault for them for that, Mr. Deputy Speaker. It talks about the state of the economy under this Government. Mr. Deputy Speaker, when this Government shut down the industry, I think on August 15<sup>th</sup>, and the industry has yet to be open back up, I met with Mr. Ferguson and his team as the Member for Pointe-a-Pierre. The Member for Chaguanas West, I invited him to attend that meeting. When you heard the stories, the personal stories from the individuals who came to that meeting, Mr. Deputy Speaker, especially in August when they shut down the industry and it was close to reopening of the semester term—and there were women in the audience who were actually crying out that where would they be

able to buy books to be able to send their children to school, Mr. Deputy Speaker. That is the reality, Mr. Deputy Speaker.

Mr. Deputy Speaker, the association is in agreement with regulation, but the association and the Opposition we are about feeding the families of that lower end of income. It plays a real role in feeding families, Mr. Deputy Speaker. I listened to a particular lady that day in that meeting, Mr. Deputy Speaker. She lives in the—the person lives in the Pranz Gardens of Claxton Bay, and how that individual was able to feed her family, Mr. Deputy Speaker, is literally go house to house collecting scrap, and then taking that scrap to a collector and the collector would pay the individual for that scrap, that material, and then that individual may be able to buy food for the day, to be able to feed her family. And I am sure the Government is not against feeding families, but when you look at this legislation in its current form all I am asking is that: Is it feasible, is it workable to get the industry back up operating?

Mr. Deputy Speaker, because that is why the association is here today, that is why there are over 25,000 individuals may be viewing today because they are hoping that the industry could be started up. Based on the Member for Chaguanas West, when he read out an article, the impression was given that in some form and fashion the industry would be restarted by the minimum, December 31, 2022, Mr. Deputy Speaker. And I, as the Member for Pointe-a-Pierre, I am asking: When would the industry be opened back up? We have no problem, I think the association has no problem with the ban on copper even though that could be done a different way, but at least open back the industry so that families could be fed, and husbands and wives and the head holds of the house can start earning a living again, Mr. Deputy Speaker. That is all we asked for.

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

**Mr. D. Lee:** That is all we asked for. Mr. Deputy Speaker, when we met in August with some of those collectors and dealers, and even the normal individuals who would collect scrap and sell, a lot of them took loans, Mr. Deputy Speaker, maybe just to buy a refrigerator at Courts, et cetera. And they were fearful that those items that they would have purchased, hire purchase, that they would have been taken away from them. And I am sure, since August to now, Mr. Deputy Speaker, if you do a survey a lot of those individuals, those homes and the families, would have had to give up things that they might have purchased via hire purchase or loan, depending on an income from the scrap iron industry, Mr. Deputy Speaker.

Mr. Deputy Speaker, so that is all we ask. We are not asking to entertain criminality. We want regulations, but we want regulations that are workable and be able to operationalize as quickly as possible. Up to today, the procurement regulation has not be operationalized, Mr. Deputy Speaker, and I hope that this Bill does not fall the same way like that procurement Bill.

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

**Mr. D. Lee:** Mr. Deputy Speaker, when you look at the flowchart of how this industry operates, you have individuals who might collect the material and they would sell it to a collector, the collector will then transport it to the dealers, Mr. Deputy Speaker. That is how I look at it in a very simplistic way. So you have the low end, the individuals who earn a living from collecting the material, scrap metal, Mr. Deputy Speaker.

Mr. Deputy Speaker, now you are asking—and maybe if you look at the Member for Port of Spain North/St. Ann’s West, I mean in a perfect world, Mr. Deputy Speaker, this legislation is like if we are in a perfect world, but this is not the reality of our industry at this point in time. And we might get there, but we

have to take the baby steps to get there, Mr. Deputy Speaker, and while we are doing the baby steps to get there at least families can be earning an income to feed their loved ones, and that is what we asked for.

Mr. Deputy Speaker, when you look at some of what is required, where I live I used to hear a gentleman, every other day he used to pass around. I never could understand what the van was saying, but it was basically, “Old scrap, battery buying,” Mr. Deputy Speaker. And I am sure there are individuals who would sell the battery to that collector for whatever item, maybe a \$20 or whatever. But the bigger issue there is that a lot of the homes in certain parts of Trinidad would have been happy that you have a collector coming around in your neighbourhood, collecting their waste, whether it is a battery, whether it is some scrap iron, et cetera, and they would not have to actually cart it away or get rid of it. Somebody comes to their home and they actually do that process of collecting that item.

What you are now asking the individual who is happy to get rid of that waste, for the collector to receive that waste, Mr. Deputy Speaker, those individuals must provide some sort of proof that they own the item. That is how I read it in the Bill. If I am wrong, I hope the Attorney General can clarify that. So that if you had an old battery—and I take that as an example—and then you have a licensed collector who is coming around—he has to be licensed—in a truck—and I am assuming that individuals can only sell waste metal or waste material now to licensed collectors—so you have to look and see that the individual is a licensed collector and that must be clearly shown on the vehicle. Those individuals, homeowners, who are happy to get rid of their waste, now have to produce, before the collector collects the item, from the reading of this Bill, they have to produce some sort of bill that they actually own the material or the matter before the collector can receive it legally, Mr. Deputy Speaker.

Now, how many of us really keep—I mean every battery I buy I would throw away the bill or whatever item. I mean, how—I am asking, let us be real, let us be realistic, when we are bringing legislation and make it workable for the people of Trinidad and Tobago, Mr. Deputy Speaker.

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

**Mr. D. Lee:** So I am asking: Do I now cannot get rid of my battery? Because if I lost that bill I cannot give it to the collector and the collector cannot receive it because it will become illegal to receive an old battery if the collector does not have proof of a bill from the person he bought it from. That alone, Mr. Deputy Speaker, is a cumbersome process. We have individuals, whether you like them or not, they have individuals who provide a service to Trinidad and Tobago. They earn a living, Mr. Deputy Speaker.

They go to the two dumps that I am aware of—maybe there are three, Beetham, Forres Park in the Claxton Bay area, and I think there is another one in the east, in the Arima area. They go to those particular dumps to try and earn a living for their family. So they collect material. The material that is collected from the dumps, they put themselves through hazards and they collect the material. And you have to admire these people, Mr. Deputy Speaker, because in our view they are earning an honest living. So they collect whatever waste material that they find in the dump, they take it to a collector, the collector pays them for whatever the type of material it is, and they barter, they trade. So they earn an income, they get cash and they are able to feed their family or buy something for themselves, Mr. Deputy Speaker. They provide a service, they earn a living.

Now, what you are saying, that the collectors or the site dealers cannot buy these materials from these individuals because the individuals collect it from the dump and the waste, they would have no receipt, no bills and they have been doing

this for years, Mr. Deputy Speaker. And we agree that these people are earning an honest living. But what becomes of that situation, Mr. Deputy Speaker? How are they to show proof of ownership that they got this material in the dump? I ask. So I do not know if the Attorney General can add some clarity or maybe shape the regulations or the Bill in a different way. So that is one issue that employees and people who earn a living, a great number of individuals, Mr. Deputy Speaker. Mr. Deputy Speaker, that is one aspect.

So I gave you two instances, the normal household, like us, who are happy to get rid of their waste, now they cannot do it unless they have some proof of ownership of whatever material they are giving to the collector. The collector cannot receive it unless they have proof of ownership or some document saying that, “That material—I purchased that material for X amount of dollars from Mr. X, Ms. Y,” Mr. Deputy Speaker. That is a reality we live in, and that is the kind of service that this industry was providing for Trinidad and Tobago. So we ask: How do we continue? Do we then collect waste in our households and what do we do with that waste because we have no proof of ownership? So, I leave that right there, Mr. Deputy Speaker.

Mr. Deputy Speaker, when you look back on the releases and comments made by the association, I would say, over the last six/seven years, they have always been about regulating their industry and they have provided some guidelines to assist the Government, and I do not know if this piece of legislation that is before us here today, Mr. Deputy Speaker, that it was fleshed out or had a discussion with the stakeholders like the scrap industry association, et cetera.

Mr. Deputy Speaker, one of the concerns I have with some of the clauses in this Bill—at least one or two that would impact on each other—is that if you are an individual that has a past criminal record, you cannot be part of this industry. I do



not know if I am interpreting it wrong and maybe the Attorney General can clear up that area, because there are many people who this industry affords a living who no one else will employ them, Mr. Deputy Speaker. That is a fact, Mr. Deputy Speaker. So this industry—ex-prisoners are able to make a living legally out of this industry. And what some of the clauses here are saying, you cannot be part of this industry if you have a checkered career, if you are a past prisoner or a past convict, Mr. Deputy Speaker, and we find that is very harsh.

Because where are you now telling these individuals, who are part of this industry, who have been earning a living, where do you ask them to go and seek employment? Where are you asking them to earn a living, Mr. Deputy Speaker? Where are they to be able to feed their families? That is the kind of industry that this was creating and working for the families of Trinidad and Tobago. That is reality Mr. Deputy Speaker. That is the reality of that industry. And the industry generates income, export income, and earn income for the country, Mr. Deputy Speaker.

So when you look at some of the clauses, you have to ask, and I keep saying it, Mr. Deputy Speaker, is it really workable or is it that this Government really does not want to open back up this industry? There is a need for the industry. So I know they understand the industry. I know they understand that there is a need for an industry. The industry provides a critical service for the country even in respect to environmental, Mr. Deputy Speaker.

Mr. Deputy Speaker, when you look at the “Interpretation”, clause 2, “dwelling house”, and I quote the interpretation of a dwelling house:

“‘dwelling house’ means any premises, including any complementary outbuildings and adjacent land...”

And I want to stress “and adjacent land”.

“...which is used and occupied as a place of residence;”

So, especially within my constituency of Claxton Bay, Mr. Deputy Speaker, there are a lot of individuals who would call themselves collectors and they now have to be licensed, and now you are asking them to—they cannot operate unless—if they were operating within the interpretation of what is here in clause 2, a “dwelling house” interpretation, these individuals literally have to go out of business. These individuals literally have to find some free land or go squatting on some state land that is far removed and is considered not a dwelling house, Mr. Deputy Speaker.

Now, I understand the issues with dwelling house, and I take that into consideration it could be a nuisance, and it could be a health issue, Mr. Deputy Speaker, but one has to remember some of these same areas that house presently sites for collection of material, maybe five/six years ago, or seven years, or 10 years ago, that particular area, Mr. Deputy Speaker, was not a dwelling area. It might have been an area that had no homes and these individuals might have used that particular area to start up their sites. And after years a lot of homes might have come in and then the entire interpretation of what is a dwelling house changes for these individuals, Mr. Deputy Speaker. So we have a concern with that. I have a concern as the Member for Pointe-a-Pierre, especially in the Claxton Bay area, Mr. Deputy Speaker.

Mr. Deputy Speaker, when I look at—

**Mr. Deputy Speaker:** Hon. Member, you have three more minutes of your initial speaking time. You can avail yourself to an additional 15. You—*[Inaudible]*

**Mr. D. Lee:** I would take it one time, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Proceed.

**Mr. D. Lee:** Thank you, Mr. Deputy Speaker. When you look at Part II in the

“Licensing”, and clause 3—clause 4(2), sorry, Mr Deputy Speaker, 4(2), and I want to quote:

“A person who has been convicted of an indictable offence under the Dangerous Drugs Act or the Proceeds of Crime Act shall not be eligible for a licence, unless the conviction has been expunged under the Dangerous Drug Act.”

And that is what I mentioned previously, Mr. Deputy Speaker, that there are individuals who are trying to reform and trying to reformed themselves by being in this industry, and if they have been convicted of an indictable offence they can longer be part of this industry. So I hope that we understand what the industry—you are trying to get the criminal element out of it, Mr. Deputy Speaker, but you can also hurt those individuals who are reforming themselves, and this is the only industry that can give them a lifeline, Mr. Deputy Speaker. I think that is heartless by this Government not to take that into consideration, Mr. Deputy Speaker.

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

**Mr. D. Lee:** And I ask—I actually plead with the Attorney General to maybe consider some adjustment to this, Mr. Deputy Speaker.

Mr. Deputy Speaker, I want to just, before my time is up—I did not expect to take so much time. Again, I want to agree with my colleague, the Member for Mayaro, who did an excellent opening contribution for the Opposition—

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

**Mr. D. Lee:**—that the licences are for one year. Now, one year, 12 months, fly at the snap of your finger, Mr. Deputy Speaker, and you are now asking these individuals, whether it is a collector, whether it is a site dealer, every year to renew your licence and you have to put things in place to start renewing your licence. So, you might literally have nine months out of your 12 months before you start to get

worried about renewal of your licence. So you might have to start to actually start the process three months before your 12 months lapse because you do not want your 12 months to go over, your annual to go over and you are not renewed, Mr. Deputy Speaker, because that can do damage to your business and it can do damage to earn a living. So I, like my colleague for—MP Mayaro, if the Attorney General can look at that annual licensing issue, Mr. Deputy Speaker.

Mr. Deputy Speaker, I want to talk a little bit about the “Non-transferability of licence”, and that is, I think, clause 14(1).

“A person to whom a licence has been issued under this Act is prohibited from transferring or assigning the licence to another person.”

Now I ask, not only individuals—I can understand the individual aspect, not being able to transfer a licence because the licence would be in his or her name, Mr. Deputy Speaker. But if it is a company operating under a company name and that licence is registered to John Doe Limited and the dealer of that company is bought out or sells the company, why does the licence not automatically go with the business? Why will it be non-transferable as a company, Mr. Deputy Speaker? So, I do not know if the Attorney General could look or maybe explain to me why that is not possible, to be able to transfer a licence if it is in a company name, Mr. Deputy Speaker.

Mr. Deputy Speaker, again, I talked about the collectors, I also want to agree with my colleague for—MP Mayaro, clause 16(5). When you look at the scrap metal collector there are certain things that the individual has to do to maintain that licence.

- “(a) not purchase or receive scrap metal from a person without verifying the full person’s name and address; and
- (b) obtain a signed and dated statement of ownership from the person that

he is—

- (i) the legal owner of the scrap metal; or
  - (ii) lawfully entitled to sell the scrap metal.
- (c) not off-load, store, pack or sort scrap metal at any premises that are not a scrap metal site specified in the scrap metal dealer's licence.”

I have no problem with (5)(c) Mr. Deputy Speaker. I mentioned and I would not rehash it about (5)(a) and (b) in that particular clause, Mr. Deputy Speaker.

Mr. Deputy Speaker, when you look at—again, I will come back to the industry, the individuals who work in that industry, for lack of a better word, it is a chaos industry, it is haphazard. They have individuals who have been dropped out of school, but they are earning a decent living, Mr. Deputy Speaker, to feed their families. And now you are asking in clause 21, “Scrap Metal Records”, a scrap metal dealer—and it also includes not only a dealer, but a collector. The kind of records that are being required to have in place before your licence is given or even to maintain your licence, again, that is a First-World status situation, Mr. Deputy Speaker, and we are saying we have no problems with proper recordkeeping but, again, we need to do the baby steps with this industry and they will come up to speed.

I am sure the association and the collectors will come up to speed, but when you are asking them from day one to produce these kind of records, Mr. Deputy Speaker, I think it is a little bit too much at this point in time. And I am sure that the individuals who work in that industry will come up to speed but they need some time. Mr. Deputy Speaker, when we look at inspection by the inspector, and as I come to a close, in clause 21—sorry, clause 24(5):

“Where on inspection of the scrap metal it is found to be fit for export, the Scrap Metal Inspector shall issue a fit for shipping certificate, as prescribed,

after the payment of the prescribed fee, and the certificate shall also be signed and dated by the police officer present.”

So what has to happen, and I am asking, I hope there is not a delay by individuals to put a layer of bureaucracy when it is time to export containers which have been legally signed off on, Deputy Speaker. So, I just that out as a part of the thing.

As I end, Mr. Deputy Speaker, I want to ask the Attorney General, 33(1), clause 33(1), “Administrative fines”, and I want to read, and maybe I am looking for guidance, Attorney General:

“Where the Permanent Secretary of the Ministry”—and I am assuming is the Ministry of Trade and Industry—“has reasonable cause to believe that a person has committed a prescribed summary offence, the Permanent Secretary”—of the Ministry of Trade and Industry—“may issue to that person a notice offering the person the opportunity to dispense with any liability to conviction in respect of that offence by payment of the prescribed administrative fine.”

Now, Mr. Deputy Speaker, I ask, and I do not know, I might be wrong, and I ask for guidance from the Attorney General, why are we putting that onus on the Permanent Secretary of the Ministry of Trade and Industry to be the judge and jury of prescribing fines or not prescribing administrative fines in that industry? Why do we want to put that responsibility on a Permanent Secretary? I ask because unless there is somewhere else that Permanent Secretaries can do this, Mr. Deputy Speaker, I do not know why we would want to put that responsibility of prescribing fines or not prescribing fines to the Permanent Secretary of the Minister of Trade and Industry.

Mr. Deputy Speaker, as I come to an end, this industry is a very important industry for Trinidad and Tobago. This industry is a very important industry for

the people of Claxton Bay, Pointe-a-Pierre, Mr. Deputy Speaker. This industry generates millions of dollars for this country. This industry generates a living, a livelihood for the lower level of our society of our country, Mr. Deputy Speaker. They earn an honest living, Mr. Deputy Speaker, but with this piece of legislation, as in its current form, we have an issue with it because we do not believe it would achieve what this Government wants to achieve with this piece of legislation, to sustain the people who live and earn a living from this industry. I thank you, Mr. Deputy Speaker.

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

**5.30 p.m.**

**Mr. Deputy Speaker:** Member for Lopinot/Bon Air West.

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

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you very much, Mr. Deputy Speaker. I first wish to begin my contribution by congratulating the hardworking staff of the Office of the Attorney General and Legal Affairs for putting together, in short order, a comprehensive policy paper to treat with the issue of the scrap iron metal industry in Trinidad and Tobago.

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

**Hon. M. Gonzales:** I wish to thank and congratulate the hon. Attorney General for the work that he has done over the last three months, in short order, to put together a very comprehensive and modern piece of legislation so that we, the people of Trinidad and Tobago, can tackle the issues in this industry which we have suffered for far too long which has threatened the stability of Trinidad and Tobago in so many ways, causing so many sectors in the national community and in the media for the Government to make the appropriate legislative intervention to tackle the issues in this industry.

Mr. Deputy Speaker, the Government through the previous speakers on this side, we have made it abundantly clear that we recognize the contribution that the scrap iron industry continues to make to the economy of Trinidad and Tobago and the fact that it continues to create employment opportunities for those vulnerable citizens in our society. But the issues that we are faced with in Trinidad and Tobago are no different from our partners in the region and all over the world. And what we are seeking do here today, Mr. Deputy Speaker, many of our partners regionally and internationally would have walked that road because they have faced the very issues that we are dealing with today.

Mr. Deputy Speaker, as a legislator, as a Member of Parliament, I always remind myself that my primary responsibility as an MP is to facilitate the passing of laws for the good governance of the people of Trinidad and Tobago. That is our role, that is our responsibility. And therefore, when we face serious challenges as a country, we must come here to put our heads together and pass laws for the good governance for the people of Trinidad and Tobago, and this is exactly what we are trying to do here today.

Mr. Deputy Speaker, I can tell you, that as Minister of Public Utilities, the utility sector has been one of the sectors in the national community that has been reeling under the effects and on the challenges and the criminality and the illegalities in the scrap iron industry. Mr. Deputy Speaker, so many of our citizens would remember just months ago, several booster stations all over Trinidad and Tobago, especially in central Trinidad and in east Trinidad, were vandalized as a result of criminals operating in the scrap iron industry. So many of our wells were being attacked. Constantly on a daily basis, we would see reports all over the national media of the infrastructure of the Water and Sewerage Authority being attacked, being vandalized by persons who are operating in the scrap iron industry.



On so many occasions, in Bournes Road, for example, and Santa Cruz and some parts of central Trinidad where we have seen the infrastructure that would have taken water into people's home were being attacked, depriving so many of our communities with water.

Mr. Deputy Speaker, I can tell you that within a short period of time, thousands of citizens all over Trinidad and Tobago would have experienced the inconvenience of their water supply being disrupted because of persons operating within the scrap iron industry. Mr. Deputy Speaker, I could tell you that within that short period of time, WASA would have expended over \$20 million in restoration activities to ensure that the water supplies to those communities who would have been impacted by these practices, that the water supply would have been restored.

I can tell you also, Mr. Deputy Speaker, not only the Water and Sewerage Authority but T&TEC's infrastructure has been under tremendous strain in this industry. Within a period of four or five months, poles in Fyzabad would have been cut down, costing the utility company \$60,000; poles in Penal, cable theft at Debe substation, cable theft at the St. Mary's substation, cable theft at the Pinto Road substation, all impacting upon the utility company's ability to provide electricity services to their customers. What should we do as parliamentarians? Sit and allow these things to happen, or should we invoke our constitutional power to come here and pass laws to tackle those very issues that are impacting the lives of our citizens?

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

**Hon. M. Gonzales:** I agree, and we all agree, that we have a number of our citizens and vulnerable citizens who would have gained employment and a source of income in this industry. And that is exactly why this legislation was passed to

ensure that there is a reasonable balance between those persons who are perpetuating criminal activities against the people of Trinidad and Tobago in this industry and those persons who are—all they are doing is seeking to gain a legitimate income so that they can feed their families. And that is the reason why we passed this legislation. That is what we are seeking to do, strike that reasonable balance. So that those who are inclined to perpetuate criminal activities upon the people of Trinidad and Tobago and attack the country's utility infrastructure and other infrastructure so that they can be held at bay so that persons who are inclined to operate within a well-regulated sector can continue to earn their living unabated.

Mr. Deputy Speaker, TSTT is one other state entity that suffered tremendous damage to the tune of 14 to \$20 million in illegal activities and vandalism and attack on their infrastructure, depriving hundreds of thousands of citizens of telecommunication services, especially from the Member for Mayaro, the first speaker on the Opposition Bench. A number of citizens in Mayaro were impacted where they had no access to telecommunication services as a result of the conduct of criminals in this industry. And I would have hoped and I expected that my good friend from Mayaro, as he led and opened the debate for the Opposition, to speak in defence of his constituents who have been impacted by thieves and criminals in the scrap iron industry.

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

**Hon. M. Gonzales:** And if he fails to do that, Mr. Deputy Speaker, as Member of Parliament for Lopinot/Bon Air West, I stand in defence of this Bill for the people of Mayaro who have been impacted by the illegal activities in the scrap iron industry. I do that.

According to TSTT, for the period March 2022 to July 2022, TSTT endured approximately 361 fibre breaks across Trinidad and Tobago with the largest

concentration being in the central and southern regions. In the central and southern regions, as at June 2022, TSTT had experienced approximately 90 acts of vandalism each month which averages to roughly three acts of vandalism per day. While the vandals are after copper, since they do not know the difference between copper and cable and fibre, they all end up cutting TSTT's fibre cable because they simply do not know the difference between fibre and copper. And whilst the fibre cables have no intrinsic value to the vandals, the cost has a serious impact on TSTT's business.

Restoration costs were extremely high, Mr. Deputy Speaker, averaging \$41,422 per incident as fibre breaks are particularly costly to repair. TSTT has spent, Mr. Deputy Speaker, approximately \$14.9 million to keep the country connected over the period March 2022 to July 2022. To give you an example of the problems, in 2016, there have been nine acts of vandalism; from 2017, it rose to 29; 2018, 68; dropped a bit in 2019 to 43; rose in 2020, 89; 2021, 325 breaks on TSTT's infrastructure; and in 2022, 427, depriving hundreds of thousands of our citizens with telecommunication services.

I can tell you, Mr. Deputy Speaker, is it strange, is it coincidental that since the Legal Notice was signed by the hon. Minister of Trade and Industry in August 12, 2022, there has not been one act of vandalism on TSTT's infrastructure, not one act? Is it a coincidence? I wonder. Is it that a simple act of signing a Legal Notice, WASA has not reported one act of vandalism on its infrastructure? T&TEC has reported not one act of vandalism on its infrastructure since the signing of that Legal Notice by the Minister of Trade and Industry.

**Hon. Members:** [*Inaudible*]

**Mr. Deputy Speaker:** Please, Member, you will have the opportunity. Okay. Thank you. Proceed, Member.

**Hon. M. Gonzales:** You see they do not like to hear the facts.

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

**Hon. M. Gonzales:** They prefer to come here and play populace politics, pretending as though they are the voice for the voiceless and the vulnerable, but they are nothing but empty vessels with nothing to offer to the people of Trinidad and Tobago. Nothing.

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

**Hon. M. Gonzales:** So to come here and to pretend as though you are fighting for the voiceless and those vulnerable citizens and the poor citizens in the scrap iron industry, we are telling you here, Mr. Deputy Speaker, we are telling the people of Trinidad and Tobago that this law is targeted at those who are bent on creating mayhem in the society whilst we protect the weak, the poor and the vulnerable. This is what this legislation will do.

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

**Hon. M. Gonzales:** And I cannot understand when one looks at the provision in this legislation, why would someone who is interested in operating within a legal and a legislative and a well-regulated framework will have any difficulty with registering as a collector or a dealer? Why would someone who is interested in operating in a well-regulated sector will have any difficulty or any challenge with a law enforcement officer or an authorized officer coming to their premises to inspect? Why would one have any difficulty with a piece of legislation that prevents criminals and those who are convicted of dangerous drugs and anti-money laundering offences from participating? Why?

Mr. Deputy Speaker, I am confident that as a Member of Parliament that this law, this piece of legislation that was presented by the hon. Attorney General is very reasonable, it is very justifiable and it will ensure that those who are bent on

creating mayhem in the society will be kept away from the industry and those goodly citizens, those law-abiding citizens who gain some source of livelihood and income from this industry, that they be allowed to continue to operate legitimately.

Mr. Deputy Speaker, as I have said, there have been numerous calls and I wish to quote from a Sunday *Guardian* report dated August 21, 2022 on this very particular matter, and I quote—and that is an editorial, not a report, an editorial of August 21, 2022, mere days after the signing of that Legal Notice:

“Apart from the thefts, there is currently no way to ensure that scrap iron dealers comply with health and environmental requirements...”—that—“are registered, or conforming with operating systems that are sustainable.”

And I quote again:

“Apart from the thefts, there is currently no way to ensure that scrap iron dealers comply with health and environmental requirements...”—that they—“are registered or conforming with operating systems that are sustainable.

This is mainly because the sector is governed by the outdated Old Metal and Marine Stores Act of 1904. The toughest penalties under this law are a fine on summary conviction of”—just—“\$1,000 and, in some cases, cancellation of licence, which are hardly deterrents in such a lucrative sector.”

So they have recognized, Mr. Deputy Speaker, that there was a legitimate purpose and that there is a legitimate need for this old piece of legislation of 1904 to be updated so as to treat with some of the contemporary challenges that are affecting the industry and that is why we are here.

But in reading, Mr. Deputy Speaker, the report from the Law Reform Commission which guided the drafting of this piece of legislation, I found it quite interesting when it says that the definition of old metals, talking about the case for

transformation and the case for updating this old 1904 piece of legislation, it said that:

The definition of “old metal” is antiquated and does not fully encompass scrap metal in its various forms. The criteria for the granting of a licence to deal with scrap metal is too lenient. Many scrap metal collectors do not adequately secure the load being transported in breach of the regulations stipulated in the Motor Vehicles and Road Traffic Act. There is a proliferation of unsanctioned scrap metal sites.

The Minister of Trade and Industry in her contribution earlier on told this Parliament and the national community that there are over 80 unlicensed scrap iron yards operating all over Trinidad and Tobago. I can tell you, Mr. Deputy Speaker, that on many of those sites, WASA pumps and motors were located. And I can tell you without prejudicing some of the ongoing investigation that some of those containers that were confiscated a couple of months ago and have been opened, quite a number of TSTT’s infrastructure and copper, and infrastructure belonging to T&TEC have been discovered in some of those containers on the port. And that is what we are dealing with here today.

We are not fighting the vulnerable citizens, we are not fighting those citizens who wish to operate legitimately, we are fighting criminals and those who dare to stand in defence of criminals. That is the battle that we are fighting. The report also says that:

There is a proliferation of unsanctioned scrap metal sites which are not properly secured and should be located away from the general public to prevent air, visual, thermal, water, environmental and noise pollution and health hazards during the transporting and sorting processes.

The last speaker from the Pointe-a-Pierre, as well the speaker from Mayaro,

stood a short while ago and questioning why the law is preventing dwelling homes from being converted into places for scrap iron operation. And I wondered whether the goodly Member for Mayaro will have absolutely no objection with his neighbour operating a scrap iron in his neighbourhood, next to his house. Is that the signal that we are sending in this Parliament to citizens across Trinidad and Tobago, that it is all well and good for your neighbour to set up a scrap iron operation next to you in a residential community, a place that has been approved for persons to live peacefully and comfortably? I wonder what messages hon. Members of Parliament continue to send to the people of Trinidad and Tobago. That is not the country that Dr. Eric Williams envisaged. Whom are they are speaking for? I wonder.

And I wish to remind hon. Members opposite that we live our lives and we operate under rules and regulations. Too often, we have problems of unregulated and illegal developments and illegal activities taking place all over Trinidad and Tobago, contributing to flooding and other incidents that impact the lives of our citizens and you stand here today and question why is the legislation seeking to prohibit dwelling homes from being converted into places to operate scrap iron operations. I find it to be quite shocking and quite unfortunate. Wish to be very diplomatic, it is shocking and very unfortunate. Because I can tell you. Mr. Deputy Speaker, I do not wish for any one of my neighbours to set up a scrap iron operation next to where I live, thereby endangering the lives and endangering the health of my neighbours and my family. It is wrong.

And all the law is saying, that wherever one wishes to set up a scrap iron yard, an operation to engage in scrap iron activities, one should simply make the appropriate application to the Town and Country Planning Division and the Environmental Management Authority to get the requisite approval where you can

designate an appropriate place for one to conduct that kind of activity. What is so objectionable about that? I want to warn hon. Members opposite to be very responsible in the position that you advance in this Parliament because certainly I do not believe that that is the message being conveyed to the people of Trinidad and Tobago.

Mr. Deputy Speaker, when one looks at this Bill, it is very difficult for one to come to the conclusion or for one to disagree that this Bill is not going to advance the interest of the people of Trinidad and Tobago. The first or the second part of this Bill, it talks about the need for the licensing of collectors and dealers, the eligibility for a licence, the Minister to grant, revoke a licence. And the hon. Member talked about the law proposing or giving the Minister arbitrary powers and I will go into some of these provisions to show that unlike what is being advanced and what is being advanced by Members opposite, the law does circumscribe the powers of the Minister in the exercise of his or her discretion with respect to the granting of a collector's or dealer's licence. The law does circumscribe the powers of the Minister with respect to the suspension of a licence and that before such suspension is made, a Minister should write and allow the licensee to make the requisite representation before such decision is taken. The process is clearly laid out within the Bill.

And if the Minister decides to suspend the licence, notwithstanding the representation being made or having considered the representation being made, nothing prevents a person from approaching the court and seeking to ask the court to review a decision of the Minister with respect to the granting or the revocation of licence. That is well-established legal procedures; well established. And therefore, to stand and give the impression that the law gives the Minister arbitrary and wide powers to the extent that persons who may be negatively impacted by the



decision of a Minister will not have recourse for judicial review or any kind of review of the Minister's decision is simply not true. It is simply not true. And therefore, I wish to commend the legislators and the drafters for including provisions that will allow the Minister to request and to require representation—

**Mr. Deputy Speaker:** Hon. Member, you have approximately three more minutes of your initial speaking time, you have an additional 15. Do you care to avail yourself?

**Hon. M. Gonzales:** I will take the additional 15. Thank you very much, Mr. Deputy Speaker. And it will allow persons to make the requisite representation before such decision is taken.

There is a provision, Mr. Deputy Speaker, in clause 4(4) of the Bill which speaks to the form for the application for a licence for a collector or a dealer. And it is in anti-money laundering, countering the financing of terrorism and financing of the proliferation of weapons of mass destruction, recognizing that there can be a correlation between the activities and the illegal activities in the scrap iron industry and actions relating to anti-money laundering and countering the financing of terrorism and countering the financing of proliferation of weapons of mass destruction.

Mr. Deputy Speaker, again, in clause 6, it establishes the licensing regime and the application process to be followed and it gives the Minister the power to make or to grant refusal as the case may be. But as I have said, those powers are not arbitrary, those powers are not wide to the extent that persons who may be impacted can be negatively—and will not have recourse to review.

As a matter of fact, if one looks at clause 7, the refusal to grant a licence, clause 7(b), it says as follows:

“where the application contains or is based on a false or misleading

representation or on information which is false or misleading...”—The Minister can revoke such a licence

And:

- “(b) to a person who –
- (i) is under the age of eighteen years;
  - (ii) is an undischarged bankrupt; or
  - (iii) has been convicted, during the period of five years immediately preceding the date of the application, of an offence...
- (c) where the applicant fails to satisfies any prescribed conditions; or
- (d) where he is of the opinion that the issue of the licence would be contrary to the public interest.”

So it does not give the Minister wide and arbitrary powers, it speaks to the occasions and the circumstances under which the Minister may refuse to grant a licence.

**6.00 p.m.**

Clause 8(1), “Renewal of licence”, and taking into consideration the power to renew licence, the clause provides that:

“The Minister may renew a licence granted under this Act where -

- “(a) the licensee is operating within the conditions, the restrictions or requirements subject to which the licence was granted;
- (b) there has been no change in the circumstances which existed at the time the licence was granted; and
- (c) the licensee has not been convicted of an offence involving fraud or dishonesty;”

The hon. Member for Pointe-a-Pierre gave the impression that when one is convicted or one has a criminal conviction, then that person is precluded or

prohibited from getting a license to operate as a collector or a dealer. That is simply not true, Mr. Deputy Speaker. It is simply not true. Because the Bill provides that it is where:

“A person who has been convicted of an indictable offence under the Dangerous Drugs Act or the Proceeds of Crime Act”—he or she—“shall not be eligible for a licence, unless the conviction has been expunged under the Dangerous Drugs Act.”

But you can be convicted of a criminal offence under the Summary Offences Act, under other pieces of legislation. Under the Larceny Act, you can be convicted of an offence. But the law, under clause 4(2), specifically states the offences for which one will be precluded from getting a licence. And therefore, the hon. Member, perhaps, did not read the clause properly to understand its purports and its effect.

So, therefore, I wish, again, to remove any doubt, any doubt that may have been created by the contribution of the Member for Pointe-a-Pierre that persons who are convicted of criminal offences will not be entitled to get a licence as an operator or a dealer. It is simply not true. The law was very clear on that; very, very clear.

Mr. Deputy Speaker, clause 11, “Suspension of licence”. I will make that as my final point. Again, I assure the citizens of Trinidad and Tobago and hon. Members opposite, that the powers granted to the hon. Minister of Trade and Industry, they are not arbitrary, but they are well established and one in which the legislation is seeking to have a legitimate compromise between those persons who would be precluded from operating and who may be intended to operate illegally within this industry.

And clause 11(1) talks about the suspension of a licence, and it states that

before a licence—

“...the Minister shall notify the licensee...”—before a licence is suspended.

“...the minister shall notify the licensee...of the proposed suspension.”

“...the Minister shall notify the licensee in writing of the proposed suspension-

- (a) stating the reason therefore; and
- (b) requiring the licensee, in the case of a breach, to remedy the breach within the...specified...notice.”

So it puts a responsibility on the Minister, before invoking the power of suspension, to inform the licensee that he intends to take action and to provide the licensee with an opportunity to correct whatever breach he may be involved in. And if that breach or action has been corrected, the Minister will not take the threatened action.

If the Minister proposes, in clause 12(1), to:

- “(a) refuse to grant a licence under section 7;
- (b) refuse to renew a licence under section 8; or
- (c) revoke a licence under section 9,

he shall give the applicant or licensee a notice which sets out what he proposes to do and the reasons for it.”

Responsible drafting of legislation by a responsible government.

And therefore, Mr. Deputy Speaker, before I run out of time, I would have preferred to go into some other provisions within the Act, but I can say, as my hon. colleague would have mentioned earlier on, the entire value chain has been catered for, from the registration and the licensing of collectors, the management of scrap iron places, regulating their operation, giving powers to police officers and authorized officers to go into some of these premises, to conduct whatever searches

or inspections, allowing the Comptroller of Customs or his legitimate officers to inspect goods before they are loaded on to containers for export, the entire process is well catered for, well regulated.

So, therefore, Mr. Deputy Speaker, the problems that we experience that would have led us here today to pass this legislation, we would ensure as we lay the foundation to allow legitimate operators to operate within the confines of these laws and regulations, that they be allowed to do so responsibly, to be allowed to do so legally, and those persons, that small group of citizens, who would have wreaked havoc on the people of Trinidad and Tobago, especially on our utility services, that they will not see the light of day to come back into this industry to tarnish the reputation of legitimate operators.

Mr. Deputy Speaker, I support this legislation. I regard it as good, reasonable legislation, and it will advance the cause of the people of Trinidad and Tobago. I thank you very much.

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

[MADAM SPEAKER *in the Chair*]

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

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Madam Speaker. Madam Speaker, it is a pleasure to join the debate at this time on a very important matter before the Parliament, the Scrap Metal Bill, 2022.

Madam Speaker, in my memory, this is probably the first Bill, in memory, that seeks to move, as an objective, our legislation from one century to another. We are moving legislation from 1904 to 2022, 118 years, Madam Speaker. And it is a signal moment when you repeal legislation in this way and you climb from one century into another. So, the new piece of legislation, the new Bill, one expects, would have modernity, would have reference to the principles of our time,

reference to societal values, economic realities of our time and not one century ago. And in my memory, this is really the first time I am involved in a debate that jumps a 118 years or so, by repealing legislation.

Madam Speaker, the speaker before me ended by indicating an overriding objective of this Bill to protect society from that small group of people that wreak havoc on the society. I was almost tempted to believe he was referring to the Cabinet of Trinidad and Tobago. But he was indeed referring to the issue of criminality and what led us to this major amendment, this Bill that seeks to repeal an Ordinance, which is criminality. And I think the Member for Port of Spain North/St. Ann's West spent a good amount of his time reflecting on that. But there are twin objectives here. One key objective is the objective of dealing with criminality; criminality which reared its head only in recent times, only within the last few years that we know of; the magnitude and intensity of criminal activity, dealing with scrap iron metals, and so on. But, of course, a twin objective is to modernize, to regulate an industry that appears to be prospering, that has benefits to our social and economic environment. So two objectives: one, criminality; one, modernization for social and economic benefit, because all the speakers before me spoke about the potential of this sector.

Madam Speaker, in dealing with this Bill, I spent some time studying, investigating, enquiring into the nature of this industry. And it is fascinating, if you look at the social and economic and labour market environment for this industry, it reminded me of the sugar industry, in that, at the lower end you have employees and operators, and so on, who are in elementary occupations, low income, menial and manual work, and so on. But at the higher end you have prosperous farmers, business persons, exporters. The scrap iron industry is an industry like that. It covers a lot.

The Attorney General—his time was, of course, limited—did not tell us if he had gleaned, if he had received information, statistics on the type of numbers this industry gives rise to. And I am told by persons in the know, I am told that we have in this country, Madam Speaker, more or less, because we approximate, 130 more or less, dealers in scrap iron. We have about 10 significant exporters of scrap iron. But we may have about 25,000 persons who are collectors of scrap iron and scrap metal. So, I asked, how is 25,000 a lot? Then I am told that this industry is called an absorptive industry, it absorbs you. When you lose your job, you are retrenched, you are thrown out of your formal employment and you go into the informal sector. You lose your work, you close down.

Now, this Government has, with monotonous frequency, been closing down industry after industry after industry. So naturally persons who are unemployed and trying to eke out a living, they go into these types of sectors to make a dollar. And this is why I am told that we may have as much as 20,000 human beings who can be classified as collectors of scrap metal. Now, that is a fascinating profile, economic and statistical profile, of this industry; meaning more people are engaged in this industry than the oil industry when it existed, or in the sugar industry. The sugar industry had 10,000 people, more or less. So, that is the first point.

Related to that, this matter of criminality, as industries close down, as the economy collapse, as they crash the economy within the last seven years, it gave rise to more and more people eking out a living in the scrap metal industry. And, Madam Speaker, that is important because the speaker before me said, I remember him in the booth, he said he would not want a neighbour to be operating a scrapyards next to him. I want to tell my friend from Lopinot/Bon Air, the Minister of Public Utilities, that when you live on the 10<sup>th</sup> floor—and you luxuriate on the 10<sup>th</sup> floor of a high-end Port of Spain West apartment—we do not expect you to

have a scrapyard next to you. We do not expect you to have the neighbour collecting scrap on the 10<sup>th</sup> floor of luxurious apartment towers and so on. But if you understand village life, rural life, country life, you could understand that even where you have scrap iron yards, do you know it is the young boys, generally male, the young men of that community who work in the scrapyard, they get employment, they get income? Christmas is coming here, had that industry been open, they would have enjoyed a better Christmas season, Madam Speaker. So, the scrapyard, like the plantation system, gave rise to income, to recreation, to fraternal relations in communities and so on.

Madam Speaker, I am speaking, because in my community, in Oropouche East and elsewhere, there are scrapyards. And yes, you go to a scrapyard, and when there is a holiday, for example, the day before a public holiday, they may have a convivial beverage and so on, with all the workers who are members of the community. So it gives rise to community relations. And the Member from Lopinot/Bon Air must climb down from those towers. Take your elevator and come down to the ground floor and understand the reality of this sector.

Madam Speaker, the Attorney General, of course, gave us some data, which we cannot argue with, the global figures and so on, and spoke about the importance of law. Let me say I had the opportunity had the pleasure, between the period 2010 to 2015, to participate in interministerial meetings dealing with this sector. The hon. Anand Ramlogan, Attorney General, maybe the best Attorney General this country has ever seen—

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

**Dr. R. Moonilal:**—cheered several meetings dealing with this sector, in which we invited members of the relevant association. I have in some way a knowledge of some of the issues.



Madam Speaker, another introductory point I wish to make is that on Friday last, the Attorney General laid the Bill in this House and announced in his statement that we will convene today. I can say, with some pride, but with some regret, that had it not been for the United National Congress and the Opposition in Trinidad and Tobago, the relevant association of scrap iron dealers would never had seen the Bill that we are debating today.

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

**Dr. R. Moonilal:** It is the UNC that gave the relevant association the Bill. And I was appalled. I had the opportunity to meet representatives of this association and I want to tell my colleagues opposite, when you are in government, good governance requires you to meet and treat with relevant stakeholders, to keep in touch, to embrace.

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

**Dr. R. Moonilal:** It is not that we are trying to, you know, “ramajay” and gallery, and so on. The natural, the real thing, the honest, this sincere thing to do is to meet and treat. And I was told that the relevant association never received a copy of the Bill, had it not been for the UNC and the Opposition in this Parliament.

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

**Dr. R. Moonilal:** Then I am told, Madam Speaker, that the association did meet with the Attorney General and other Ministers on the 23<sup>rd</sup> of November, in and around the 23<sup>rd</sup> of November, at which they were presented with a five-page document on some notes dealing with this sector. But the notes itself did not constitute a Bill. They were rough notes on what is being proposed, some of which are not to be found in the Bill before us today. I could not believe that an association that represents this sector—this is not where you have five associations and so on, this is one—could not be furnished with a Bill, a copy of a Bill, so that

they can study, they can make comments, they can issue a release if they need to and so on. And that is the first point I make on that matter.

Madam Speaker, I now have the good benefit of hearing several speakers before me. So there are some issues, there is no need to delve in and so on, because they have been raised by colleagues on my side. But I wanted to reflect in this phase as well, before I go into the Bill before us, I want to reflect on the Old Metal and Marine Stores Act, Chap.84:07, the piece of legislation that we are repealing.

Now, there are a few interesting points, Madam Speaker. I begin with the one that really bothered me for some time. I kept asking everyone who I could meet: What is this about this industry that they operate—what is it?—7.00 a.m. to 6.00 p.m.? So, can you not be engaged in scrap metal dealing one minute past six? What is that? It is found in the Old Metal and Marine Stores Act, 1904.

Now, at that time, I am not even sure they had electricity. In 2022, we were being told today by a Minister that we have to operate between those hours because those are the hours of light. So, apparently there is a blackout after one minute past six in 2022; no streetlights, no warehouse lighting, no spotlight, no, you know, those big lights they use on the highway? Imagine we pick and pave a road in the night, but we cannot conduct a business or trade in the night. Could you imagine that? So that, in 2022, we are saying that this business can only operate between 7.00 a.m. to 6.00 p.m., and at one minute past six, stop this business.

Then, we were told again that we are doing this because of criminality. Those persons who are stealing copper wire and ripping out the gates and the manhole cover and the beams from the Ministry of Works and Transport in Caroni, and so on, they operate in the night. But we have something called police. But I

thought we had police. I thought it was a crime to steal from a government installation like T&TEC, WASA, TSTT, Ministry of this, Ministry of that. I always believed that it was an offence to steal. I did not know that you only wait for the night. This suggests, which we said before, that the society is unpoliced. And you changing the law this way and bringing this piece of legislation does not police the society tomorrow. By tomorrow, when we pass this legislation, assuming we do, we will not have an efficient, proficient, skillful Trinidad and Tobago Police Service. It would be the same police service from yesterday. So, if you could not police the society in the last two years to prevent people from walking away with beams from the Ministry of Works and Transport, why do you assume by passing this legislation you would stop them? Law enforcement is the issue. It is not necessarily legislation this way.

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

**Dr. R. Moonilal:** I root that in the Old Metal and Marine Stores Act. Because, you see, Madam Speaker, in this piece of legislation, imagine 118 years old, it says that a police, a constable had power of entry and inspection. So, since 1904, the police can enter, can inspect, can look at a scrapyards, can see if there is anything suspicious, can even charge you if there is evidence of larceny and whatever. I am told that in 118 years “no police never search any yard or raid any yard.” So, why do we assume in the next 100 years they will do it? But the law was always giving police the ability to enter, to search, to inspect, once you have reasonable suspicion and so on, to look at the contents of books. I am not reading from the 2022 Bill. I am reading from the 1904 Ordinance. They had the power to permit a constable to inspect the book, metal, stores, answer all questions with reference to the records, the metal, the stores or the entries or the contents of a book. But that is the same thing we are coming with today, from 1904. What is the big deal? What is the

difference there? It is the question of enforcing the law; enforcing the law.

In this country, we have seen over the last 20 or 30 years, for example, there was a time when nobody in this country thought we could ever wear a seatbelt in a car. There was a time when people who enjoy smoking and so on, felt that they had a divine right to smoke in a room, in a restaurant, inside. There was a time when people felt they could consume liquor and intoxicating substance and drive up and down the place. That stopped. We had legal intervention, penalties and so on. All you had to do was introduce penalties for stealing these copper wires and government installations, harsh penalties, get law enforcement to enforce the law, patrol and so on, and “business fix”. The industry could continue. They came today with a Bill.

Madam Speaker, I am informed by the relevant association that if this Scrap Metal Bill, in this current form, is passed 90 per cent of this industry will be shut down; 90 per cent. My colleagues have already spoken about that critical issue of dwelling house and scrapyards. In communities, people conduct their business, they have their scrapyards in front their dwelling house. So, when you go in, you conduct all your business in the front and then you go back in the back and you live. Your house is there. In the same way, when people have a gravel pit, for example, in the construction sector, some people have their house behind a gravel pit. They have their gravel, sand and maybe one or two other materials and so on, and when they finish work, they just lock their gates and they go down in the back in their house. It is one property.

You cannot, in this time, you cannot be telling people—what happens to the scrapyards in my constituency, where a gentleman would have land in front his house, a significant amount of land, and he conducts his scrap yard business there and in the back he has his dwelling house, he has to close down? Fire the 25

people who are working for him? Twenty-five male, presumably, who are heads of household, have children, have their family to maintain, what happens to them? That is just one example, and I am sure we can find a hundred of that in Trinidad and Tobago. So, that dwelling house matter is a serious matter.

I would just run through the Bill now to pick out some other issues. Because my time normally flies faster than others, I feel. Madam Speaker, there was an amendment to the—the Attorney General came, and notwithstanding the boast about they brought this in good time, record time, three months and worked so hard, I think on his legs, he proposed about seven amendments. We had to quickly scribble down when the Attorney General was speaking. All of us had to quickly ask around for a lead pencil to write “quick”. What is he saying? What is he proposing? And I think he has introduced SRP now as authorized officers and so on. We had a serious issue with this scrap metal inspector. Who would be a scrap metal inspector? What is—and that issue remains.

What are the qualifications of a scrap metal inspector? We know what is on environmental management inspector. We know a police inspector. We now a public health inspector. What are the qualifications of a scrap metal inspector? To watch what? Old fridge, old stove, old fan, bed spring? What is the qualification? Are they from the industry? Are they from police? What are they? There was nothing spelt out. And today, by bringing an amendment as they did, they created the next problem. They said, “Listen, this is not just public service,” because there is a difficulty making people public officers in this way. So they realized that and there is a bureaucracy. They say, “Okay. This could be contract officers now.” So you are going to advertise in the newspapers for 20 scrap iron inspectors, scrap metal inspectors, as the case may be, what are their qualifications? Who are they? This is not spelt out in the Bill and that is a serious enough matter, Madam

Speaker. I move on again. And I am deliberately skipping over some things because I think my colleagues dealt admirably with many of the issues.

Licensing, this is an interesting point. Madam Speaker, I have in my possession, which I will not exhibit, because I did not seek or obtain your leave to exhibit, so I will hold in my hand and exhibit to myself. I have in my hand what is called an old metal and marine stores dealers licence. It is here. Now, this system that obtains currently is a decentralized system, Mr. Attorney General. It is decentralized. It is done by the person or the business, generally a business, applying to what is called the licence committee in a county. Initially, I am told magistrates would give these things solely. But now, apparently it is the committee. So the same committee that gives the liquor licence, that gives some other types of licence in the county, and so on, gives you this scrap iron, and I have two in my hands right now. A simple document, but it is decentralized by county, so it is put, official receipt, district, the name of the business, you have paid \$200, your address is that, the licence expires that and so on. Now, in a decentralized environment, you can get this relatively quick. Now, they are centralizing everything.

This Bill creates a “Minister of Scrap Iron”. Now, all of them qualify; all of them qualify. But this is creating a “Minister of Scrap Iron”. The only work the Minister of Trade and Industry has to do is scrap iron. I do not know if the Minister is aware of that when she spoke. She is now the “Minister of Scrap Iron”, Madam Speaker. And I will tell you how.

So before every district gives their licence, the person goes in his district, he finds the licence committee, he applied, he got his licence. Now, everyone applies to the Minister. The Minister—and we had a problem with that. I think a colleague spoke about that earlier. Why are you centralizing the Minister and

giving a Minister, a politician, the sole authority to approve licence, revoke licence, suspend licence, vary licence? A Minister, a politician. So, tomorrow, a Minister decides, the Prime Minister whispers to him, he says, “Hello, yuh see dis fella who talking so much in de newspaper and attacking de Government and so on, I understand he applied for a licence to operate a scrap iron dealership, deal with him fuh meh.” And that is how it is done.

**6.30 p.m.**

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

**Dr. R. Moonilal:** That is what they will do. They were running down the former Commissioner for firearms. They will run down people here for scrap iron dealer’s licences.

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

**Dr. R. Moonilal:** And if you have friends in your party and so on, and everybody want to get a dealer’s licence so you call the Minister, “Minister, entertain this for me. Look meh list.” As how they were texting people to give them firearms.

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

**Dr. R. Moonilal:** They will now text people to say, “Scrap iron dealer’s licence, we want this for this one, for that one, for the other one.” That is what they will do. So you cannot take powers like this and give unilaterally to a Minister, and then do as the Member for Lopinot/Bon Air West says. He said, “Well, if you bothered go to court.” Madam Speaker, in this country 1.2 million more or less people here, you know, everyone will be in court one day. Because the Government’s approach is, “I will do anything I want and you go to court.” That is the approach.

So, I have the two licences in my hand. Now, what happens now when you have 130 dealers who are going to the Minister and applying to the Minister for licence? The Minister has to deal with that. Now, let us say theoretically, the

Minister has to deal with it in a transparent manner with fairness, and according to law and so on, and principles of law. Madam Speaker, they also introduced a collector's licence. To my knowledge, there is no such licence existing today, Chaguanas West, called a "collector's licence". Collector is the man, or the boys, or whoever driving around in the pickup and giving the statement that Mr. Pointe-a-Pierre told you about earlier. "Ole battery and something buying or something." You could never understand that between these people asking for "dat" and people selling fish you "cyah" understand nothing. You "cyah" understand nothing.

So they come around the neighbourhood, that is a collector, 12,000 collectors have to apply to the Minister to get a licence. So the Minister sitting down in her office whole day and night dealing with 12,000 people with pickup van, and panel van, and whatever, they want a collector's licence.

And the dealer, he himself may have to get a collector's licence too because you could have both. Every vehicle operating must have sticker on the van. Well, I say the "van" because generally it would be a van or a truck. You have to have the licence displayed that you are a collector approved and so on. That could be thousands of licences.

The association made a recommendation, I wish the Government would take the recommendation. Now that you are centralizing this process, as opposed to decentralizing the process, why do you not give a licence for three years, so you do not choke the system by these thousands and thousands of applications for collectors, for dealers, for everybody? Three years, not bad. I thought that recommendation was a solid recommendation, Madam Speaker.

So you have now the issue of licence. The Minister has the power and I said that in other—in the Ministry of Energy and Energy Industries, I believe, there are



some processes where a Minister will approve a licence or approve something, but there is a committee that deals with it, that makes the recommendation. Surely, in this sector you can introduce a committee made up of representatives of the EMA, of the OSHA, of Town and Country Planning, of the relevant association. Call that a committee that receives applications, looks at it, studies it, of course, and make recommendations to a Minister. So just like in energy and in environment and so on, the Minister will sign off, but based upon a recommendation of a committee, not the sole power of the Minister. And this is troubling because they are going to create the “Minister of Scrap Iron” to do this, Madam Speaker. And in one year, thousands of licences to last for one year, and three months before the year ends, you have to go and reapply again. A businessman’s entire life is to apply for a licence renewal and—

**Madam Speaker:** Member for Oropouche East, according to the clock that is well within your vision, you have four minutes of ordinary time left. You are entitled to 15 more minutes additional time.

**Dr. R. Moonilal:** I accept the kind offer, Ma’am.

**Madam Speaker:** You may proceed.

**Dr. R. Moonilal:** Thank you. You see, let me skip a few things and move. So the first issue there I raised was the Minister’s overreach and power. And, Madam Speaker, linked to that is clause 12, which is a next abnormal clause. It says where you are aggrieved at what the Minister has done, you disagree with his decision and so on—hear this, if you disagree with the Minister, Madam Speaker, you can apply as an appeal process of some kind. You go, but hear whom you go to. I am at 12(7):

“...the applicant or licensee informs the Minister that he wishes to make oral representations, the Minister shall give him the opportunity of appearing

before, and being heard by, a person appointed by the Minister.”

Could you imagine? So here it is, the Minister makes a decision, you say, “I am aggrieved with this. I have been treated badly. I have been discriminated against. I want to appeal.” The Minister says, “Okay, appeal by this person who I am appointing.” That could be the Minister’s driver. And knowing this Government it may well be.

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

**Dr. R. Moonilal:** The Minister’s driver, the Minister’s personal assistant. That could be anybody in the Ministry. The Minister of Finance has been a regular visitor to the court on matters pertaining to conduct of business in relation to public officers. That is a fact. And, Madam Speaker, this is objectionable and it is indecent to have an appeal system where you appeal to a person appointed by the Minister. That is indecent. There must be another process in the Ministry where you appeal to some semi-independent, impartial person or body that you can speak to if you are dissatisfied.

Now, the Minister of Energy and Energy Industries told us earlier, he said, “Listen, we have to cut this thing down by six o’clock because in the night is when all this bad thing happen, criminality.” Do you know in this Bill—again, I stand corrected by the Attorney General or anybody—it says you cannot conduct the business of scrap iron dealing and so on, after six. But, you know, the Bill does not say that you cannot transport after six. So here you are, you can collect scrap iron by somebody, I imagine, even if it is illegal, transport it in the night and go the next morning bright and early eight o’clock and conduct business.

The Bill does not say that you cannot transport. It says you cannot conduct the business of dealing, of transacting, but you can transport, and this is the problem they point out that they wish to deal with because the society, they

believe, is unpoliced. Madam Speaker, we speak about mobile collectors and so on, and I think that is the normal scrap iron, scrap metal collectors that we were talking about.

There are several issues that I wish to raise that the Minister can, you know, reflect on, and it has to do, for example, with weekends and holidays. In this Bill before us, can you conduct the business of scrap metal trade transactions on the weekends or on public holidays when you often load?

Madam Speaker, I know the time limited. My colleague before raised the issue of how do you deal with people who are under the influence of liquor and so on, how do you deal with that, I will not touch that. You retain scrap metal for days. That has a troubling part of it as well, but it was there before, some parts of it.

Madam Speaker, and I give a perfect example. You know, unlike some of my friends opposite, I do not have the benefit changing vehicles every two days—every two years, sorry. So just today, I bought a brand new battery for an old vehicle that I currently use. That vehicle—the old battery, I am told, is in my vehicle outside the Parliament now. Now, what do you I do with this? I have to call someone to pick this up, that is a reality you have to do, but they cannot pick it up now because the industry close down. When it opens back, I have to get proof that I owned this battery for five years, I think. I have to get—then they have to take all the records from me, my passport and my ID card and so on. I have to verify ownership of this. And then the person collecting it by my gate, Madam Speaker, needs to put down on paper my date of birth, my gender, my race, my eye colour—

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

**Dr. R. Moonilal:**—my hair colour, the tattoo I currently have, my address,

telephone number. Madam Speaker, what is this? What madness is this?

We know of people, Madam Speaker, not only—I am not speaking on Members of Parliament, but some people could have a brand new head of hair today and tomorrow they baldhead. And it could be vice versa. Some people these days have pink, blue, green hair. You have to write down all of that as it changes. I make this point to tell you how foolish some of these provisions are.

The other issue, the association made a recommendation that since you are dealing with money laundering and we have a genuine interest on clamping down on illegal activities, why did you not put in some type of provision that cash payments should be \$1,000 or less, and over \$1,000 you do by cheques or by credit card purchases and so on. So you can easily keep a track, you can follow, you can do proper auditing and so on, of the businesses. That was left out completely from the legislation, Madam Speaker.

The export issue of course is a big issue now. Now, how do you deal with the export of scrap metal? You will have persons for example with an export licence. They may not be a citizen or even resident of Trinidad and Tobago, they conduct that business. I assume that can continue.

But, Madam Speaker, there is a phenomenal part of this Bill, and I will not have time in detail, where when you are packing a container, for example, to pack a container with scrap iron you need to inform the Minister seven days before in writing. I am told that you can have as much as 1,000 containers leaving Trinidad every month. That is 1,000 letters the Minister has to receive. Now it will be much less, because one dealer will have more than one and so on, but hundreds of letters. Letters must go to the Commissioner of Police, the Minister has to be aware of every container they are packing.

Madam Speaker, in the container they need to identify if is an old bed

spring, if it is a fridge, a stove part, the serial number of everything. Take a picture of the old iron that you used to iron your shirt with. You have to identify. This Government does not know what they are doing.

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

**Dr. R. Moonilal:** So the police now, the police who “doh” have time to respond to a murder or a larceny in the middle of the day have to go to and watch them packing containers in the day, not in the night because you cannot conduct this business in the night. So whole day the police have to go to watch people packing containers. That is what they giving the role of the police as.

Madam Speaker, the police are up to their neck. Customs, would you believe, Customs are saying that they operating at 30 per cent of their manpower requirements? You are giving Customs more work. You are giving police more work at a time like this, when police should be dealing the serious criminal offences, because you believe that there is something illegal here. But you can find another method of doing that, another method, because it says you have to write the Commissioner of Police.

This is the sort of issues that we raise and, Madam Speaker, you have to certify that it is “fit for shipping”. What is fit? I am looking at 24(5). That was an issue raised. What is meant by “fit for shipping certificate”? We have not heard of this. Who has to certify that? And what is the basis of certifying that? Then you have “Inspection of premises” and so on.

And today, there is another ad hoc, knee-jerk amendment that they flung out today, has to do with who inspects. First, the inspection was for what is called the authorized officials, now we are hearing SRP’s are also in a way inspectors who have to go and inspect scrap metal sites and so on. This is very cumbersome. It is unworkable. I mean, they can try it if they want and they will get a chance to try it

I am sure. But, Madam Speaker, a lot of matters in this Bill are just excessively bureaucratic. They sound good when you read it in that you put in place systems for a, b, c and d, but in reality it is not workable. Many of these provisions are not workable and I am very concerned that the Scrap Metal Bill, 2022, will suffer the same faith as the procurement legislation—

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

**Dr. R. Moonilal:**—where every three months we come back to amend, every six months we get an update that they are still putting in place scrap iron inspector, they are still putting in place registrar for revoking and granting licence and so on. I am concerned with that, Madam Speaker. They indicated, of course, scrap iron inspectors are now contract officers, Madam Speaker, so they can fast forward that. Madam Speaker, there is a part here scrap metal inspector: “Duties of Scrap Metal Inspector”, without saying the qualifications for scrap metal inspector.

“(c) certify scrap metal for export;”

How do you certify scrap metal for export? What is the criteria for that? It clean? It what—painted? It—what? It disfigured? How do you do that? There is no identification of what that means.

You have to:

“(g) tag scrap metal...”

Who is tagging scrap metal and what is the tag? Is it a barcode for every piece of iron that you put in a container? What are you tagging? You are tagging scrap iron, so the inspectors are now tagging scrap iron.

They:

“(h) give directives to the operator of any motor vehicle, goods...”—  
and service and so on.

What directives do they have the power to give, Madam Speaker?

Madam Speaker, it was related to me that in this modern day and age; modern day and age, we are talking about modernity. We are talking about up-to-date you know legislation. Why do not insist or put in law or devise some regime that where the exporters are packing containers and stuffing containers, as they use the term, you do not have it under CCTV coverage, as they do in banks, as they do in other financial business places and so on? Many people—even at your home, you have CCTV camera. Why could you now put in a regime where exporters, which is only about the 10 we are told and so on, would have a bay, and a bay where only at that place you can load containers and so on, and you put it under CCTV coverage and you keep the coverages for 60 days or 100 days as the case may be, so that an authorized officer can come and demand to look at your CCTV camera and your recording and so on, in the event that there is anything suspicious? Why can you not think of that? We are in 2022. But no, one minute past six you cut off all the work in this sector, Madam Speaker, because it is getting dark.

Madam Speaker, there are also issues that were raised with us concerning the fines. Fines have moved from \$15,000 to \$250,000 in one shot. Two years jail, three years jail, Madam Speaker. Then the Member for Pointe-a-Pierre dealt with the matter already. They are giving under clause 33(1), the Permanent Secretary in a Ministry, who is an accounting officer, they are giving the Permanent Secretary, they are giving his or her some judicial function. I am not sure you can give a Permanent Secretary, an accounting officer, a judicial function to determine whether people should not face criminal proceedings.

And let me read it, so we will be clear:

“(1) Where the Permanent Secretary...has reasonable cause to believe that a person has committed a prescribed summary offence...”

How is the Permanent Secretary coming up with that now? How is the Permanent Secretary coming with that?

“...the Permanent Secretary may issue to that person a notice offering the person the opportunity to dispense with any liability to conviction in respect of that offence by payment of...”—a—“fine.”

Could you imagine that? A Permanent Secretary can change in a Ministry with one millilitre of ink. You know that? A Permanent Secretary could change overnight. And the Permanent Secretary has a judicial power to determine whether a person committed a prescribed summary offence. Who is that a magistrate? A judge? This is unheard of. I mean, not even this Attorney General we expected to do this.

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

**Dr. R. Moonilal:** And our expectations of him were very low, Madam Speaker. So I “doh” know if they will tell us if there is a new breed of Permanent Secretaries operating like judges and magistrates now. The offences—well, I spoke to that already. Madam Speaker, I would have about two or three minutes, I suspect. There are other matters we can raise, but I will just indicate that I have dealt with the money laundering issue, the infrastructure.

Madam Speaker, this matter of the collectors, I just want to end by reflecting on that. Collectors can be thousands of persons. You are now saying that collectors of scrap metal, scrap iron must keep for a prescribed period. Whereas today, someone can move around in a community, pick up the scrap, go to a yard, dump it out, and get their money because that is what they are doing.

I am told in this sector there are single mothers who send their children to school to buy food, they collect scrap in a village, in a community, in a street, and they go to the scrapyards and sell it and earn a few hundred dollars to buy food.



Now you are telling them, first to begin they need a licence to do that, eh, a collector's licence.

Secondly, you are saying that they must keep it for 10 days or as the prescribed period. Where they are keeping that, in their basement? Where they are keeping that, on their roof? Not everybody would have space. When you are living in clustered areas, you know, HDC apartment buildings in some areas, you also are involved in collecting scrap. You "cyah" put it in your HDC apartment and keep it. You go immediately to the yard. So that you have to reflect on that as well. That creates another problem.

So, Madam Speaker, the criminality issue is a real issue. This is a country where when you drive around you see cables hanging from the sky, all over the place, because the society is unpoliced, and that is why people have been able to do that. There has been a demand for it. Of course, there is a demand for it. But to solve that problem you do not create another myriad of problems by just tampering with something that has so far been working. You could have dealt with the criminality matters alone rather than trying to destroy the way of living of thousands and thousands of people, while a small minority of people are involved in theft, in larceny, in raiding government officers to get scrap iron, in stealing and so on. That is always the minority. It is not the majority. So we ought not to destroy an entire industry by trying to fashion legislation like this without thinking of the dynamics and the environment of that particular industry that we operate in.

And this is the message that we leave, because I am sure we can find another method of dealing with this problem of criminality in that sector. And, yes, we admit increasing fines and so on will help. It will help in the circumstances but you cannot look at that in isolation from the bigger and broader picture of the social and economic distress to communities, to families, to households.

As it is now, we have no interest in—and I want to make the point very clear, we are not interested in delaying unduly the passage of legislation that will open up this sector.

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

**Dr. R. Moonilal:** We are not interested in that. We do not want to do this. We are making recommendations to the Attorney General to reflect on some of the issues raised, whether is dwelling house, role of Permanent Secretary, collector's licence, one year—we believe it is three years or so. We are helping you.

Today, the Opposition is helping you to make better law, that is what we are doing.

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

**Dr. R. Moonilal:** We are not here demanding that you stop and pelt away and start over and so on. You played wrong. It is like draughts, you know, you take long to play and when you play, you “play bad”. So you “play bad” and we bring the recommendations. So we wanted the Attorney General to see us today in this light as making recommendations to improve the Bill that is before us, and not to lead to detrimental consequences for persons in the industry. Madam Speaker, I thank you.

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

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

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

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker. Madam Speaker, I join this very important debate speaking on behalf of the vast majority of the people of Trinidad and Tobago, the vast majority of the 1.4 million of us, many of whom, as a result of the activity that is brought us to this pass, suffered silently for months, perhaps for years, Madam

Speaker.

The last speaker spoke about the 20,000 persons who make a living, according to him, eke out a living in this industry, and the Government has made it clear we are conscious of that proposition, and that we are taking this action in the protection of all. But I speak today for the many citizens, in larger number than 20,000, who would have been afflicted by the events that brought us here.

The Member for Oropouche East, in my view, Madam Speaker, in rather a comedian posture, trivialized the very serious businesses that brought the Attorney General to this House with these proposals.

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

**Hon. F. Hinds:** He won the laughter, and the desk beating, and the admiration of his other very, very joyous friends on the other side. But the Government maintains that these are serious matters. The Member comediated his way through, in my view, the question of criminalizing collection and all of the measures the Attorney General addressed in these Bills. But I want say to the Member and his laughing friends on the other side, that when we criminalized and made it an offence not to wear a mask during the heights of the COVID challenge to the human family across the globe, we saved lives. I want make it clear to my friends on the other side, laughing, giggling, as they have been all afternoon, particularly for the last 30 or so minutes, when we criminalized drunk driving we saved lives in this country, continue to save lives.

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

**Hon. F. Hinds:** When we criminalized driving wantonly without seatbelts, we saved lives.

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

**Hon. F. Hinds:** And the criminality that we are dealing with here now was

criminality that affected national security interests in Trinidad and Tobago.

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

**Hon. F. Hinds:** The Government responded as a sensible, serious, people-caring government should, we intervened and put an abrupt break on this situation. My friends on my side would have highlighted countless examples of the circumstances that were in the public domain.

Madam Speaker, the Member for Oropouche East spoke about a thousand containers a month. I want say to the Member that the police of whom he spoke, with an interest in it because they would have received hundreds of reports for citizens, state enterprises, T&TEC—WASA, T&TEC TSTT, a church with a bell, and others, we searched a handful—if he is talking about a thousand, I will describe those searched so far as a handful—and found containers filled with copper, Madam Speaker, and other issues other items which I will come to with greater focus in a very short while, in just a few of them in a matter of days. So you could imagine if the Government did not intervene with those thousands of which the Member for Oropouche East spoke, what would have happened to this space, Trinidad and Tobago?

And the police, their duty, according to him, is to watch containers. Well, that is part of the police's duty. Whenever there is corruption, and theft, and thievery, particularly challenging the national security interest of a country, the police should be involved because this affected critical infrastructure, radio stations, with their broadcasting equipment suffered loss, stations shut down. You speak to the thousands of people who could not get access on their Internet bands, those who could not get telephone communication, cell phone communication to their children who would have left since morning to go to school, your wife, wives, husbands who have gone to their respective workplaces. All of that is what we

were talking about. But the Member for Oropouche East here today, enjoying the support of his laughing friends, sought to trivialize these critical issues. Well, the Government is here to criminalize that.

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

**Hon. F. Hinds:** The Member made passing and comedian reference, in my view, to the question of keeping the material that you collect for 15 days. Madam Speaker, we are putting a system of inspections in place because there was grand theft in all of this. And the 15 days in clause 19(1) is simply to allow the inspectors or those who have a concern and those who would have suffered loss an opportunity to see what was collected, so that it would not be reconfigured, cut up, changed up, so that it becomes unrecognizable and lost forever in the mirth, UNC style.

**7.00 p.m.**

The Member spoke about CCTV cameras, but the Member is belittling the issue. You think CCTV cameras could stop a state valuator from overvaluing a piece of land from \$52 million to \$126 million to benefit someone? CCTV cannot handle that. Different types of crime—

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

**Hon. F. Hinds:**—require different types of policing. And this business here requires inspections, checking, logging and keeping records. That is what the Attorney General came to treat with today.

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

**Hon. F. Hinds:** And one could easily be mistaken to think that the Member's contribution was designed to stimulate and energize those who have other views, because bad habits and bad company likes friends, all fruits of the same poisoned tree. But the Government is responding to it.

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

**Hon. F. Hinds:** We too had several meetings with the scrap iron dealers and the representatives of that, and we told them candidly—and they agreed—that they should be regulated. And we told them what would come, and they went away with a complete understanding. And their leader told the country the next day, he was happy with the discussions that we had, and the way the Government had signalled it would be going. The leader and the spokesperson said that he was happy about it. Today, the Member for Oropouche East has a problem with our communication with them, and we did not show them a Bill.

And the Member talks about policing. Well, as Minister of National Security, I would like to see improved and more effective policing, 24 hours a day in Trinidad and Tobago, because we are having a crime problem across the board; crime and corruption. And that is why a priority for national security is to provide the training and the resources to further professionalize and to instigate the development of the policing techniques, using the scientific method, where necessary, so that the police service could do more.

I have the feeling, if the police service developed the ability and the capacity to do more, a lot of people who are shouting loudly in this country would have been shouting from another place, where they should be. So I support the idea that we should increase the numbers of police and increase the capacity of the police to conduct its work in Trinidad and Tobago.

Madam Speaker, the Member criticized the fact that we were bringing SRPs and estate constables, supplemental police officers into the platform of authorized persons. He criticized that, on the one hand, and then tells us on the other hand, that we should have increased and improved policing. You see how comedian this thing could be, Madam Speaker? They so look for reasons to make bacchanal and

confusion and to obstruct, Madam Speaker. They contradict themselves in the same sentence. On the one hand, criticizing the fact that we are asking the police and estate police to be part of the authorized officers who could check these out on behalf of the people of Trinidad and Tobago, to protect the national security interest of Trinidad and Tobago, and on the other hand tells us, we should have improved policing. Well, I really do think so, especially white-collar police. White-collar criminals should be pursued.

And, yes, we have brought supplemental police into this to increase the number of persons, particularly considering that it will take some time to get inspectors, more generally, on the job. And the idea is to get the industry going as promptly as possible, which the Government promised and said we would bring the necessary measures before the end of the year, and we are here today before the end of the year.

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

**Hon. F. Hinds:** And for that, the leader of the scrap iron industry indicated as well, very publicly, that he was happy about that. The only unhappy soul is the Member for Oropouche East. Madam Speaker, the Member criticized the question of licensing this regime, criticized that, and described the power given under this Bill to a Minister of government, the Ministry of Trade and Industry, as ministerial overreach. You hear fancy folly? Ministerial over-reach.

Well, I just want to remind the Member of two things. The relevant Minister grants licences under the Customs Act; the relevant Minister grants licences in the tourism industry; the relevant Minister grants licences in banking, financial sector, insurance companies; the relevant Minister grants licences in the energy and energy industries, in that sector; in national security; in health and in trade and industry. In many, many, aspects of the economy and the governance of this

country, Ministers, since independence, have been granting licences. And, interestingly enough, between '95 and 2001, and between 2010 to 2015, plus three months, when the UNC was in power, Ministers had the very power to do that; all of that.

And then whispered, along the way, that some of them are texting a former commissioner to grant firearm licences to people. Shameful. But I just want to say in passing that the last Commissioner of Police needed no help to do all that was done. But that is another matter—needed no help and then says that the licence should be for three years. Well, Madam Speaker, the Government considers, all things taken into account, that one year is adequate. In fact, in the existing law, the Old Metal and Marine Stores Act, section 4(3), the licence is also for one year. And in respect of an appeal, the ultimate appeal is to the courts. The ultimate appeal is to the court and, of course, in these measures, there is a duty to give reasons by the Minister why she would have revoked or varied or granted a licence. Let me just move on from the Member for Oropouche East. That was comic relief, in my view, and I would say no more on that.

The Member for Pointe-a-Pierre though, tells us that he does not believe, the UNC does not believe, that this legislation is workable. The Attorney General told us though, that this is an industry that was about \$82 million in expanse and in worth in 2009, and by 2021, it was \$285 million, a 248 per cent increase. This is not small business, this is big business. There are many businesses that never get past \$5 million for the year. This is big, big business and it is international in scope.

Madam Speaker, a lot of the copper, a lot of the metals that people lost, and you heard many myriad examples of it here today, found its way to a country far away from Trinidad and Tobago. That is why I, as Minister of National Security,



understanding the things I do, described it as a well-oiled transnational operation. And you have a situation where the Minister of Works and Transport—and you heard it earlier—reported that they demolished a building, all of the steel was there, a whole building. Somehow or the other, the thieves got a hold of it, and it can involve complicity on the part of state officials, people paid by the State, sworn by the State to protect the State. But the bottom line is, the thieves got their hand on the whole building. Fortunately, the Ministry got word and the police got thing, and they were able to recover it and take possession of it, but that is just one example.

We would have purchased those materials from somewhere outside, Third World as we are, and there we do not want to always be, at great expense. And then we steal it, those little people who are eking out a living, used by the big bosses in this international operation, steal it without understanding the implications—economic, national security, communications and otherwise—and it gets shipped abroad back to the same people who sold us, and then they reproduce the thing and then sell it back to you, little Third World country, at even higher US dollar prices, and so the impoverishment and the Third World status continue, and the big ones get richer and the little ones stay poorer. This is big billion bucks.

And if you ask the little people, that they pretend to be speaking on behalf of here today, they will tell you they get \$250, \$300 a day. They do not know that this is worth \$285 million. They are just the little pawns, many of them. And the big ones who get the wealth, the bulk of it, they are making the big millions. The little ones see no part of that.

A couple days ago, I was reading about a brand of chocolate—I cannot call the name from this platform—manufactured in a country that you will never see a cocoa plant growing. But for 500 years, they mastered the art of getting cocoa

from other places, tropical countries, and the cocoa is sent to them and then they add value to it in the economic process and package it in wonderful packages—

**Mr. Ratiram:** Madam Speaker—

**Hon. F. Hinds:**—and sell it right back to you.

**Mr. Ratiram:** Madam Speaker, I stand on Standing Order 48 (1), please.

**Madam Speaker:** Okay. So, Member, please proceed, I will give you some leeway.

**Hon. F. Hinds:** Thank you warmly, Madam Speaker. And that is just my example of the way this thing works for the benefit of public of Trinidad and Tobago. And, Madam Speaker, this Government, recognizing this, decided that we must do something about it. The Member for Oropouche East, just in passing, again, you know, speaking to his unwitting voter base, perhaps, he said that this Government crashed the economy—

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

**Hon. F. Hinds:**—when only recently, the Minister of Energy and Energy Industries, and the Prime Minister were able to tell us that by renegotiating our gas arrangements, we were able to win \$11 billion for this country—

**Dr. Seecheran:** Madam Speaker, Standing Order 48(1), please.

**Madam Speaker:** Member, continue.

**Hon. F. Hinds:**—where we reduced the deficit from 7 and 8 and \$9 billion to \$2.4 billion in the last budgetary outing, where we now boast of having six months reserve cover, as opposed to the three months that is the world standard.

**Mr. Charles:** Madam Speaker, 48(1). This has nothing to do with the scrap iron Bill we are discussing today.

**Madam Speaker:** Please continue.

**Hon. F. Hinds:** Thank you. And where we have kept 140,000 public sector

workers on the payroll. And the Member simply tells us that the economy crashed. Madam Speaker, let me get into some elements of the Bill and dismiss that as folly, comedian folly, as usual.

Madam Speaker, clause 34 deals with offences created by this law, this proposed law. Clause 34(1) says:

“A person who knowingly gives false or misleading information on an application for a licence under this Act commits an offence...”

In other words, the information you gave about yourself or the company must be bona fide. It must be real. And the Member for Lopinot/Bon Air told us about the prospects for money laundering and the AG told us that too. So, it is in this context—because, you see, money launderers use casino gambling and they use industries like this, because this is a cash business, to launder money for all kinds of purposes and therefore, the information that you provide to get a licence to participate in this should be bona fide. Good law, good measure, and I salute the Attorney General for this.

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

**Hon. F. Hinds:** Madam Speaker, 34(2) says:

“A person—

- (a) who carries on the business of a scrap metal collector without a ...licence;
- (b) who, having been granted a scrap metal collector’s licence, fails to notify the Minister of any alteration in the particulars...”—  
would also have committed an offence.

Similarly:

“A person—

- (a) who carries on business as a scrap metal dealer without...

licence...

(b) who operates a scrap metal site not specified in his licence;”

So, you cannot go and hide and carry out no behind the scene operation. You have to declare. If you want the protection of the law, you have to come with clean hands, bona fides. Accordingly to my Rasta brethren, “bon-e fide” [*Laughter*] “Rastafari, bon-e fide”.

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

**Hon. F. Hinds:** Madam Speaker, similarly, Madam Speaker, a person commits an offence:

“A licensed scrap metal collector who fails to display his licence in the motor vehicle or goods vehicle used in his business as a scrap metal collector commits an offence...”—as well.

I know of a case where somebody hid the logo on their vehicle. Why would a contractor building a house for a Minister of government block off the logo on the vehicle? Because they have something to hide. And this calls for transparency and openness. Whether you are building in Philippine or you are building in Diego Martin, transparency is what this is all about. Declare it all, if you want the protection of the law, come with clean hands and the law will protect you.

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

**Hon. F. Hinds:** So for those legitimate, honest, decent, hardworking elements of the scrap iron industry, they would be happy about this, because I heard the leader of that industry say, “There were a few criminals who made it bad for all of them.” So while the Member for Oropouche East and my friends on the other side pretend that the scrap iron dealers, the honest and bona fides ones have a problem with this, they are quite happy about it, because it separates the sheep from the goat, just like justice and righteous separates the PNM from the UNC.

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

**Hon. F. Hinds:** We are not like them, we are different. And that is why I told them at the beginning of this sitting, and you chastised me almost for it, Madam Speaker, when you asked me—what I was saying on the other side is that it is good—Madam Speaker, I am sorry. I am so sorry.

**Madam Speaker:** Okay. So, we would not go down that road.

**Hon. F. Hinds:** I am obliged.

**Madam Speaker:** Thank you, and I stand to remind you, you have four more minutes.

**Hon. F. Hinds:** I am obliged.

**Madam Speaker:**—of original time.

**Hon. F. Hinds:** I am obliged. Yeah.

**Madam Speaker:** You are entitled to 15 more minutes if you so wish to continue.

**Hon. F. Hinds:** I thank you and I should accept it, Madam Speaker. But I was really saying to one of my friends, my friends on the other side, it is good to be able to go comfortably to bed when the night comes without worrying that the police would be knocking on one's door.

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

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

“A licensee who fails to verify the identity of a person from whom he purchases or receives scrap metal commits an offence...”

Because if you are found with it, you need to be able to say where you got it. If you are found with a bell, you need to be able to say where you got the bell when you are asked. That is easy. Children know if you come home with a sharpener or a pencil, at least, some children, you have to be able to give your mother and your father an explanation for that, transparency and openness. It is so simple, so

honest, so clean and so dignified. You mean, my friends on the other side have a problem with that?

Clause 34(11):

“A licensee who fails to keep the proper records as prescribed under this Act commits an offence...”—as well.

And so the offences continue, and there are several others. And I urge those in the industry, once this law is passed, to make sure and keep close to you copies of it, so you will know what the score is.

Madam Speaker, as I indicated earlier, the authorized officer category of persons would now include a constable appointed under the Supplemental Police Act, the estate police, so to speak. And just to remind my friends, we have a private security Bill on the Order Paper for discussion, shortly, to bring the supplemental police into the policing element to support the State's effort in law enforcement in Trinidad and Tobago for the most part, and I expect my friends to support that.

Madam Speaker, the Bill contains 10 parts, as we all know, and it requires, fortunately, a simple majority and that is designed, in this way, to avert, to avoid UNC obstructionism in this Parliament. Because we know in advance, they seek to make populist noises and bacchanal every time anything comes here, especially if it requires their support. We know. So, I particularly like and commend the Attorney General for the way in which he structured this, to make it UNC-proof.

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

**Hon. F. Hinds:** And I have found that every time we bring measures to criminalize bad behaviour in Trinidad and Tobago, that is hurting even the national security interests, even their own constituents, we have to consider the criminals and we also have to consider the Opposition inside of this Parliament, because we have to win their support. So when we trying to get at the criminals, the UNC gets

in the way.

Madam Speaker, a “deal” as has been described in this law:

“(a) includes buy, receive or otherwise acquire, transfer, store, export, and sell or otherwise dispose of, scrap metal in the way of trade or business, whether by way of barter, pledge or otherwise, and whether as principal or agent; but”

And this is very important:

“(b) does not include a transaction relating to scrap metal which, by reason of the circumstances thereof, the parties thereto or the nature or quantity of the scrap metal involved therein, is an isolated transaction inconsistent with any form of dealing in scrap metal in the way of trade or business;”

Madam Speaker, I read that and I emphasize, as I did, because my friend from Oropouche East, comedian and comedienne as he was, did not understand, because he asked, you know, rather glibly and laughingly, jokingly. He asked whether the local government garbage collectors who pick up some metal would be exposed to punishment under this law. The answer, obviously, is no. The Attorney General was very careful to carve out and to say in clause 2, in the respect of the definition for “deal”, it does not include such transaction. It is so simple, Madam Speaker.

Madam Speaker, clause 4, I was very impressed with it, because I heard the Member also say that this Government is against scrap iron and we want to shut down the industry. No. Clause 4(1) says:

“A person or entity who—

- (a) is eighteen years of age or older and -
  - (i) is a citizen of Trinidad and Tobago;

(ii) is a permanent resident of Trinidad and Tobago...”

Because we are aware that there are persons, foreigners, who have set up camp in Trinidad and Tobago to facilitate this trade. They buy and receive and collect scrap iron in Trinidad to send to their principals outside. We know that. So, we say, you must be 18 years or older, a citizen, a permanent resident or:

“(iii) is a citizen of a CARICOM Member State, other than Trinidad and Tobago; or

(b) is a company, firm, partnership or co-operative society, may apply for a licence.”

In my view, Madam Speaker, those four conditions or five—yeah, four, are very liberal, very easy and the Government has put it this way in the law because it understands the need for this industry and gives support to it, a very liberal regime to enter.

And clause 4(2) says:

“A person who has been convicted of an indictable offence under the Dangerous Drugs Act or the Proceeds of Crime Act shall not be eligible for a licence, unless the conviction has been expunged...”

And so, it goes. So I just quoted that, Madam Speaker, to demonstrate the way the Government approaches it.

Madam Speaker, as a result of this, the police got involved, based on the reports that became known to it, and the police obtained the appropriate warrants, although these containers of which you heard, 91 of them, are on the ports of Trinidad and Tobago, but the police had interest in them. So the police went in with their team and, Madam Speaker, so far, the police have found \$1 million worth of steel poles, identified as belonging to the Ministry of Works and Transport; electrical cables valued, so far, of up to 400,000, T&TEC cables. No,



these are reports they got, I am sorry, reports of over \$1 million steel poles; electrical cables to the tune of 400,000; T&TEC cables, 300 million repairs, as you heard the Minister say. Police arrests went down. Police locked up quite a few people, about 162 people, for dealing with these illegal issues. Everywhere you go, you see wire hanging from the poles. As I told you, this is transnational, big business and turned out to be a threat to national security.

So, the police went in and on the 23<sup>rd</sup> of November, as recently as that, an investigation being operationalized, led by a woman police, Assistant Commissioner, to enter and search by virtue of the warrants they had and, Madam Speaker, at the port of Port of Spain, they began searching. They searched 13 of these containers; 13. And I want you to know, Madam Speaker, that two onshore 3-inch ball valves, identified to be the property of British Petroleum Trinidad and Tobago, valued at \$17,500 each, was found and seized in one of the containers. These items were processed for evidential purposes whilst enquiries continue. And, of course, when these pieces of equipment are stolen from our oil and gas installations, they create serious hazardous risks. But, of course, the big ones who benefit from all of this, could not care less where it came from, just bring home the loot, bring in the sheaves.

### **7.30 p.m.**

On December the 8<sup>th</sup>, in one of these containers, a mass, a container load of copper wires was found and seized, approximately 80 per cent of which have been positively identified to be the property of TSTT, with an approximate value of TT \$1 million. Again, these items were seized by the TTPS and enquires by the TTPS is underway. And at the same time, the Customs and Excise's Preventative Unit has also been carrying out certain enquiries in respect of the export of these copper wires, and this is being done under the Customs Act. On the same December the

8<sup>th</sup>, another container was searched and the mass container load of copper wires was also found and seized, approximately 50 per cent of which has been positively identified so far to be the property of TSTT, with an approximate value of some half a million dollars. Again, they were processed for evidential purposes and, again, the Customs and Excise's Preventative Unit is conducting enquiries in accordance with the Customs Act.

So, Madam, I just gave you a couple of examples of the reality of the circumstances, Madam Speaker, that the Government is fully aware of, hence the reason for the intervention by the Government. And I am absolutely proud, as I speak on behalf of the hundreds of thousands of citizens of Trinidad and Tobago, that this Government acted as responsibly and decisively as we did, got involved, arrested this situation, understanding the value of this industry and its importance to the little people who earn a dollar in it. We promised that in the quickest possible time we will return the industry to its legs. And I am very happy to know that the Attorney General and his support at his office worked hard, along with the other Members of the Government, not the least, those of us on the LRC, to have done the work that we have and to have brought these measures to criminalize elements of this industry in accordance with the expressed wishes of the honest, decent elements of the scrap iron industry who proclaimed happiness about it and, of course, doing so on behalf of the hundreds of thousands of persons who were made to suffer at the hands of the reckless, careless, "could not care less" people who were just out there pulling down important and valuable state assets to export our wealth, to export our communication systems, to export our safety and security for a few dollars more.

Madam Speaker, I support these measures. The people of Laventille West support them wholeheartedly and look forward to the support of my other

colleagues to bring order and justice and fairness and decency to the people of Trinidad and Tobago. I thank you.

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

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

### PROCEDURAL MOTION

**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. Madam Speaker, I beg to move, in accordance with Standing Order 15(5), that the House continue to sit until the completion of the matter before it.

*Question put and agreed to.*

### SCRAP METAL BILL, 2022

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

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

**Mr. Rudranath Indarsingh (Couva South):** Thank you very much, Madam Speaker, as I join this debate on the Scrap Metal Bill, 2022, and seek to put on the record—or try to correct, if I should say—some of the statements that have been made by the previous speaker, the Minister of National Security and the Member for Laventille West. Because in responding to my colleague, the MP for Oropouche East, he attempted to create a narrative that my colleague was being comical in his response and during his contribution Members of the Opposition Bench were laughing and giggling, and so on, Madam Speaker. But before I came to assume my position at the podium, there was a circulation of a list of amendments to be moved in the House of Representatives by the Attorney General and Minister of Legal Affairs in response to the very said Bill that the Attorney General piloted, and I found this to be comical. I found this to be indeed a comedy in terms of the Government's approach to this piece of legislation here this

evening.

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

**Mr. R. Indarsingh:** Madam Speaker, it is more or less as if I have a new Bill in my hand.

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

**Mr. R. Indarsingh:** The Bill seeks to amend—or the extent of the amendments will focus on clause 2, clause 4, clause 5, clause 7, clause 11, clause 15, clause 24, clause 25, clause 27, and delete and substitute a new clause, and also in terms of new Schedules, the First Schedule and the Second Schedule. Madam Speaker, I do not know if the main stakeholder, which is the Scrap Iron Dealers Association, has had sight of these amendments. And indeed, Madam Speaker, this is the track record, this is the approach of this Government.

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

**Mr. R. Indarsingh:** This is no laughing matter, Madam Speaker, this is a very, very serious matter. Indeed, it shows how the Government's approach has been for the last seven years in relation to governance and in relation to legislation in this very said House, Madam Speaker. It is one of “thinking it up as you go along”.

**Madam Speaker:** [*Desk thumping*]

**Mr. R. Indarsingh:** It is one of operating by “vaps”, and it reflects—it is a clear-cut reflection, Madam Speaker, that this is the most incompetent Government in the history of Trinidad and Tobago.

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

**Mr. R. Indarsingh:** Madam Speaker, I do not know, because the Attorney General has been shifting his qualifications and so on, in recent times, and I do not know if this is contributing to the list of amendments we have seen here this afternoon; “thinking it up as you go along”, as I said.

But I want to respond because it is important to put on the record, again, the Minister of National Security made a number of assumptions and conclusions and so on, Madam Speaker, and he indicated that the Government that he is part of is very serious and committed about saving lives, and when the Government passed legislation to deal with drunk driving, he played a very critical role in saving lives. If the Minister had any shame, if the Minister did a sense of introspection and reflection, the Minister would be the last to speak about saving lives because—

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

**Mr. R. Indarsingh:**—it is under—Madam Speaker, it is under the watch of the current Minister of National Security that Trinidad and Tobago has, today, the unenviable national record of this year seeing the most amount of our nation's citizens being murdered at the hands of criminals.

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

**Mr. R. Indarsingh:** And I would say, the ultimate responsibility lies with the Minister and also, by extension, the National Security Council of Trinidad and Tobago.

The Minister also spoke about critical infrastructure was being compromised in terms of Internet and telephone communication, and so on; all that is good. We in the Opposition too would be very concerned in terms of when these things occur in our society, in terms of its impact upon the citizens of the country. But, again, who is charged with the responsibility? That is the fundamental thing that citizens must take into consideration, who are looking on at this particular debate. Because if your apparatus is collapsing at TSTT and WASA, and so on, it is the responsibility—these are state enterprises, Madam Speaker, and it is the responsibility of the Government, from a policy point of view, to—

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

**Mr. R. Indarsingh:**—ensure that the national infrastructure and the infrastructure of the state enterprises are not compromised from the point of view of national security. I want to tell the Minister of National Security that the country’s national security apparatus collapsed under his watch and that—

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

**Mr. R. Indarsingh:**—is the state of affairs why these things have occurred, Madam Speaker, and we cannot leave it undone here this afternoon.

The Minister indicated that the consultation with the Scrap Iron Dealers Association was meaningful, Madam Speaker, and it was thorough and that they were indeed happy about this piece of legislation that is before this House, Madam Speaker. But I want to tell the Minister of National Security, how could they have been happy when they did not see the Bill, Madam Speaker?

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

**Mr. R. Indarsingh:** How? How on earth, Madam Speaker? And I see the Minister of National Security is in very animated discussion at this point in time. It shows his ability to not listen to the concerns of the stakeholders, which is the responsibility of the Opposition in terms of—in this Parliament here this afternoon. Madam Speaker, the hallmark of this Government has been one of, “you cannot trust this Government”, and this is what has happened to the Scrap Iron Dealers Association. They were outfoxed. They were conned by the Government.

**Madam Speaker:** I think you should find another way, Member, to say what you would like to say. So withdraw that and find another way. I know you are quite capable.

**Mr. R. Indarsingh:** Thank you, Madam Speaker. I am guided.

**Madam Speaker:** But I asked you to withdraw it and if you wish, you will find another way. So if you are guided, the first thing you would say is, “I withdraw.”

I—

**Mr. Hinds:** Indeed.

**Madam Speaker:** Member, Member, I really need no assistance. Thank you so much.

**Mr. R. Indarsingh:** And certainly, Madam Speaker, I was in the run up to indicating that I withdraw and, as I said, I am guided. The Government's mantra in their first year of office was one of, "let's do this together", and in fact, if my memory serves me right, in their first budget presentation the words or the tagline, "let's do this together", was mentioned 32 times in the budget presentation. It is now, "Let us do this alone. We are in charge and we do not care hell or high water. It is our way and we will be disdainful. We will treat the stakeholders in a very contemptuous manner and we will soldier on," but time is longer than twine, Madam Speaker—

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

**Mr. R. Indarsingh:**—and I will just leave it at that, Madam Speaker.

And, again, Madam Speaker, if you listened to the Minister in rebutting my colleague, the MP for Oropouche East, my colleague indicated that the Government had indeed crashed the economy. And the Minister went on to boast in his response that the Government was indeed not crashing or did not crash the economy. In fact, if you listened to him, you would think that the economy has been growing but, Madam Speaker, I will challenge any one of them here to get up and tell the national community that, indeed, over the last seven years we have not seen a collapsing GDP. We have not seen dangerous debt levels. We have not seen falling credit ratings. We have not seen depleted foreign reserves. We have not seen negative foreign direct investment, Madam Speaker.

**Mr. Al- Rawi:** Madam Speaker, Standing Order 48(1), please.

**Madam Speaker:** So, Member for Couva South, I think I have said time and time again not every tangential thing needs developing. So I am giving you a little leeway but this is not the subject of the debate. Okay? So quickly make your point and move on. This is not a budget or an economy debate. Something was said, something was rebutted, I am giving you a little leeway but we are not going down that road. Okay? Please.

**Mr. R. Indarsingh:** The bottom line is, Madam Speaker, the Government crashed the economy—

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

**Mr. R. Indarsingh:**—over the last seven years, and I leave it at that, Madam Speaker. The citizens will ultimately judge them.

The Minister indicated in his response also that it is the UNC, it is the UNC that is opposed or not in sync or supportive of this legislation. All my colleagues who have spoken here this afternoon, the MP for Mayaro, the MP for Chaguanas West, the MP for Pointe-a-Pierre, the MP for Oropouche East have said that indeed the Opposition is prepared to support legislation that will seek to regulate this industry, Madam Speaker. But we also want to ensure that it is a piece of legislation that is properly thought out—

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

**Mr. R. Indarsingh:**—that the Attorney General will reflect and listen to the recommendations that are being put forward by my colleagues when they made their respective contributions on the floor. And when I look at almost this new Bill that has been handed to us via the list of amendments that will be moved during committee stage, indeed the Government continues to treat the recommendations of the Opposition with a sense of contempt. They feel that they are in charge, they have the majority and at the end of day they will not listen to the voice of the



Opposition. And my colleague, the MP for Oropouche East, made it very clear that he met with the Scrap Iron Dealers Association. And following his meeting with that association, his contribution and that of my colleagues were in sync with the concerns that were raised with him during this meeting.

So, at the end of the day, Madam Speaker, it is not the UNC, but the UNC is utilizing the position here today based on our responsibility to voice the concerns of the operators because they do not have a voice within the parliamentary framework of—

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

**Mr. R. Indarsingh:**—the country, Madam Speaker.

Madam Speaker, my colleague also focused, in his contribution, on the issue that the industry reminded him of that of Caroni (1975) Limited in terms of the labour intensive nature of the industry, the wage structure and so on, and how vulnerable those were in terms of the persons who were working in this industry.

Madam Speaker, if you look at clause 21, it requires that a scrap metal dealer and a scrap metal collector maintain and store records, whether in written or electronic form, of his or her scrap metal business, and the records must include the following: detailed personal and contact information of any person or persons involved in a transaction or transactions; a detailed description of the scrap metal transaction concerning their purchase and sale; the price of the scrap metal; vehicle registration numbers of vehicles used to deliver scrap metal; and signed statements of ownership for scrap metal delivered, and daily cash reconciliation cheques and any money advancement. Madam Speaker, I have not heard from any Government Member in their respective contribution what the Government is prepared to do to keep the small and medium-sized scrap iron dealers in business, Madam Speaker. Because, at the end of day, the association has made it very clear in its present

form, 90 per cent of the businesses will be forced to close based on the onerous nature of this legislation and what the small businesses will be called upon to do.

I want to ask the Attorney General in winding up, if he or any Members of the Government—in fact, the Minister of Trade and Industry came and during her contribution, I did not hear of the Government's commitment to probably engage or focus on, whether COSTAATT, whether the Small Business Development Company or the National Entrepreneurship Development Company, and so on, will focus on training and development of scrap iron dealers from the point of view of focusing their training on dealing with daily cash reconciliation and so on, in terms of how—or the responsibilities that they will be called upon to focus on their scrap metal records, Madam Speaker. I hope that in their signals that they want the scrap metal industry to survive, that the Government may be willing to focus their whole policy in this particular direction, Madam Speaker.

Madam Speaker, if you look too at clause 24 of the Bill, it sounds very nice on paper where it provides that a scrap metal exporter must be given:

“...at least seven days written notice...to the Minister and the Commissioner of Police of his intention to load scrap metal”—and so on—“for export.”

Madam Speaker, whilst a colleague of mine touched on this particular point, Madam Speaker, I want to ask the Attorney General whether the Government is prepared to look at—or why they are asking the Commissioner of Police that a scrap metal exporter must give at least seven days' written notice to the Minister and the Commissioner of Police? At this point in time, the Commissioner of Police—in fact, we have an Acting Commissioner, we have Acting Deputy Commissioners of Police and so on, Madam Speaker, and we all know the challenges that the Commissioner of Police and the entire police service is being confronted with at this point in time in relation to the extent of crime that is

bedeviling our country. But it is important to relieve the office of the Commissioner of this burden; probably some other designated officer, whether superintendent of police or some other senior police within the framework of the police service division, Madam Speaker, and I hope that the Government will reflect upon the burden that they are placing additionally on the office of the Commissioner of Police. Because, indeed, this will mean, probably, hundreds of letters, thousands of letters that will go to the office of the Commissioner of Police from an administrative point of view.

Indeed, Madam Speaker, we also look at a “fit for shipping certificate” will be issued by the scrap metal inspector upon a successful inspection. At the end of the day, this is another form of bureaucracy and I feel that given what we have been exposed to in recent times where we heard that the whole application process for a certificate of character, that process collapsed, it was not working in the interest of the citizens of Trinidad and Tobago, Madam Speaker, whether this additional piece of bureaucracy, will it really be of benefit to the Scrap Iron Dealers Association? Will this additional layer of bureaucracy, will it be properly computerized? We continue to hear from the Government boasting of its digitization and digitalization thrust and the Ministry of digitization, but we do not have hope—based on their track record, we do not have that sense of confidence based on their track record that this will indeed redound to the benefit of all and sundry from the point of view of this particular piece of legislation.

Madam Speaker, I now want to move on to the very important issue—again, it has been touched by a number of speakers in terms of Part VI, which deals with “Scrap Metal Inspectors”, Madam Speaker. Clause 27(1) states that:

“The Minister may, by Order, designate public officers to be Scrap Metal Inspectors for the purpose of this Act, to inspect scrap metal sites at

reasonable times to ensure compliance with this Act or any conditions, restrictions or requirements subject to which a licence is granted.”

Madam Speaker, and if I heard correctly during her contribution, the Minister of Trade and Industry indicated that a proper department will be built out, but we did not get from the Minister a proper time frame, Madam Speaker, in terms of when this department will be built out.

And we did not hear from the Minister also, given the size of the industry, how many sites or how many scrap metal sites are there existing in this country, Madam Speaker. And how many—and I know that the Government may jump up and say that, “We are not dealing with the operationalization aspect,” but I think that we need—the scrap iron players, the operators, I think, need some kind of clarification that the Government is serious in terms of its regulation and its approach to give them that necessary confidence that they know of what they speak about in terms of how many sites exist in the country and how many inspectors may be needed that will give them the necessary comfort or provide the comfort zone that indeed the industry will be regulated in a very decisive and in a very efficient manner.

And the Minister in her contribution, that is the Minister of Trade and Industry, indicated that these persons, these scrap metal inspectors would enjoy contract positions or they would be contract officers and so on.

**8.00 p.m.**

In his contribution, if I heard him correctly, the Minister of Energy and Energy Industries indicated that the officers or the inspectors will be from the complement of SRP officers. It may also entail officers of the Environmental Management Authority and also public health inspectors.

The question begs itself, because we continue to hear about vacant positions

within these areas of Government offices, we continue to hear of existing vacancies, whether it is from the point of view of SRPs and public officers and so on, and we have not been told how many officers will be needed from the point of view of public officers. This is why we would ask, or seek clarification, whether the entities that have been identified, where the pool of Scrap Metal Inspectors will come from, whether their existing organizations or institutions will be compromised in the context of dealing with members of the public at this point in time.

Madam Speaker, we also were told, and when you look at:

“The duties of a Scrap Metal Inspector”—it—“shall be to -

- (a) examine the scrap metal site, facilities, and site equipment;
- (b) interview the staff working at the scrap metal site;”

**Madam Speaker:** Hon. Member, you have three minutes left of your original speaking time. You are entitled to 15 additional minutes to wind up your contribution, if you so wish.

**Mr. R. Indarsingh:** Thank you very much, Madam Speaker. I will avail myself. It may not be the full 15 minutes. But, as I said, that the duties, if we continue to look at the respective clause, it takes into consideration:

- “(b) interview the staff working at the scrap metal site;
- (c) certify scrap metal for export...”—and so on.

Madam Speaker, based on what we would have heard from Members of the Government, I do not know if SRP officers, if officers who are currently engaged by the Environmental Management Authority and public health inspectors, will they need additional training in this particular area that they will be called upon to fulfil the duties of a scrap metal inspector.

I think that the Government needs to clarify this, and I hope that the

Attorney General, in winding up, for the benefit of all and sundry, will bring clarity to this particular issue, because it may take into consideration the need for an additional duty allowance, Mr. Attorney General. If indeed these are public officers, public officers are represented by recognized majority unions. I want to ask the Government if indeed that they have held discussions with the recognized majority union, that will take into consideration or address the issue of secondment to this department that will now be built out or created, and which will fall under the responsibility of the Minister of Trade and Industry.

Madam Speaker, it also points to a contradiction, because one minute you will hear from the Government that the Government is committed to eradicating contract officers within the framework of the Government of Trinidad and Tobago. In this instance, the Minister in her contribution indicated that the new unit will be built around contract officers, and we are hearing now, or we would have heard, that they will come, or this unit will take into consideration officers who will come on secondment from established institutions within the framework of the public service of Trinidad and Tobago.

So, again, the issue has to be clarified for the benefit of all and sundry in the context of what we are doing today. Because, at the end of the day, Madam Speaker, this piece of legislation, the Government seems to pride itself. For me, it is a rushed piece of legislation, because the Government is under pressure. The Government—in the last seven years, 115,000 persons lost their jobs before the pandemic and—

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

**Madam Speaker:** Okay. So please continue—[*Inaudible*]

**Mr. R. Indarsingh:** Thank you very much, Madam Speaker. You see, it is important to get this right in the context of—the Government, as I said, wants to

pride itself. The Government wants to send a message to the population that it is on the side of the vulnerable, it is on the side of those who work in this industry. All well and good. But, Madam Speaker, when you look at the Government's approach, I feel it is a knee-jerk reaction, because certainly they have boasted, all the speakers, "We have returned. We have listened, and we have come up with this piece of legislation in three months." But then, as I said, it is a piece of legislation that will see in committee stage the vast list of amendments, and that for me sends a very clear message that this has not been properly thought of.

In that regard, we must ask the further question. It has been touched— my colleagues touched upon it. Chaguanas West dealt with issue of the power of the Minister. Oropouche East dealt with it too. But will the Government give a position on whether it will consider the appointment of a regulatory board, or an independent board, or an oversight committee that will report to the Minister in terms of its administering and oversight of this particular industry? And whether this independent board, or regulator, whatever term we may want, will it now have the responsibility of being broad-based, incorporating different sectors of the society, from the point of view of the environment, international trade, law, or any other discipline—I am not an expert, but I am pointing the Government to that direction—or any other specialist that will guide regulations to manage the day-to-day industry? Will the Government be prepared? In its mantra, that they seem to have thrown through the window, "Let us do this together," are they prepared to have a representative of the Scrap Iron Dealers Association on this independent committee that the Opposition is calling for? So, at the end of the day, Madam Speaker, we feel that the appointment of a regulator will lead to a universal faith in the system by the people who matter most, that is the scrap iron dealers themselves.

Madam Speaker, I have referred only to a sample of the clauses that we in the Opposition find either cumbersome, harsh or too authoritative. While it is good that the Government has brought the legislation, the Opposition is very clear. We are of the firm conviction that this Bill requires much more work and it is very clear based on the list of amendments that have been handed, have been circulated, and I will call that an ambush by the Government. If this current legislation is passed in its current design, the legislation would create confusion, administrative bureaucracy and will hamper rather than help the industry.

The Government has simply not done its work in drafting this Bill, and instead has clearly presented a very disorganized and arbitrary piece of legislation here this evening, Madam Speaker. It is simply not good law. It is lazy, as far as I am concerned, in terms of the approach of the Attorney General. And I will tell the Attorney General, go back to the drawing board. I thank you.

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

**Madam Speaker:** Attorney General.

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Madam Speaker, thank you very much. I will begin by acknowledging the remarks of the Member for Couva South, that it is a good thing that this Government has brought this Bill to this House.

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

**Sen. The Hon. R. Armour SC:** Madam Speaker, the Member for Couva South did me the service as well of alerting Madam Speaker and the House to the fact that I will be moving certain amendments during the committee stage. I am also thankful to him for alerting the House and Madam Speaker to that fact.

May I just indicate for the benefit of Members, so that the Member does not claim to be ambushed, that with respect to the amendment which I propose to make



to clause 25 of the present Bill before you, in subclause (2), which is to be replaced, I will be deleting the words in the second line of subclause (2), “with or without notice to the site manager”.

Madam Speaker, much has been said today by the Members on the other side with respect to the Bill, which is before this House, and it would be to do a disservice really to the substance of this Bill, it would be to do a disservice to the time that Members have spent in this House on serious business, for me to trivialize this Bill which is serious business, by rising to the bait of seeking to respond to almost 90 per cent of what has been said by the other side. Because what is clear from what has been said—and it was apt and appropriate that the last speaker for the other side admitted, that it is a good thing that this Government has brought this Bill. What is clear from what has been said by the other side is that this is opposition for the sake of opposition.

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

**Sen. The Hon. R. Armour SC:** May I thank the Members of the Government for the very learned and fulsome and detailed analysis, which they have given to the population of the Bill, which is before this House, and they have made my task in winding up comparatively easy, to the extent that I do not need to go through, in any great detail, much more of what has already been said by way of response to those few matters of substance which were raised on the other side.

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

**Sen. The Hon. R. Armour SC:** A couple of the matters which were raised, however, I think I should respond to, if only for the purpose of correcting the record.

So that, Madam Speaker will recall that the Member for Pointe-a-Pierre and the Member for Mayaro, and indeed the Member for Oropouche East, all pointed

to the fact that, and referred with some detail to the fact that they purport to be here today to speak on behalf of the stakeholders of the scrap industry in Trinidad and Tobago.

Madam Speaker, you will recall when I opened in my pilot to this Bill, that I spoke to the fact that there has been, and remarkably if I may say so, a significant degree of consultation that has been undertaken by this Government not least three occasions, which I have already pointed to in my pilot. I just want to put on record, which I did not do in my pilot, but which I think is now appropriate so that the circumstance not be misrepresented, I want to put on record the contributions which the Ministry of the Attorney General and Legal Affairs has recorded that it received from the stakeholders with whom the consultation was engaged. And Madam Speaker will recall I spoke to three consultations, one in August, one in October and one in November.

I will read in some detail the record of the responses which were provided by the stakeholders, and I will read it on both sides of the coin, those which were in support and those which were against what was being proposed by the Government. So the pertinent feedback which was received from the stakeholders included, removing the licensing system from the Magistrates' Court to the Ministry of Trade and Industry. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** Licences should continue to be annual. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** There should be inspection of the loading of scrap metal for export at the scrap metal site. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** The Minister should have the power to vary or revoke a licence. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** There should be a duty to keep records. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** There should be given a power of entry and inspection to certified officers. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** There should be the establishment of a database for the industry. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** There should be a process of identification of motor vehicles being used to collect scrap metal. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** There should be an increase in penalties. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** The practice of majority of scrap metal collectors and dealers to present identification at the point of collection or sale of scrap metal. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** Strong support, the stakeholders articulated, for the law to require collectors and dealers to present identification and contact details when buying and selling scrap metal. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** The clear majority of collectors and dealers requested and recorded customer contact information. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** The weighing of scrap metal before sale. We have not done that by this Bill but we will do it in the regulations.

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

**Sen. The Hon. R. Armour SC:** Cash is the preferred method of payment amongst both collectors and dealers. May I say the intention with the regulations is to allow a limit of a certain amount of cash and for electronic means of payment or cheques to be otherwise used.

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

**Sen. The Hon. R. Armour SC:** And continuing with the recommendations which we received from the stakeholders with whom we held consultations—to establish a centralized system to allow collectors and dealers to liaise with one organization. I dare say that the one organization—because at the forefront of the consultation was the learned gentleman, Mr. Allan Ferguson—I dare say the one organization in contemplation is the Scrap Dealers Association led by Mr. Ferguson.

To establish standardized processes to obtain a licence and for other scrap metal offences and matters. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** They expressed support for a collector to be able to offload at a licensed scrap metal site. That we have done by this Bill.

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

**Sen. The Hon. R. Armour SC:** That provision should be made for an export licence. We have done that, Madam Speaker, by this Bill.

Concern was expressed whether a scrap metal dealer can also collect scrap, and there is provision in that for the scrap metal dealer to function as a collector of scrap at the scrap metal sites for which he is licensed. So that we have done by this Bill.

Dealers should be able to alter scrap metal after eight, not 15 days. Madam Speaker, you will recall we proposed 15 days. They did not say, “No, you cannot keep it for 15 days.” They said, “Do it eight days instead.” So there was give and take. They were making proposals, as we made our proposals, and in the nature of consultation we were not bound to accept what was proposed to us. We stayed with the 15 days.

You will recall that I said, Madam Speaker, in my opening, that they had recommended the use of 24-hour CCTV camera systems instead of the scrap metal inspector. Well, we opted for the scrap metal inspector instead of 24-hour CCTV coverage.

Those aspects of their recommendations, which we did not accept were: they complained that the majority of scrap metal collectors sourced their products from roadsides, 99.6; households, 97 per cent; and landfills, 68.9, and that the scrap metal dealers collected and sold mostly non-functioning household appliances, and the statistics were given to us.

We took all of that into consideration. It is not that we ignored it. They gave us the information. We assessed it, we gave it all to the Law Reform Commission, and we asked them to take it into consideration in weighing the policy, which was to be brought to the Cabinet.

So, Madam Speaker, it is less than candid, on the part of the Members on the other side, to purport to stand here today to claim to be speaking on behalf of the Scrap Iron Dealers Association, when we in the Ministry of the Attorney General

and Legal Affairs have a very clear written record of what was the process of consultation and what were the engagements on both sides.

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

**Sen. The Hon. R. Armour SC:** In point of fact, I only, on the 12<sup>th</sup> of December, I noted—and I cite what I am about to cite, because there is one matter I would wish to correct. I noted a press release, which I will refer to, dated the 12<sup>th</sup> of December, 2022, a media release:

TTSIDA concerned over Scrap Metal Act.

It was published in the daily newspapers. The very first paragraph says—it is under the signature of Allan Ferguson, President. The very first paragraph says the Trinidad and Tobago Scrap Iron Dealers Association:

“...is pleased that the Scrap Metal Act 2022 is going before the Parliament on Wednesday which paves the way for us to move from an unregulated informal sector to a regulated sector standing side by side with other businesses.”

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

**Sen. The Hon. R. Armour SC:** That is the opening paragraph of the media release. The last paragraph of the media release says:

“As a result, we are urging the government to let good sense prevail for the people of this industry and by extension...”—the citizens of Trinidad and Tobago.

They do go on to say in the middle of the media release, that they are concerned that they:

“...need to...get permission from the Commissioner of Police...”—to be able to load scrap metal and to be able to conduct their business.

Well, all of us are obliged by law to get the permission of the Commissioner of

Police and the members of police service to go about our lawful business, so I do not see that as a complaint of any substance.

They went on to say in their media release, that:

“...after carefully examining the Bill over the weekend, we have found that some of these terms will not be in the best interest of those in our industry who are fully dependent on scrap metal for survival.”

So I find it odd, and I happen to know Mr. Ferguson. I have met with him on three occasions in the course of these consultations, and he was here today. I find it odd that the Members on the other side could purport to represent a state of fact which is simply not correct, as being representative of the truth of the process of consultation which we engaged in with the other side.

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

**Sen. The Hon. R. Armour SC:** Madam Speaker, the one correction that I wish to put on record, in relation to the press release which I have just referred to, of the Trinidad and Tobago Scrap Iron Dealers Association, dated the 12<sup>th</sup> of December, 2022, is in the last paragraph on page one. The media release consists of two pages. They say, it should be noted that the association was provided with only:

“...a Cabinet Note consisting of five pages addressing some of the terms stipulated in the new Act.”

Well, that is not correct and, indeed, I am grateful to the Member for Oropouche East who referred to the papers that he had been given by the Scrap Iron Dealers Association.

What we did, Madam Speaker, was we emailed—and I said this in my opening—to the Scrap Iron Dealers Association and all of the other stakeholders—because there were many others than just Mr. Ferguson’s association—a summary of what had been agreed by the Cabinet, when Cabinet met to approve the policy

of the Law Reform Commission. It would not have been correct, appropriate or, indeed—well, let me leave it at that. It would not have been correct or appropriate for me to have given to the members of the Scrap Dealers Association a copy of the Cabinet Note, which recorded the deliberations of Cabinet, and we did not do that. But we held a full consultation with them.

We went as far as to say to the Scrap Iron Dealers Association, when we met with them on the 25<sup>th</sup> November, we said, Cabinet met the Thursday before. The 25<sup>th</sup> November was a Friday, and I recall very clearly saying to the assembled members of the association, Cabinet met last week Thursday and deliberately referred this matter to the F&GPC, the Finance and General Purposes Committee, which is meeting next Monday, knowing that we, the members of the small committee, who were engaging in consultation, knowing that we were meeting with you, the stakeholders, on Friday, to enable us to receive from you, the stakeholders, your views, so that those views could be communicated to the Finance and General Purposes Committee on the following Monday, to then be put as a final position to the Cabinet, which met the Thursday after the 25<sup>th</sup> of November, when that policy was finally approved.

So I entirely, completely, and without fear of contradiction, reject the suggestion that has been repeated ad nauseam on the other side.

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

**Sen. The Hon. R. Armour SC:** That there has been insufficient consultation, That there has been misrepresentation by any Member of this Government, as to the seriousness with which it undertook this task. All of the Members on the Government side have made this point, and I repeat it almost as a swansong. We are concerned about three things with this Bill. One is to ensure that the industry is revived for the interest of the small people of this country who rely on it.



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

**Sen. The Hon. R. Armour SC:** We are concerned, secondly, that the resumption of that industry, in order to provide a livelihood to those persons who rely on it, should not be abused by the criminal element, and therefore we have taken the task of regulating that industry by the Bill which is before Parliament today.

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

**8.30 p.m.**

And thirdly, we have undertaken the task of regulating it in the terms that we have in order to protect the national security infrastructure of this country which has been pillaged over the past several months by that small criminal element. And let me emphasize, the small criminal element which has abused the legitimate business people—

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

**Sen. The Hon. R. Armour SC:**—small and medium business people of this country. And we took the decision, Madam Speaker—and here I wish to address, among others, the last speaker who accused me of being hasty, ill-prepared and other fine adjectival words. We took the decision to come to this Parliament knowing that this was and is a work in progress. But we had given the commitment, when I had, with the hon. Minister of National Security, we called a press conference either on the 12<sup>th</sup> of August or the day immediately after Legal Notice 164 was issued and we announced to the citizenry of this country that the ban was valid to the 23<sup>rd</sup> of February, 2023, but that I would report to the Parliament and to the people of this country by the halfway mark and I would do my upmost best to bring legislation to the Parliament.

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

**Sen. The Hon. R. Armour SC:** So that what I have done, with the very abled

assistance of the professional staff of the Ministry of Attorney General and Legal Affairs and the Ministry of Trade and Industry, is not hasty, it is in the interest of the people of this country to engage with them and to say to them as we bring this Bill to the people, now that we have brought this Bill and we are continuing to work with you to make it that much more appropriate for your regulation and for your safeguarding, to continue to work with us as we perfect it and as we build out the regulations. And it is, I believe the hon. Minister of Energy and Energy Industries in his contribution today, who emphasized the point that there will be partial proclamation of this Bill if it is passed in the Parliament today. And the reason why there will be partial proclamation is because we recognize that, this being a work in progress, there having to be regulations to regulate the industry, not all of that capable of being accomplished by the end of this year, which is a mere 17 days away or a 16 days away, we have given the commitment to the population and we intend to implement the commitment to proclaim enough of this Act and to deem it operational so that by Christmas small and medium players in the society can once more be operating their business, as Mr. Ferguson asked me, in the consultation that—

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

**Sen. The Hon. R. Armour SC:**—I had with him. In the presence of the Minister of Trade and Industry and in the presence of the Minister of National Security, Mr. Ferguson said to me, after thanking us for coming to them with a Bill—

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

**Sen. The Hon. R. Armour SC:** He said, “Can you at least get this Bill operational into law so that people can have something to eat for Christmas?” And I said, “We will do our very upmost to do that.” And that is why we are asking this House, not only to pass this Bill today but we will be advising Her Excellency the

President, pursuant to the Statutes Act and the proclamation section of this legislation when it becomes law, to enact specific sections of the Act to deem it in operation in relation to present licensed dealers, collectors and dealers who have licences under this current Old Metal and Marine Stores Act so that they can continue into operation until the 14<sup>th</sup> of April, 2023, so that they can continue to earn a living.

And let me just emphasize that as the date. My good friend and parliamentary colleague, the Minister of Trade and Industry, I think mentioned August inadvertently. The date is the 14<sup>th</sup> of April, 2023. That is the date to which we are going to ask this Parliament to allow this legislation to come into effect and to be deemed to be operational in the interest of ensuring that the people of this country—

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

**Sen. The Hon. R. Armour SC:**—can earn a living under this Act and not to be abused by that small criminal element, including some of those who are currently facing the force of law when all that is to be revealed will be revealed.

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

**Sen. The Hon. R. Armour SC:** So that, Madam Speaker, with those few words, I beg to move.

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

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

**Madam Chairman:** Okay? So, hon. Members, I would—I think it is prudent that

we suspend the committee for just, I would say, five minutes. We are awaiting the technical staff to come in. I think it will do us all well to take a little break and stand and stretch. Okay? So this committee meeting is now suspended. We will resume, let us say, at 8.45? Yes? All right. The meeting is now suspended, resume at 8.45.

**8.39 p.m.:** *Committee suspended.*

**8.39 p.m.:** *Committee resumed.*

**Madam Chairman:** So seeing no one has left—

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

**Madam Chairman:**—well, that is why we all stood up. Okay? So the committee meeting is now resumed. The officer is here. Thank you very much.

**Mr. Armour SC:** Thank you, Madam Chairman. And may I apologize to my colleagues, Mr. Harripaul went to the House of Representatives.

**Madam Chairman:** Okay. So, Members, we have a list of amendments and might I suggest that we take en bloc those where there are no amendments. Whip, you have any—no amendments, okay? Right? So can we agree that the ones that we have amendments, we take singly and the others where there are no amendments, we take them in block where possible? Okay? All right. Thank you very much.

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed:* That clause 2 now stand part of the Bill.

In the definition of “authorised officer”, after the words “a police officer,” insert the words “a constable appointed under the Supplemental Police Act,”.

**Madam Chairman:** Attorney General.

**Mr. Armour SC:** Thank you very much, Madam Chairman. I wish to propose a few amendments to clause 2 as have been circulated, Madam Chairman. One amendment to clause 2 which is an amendment to the definition of the word “authorised officer” which has been circulated.

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

**Mr. Rambally:** Madam Chair, we have no objections to this amendment

**Madam Chairman:** All right. So—

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clause 3 ordered to stand part of the Bill.*

*Clause 4.*

*Question proposed:* That clause 4 now stand part of the Bill.

In subclause (4)(a) delete the words “section 25 or 28, as the case may be” and substitute the words “this Act”.

**Madam Chairman:** Attorney General.

**Mr. Armour SC:** Thank you, Madam Chairman. I wish to propose that there be one amendment to clause 4 of the Bill which is at clause 4(4)(a). And in the last line of 4(4)(a), I propose that the words, “section 25 or 28, as the case may be” deleted and replaced with the words, “this Act”.

**Mr. Rambally:** No objection, please.

**Madam Chairman:** Thank you.

*Clause 4, as amended, ordered to stand part of the Bill.*

*Clause 5.*

*Question proposed:* That clause 5 now stand part of the Bill.

In subclause (7) delete the words “section 25 or 28, as the case may be” and substitute the words “this Act”.

**Madam Chairman:** Attorney General.

**Mr. Armour SC:** Thank you, Madam Chairman. I wish to propose that clause 5 be amended at 5(7). And in last line of subclause (7) the words, “section 25 or 28, as the case may be” should be deleted and replaced with the two words ,“this Act”.

*Clause 5, as amended, ordered to stand part of the Bill.*

*Clause 6 ordered to stand part of the Bill.*

*Clause 7.*

*Question proposed:* That clause 7 now stand part of the Bill.

- A. Delete the word “or” at the end of paragraph (c), and renumber paragraph (d) as paragraph (e).
- B. Insert the following new paragraph after paragraph (c):

“(d) where the applicant is not a fit and proper person, as prescribed, to be a licensee; or”.

**Madam Chairman:** Attorney General.

**Mr. Armour SC:** Thank you, Madam Chairman. I wish to propose two amendments to clause 7. The first amendment at clause 7(c), the word, “or”, “O-R”, be deleted after the word “conditions” and the “;”.

And there should then be a new (d) introduced after (c) which will read, “where the applicant is not a fit and proper person, as prescribed, to be a licensee; or”. And what was previously (d) now gets re-lettered, (e).

*Clause 7, as amended, ordered to stand part of the Bill.*

*Clauses 8 to 10 ordered to stand part of the Bill.*

*Clause 11.*

*Question proposed:* That clause 11 now stand part of the Bill.

In subclause (4) delete the words “the Scrap Metal Inspector” and substitute the words “an authorised officer”.

**Madam Chairman:** Attorney General.

**Mr. Armour SC:** Thank you, Madam Chairman, I wish to propose one amendment to clause 11. At subclause (4), the words, “the Scrap Metal Inspector” be deleted and substituted with the words, “an authorised person”.

**Mr. Lee:** Madam Chair.

**Madam Chairman:** Yes, Whip?

**Mr. Lee:** Just to seek clarity, through the Chair.

**Mr. Armour SC:** Yes.

**Mr. Lee:** It had “scrap metal inspector” before. Why are you enlarging it to “authorised officer” when the definition is so large with “authorised officer”?

**Mr. Armour SC:** It allows for a greater number of personnel who can perform the function of inspection. And authorized persons is defined in clause 2 so it is clear who the authorized persons are. It enables the Minister of Trade and Industry to call on a larger pool of persons to conduct the inspections.

**Madam Chairman:** Member for San Juan/Barataria.

**Mr. Hosein:** Thank you, Madam Chair. AG, is there a difference in the definition of an authorized person or authorized officer? In the definition section you have “authorised officer”. In the amendment you have “authorised person”. Is that a typographical error? Or is it—

**Mr. Armour SC:** Thank you for that, Member for San Juan/Barataria, and that is very eagle-eyed of you. That is an error on my part. I accept that correction. So that the word should be an “authorised officer” as opposed to “authorised person”.

**Mr. Hosein:** In the amendment.

**Mr. Armour SC:** In the amendment. Consistent with the defined term in clause 2, “authorised officer”, which we had earlier amended to include constable, et cetera.

**Mr. Hosein:** Okay.

**Mr. Armour SC:** Thank you for that.

**Dr. Moonilal:** It is an amendment to the amendment.

**Mr. Armour SC:** As it pleases you, Member for Oropouche East.

**Mrs. Persad-Bissessar SC:** Madam—

**Madam Chairman:** Okay? The question is that clause 11 be amended—sorry, Member for Siparia. I did not see you.

**Mrs. Persad-Bissessar SC:** In the same amendment—

**Madam Chairman:** Yes.

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

**Mrs. Persad-Bissessar SC:**—there was an issue raised about having a PHI, a public health—

**Madam Chairman:** Just a minute, could we have a little silence please so that I could hear the Member for Siparia.

**Mrs. Persad-Bissessar SC:** Thank you. Hon. Member, there was an issue raised, a concern with having PHI as one of these authorized officers, given that a PHI is, by definition, a contracted officer and therefore, if such a PHI had to come after his contract had ended, problems may arise or he is no longer there as an authorized person. There was an issue raised by one of my colleague. Have you considered it at all?

**Mr. Armour SC:** I did hear the issue arise. I do not think it makes a difference. At the end of the day, the definition of authorized officer allows for a pool of persons from whom, in his or her, as is the case now, the Minister of Trade and Industry can choose from those persons.

**Mrs. Persad-Bissessar SC:** I thank you, Sir. But in the definition of authorized officer—

**Mr. Armour SC:** Yes.



**Mrs. Persad-Bissessar SC:**—you have included a PHI as one of the pools that you are speaking of.

**Mr. Armour SC:** One of six. Yes.

**Mrs. Persad-Bissessar SC:** Yes. The concern is such an officer is a contracted officer and may be on contract whether short or long term and is no longer there to deal with matters that may have arisen under that person's watch. That was the concern raised, I think, by MP Paray.

**Mr. Armour SC:** Yes. Well, I think that that will have to be addressed at the time when the occasion arises. It does not affect the defined terms. If the person is available to discharge that function as nomenclature exists in the authorized definition, then that person can be called on. And that person, that functionary, does not exist at that time, then the discretion of the Minister will be exercised with those remaining in the definition of authorized officer.

**Mrs. Persad-Bissessar SC:** Thank you.

**Mr. Armour SC:** Thank you.

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

**Madam Chairman:** The question is that clause 11 be amended follows.

**Mrs. Persad-Bissessar SC:** Madam, why are these fellas grumbling? Why are they so unhappy?

**Mr. Imbert:** Nobody is grumbling.

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

**Madam Chairman:** Excuse me. Member. All right. Okay. And, Members, Members, I know we are all in a very good mood but I would want us to celebrate in fullest way. So let us get this done.

The question is, that clause 11 be amended as follows. In subclause (4) delete the words, “the Scrap Metal Inspector” and substitute the words, “an

authorised officer”.

*Clause 11, as amended, ordered to stand part of the Bill.*

*Clauses 12 to 14 ordered to stand part of the Bill.*

*Clause 15.*

*Question proposed:* That clause 15 now stand part of the Bill.

- A. Delete the words “Except for purposes other than dealing in scrap metal, no” and substitute the word “No” before the word “person”; and
- B. Insert after the words “scrap metal” the words “for the purpose of dealing in scrap metal”.

**Madam Chairman:** Attorney General.

**Mr. Armour SC:** Thank you, Madam Chairman. I propose two amendments to clause 15. The first amendment will be to delete the words from “Except”, which begins the sentence in the first line to the word, “metal”. So the words “Except for purposes other than dealing in scrap metal”, those words to be deleted.

And the second consequential amendment is that the word “No” remains but it is a capitalized “N” because the sentence begins with “No”. “No person shall transport scrap metal” and then to interlineate the words, “for the purpose of dealing in scrap metal” and then continuing, “unless he holds a scrap metal collectors licence issued by the Minister”.

**Mr. Lee:** AG, through the Chair, it is just what? English?—that we are just here rearranging the wording of that clause?

**Mr. Armour SC:** It is to provide for greater clarity. And, in fact, it was an amendment that I thought appropriate having listened to the Member on your side, hon. Member for Pointe-a-Pierre, Mr.—the Member from Mayaro when he spoke about the issue of transportation and clarity in the transporting. So it was a

contribution from your side which I thought would lend clarity by this amendment.

**Mr. Hosein:** Madam Chair.

**Madam Chairman:** Member for San Juan/Barataria.

**Mr. Hosein:** AG, I understand the intention of the amendment and the original clause as drafted in the Bill but I do not want to have a group of persons who may be unnecessarily captured by this particular provision. For example, let us say a regional corporation that normally would collect, it could be metal during clean up exercises and they would not be considered as scrap metal dealers, this is now giving a blanket restriction and any person transporting scrap metal.

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

**Mr. Hosein:** No. That part is being deleted. So AG is deleting “Except for purposes other than dealing in scrap metal”. That first sentence is being deleted.

**Dr. Moonilal:** Read how it will come.

**Mr. Hosein:** “No person shall transport scrap metal unless he holds”—so it will now read, “No person shall transport scrap metal unless he holds a scrap metal collector’s licence issued by the Minister”.

**Mr. Armour SC:** No. That is the second amendment, Member.

**Dr. Moonilal:** Okay. So you read how it will be.

**Mr. Hosein:** Read it, AG.

**Mr. Armour SC:** The amendment reads—

**Dr. Moonilal:** Right.

**Mr. Armour SC:**—when we delete and we introduce, reads, “No person shall transport scrap metal for the purpose of dealing in scrap metal unless he holds a scrap metal collector’s licence issued by the Minister”.

**Mr. Hosein:** Yeah. Sure. I take it, AG.

**Mr. Armour SC:** Yes.

**Mr. Hosein:** So that caveat will assist with the problem that I—

**Mr. Armour SC:** Yes. And the word “deal” is defined in clause 2 and clearly demonstrates that there are isolated— the subclause (b) in word “deal” as defined—

**Mr. Hosein:** Yeah.

**Mr. Armour SC:**—illustrates that persons who are operating on an isolated transaction, not dealing, are not required to have a licence.

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

**Mr. Hosein:** Thank you very much, AG. Laventille West, I am not speaking to you, you know.

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

**Madam Chairman:** Members. Members. Members, we are in the season of goodwill, so let us start here with a little goodwill. Okay? All right.

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

**Madam Chairman:** So the question is, now—if we disengage, I am sure we could reboot.

*Clause 15, as amended, ordered to stand part of the Bill.*

*Clauses 16 to 23 ordered to stand part of the Bill.*

*Clause 24.*

*Question proposed:* That clause 24 now stand part of the Bill.

In subclause (1) delete the words “, in the prescribed form,”.

**Madam Chairman:** Attorney General.

**Mr. Armour SC:** Thank you, Madam Chairman. I propose one amendment to clause 24(1), in the second line of 24(1) the words, “in the prescribed form,” be deleted.

*Clause 24, as amended, ordered to stand part of the Bill.*

*Clause 25.*

*Question proposed:* That clause 25 now stand part of the Bill.

A. Delete subclauses (1) and (2) and substitute the following new subclauses:

“(1) An authorised officer may, at any reasonable time, enter any scrap metal site specified in a scrap metal dealer’s licence during working hours or such other times as the scrap metal site is open to the public or otherwise in use by the licensee, for the purpose of the exercise of his powers under this Act.

(2) An authorised officer may, at any reasonable time, conduct inspections of any scrap metal site and may carry out any other examination as may be necessary to verify compliance with this Act and any applicable conditions, requirements or restrictions of a scrap metal dealer’s licence.”.

B. Delete subclause (3) and substitute the following new subclause

“(3) An authorised officer may, if necessary, use reasonable force in the exercise of his powers under this Act.”.

C. Delete subclauses (4) to (7).

D. Renumber subclauses (8) to (10) as subclauses (4) to (6).

E. Insert after the renumbered subclause (6), the following new subclause:

“(7) Where a Magistrate is satisfied by information or oath given by a police officer, that there are reasonable grounds for believing that an offence under this Act has been or is about to be committed in any dwelling house, he may issue a warrant authorising the police officer to -

- (a) enter, at any time within one month from the date of the warrant, the place named in the warrant with force, if necessary, and inspect that place;
- (b) detain a person found in that place in respect of whom there is reasonable suspicion regarding the commission of an offence under this Act; or
- (c) seize anything which may be of evidential value for the prosecution of an offence under this Act or any other written law.”.

**Madam Chairman:** Attorney General.

**Mr. Armour SC:** Thank you, Madam Chairman. We have six amendments to clause 25. The first substantive amendment is to delete the existing subclauses (1) and (2) in their entirety and to replace them with the new subclauses (1) and (2) which was circulated. And, as I indicated in my reply, in subclause (2) I wish to delete from subclause (2), line two, the words, “with or without notice to the site manager”. So that subclause (2) as amended now will read:

“An authorised officer may, at any reasonable time, conduct inspections of any scrap metal site and may carry out any other examination...”—et cetera.

Is, Madam Chairman, with me?

**Madam Chairman:** This is subclause (2)?

**Mr. Armour SC:** Subclause (1) and (2) are substituted fully.

**Madam Chairman:** Yes.

**Mr. Armour SC:** And subclause (2), with the new subclause (2), will now read:

“An authorised officer may, at any reasonable time, conduct inspections of any scrap metal site and may carry out any other examination...”

**Madam Chairman:** So you are taking out “with or without notice to the site

manage”.

**Mr. Armour SC:** “to the site...” Correct.

**Madam Chairman:** Right. Okay.

**Mr. Armour SC:** I am deleting those words.

**Madam Chairman:** Yes. Whip.

**9.00 p.m.**

**Mr. Lee:** Can we just take it as—

**Madam Chairman:** Yes. Yes sir.

**Mr. Lee:** Just to follow up, AG, on that new amendment within an amendment. Why do you want to remove giving notice to the site manager? Because you originally had it there and now you are removing it on the floor.

**Sen. Armour SC:** Yes.

**Mr. Lee:** You are making this amendment on the floor.

**Sen. Armour SC:** Yes.

**Mr. Lee:** Why do you want, because it is critical for the site manager, why you are not giving notice now?

**Mr. Armour SC:** Because, as I indicated in both my opening and my winding up, what we propose to do, Member for Pointe-a-Pierre, is once this law is passed today we will be asking Her Excellency to proclaim certain sections of the legislation. One of the sections we are asking her to proclaim will be Part V, clause 25. We are deeming—

**Hon. Member:** It still has to go to the Senate.

**Mr. Armour SC:** Of course. But we are deeming, we are asking this House to deem as operational certain sections of the Act so that persons who currently operate on licences issued under the Old Metal and Marine Stores Act can continue to operate into 2023 even though the build out, the regulatory build out and the

training and other things that have to be accomplished over the next several months have not yet been accomplished. And one of the things that we want to do by deleting “with our without notice a site manager”, we are not immediately imposing on sites which will be allowed to operate under this deeming provision, a site manager on site in this interim period.

**Mr. Rambally:** Hon. AG, in terms of the original Bill, 25(1), 25(2), the point I think to be made here, and this is where the concern is, that what is there in the original Bill clearly contemplates giving of notice. And when we get to the other proposed amendments, I know we are not there yet, it has an impact in terms of what powers can actually be exercised by the officer. So giving of notice is critical according to the original Bill, one is on notice and where it is otherwise than notice, there have been specified instances. So it seems to be a balance in terms of the exercise of the power under the original Bill which is not appearing in the amendments.

In the amendments it is an outright inspection of any scrap metal site with or without notice. There are no other conditions as in the original sections—original Bill, sorry, whereby it could have been for the purpose of verifying that there is compliance with the Act following instances of attempting to go on site. I do not know if I am clear, there has been a balance in terms of the exercise of power, whereas with the amendment it is not structured like that.

**Mr. Armour SC:** Yeah. The short point, Member, is that we are—to use a term that I frankly do not like to use, but it is apt here. We are operationalizing limited clauses of the Bill on the assumption that the House will pass it, and on the assumption that the Senate will accept our recommendations. And there will be not site manager in the period between now to April 14<sup>th</sup> when persons who are currently issued licences under the Old Metal and Marine Stores Act continue to



function. So there is no necessity, at this point in time, and it would confuse the issue to have a provision in clause 25 that requires notice to be given to a site manager when that site manager is not going to be in place between now and 2023.

**Madam Chairman:** Are you finished, Member for Chaguanas West?

**Mr. Rambally:** No. The issue is not necessarily the site manager, that amendment. The issue is that you are allowing the exercise of a power with or without notice. Whereas before, the giving of notice was there, at least to somebody, so whether it is the site manager or not is not my concern. My concern is that you are now saying it can be done with or without notice and the conditions that applied under the original Bill to be followed, it presumed that you would have reasonable attempts to give the notice. And in such instances where it failed, then you would move on to where you can go in on your own without notice, not in the amendments.

**Mr. Armour SC:** Well, two things, if I may? Two things that I hope you would appreciate as we go through the rest of the amendments—because we have not yet got to one of the amendments that is relevant to this. But having circulated the amendments before, you would have read the later section where there is a Schedule which requires persons who currently have licences under the Old Metal and Marine Stores Act on this piece of legislation taking effect, those persons will have to apply for a licence in the form that is prescribed in the Schedule, and that form has the person applying, consenting to the inspection taking place at any time within reasonable hours on the premises. So that there is no vice in the inspection on reasonable notice coming in—within reasonable times coming in with or without notice, because the operation of the licence is premised on the fact that the person will have applied for a licence, and by that application for a licence will have consented to the reasonableness of his site being inspected from time to time.

**Mr. Hosein:** Thank you very much, Madam Chair. AG, it is just a query I am going to ask, if you can just bring some clarification to this particular issue. At (1) we are saying that, the authorized officer will enter during the working hours for the purpose of exercise of his power under the Act. And then at (2), it is saying that he can enter with or without notice to the site manager to carry out examination to verify compliance with the Act and any conditions with regard to the licence.

Now, what is the real distinction between (1) and (2), save and except that one is entrance at the working hours and the other one it omits that the authorized officer can enter without going there in the opening hours?

So basically, at (1), he is given a wide discretion to exercise his powers under the Act. At (2), to verify compliance with the Act and to also look at conditions, requirement and restrictions of the licence are also matters under the Act. So really, there is no distinction between (1) and (2), so if you can just clarify what is the real distinction between subclauses (2) and (2)?

**Mr. Armour SC:** Yes, certainly, Member, and perhaps it would help if I read both of them. So (1)—25(1) reads:

“An authorised officer may, at any reasonable time, enter any scrap metal site specified in a scrap metal dealer’s licence during working hours or such other times as the scrap metal site is open to the public or otherwise in use by the licensee, for the purpose of the exercise of his powers under this Act.”

So the authorized officer may enter the scrap metal site at a reasonable time for the exercise of the plenitude of his powers under the Act. It is the broad, overarching exercise of power.

**Mr. Hosein:** Yes.

**Mr. Armour SC:** Subclause (2) says:

“An authorised officer may, at any reasonable time, conduct inspections of any scrap metal site and may carry out any other examination as may be necessary to verify compliance...”

So it particularizes the power to conduct inspections.

**Mr. Hosein:** But would subclause (2) not be a subset of subclause (1)?

**Mr. Armour SC:** It could be. It could be, and it may be just to make it pellucidly clear. You know, somebody could argue and we have clever lawyers in Trinidad and Tobago, the authorized officer may enter under subclause (1) and say, “I want to inspect that.” And the lawyer will say, “Where is your power to inspect?” Well, it is in subclause (2).

**Mr. Hosein:** Right. And the difference is that one is during working hours and the other one it does not specify. At subclause (2) it does not specify—

**Mr. Armour SC:** At any reasonable time.

**Mr. Hosein:**—they have to go at working hours. It is at any reasonable time.

**Mr. Armour SC:** Yes.

**Mr. Hosein:** The other point I want to raise is that—

**Mr. Armour SC:** And may I just say—

**Mr. Hosein:** Sure.

**Mr. Armour SC:**—Member, that in the drafting of this—because we want to be particularly fair—we have erred on the side of caution and, perhaps, we repeat ourselves more than is necessary, but it is to make it clear.

**Mr. Hosein:** Okay. The other issue I want to raise is the width of the persons that may enter, because this is a power of entry and search basically at (1) and (2). And an authorised officer—and I could understand police officer, SRP. But when we get to public health inspector of the corporation and the environmental officer of the EMA, I think it is a bit too wide.

Because I am just looking at the definition of what an environmental officer is under the EMA Act and at section 33 it would really say that it could be any person that the EMA authorizes that could be found in any government entity. Because it is MOUs between the EMA and government entities, and then the EMA will deem any person to be considered as an environmental officer, according to section 33 of the EMA Act. I stand to be corrected on that point.

Now we are giving these persons who may be from another Ministry, it could be any officer, the power to enter and search a person's premises in terms of the operations of his business. I think that may be too wide in terms of the discretion and the powers that we are giving to such officers. Because I do not know if it could be an environmental officer could also be on contract or if they all have to be appointed as public officers.

**Mr. Armour SC:** Well, if you will allow me to answer this way, Member. We have to understand, and this is a matter of statutory construction, we have to look at the general purport of the legislation. Part of the general purport of the legislation is to, among other things, ensure public health safety, and another part of the purpose of this legislation is to ensure environmental safety.

A report may be made to the Minister that there is an activity taking place, so, for instance the collection of rodents and mosquito, et cetera. The Minister exercises a power to reach out to a public health inspector to address that concern that has been brought to her attention. Or there may be a complaint by someone that a scrap metal yard is within close proximity to a children's school and therefore, it is an environmental hazard. The Minister reaches out to an environmental officer authorized by the Environmental Management Authority. You have to allow the Act to work and to work within the discretion of the Minister, and certainly, and may I say this, you do not presume that the exercise of

the power is going to be capricious.

**Mr. Hosein:** Thank you, AG.

**Mr. Armour SC:** Thank you.

**Madam Chairman:** The question is that clause 25 be amended as circulated save and except clause 25(2), which is amended as follows:

“An authorised officer may, at any reasonable time, conduct inspections of any scrap metal site and may carry out any other examination as may be necessary to verify compliance with this Act and any applicable conditions, requirements or restrictions of a scrap metal dealer’s licence.”

*Question put and agreed to.*

*Clause 25, as amended, stand part of the Schedule.*

**Mr. Armour SC:** Madam Chairman, if I may just interrupt for a minute. I had indicated there were six amendments to 25, so we are really amending 25(1) and (2), and I would now like to move to 25(3).

**Madam Chairman:** Yes. All right. So we have only dealt—

**Mr. Armour SC:** With 25(1) and (2).

**Madam Chairman:** All right, so what I will do is I will let you proceed and then I will put the question over with respect to the entirety of clause 25.

**Mr. Armour SC:** Thank you, Madam Chair.

**Madam Chairman:** Yes?

**Mr. Armour SC:** So I then next propose that clause 25(3) be deleted and that it be replaced by the words:

“An authorised officer may, if necessary, use reasonable force in the exercise of his powers under this Act.”

So that is the second amendment to 25(3) that I wish to propose.

**Mrs. Persad-Bissessar SC:** Sir, your initial version was “a police officer may, by

warrant, enter”. So we are now authorizing persons to enter, to use reasonable force. A PHI, again, we come back to that issue; a person from the EMA, as my colleague has given us that definition, are we saying they can just go and use force, break down somebody’s door? What does it mean, use reasonable force?

**Mr. Armour SC:** It means that an authorized officer, on sufficient notification to the authority, in that case it would be the Minister, may go in to perform the purposes of and the powers conferred. And if that officer is hindered in entering the premises, may use reasonable force as conferred by the powers given to him under the Act.

**Mrs. Persad-Bissessar SC:** I have a very serious concern about this matter. Because you have—as we said, the definition of authorised officer, you have moved beyond those. You have removed warrant, but somebody needs to get a warrant. You are now telling me they will report to the Minister or notify the Minister that they have reasonable cause?

**Mr. Armour SC:** The report must come to someone. It could be the Minister, it could be any other person who is charged with functions under this Act. The point is that somebody complains that something is going on and an authorized officer has to go in to investigate. So I would not want it to be suggested, by what I have just said, conferring an exclusive jurisdiction on the Minister. Information comes to the relevant authority, a power has to be exercised under the Act, and powers are exercisable by the authorized officer.

**Mrs. Persad-Bissessar SC:** Thank you. So we are asking a PHI, we are asking one of these EMA people from any part of any Ministry, anywhere, and saying you can come and break down a man’s door. You could kick down his gate without any warrant.

**Mr. Armour SC:** No. Reasonable force does not equate to kicking down a man’s

door.

**Mrs. Persad-Bissessar SC:** What is it then, Sir?

**Mr. Armour SC:** One would have to judge in the circumstances.

**Mrs. Persad-Bissessar SC:** What is reasonable force, Sir? What is reasonable force to enter? If the man's gate is locked, so he is being hindered, I have to cut the lock.

**Mr. Hosein:** Yes.

**Mrs. Persad-Bissessar SC:** The officer will have to break the lock.

**Hon. Member:** Because it is a condition of the licence.

**Mrs. Persad-Bissessar SC:** If the lock is in a certain way, he cannot even break it that way, he might have to do something else. I think this is a very dangerous— with the greatest of respect, and this will—

**Member:** [*Inaudible*]

**Mrs. Persad-Bissessar SC:** Will you please ask this Member to leave me alone, Madam Chairman? Each time I am speaking he has to intervene and mumble and grumble. I am sorry his life is so unhappy.

**Madam Chairman:** All right. Member, all Members, all right. When a Member is speaking, let us be respectful and listen. If you cannot listen—

**Hon. Members:** [*Inaudible*]

**Madam Chairman:** And there we go again. If we cannot listen, then, you know, maybe we could invoke some Zen moment. Okay.

**Madam Chairman:** Member for Siparia, please.

**Mrs. Persad-Bissessar SC:** Madam Chair, thank you.

**Mr. Armour SC:** I was about to answer you.

**Mrs. Persad-Bissessar SC:** Okay, sure.

**Mr. Armour SC:** Can I attempt to?

**Mrs. Persad-Bissessar SC:** Yes.

**Mr. Armour SC:** I think you should read the amendment that I have proposed—

**Mrs. Persad-Bissessar SC:** “Mhmm”.

**Mr. Armour SC:**—with another amendment which I intend to propose, and that is clause 39. So if you were to look at the amendment that I intend to propose, 39 reads:

“Notwithstanding the repeal of the Old...”—

**Madam Chairman:** All right. So maybe then we might want to suggest to postpone this until we do 39. Is that possible? I do not know. AG, you will have to let me know.

**Mr. Armour SC:** I am entirely in your hands. I can just illustrate it just briefly without actually reading. The point is that under 39(1)—and I have said this before, Member for Siparia, so I do not want to repeat myself. These are provisional arrangements, deeming arrangements that are being made to apply specifically to persons who currently hold licences under the Old Metal and Marine Stores Act. The operation of the Act will be continued for a limited and finite time, and that goes to reasonableness, and persons who are going to avail themselves of the ability to continue to do business under the current licences will have to make an application, and by the operation of 39, are deemed to consent to entry unto their premises for the purposes of the application of the entire Act.

So that when you read subclause (3), as I have just proposed, the person who has applied for licence to continue to April 14, 2023, is applying in the knowledge of what the law says. If he is unhappy with what the law says, he need not apply for a licence. Yes.

**Mrs. Persad-Bissessar SC:** It gets scarier and scarier, with the greatest of respect, hon. Attorney General. Because in a sense this is a fetter on your rights. If you are



saying, “No licence for you unless you agree,” that I could break your door and come in.

**Mr. Armour SC:** But that is not what is being said, I am sorry.

**Mrs. Persad-Bissessar SC:** No licence.

**Mr. Armour SC:** Nobody is talking about breaking down a door.

**Mrs. Persad-Bissessar SC:** No, no, no. I am looking, you know, at the permutations down the road, Sir. I am sure it is good intentions from everyone in dealing with this matter. It is permutations and things that may happen. I have a clause which tells me, delete the one that is a warrant and a police officer, and now any of these authorized officers may, if necessary, use reasonable force in the exercise of his powers under this Act. But then you tell me, okay, we have 39 now where you are deemed. So you are saying it is a transitional provision for the persons under the old Act to have their business going and in transition to get the licence under the new Act, in that interim period, in some way these two things help, and I cannot see it, that you say, “I must consent to get this licence.” That raises a whole—another issue, Sir.

**Mr. Armour SC:** I am sure as you think it through, it will become clearer.

**Mrs. Persad-Bissessar SC:** Well, we just got this two seconds ago, as you may well appreciate.

**Mr. Armour SC:** Yes, indeed.

**Mrs. Persad-Bissessar SC:** So I am saying, I am not in agreement with that particular amendment. I can put that on the record, with the amendment to—

**Hon. Members:** [*Inaudible*]

**Mrs. Persad-Bissessar SC:** Gosh, hmm. With respect, Sir, I am just placing this on the record, with respect to 25B(3).

**Mr. Armour SC:** Yes.

**Mrs. Persad-Bissessar SC:** I am not in agreement with that particular amendment. Fair enough, you have done your explanation. I thank you.

**Mr. Armour SC:** Noted, Madam Chair.

**Madam Chairman:** Just a second, anybody who is extremely tired, I am sure this is going to take us a little while, you can go outside, drink a little water, stretch and come back. But I am asking everyone to exercise tolerance at this time. Okay? Member for Barataria/San Juan. Member for Chaguanas West.

**Mr. Rambally:** Thank you.

**Madam Chairman:** And, Member for Couva South, do you wish to speak?

**Mr. Indarsingh:** No, Ma'am—[*Inaudible*]

**Madam Chairman:** No, no, do you wish to speak on this?

**Mr. Indarsingh:** [*Inaudible*]

**Madam Chairman:** So, any advice coming from—otherwise than from here, I would ask Members to take the advice outside and they can come back in. Member for Chaguanas West.

**Mr. Rambally:** Thank you. Attorney General, I do not want to repeat what has been said before, but I have to place it on the record that is what is being suggested in the amendments is a complete 180-degree turn.

**Mr. Armour SC:** How?

**Mr. Rambally:** How? It is very simple, you just have to read the original Bill and the amendment. The original Bill speaks to the authorized officer being able to do certain things with notice, as we have discussed before. Then you have a police officer being able to do certain—perform certain functions with a warrant. Now we are bypassing all of that. We are just closing the door on it and we are saying the authorized officer, which could include various individuals, not only the supplemental police and the police officer, everybody caught by that definition can

now just simply exercise what they deemed to be reasonable force.

My concern is that in the original Bill it seemed to have tiers, criteria, thresholds for each officer being able to do certain actions in given circumstances. Why are we moving away from that? Because that was the original Bill and it seems to contemplate some balance in the exercise of the powers which are being given to these officers. The amendment is just taking away all the balance and giving authorized officers carte blanche, you have the power to go in any time, any day with reasonable force, without warrants.

**Mr. Armour SC:** [*Inaudible*]—amendments.

**Mr. Rambally:** I know the warrant is coming later, but for now, even without we going to that provision to be considered in a little while, Attorney General, using what we have debated so far, anybody could just go in, and that is the—there is no balance in terms of the rights. Persons who are suspected of having committed or breached compliance with provisions of the Act have rights as well. So where does the balance come in? I sort of saw it with the original Bill. Why are we moving away from that to this, where there is no balance?

**Mr. Armour SC:** Thank you. Thank you for that, Member. I think that your concern is an elaboration of the concern earlier noted by the Member for Siparia. I have noted that concern. I note yours, and I do not think that I can be more clear than I was in my earlier explanation to the Member for Siparia.

**Madam Chairman:** Minister of Finance.

**Mr. Imbert:** Yes, Madam Chairman, I think it is crystal clear the Opposition is not supporting this and therefore, I am asking that this matter be dealt with by way of vote.

**Mrs. Persad-Bissessar SC:** I find the Attorney General is—[*Inaudible*]

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

**Madam Chairman:** Okay, so, all right.

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

**Madam Chairman:** All right, so okay Members.

**Mr. Hinds:** Madam Chairman—[*Inaudible*]

**Madam Chairman:** No, no, no, listen.

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

**Madam Chairman:** Members. Members. Members. Every Member here, I know, has a certain degree of armour, thick skin. Okay. Every Member here, and maybe we are a bit tired, so we might be a bit overly sensitive. Let us just rise above all these distractions and do what we are here to do. Attorney General, I believe you have said you could not make anything—

**Mr. Armour SC:** Yes, I think I have been as clear as I can be, so that my vote would be for us to continue to consider other amendments.

**Madam Chairman:** And can we go on to C?

**Mr. Armour SC:** Yes.

**Madam Chairman:** Yes, please.

**Mr. Armour SC:** So, my further amendment, may it please you, Madam Chairman, is to delete subclauses (4), (5), (6), and (7) entirely. And then to renumber (8) as (4), renumber (9) as (5), renumber (10) as (6). And then I would like to add a new subclause (7). And that subclause (7) will read, and that is at (e) of the list of amendments circulated, will read:

“Where a Magistrate is satisfied by information or oath given by a police officer, that there are reasonable grounds for believing that an offence under this Act has been or is about to be committed in any dwelling house, he may issue a warrant authorising the police officer to -

(a) enter, at any time within one month from the date of the warrant,

- the place named in the warrant with force, if necessary, and inspect that place;
- (b) detain a person found in that place in respect of whom there is reasonable suspicion regarding the commission of an offence under this Act; or
  - (c) seize anything which may be of evidential value for the prosecution of an offence under this Act or any other written law.”

I would like to introduce that as a subclause (7) to clause 25.

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

**Mr. Armour SC:** And that is the totality then of the six amendments to clause 25.

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

**Mr. Rambally:** Madam Chair, I will be very brief. The original Bill, one of the clauses is subclause (7), 25(7). It says there:

“An authorised officer, except a police officer, is not entitled to use force to enter a scrap metal site in the exercise of the powers under this section.”

So, Attorney General, I will just simply repeat the concern, why are we moving away from these provisions which tend to acknowledge the balance of rights, and to go to what is being proposed now? And I rest there, Madam Chair.

**Mr. Armour SC:** Thank you. Noted, Member. Appreciated.

**Madam Chairman:** The question is that clause 25 be amendment as circulated, save and except to clause 25(2), which is amended as follows:

“An authorised officer may, at any reasonable time, conduct inspections of any scrap metal site and may carry out any other examination as may be necessary to verify compliance to this Act and any applicable conditions, requirements or restrictions of a scrap metal dealer’s licence.”

*Question put and agreed to.*

*Clause 25, as amended, stand part of the Schedule.*

*Clause 26 stand part of the Bill.*

*Clause 27.*

*Question proposed:* That clause 27 stand part of the Bill.

27 In subclause (1) -

- (a) delete the words “public officers” and substitute the words “any person”; and
- (b) after the words “reasonable times” insert the words “during working hours or such other times as the scrap metal site is open to the public or otherwise in use by the licensee,”.

**Mr. Armour SC:** Thank you, Madam Chairman. I wish to propose two amendments. In the first line of 27(1), to replace the words, “public officers” with the words, “any person”. And in the third line, after the words, “reasonable times”, to introduce the words which are to be—well, not to be deleted. After the words “reasonable times” to introduce the words, “during working hours or such other times as the scrap metal site it is open to the public or otherwise in use by the licensee”.

**Mr. Rambally:** Attorney General, may I inquire whom are the persons contemplated under “any person”?

**Mr. Armour SC:** What that does, Member for Chaguanas West, is to give a discretion and to remove public officers for the reason that public officers were thought not to be the appropriate persons to be given that particular function.

**Mrs. Persad-Bissessar SC:** AG, may I?

**Madam Chairman:** Member for Siparia.

**Mrs. Persad-Bissessar SC:** I understand that point about, you did not want to confine it to public officers so you used instead, “any person”. Could that “any

person” be just any person or would that person have some kind of, you know, criteria that you will choose from persons?

**9.30 p.m.**

**Mr. Armour SC:** Well, yes, I will answer that in two ways—

**Mrs. Persad-Bissessar SC:** Sure.

**Mr. Armour SC:** Member for Siparia.

**Mrs. Persad-Bissessar SC:** Yeah.

**Mr. Armour SC:** One, as I have said already to the Member for Chaguanas West, that is a discretion be exercised by the Minister, but also I would expect—

**Mrs. Persad-Bissessar SC:** That makes it very scary.

**Mr. Armour SC:**—in the exercise of the discretion, the post could very well be advertised to pool from a—to recruit from a pool of persons advertised. The details of this sort of build out will be spelt out in the regulations. And that is a work in progress.

**Mrs. Persad-Bissessar SC:** No, no.

**Madam Chairman:** Question.

**Mrs. Persad-Bissessar SC:** May I—

**Madam Chairman:** Just one minute, please. Member for Siparia.

**Mrs. Persad-Bissessar SC:** Thank you, Madam Chair, that we object to this clause, but if you are happy with it, please proceed.

*Question put and agreed to.*

*Clause 27, as amended, ordered to stand part of the Bill.*

*Clauses 28 to 38 ordered to stand part of the Bill.*

*Clause 39.*

*Question proposed:* That clause 39 stand part of the Bill.

“39 Delete and substitute the following new clause:

“39.(1) Notwithstanding the repeal of the Old Metal and Marine Stores Act by section 41, and subject to subsections (2) and (3), on the coming into force of this section, any licence issued under the Old Metal and Marine Stores Act, which is valid immediately before 31<sup>st</sup> December, 2022, shall, upon compliance with subsection (2) by the holder of the licence, be deemed to be a scrap metal dealer’s licence under this Act until 14<sup>th</sup> April 2023, or such later date as the Minister may, by Order, determine.

(2) The holder of a licence under subsection (1) shall submit to the Minister a declaration, in the form set out in the Schedule, that he consents to the entry of authorised officers on his scrap metal site during working hours or such other times as the scrap metal site is open to the public or otherwise in use by him, for the purpose of the exercise of their powers under under this Act.

(3) The Minister may, in writing, impose on the holder of a licence under subsection (1) any conditions, requirements or restrictions as the Minister considers necessary and specify the scrap metal sites to which the licence applies.”.

**Madam Chairman:** Attorney General.

**Mr. Armour SC:** Thank you, Madam Chairman. The amendment which I wish to propose is to introduce a completely new section 39 to replace what exists in the



Bill that was laid in Parliament. And therefore, we delete all of what exists in the Bill laid and substitute with what I would now read. Section 39(1):

“Notwithstanding the repeal of the Old Metal and Marine Stores Act by section 41, and subject to subsections (2) and (3), on the coming into force of this section, any licence issued under the Old Metal and Marine Stores Act, which is valid immediately before 31st December, 2022, shall, upon compliance with subsection (2) by the holder of the licence, be deemed to be a scrap metal dealer’s licence under this Act until 14th April 2023, or such later date as the Minister may, by Order, determine.

(2) The holder of a licence under subsection (1) shall submit to the Minister a declaration, in the form set out in the Schedule, that he consents to the entry of authorised officers on his scrap metal site during working hours or such other times as the scrap metal site is open to the public or otherwise in use by him, for the purpose of the exercise of their powers under under this Act.

(3) The Minister may, in writing, impose on the holder of a licence under subsection (1) any conditions, requirements or restrictions as the Minister considers necessary and specify the scrap metal sites to which the licence applies.”

And may I just point out, Madam Chairman, that the Schedule is reproduced as the Second Schedule, that is, the Schedule referred to in subsection (2) and that Second Schedule reads:

“I .....(insert name of lincesee)....”—

**Madam Chairman:** Wait. We will have to deal with that when we come to Schedules.

**Mr. Armour SC:** As it pleases you.

**Madam Chairman:** Okay.

**Mr. Armour SC:** Thank you, yes.

**Madam Chairman:** Member for Barataria/San Juan.

**Mr. Hosein:** Thank you very much. AG just at clause 39(2), which deals with the general consent that the licensee will give upon, I would presume, when the licence is approved, and he gives the consent through the Schedule that we will move later on in the proceedings. Which means that basically he gives a consent that the authorized officer can enter the premises. The instance where the person gives the consent in the beginning, let us say, this year he is granted the permit, he signs the declaration, next year an inspection has to take place and then he says, “No, I am not allowing the authorized officer to come into the premises.” Then that is where the 25(3) will kick in that they will use reasonable force to enter?

**Mr. Armour SC:** I am not sure that I follow, so I would ask you to repeat the premise that you are operating on.

**Mr. Hosein:** Sure.

**Mr. Armour SC:** Where you say the licence will expire, what—

**Mr. Hosein:** No, no, not expire, sorry. The licence is granted—

**Mr. Armour SC:** Yes.

**Mr. Hosein:** He makes a declaration that he consents for entry.

**Mr. Armour SC:** Yes.

**Mr. Hosein:** Subsequently, let us say a year later while—or let us say a few months after operating he is due for an inspection but he then refuses the authorized officer from entering the premises—

**Mr. Armour SC:** Yes.

**Mr. Hosein:**—is that where clause 25(3), as amended earlier, will kick in where the authorized officer can use reasonable force to enter into the premises?

**Mr. Armour SC:** Well, I would not want to be so clairvoyant Member for Barataria/San Juan—

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

**Mr. Armour SC:**—to anticipate what could happen into the future. I would expect that if a licensee in this deemed section, operating until the 14<sup>th</sup> of April, 2023, having consented to the inspection of its premises by a licensee, while that licence is current, then refuses to allow the inspection, a reasonable exercise of the power could very well be that the person, the authorized officer, could report back to the Minister and that licence could be revoked—

**Mr. Young:** Or suspended.

**Mr. Armour SC:**—or suspended. And it is also an offence. So the question of the use of reasonable force is presumptive as arising at that point.

**Mr. Hosein:** So then, why did we insert the power for them to use reasonable force if then the Minister will revoke the licence?

**Mr. Armour SC:** We do not know. It is a discretionary power—

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

**Mr. Hosein:** Then you cannot—you see you are giving authorized officers—

**Madam Chairman:** Members—

**Mr. Hosein:**—you are giving a wide—

**Madam Chairman:** Members, can we—Members, the person who has the audience right now is the Member for Barataria/San Juan. I am having difficulty in hearing the point he is trying to make and I am sure it is impacting on what the Attorney General is hearing too. All right? So could everybody else, if you wish to make a contribution, once that light goes on you will get your turn in turn. Member for Barataria/San Juan.

**Mr. Hosein:** Thank you very much. Madam Chair, it is unacceptable to say they

do not know because this is a very—it is a very dangerous power that you are giving authorized officers to enter a person's property, use reasonable force without the supervision of the court, because they can enter without warrant. And my point that I am making here is that, subsequently, if the person does not consent, does that provision kick in where the authorized officer will now use reasonable force to enter into the person's premises? Because this, in fact, will trample upon one's constitutional rights and there is no supervision of the court.

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

**Mr. Young:** Madam, just to remind those who are contributing right now, the police, as it currently stand, can enter any premises without a warrant if they have reasonable grounds to suspect a crime is being committed or about to be committed, eh.

**Madam Chairman:** Just one minute.

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

**Madam Chairman:** One minute, one minute, please.

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

**Madam Chairman:** One minute, please. Member for Barataria/San Juan.

**Mr. Hosein:** Thank you very much. Now, I listened to what Port of Spain North/St. Ann's West said, but the situation here is distinct from that, because this is not in relation to the commission of any offence. This is dealing with authorized officers entering and searching a person's premises to see whether or not there is compliance with the licences that were granted by the Minister. It is not anything about the criminal offence in this particular provision.

**Mr. Young:** So, Madam, just to finish the point, because I thought it would have been obvious. What we are dealing with here, you have the Member for

Barataria/San Juan asking a number of, what if this, and what if that, right. As the Attorney General said, and quite rightly, it would be open to the Minister to then revoke the licence, to suspend the licence, et cetera. He then asked—the Member for Barataria/San Juan then asked, well, on what circumstances would they apply the reasonable force to enter, et cetera. And exactly as the Attorney General said, we cannot sit here whole night and say, well, in these circumstances this is what will happen, et cetera. If there is a crime being committed then it may be reasonable for them to enter the premises and to do what needs to be done.

**Madam Chairman:** All right, Minister of Finance.

**Mr. Imbert:** I will also submit, Madam Chairman, the concept of reasonable force is in clause 25, which we have already dealt with. This clause only deals with the licence and consent to the powers within the Act. It has nothing to do with the matters being raised. We understand that they object, I think that is obvious.

**Madam Chairman:** Member for Chaguanas West, you wish to add something?

**Mr. Rambally:** Yes. Attorney General, in relation to the 39(3) in the proposed amendment. A person applying for the licence, they are required to satisfy certain criteria, put forward certain information, et cetera, under the Act itself.

**Mr. Armour SC:** Can you just repeat? I missed what you—

**Mr. Rambally:** Yeah, I am making reference to 39(3) in the proposed amendment. I am saying that under the Act, a person applying for the licence, they are required to supply certain information, the Minister will renew, will grant licence, et cetera. In 39(3), what is being contemplated here, in terms of the Minister imposing conditions as the Minister considers necessary, are you able to give us some foresight as to what this may entail?

**Mr. Armour SC:** What it entails is that we are currently in a situation where there

are persons who currently hold licences. Those licences exist under the current legislation which is to be repealed when this Bill becomes law. At that point, the deemed sections of this Act will come into effect on the assumption that the Senate, we pass it here, the Senate passes it and the proclamations that we propose to bring into effect are properly brought into effect.

The persons who have the licences today will apply in the form of the Schedule for the licence to be continued and it is within the discretion of the Minister issuing that licence—and it is not for me to say now, because I am not au courant with the particular individual circumstances of any applicant what conditions or restrictions the Minister may impose. But the Minister has a discretion to exercise all of her powers under the Act. That is my understanding—  
[Inaudible]

*Question put and agreed to.*

*Clause 39, as amended, ordered to stand part of the Bill.*

*Clauses 40 and 41 ordered to stand part of the Bill.*

*New clause 42.*

New            Insert after clause 41, the following new clause:  
clause 42

“Consequential    42. The written law set out in the First  
amendment        Column of the First Schedule are amended to  
the extent set out in the Second Column of  
the First Schedule.”.

*New clause 42 read the first time.*

*Question proposed:* That new clause 42 be read a second time.

*Question put and agreed to.*

*Question proposed:* That the new clause be added to the Bill.

*Question put and agreed to.*

*New clause 42 added to the Bill.*

*New First Schedule.*

“Proceeds of A. In the First Schedule, after the item listed  
Crime Act, as “Real Estate”, insert the following  
Chap. 11:27 item:

“Scrap Any person or entity licensed  
Metal under the Scrap Metal Act,  
2022.”

B. In the Second Schedule, by inserting after  
the item numbered as (25), the following  
new item:

“(26) Offences under the Scrap Metal  
Act, 2022.”

*New First Schedule read the first time.*

*Question proposed:* That new First Schedule be read a second time.

*Question put and agreed to.*

*Question proposed:* That the new First Schedule be added to the Bill.

*Question put and agreed to.*

*New First Schedule added to the Bill.*

*New Second Schedule.*

**“SECOND SCHEDULE** (Sec. 39(2))

I .....(insert name of licensee) of

.....(insert address of licensee) consent to the entry of authorised officers on my scrap metal site during working hours or such other times as the scrap metal site is open to the public or otherwise in use by me, for the purpose of the exercise of their powers under the Scrap Metal Act, 2022.

Dated the ..... day of....., 20 .....

.....

Signature of licensee.”.

*New Second Schedule read the first time.*

*Question proposed:* That new Second Schedule be read a second time.

*Question put and agreed to.*

*Question proposed:* That the new clause be added to the Bill.

*Question put and agreed to.*

*New Second Schedule added to the Bill.*

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

*House resumed.*

**Sen. The Hon. R. Armour SC:** Thank you, Madam President. I wish to report that the Scrap Metal Bill, 2022, was considered in the committee of the whole and approved with amendments. I now beg to move that the House agree with the committee’s report.

*Question put and agreed to.*

*Bill reported, with amendment, read the third time and passed.*

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

**ADJOURNMENT**

**UNREVISED**



**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker, Madam Speaker, I beg to move that this House do now adjourn to a date to be fixed.

### **Christmas Greetings**

**Madam Speaker:** Hon. Members, as we all know, we are in the blessed and holy season of Advent which precedes Christmas, that special time of the year that brings families and loved ones together in joyous celebration of the birth of Jesus Christ who, for Christians, is the way and the life.

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

**Madam Speaker:** Therefore, before I put the question on the adjournment of the House I will invite Members to bring greetings on this special occasion of Christmas.

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

**Madam Speaker:** Member for Diego Martin North/East.

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

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker, I may need some extended speaking time, so important is this occasion.

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

**Madam Speaker:** Members, as I said, Christmas celebrations will start as soon as we adjourn. Member for Diego Martin North/East.

**Hon. C. Imbert:** Thank you, Madam Speaker. Madam Speaker, the Christmas season, especially in the west, is a mix of pre-Christian, Christian and secular traditions. The etymology of the word “Christmas” originates from the phrase “Cristes Maesse”, first recorded in the year 1038, which means the mass of Christ or Christ’s mas, literally. Christmas is a time of spiritual reflection on the important foundations of our Christian faith. It is a celebration, a time when

Christians celebrate God's love for the world through the birth of the Christ child, Jesus. It is the second most important Christian festival, the first being the resurrection.

The Christmas story is recorded in the Gospel according to Luke, Chap. 2:4—19, and also in Matthew Chap. 1:18—25. However, Madam Speaker, most biblical scholars prefer Luke's account which is as follows:

“So Joseph also went up from the town of Nazareth in Galilee to Judea, to Bethlehem the town of David, because he belonged to the house and line of David. He went there to register with Mary, who was pledged to be married to him and was expecting a child.

While they were there, the time came for the baby to be born, and she gave birth to her firstborn, a son. She wrapped him in cloths and placed him in a manger, because there was no...room....”—for them in the inn.

“And there were shepherds living out in the fields nearby, keeping watch over their flocks at night. An angel of the Lord appeared to them, and the glory of the Lord shone around them, and they were terrified. But the angel said to them, ‘Do not be afraid. I bring you good news...’—of—‘great joy’—that will be—‘for all the people. Today in the town of David a Savior has been born to you; he is...’—Christ—‘the Lord. This will be a sign to you: You will find a baby wrapped in cloths and lying in a manger.’

Suddenly a great company of the heavenly host appeared with the angel, praising God and saying,

‘Glory to God in the highest...

and on earth peace to...’—men—‘on whom his favor rests.’

We Christians, Madam Speaker, believe that God sent his only son to be the atonement for all of our sins so that we would not be separated from God.

However, many Christian traditions vary in significance and symbolic meaning. For example, some exchange gifts because of the Three Wise Men who visited Jesus and brought him gifts. Others follow a poem titled: “A Visit from St. Nicholas”, which was penned in 1822 and popularized the tradition of exchanging gifts and is actually the origin of the story of Santa Claus.

St. Nicholas was born in the Third Century in what is modern-day Turkey. Much admired for his piety and kindness, St. Nicholas became the subject of many legends. It is said he gave away all his wealth and travelled the countryside helping the poor. The name Santa Claus evolved from his Dutch nickname, Sinterklaas, a shortened form of St. Nicholas, which Dutch settlers brought to North America in the 17<sup>th</sup> Century.

In Trinidad and Tobago, Madam Speaker, in addition to our religious tradition, it is a time for family; a time for sharing; a time for fraternity; a time for charity and a time when persons of all cultures and religious backgrounds celebrate this most important festival with we Christians.

It is noteworthy, Madam Speaker, that although people celebrate Christ’s birth on December 25<sup>th</sup>, he may have been born on a different day. Historians tells us that the church in Rome began formally celebrating Christmas on December 25<sup>th</sup> in the year 336 AD, during the reign of Emperor Constantine who had made Christianity the religion of the empire. Some speculate the date was chosen to link with the winter solstice on the Roman calendar. But for Christians, the true meaning of Christmas is the celebration of the birth of our Saviour Jesus Christ. We know that through our belief in Christ we are children of God.

And therefore, Madam Speaker, on behalf of the Government, on behalf of the People’s National Movement, on my own behalf, I wish all of us and the nation a happy and holy Christmas and a bright and prosperous New Year. Thank you.

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

**Madam Speaker:** Member for Siparia.

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

**Madam Speaker:** Okay, so now we got our greetings from the Member for Diego Martin North/East. We will now get our greetings from the Member for Siparia.

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

**Mrs. Kamla Persad-Bissessar SC (Siparia):** Thank you very much, Madam Speaker. I want to thank the hon. Member for his greetings to all of us and he seems to be very joyful. So I want to join with my colleagues here on behalf of the Opposition Members of Parliament, on behalf of the Opposition UNC, I offer here in this esteemed House, to all parliamentarians, to all Members of the parliamentary staff and indeed our nation, a very merry and blessed Christmas.

So Christmas is more than what we know it as, the festive lights, the gifts, the food, the pageantry, which we all enjoy. Christmas represents one of the greatest events in our world, one of the most special events in the faith of our Christian brothers and sisters, and one of the most beautiful events which we all look forward to each year, the birth of the Lord Jesus Christ.

Today, as I offer these Christmas greetings, I also take the time to offer to our Catholic community a holy and blessed Advent season as they continue to undertake reverend prayer and acts of charity as they prepare for the celebration of the birth of the Lord Jesus. One of the most inspirational elements of Christmas can be found in the story, as the former—our colleague just spoke about it, in the story of the nativity where Mary and Joseph, unable to find an inn, and birth was given to the Lord Jesus in a humble manger which was visited by the Three Wise Men and shepherds from afar. The world must find comfort that despite how turbulent times can be, despite how uncertain events can seem, God will always

find a way for his children to fulfill their purpose.

The story of Christmas at every angle offers us hope and enlightenment which we so need in the world right now. The story tells us that after Jesus was born, an angel of the Lord appeared in a dream warning Joseph to flee in an effort to protect baby Jesus and Mary from Herod. As the world we must find hope that whatever dangers, whatever threats face us, persistent prayer and faith in the Lord will ensure that Lord protects us all. For me the most special element of Christmas is kindness. Kindness has been the foundation of the Christmas story, kindness has been the foundation of every faith in our world and kindness is the one quality which has uplifted us as a world from time to time.

Over my many years as a Member of Parliament, I have often looked forward to Christmas as for many years my team and I have engaged on a week-long distribution of toys, of gifts, of relief for those in need. As a matter of fact, it was kindness, the same kindness which we all desire at Christmas, which was a defining drive of the government I led. At Christmas we also ensured we lowered prices on necessary food items, we ensured proper relief for the most vulnerable and delivered help to those most in need.

Today, I cannot simply offer the generic message, Madam, because each day I see in the media so many of our citizens are in dire need. I have seen so many sayings that they are facing a grim Christmas and today I make a call to Government to have a heart. Christmas is not just about happy greetings but about actions of love. Only last two weeks thousands across the country were affected by floods and today I make a call for more assistance to be provided to those most in need. There are measures Government can take to help the burden of persons at this time; temporary cutting of the cost of basic food items which has been done before and did not bankrupt the Treasury. We did it before when we were in

government. Let us continue to be our brothers and sisters' keepers and ensure that our citizens feel some comfort and joy this Christmas.

Madam Speaker, as I close, once again, I take this opportunity to thank all the parliamentary staff who have worked tirelessly to support us as parliamentarians and on behalf of the Opposition and on my own behalf, I wish each and every one of you and across our land a joyous and blessed Christmas as well as a prosperous New Year. I thank you very much.

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

**Madam Speaker:** Hon. Members, I too wish to offer warm greetings to the entire nation on the occasion of Christmas. Over the past couple of years, Christmas has been overshadowed by uncertainty of the pandemic. However, for many Trinbagonians, this year, Christmas will be celebrated with a sense of hope for new beginnings.

**10.00 p.m.**

This year let us not forget to be our brother's keeper as we prepare our homes and meals for the season. I urge you to also prepare your hearts by sharing with each other and spreading Christmas cheer through benevolence. I encourage you to give, give of your time, treasure and talent to those less fortunate so as to ensure that we each do our part in fostering hope and happiness. Let us unite as we did during the pandemic and share empathetic love; a love that Our Lord and Saviour Jesus Christ has so taught us to share. As we enjoy our pastelles, ponche de crème, black cake, sorrel and ginger beer, let us remember to always be that beacon of hope and a symbol of peace and love for each other.

As 2023 approaches, I take this opportunity to remind you that where there is respect, tolerance, hope, love, light and life, the purpose of God will abide. On your behalf, I take the liberty to wish the Clerks of both Houses, the Procedural

Christmas Greetings  
Madam Speaker (cont'd)

2022.12.14

Clerks and all the staff of Parliament, who so diligently serve us all, a holy, sacred and joyous Christmas, and a healthy and prosperous 2023.

On behalf of the Parliament of Trinidad and Tobago, on behalf of my family and myself, I take this opportunity to wish you, Members, and all of Trinidad and Tobago, a very happy, holy and safe Christmas, and a bright and a prosperous New Year. Merry Christmas to you all.

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

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 10.02 p.m.*