

SENATE

Tuesday, March 28, 2023

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Dr. Amery Browne who is out of the country.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from Her Excellency the President Christine Kangaloo, O.R.T.T.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of the
Republic of Trinidad and Tobago and
Commander-in-Chief of the Armed Forces.

/s/Christine Kangaloo

President.

TO: MR. NDALE YOUNG

WHEREAS Senator the Honourable Dr. Amery Browne is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby appoint you, NDALE

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YOUNG to be a member of the Senate temporarily, with effect from 28th March, 2023 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Dr. Amery Browne.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 28th day of March, 2023."

AFFIRMATION OF ALLEGIANCE

Senator Ndale Young took and subscribed the Affirmation of Allegiance as required by law.

JOINT SELECT COMMITTEE (CHANGE IN MEMBERSHIP)

Mr. President: Hon. Senators, in accordance with Standing Order 98(2), Mr. Nigel de Freitas was appointed to serve on the Joint Select Committee on Government Assurances in lieu of Ms. Christine Kangaloo with effect from January the 18th, 2023.

PAPERS LAID

1. Motor Vehicles and Road Traffic (Extension of Period for Payment of Fifty Percent of Fixed Penalty) Order, 2023. [*The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon)*]
2. Twelfth Annual Report of the Police Complaints Authority for the financial year October 01, 2021 to September 30, 2022. [*The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC)*]
3. Annual Report of the Anti-Terrorism Unit for the period 2021-2022. [*Sen. The Hon. R. Armour SC*]

4. Land Acquisition (Requisition) Order, 2023. [*The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Kazim Hosein)*]
5. Land Acquisition (Requisition) (No. 2) Order, 2023. [*Sen. The Hon. K. Hosein*]
6. Land Acquisition (Requisition) (No. 3) Order, 2023. [*Sen. The Hon. K. Hosein*]
7. Land Acquisition (Requisition) (No. 4) Order, 2023. [*Sen. The Hon. K. Hosein*]
8. Land Acquisition (Requisition) (No. 5) Order, 2023. [*Sen. The Hon. K. Hosein*]
9. Land Acquisition (Requisition) (No. 6) Order, 2023. (*Sen. The Hon. K. Hosein*)]
10. Land Acquisition (Requisition) (No. 7) Order, 2023. (*Sen. The Hon. K. Hosein*)]
11. Land Acquisition (Requisition) (No. 8) Order, 2023. (*Sen. The Hon. K. Hosein*)]
12. Land Acquisition (Requisition) (No. 9) Order, 2023. (*Sen. The Hon. K. Hosein*)]
13. Land Acquisition (Requisition) (No. 10) Order, 2023. (*Sen. The Hon. K. Hosein*)]
14. Land Acquisition (Requisition) (No. 11) Order, 2023. (*Sen. The Hon. K. Hosein*)]
15. Land Acquisition (Requisition) (No. 12) Order, 2023. (*Sen. The Hon. K. Hosein*)]
16. Land Acquisition (Requisition) (No. 13) Order, 2023. (*Sen. The Hon. K. Hosein*)]
17. Land Acquisition (Requisition) (No. 14) Order, 2023. (*Sen. The Hon. K. Hosein*)]
18. Land Acquisition (Requisition) (No. 15) Order, 2023. (*Sen. The Hon. K. Hosein*)]

19. Land Acquisition (Requisition) (No. 16) Order, 2023. (*Sen. The Hon. K. Hosein*)]
20. Land Acquisition (Requisition) (No. 17) Order, 2023. (*Sen. The Hon. K. Hosein*)]
21. Land Acquisition (Requisition) (No. 18) Order, 2023. (*Sen. The Hon. K. Hosein*)]
22. Land Acquisition (Requisition) (No. 19) Order, 2023. (*Sen. The Hon. K. Hosein*)]
23. Land Acquisition (Requisition) (No. 20) Order, 2023. (*Sen. The Hon. K. Hosein*)]
24. Land Acquisition (Requisition) (No. 21) Order, 2023. (*Sen. The Hon. K. Hosein*)]
25. Land Acquisition (Requisition) (No. 22) Order, 2023. (*Sen. The Hon. K. Hosein*)]
26. Land Acquisition (Requisition) (No. 23) Order, 2023. (*Sen. The Hon. K. Hosein*)]
27. Land Acquisition (Requisition) (No. 24) Order, 2023. (*Sen. The Hon. K. Hosein*)]
28. Land Acquisition (Requisition) (No. 25) Order, 2023. (*Sen. The Hon. K. Hosein*)]
29. Land Acquisition (Requisition) (No. 26) Order, 2023. (*Sen. The Hon. K. Hosein*)]
30. Land Acquisition (Requisition) (No. 27) Order, 2023. (*Sen. The Hon. K. Hosein*)]
31. Land Acquisition (Requisition) (No. 28) Order, 2023. (*Sen. The Hon. K. Hosein*)]

32. Land Acquisition (Requisition) (No. 29) Order, 2023. (*Sen. The Hon. K. Hosein*)]
33. Land Acquisition (Requisition) (No. 30) Order, 2023. (*Sen. The Hon. K. Hosein*)]
34. Land Acquisition (Requisition) (No. 31) Order, 2023. (*Sen. The Hon. K. Hosein*)]
35. Land Acquisition (Requisition) (No. 32) Order, 2023. (*Sen. The Hon. K. Hosein*)]
36. Ministerial Response of the Ministry of Foreign and CARICOM Affairs to the Eighth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2021. [*Sen. The Hon. P. Gopee-Scoon*]
37. Defence (Pensions, Terminal and other Grants) (Amendment) Regulations, 2023. [*Sen. The Hon. P. Gopee-Scoon*]
38. Trinidad and Tobago Housing Development Corporation (Vesting) (Amendment to the First Schedule) Order, 2023. [*Sen. The Hon. P. Gopee-Scoon*]
39. Securities (Collective Investment Schemes) Bye-Laws, 2023. [*Sen. The Hon. P. Gopee-Scoon*]
40. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Telecommunications Authority of Trinidad and Tobago for the year ended September 30, 2019. [*Sen. The Hon. P. Gopee-Scoon*]
41. Report on the Management of the Seized Assets Fund for the financial year ended September 30, 2022. [*Sen. The Hon. P. Gopee-Scoon*]

42. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Development Bank of Trinidad and Tobago for the year ended September 30, 2018. [*Sen. The Hon. P. Gopee-Scoon*]
43. Report of the Central Bank of Trinidad and Tobago (CBTT) with respect to the Progress of the Proposals to Restructure CLICO, BAT and CIB for the quarter ended December 31, 2022. [*Sen. The Hon. P. Gopee-Scoon*]
44. Ministerial Response of the Ministry of Finance to the Sixth Report of the Public Accounts Committee on the examination of the Audited Financial Statements of the National Insurance Board of Trinidad and Tobago for the financial years 2014 and 2020. [*Sen. The Hon. P. Gopee-Scoon*]
45. Ministerial Response of the Ministry of Finance to the Sixth Report of the Public Accounts (Enterprises) Committee on the examination of the Audited Accounts, Balance Sheets and other Financial Statements of the East Port of Spain Development Company Limited for the financial years 2012 and 2013. [*Sen. The Hon. P. Gopee-Scoon*]
46. Ministerial Response of the Ministry of Public Utilities to the Fourth Report of the Joint Select Committee on Land and Physical Infrastructure on an inquiry into the impact of landfills on the environment of Trinidad and Tobago. [*Sen. The Hon. P. Gopee-Scoon*]
47. Ministerial Response of the Ministry of Health to the Fourth Report of the Joint Select Committee on Land and Physical Infrastructure on an inquiry into the impact of landfills on the environment of Trinidad and Tobago. [*Sen. The Hon. P. Gopee-Scoon*]
48. Ministerial Response of the Ministry of Planning and Development to the Fourth Report of the Joint Select Committee on Land and Physical

Infrastructure on an inquiry into the impact of landfills on the environment of Trinidad and Tobago. [*Sen. The Hon. P. Gopee-Scoon*]

49. Second Ministerial Response of the Ministry of Planning and Development to the Seventh Report of the Public Administration and Appropriations Committee on the examination into the implementation of the Public Sector Investment Programme for the financial year 2021. [*Sen. The Hon. P. Gopee-Scoon*]
50. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the National Agricultural Marketing and Development Corporation for the year ended September 30, 2020. [*Sen. The Hon. P. Gopee-Scoon*]
51. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the National Agricultural Marketing and Development Corporation for the year ended September 30, 2021. [*Sen. The Hon. P. Gopee-Scoon*]
52. Annual Administrative Report of the Ministry of Community Development, Culture and the Arts for the period 2019-2020. [*Sen. The Hon. P. Gopee-Scoon*]

PUBLIC ADMINISTRATION AND APPROPRIATIONS

COMMITTEE REPORTS

(Presentation)

Sen. Wade Mark: Thank you, Mr. President. Mr. President, I have the honour to lay on the table the following reports as listed on the Order Paper in my name:

Implementation of the 2021 Budget with Emphasis on the “Green Economy”

Ninth Report of the Public Administration and Appropriations Committee on an examination into the implementation of the 2021 budget with emphasis on the “Green Economy”.

**Clinical Outcomes of COVID-19 Patients in
Trinidad and Tobago**

Tenth Report of the Public Administration and Appropriations Committee on an examination into Findings of the Report of the Committee Appointed to Investigate the factors Contributing to Clinical Outcomes of COVID-19 Patients in Trinidad and Tobago.

Island Wide Power Outage and Blackout

Eleventh Report of the Public Administration and Appropriations Committee on an examination into the Island Wide Power Outage and Blackout that occurred on February 16, 2022.

**JOINT SELECT COMMITTEE REPORTS
(Presentation)**

Social Services and Public Administration

Victims of Domestic Violence and Family Conflicts

Sen. Paul Richards: Thank you, Mr. President. Good afternoon, colleagues. Mr. President, I have the honour to lay on the table the following report as listed on the Order Paper in my name:

Fifth Report of the Joint Select Committee on Social Services and Public Administration, Third Session (2022/2023), Twelfth Parliament on an inquiry into the State's capacity to provide support for victims of Domestic Violence and Family Conflicts (with specific focus on the availability of support mechanisms during the COVID-19 pandemic).

Finance and Legal Affairs

Regulatory Framework for the Development of Fintech and E-Payments

Sen. Hazel Thompson-Ahje: Mr. President, I have the honour to lay on the table the following report as listed on the Order Paper in my name:

Fifth Report of the Joint Select Committee on Finance and Legal Affairs, Third Session (2022/2023), Twelfth Parliament on an inquiry into the Implementation of a Regulatory Framework for the Development of Financial Technology (Fintech) and E-Payments.

Shipping Bill, 2020

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Mr. President, I have the honour to lay on the table the following report as listed on the Supplemental Order Paper in my name:

Interim Report of the Joint Select Committee appointed to consider and report on the Shipping Bill, 2020, Third Session (2022/2023), Twelfth Parliament.

Fisheries Management (No. 2) Bill, 2020

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

Thank you, Mr. President, I have the honour to lay on the table the following report as listed on the Supplemental Order Paper in my name:

Interim Report of the Joint Select Committee appointed to consider and report on the Fisheries Management (No. 2) Bill, 2020, Third Session (2022/2023), Twelfth Parliament.

1.45 p.m.

URGENT QUESTIONS

Digicel's Decision to Retrench Workers

(Retrenchment and Severance Benefits Act)

Sen. Wade Mark: Thank you, Mr. President. To the hon. Minister of Labour: In light of Digicel's decision to retrench approximately one hundred and twenty-six (126) workers, can the Minister indicate whether the company's decision to retrench these workers was done in accordance with the Retrenchment and Severance Benefits Act?

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

Thank you. The Ministry of Labour seeks, at all times, to establish and preserve a peaceful industrial relations climate. By letter dated March 27, 2023, the Chief Executive Officer of Digicel informed the Minister of Labour of the company's decision to retrench 125 employees as they have become surplus to its requirements.

Accordingly, Digicel Trinidad and Tobago Limited, in accordance with section 4(1) of the Retrenchment and Severance Benefits Act, No. 32 of 1985, gave notice that effective 10th May, 2023 it intends to retrench 125 employees. In so doing, Digicel Trinidad and Tobago Limited gave 45 days' notice of retrenchment, which commenced on 27th March, 2023, and each of the affected employees shall receive severance packages together with all terminal benefits due to them.

Sen. Mark: Yes. Thank you, Mr. President. Can I ask the hon. Minister, through you, whether the Government intends to intervene in this particular matter, having regard to the high levels of unemployment in the Republic of Trinidad and Tobago to help save those jobs of those 125 workers accordingly? To the Minister. **Sen.**

The Hon. P. Gopee-Scoon: Thank you. I will answer part of your question with regard to how we may help. And what I am saying is, these employees—and I would imagine them to be very young people who, by now, would have garnered some experience working in the operations at Digicel, involved largely in the call centre operations. As you know, the investTT, the national investment agency of Trinidad and Tobago, has been working on expanding this particular industry, the BPO, the Business Process Outsourcing industry, and we have made several strides. Already, I am aware, that Digicel has made efforts to have these particular persons introduced to the other BPO agents or businesses that already exist in Trinidad and Tobago, and which are in expansion mode, so that these young persons can have the opportunity. But they will have to go through the necessary

hiring process.

In any event, this also provides an opportunity and it is an opening for the new BPOs that will come on stream shortly. I can tell you that there are several of them coming on stream that have negotiated through invesTT and, especially, with the expansion of our special economic zones regime, then we will be opening the door to even four more BPO industries coming into Trinidad and Tobago.

So we only would wish these 125 young employees well and that we remain available, apart from the fact that Digicel would have exposed them to the other agencies—businesses to which they may apply. At invesTT, we could also provide that information to these very young persons. Thank you.

Sen. Mark: Mr. President, may I ask the hon. Minister, apart from submitting a letter to the Minister of Labour alerting him to the retrenchment of these workers in accordance with the Act, can the Minister indicate whether Digicel, in the absence of a recognized majority union at Digicel—I know the CWU does some work outside on behalf of the workers, but there is no recognized majority union. So I am asking, Mr. President, whether in the absence of a recognized majority union, and knowing that Digicel was about to outsource the call centre to Jamaica, did Digicel take the opportunity to have discussions either with the Minister of Trade and Industry as well as the Minister of Labour, or both, with a view to trying to ameliorate some of the challenges?

Mr. President: Sen. Mark, that is a long, long question.

Sen. Mark: Well, can I capture it—

Mr. President: Could you shorten it and ask the question?

Sen. Mark: Yeah. Can I ask, succinctly, whether the Minister can explain to us, in light of what has happened, whether Digicel had any discussions prior to the issuance of retrenchment notices with both the Minister of Trade and Industry and

the Minister of Labour with a view to ameliorating or mitigating the impact of this decision?

Sen. The Hon. P. Gopee-Scoon: Thank you. What I can say to you is that Digicel has acted within the ambit of the law and the Minister of Labour has confirmed that. They have done what was required in terms of giving notice to the Minister of Labour. They did not seek to have a discussion with the Ministry of Trade and Industry, and they are under no obligation to do so. But what I can tell you is that—and all companies, at some time or another, would do its internal recalibrations and so on, and this is a decision taken by the company. There is nothing that you can do to change that. But what you can do and what I have said to you is that Digicel, on their own, has introduced these persons to the other BPO sectors, organizations within Trinidad and Tobago, and that I also said to you that the investTT would make itself available to communicate or be open to any communication about the other possibilities for opportunities within the BPO industry.

Mr. President: Sen. Mark, next question.

Reduction in Water Production at Desalcott (Measures Taken to Address)

Sen. Wade Mark: To the hon. Minister of Public Utilities: In light of the reduction in water production at the Desalcott plant due to algae build-up which is negatively impacting some 240,000 consumers in South and Central, can the Minister indicate what measures are being taken to address this situation?

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you, Mr. President. One of the main sources of the supply of pipe-borne to areas in south and central Trinidad is the Desalination Company of Trinidad and Tobago in Point Lisas. Desalcott is contractually obligated to supply the WASA—the Water and Sewerage Authority, sorry, with 40 million imperial gallons of

desalinated water daily, of which 20 million imperial gallons are made available to the companies at the Point Lisas Industrial Estate, and the other 20 million gallons are distributed to regions in central and south Trinidad. And it is to be noted that the supply of water from Desalcott accounts for approximately 19 per cent of WASA's total water production.

So that, Mr. President, it should be pointed out that Desalcott is a private limited company and WASA has absolutely no control over its operations and its level of production. And there can be no gainsaying that any issue, which negatively impacts the operations of the desalination plant, would have a knock-on effect on WASA in terms of its ability to provide a reliable supply of pipe-borne water to areas in central and south Trinidad which are provided with water from the desalination plant and would result in the normal schedules not being met.

And in this regard, over the last few days, the supply of water from Desalcott was affected by an unusually high build-up of algae in the plant's pipes. Algae are small plants, a seaweed that grows in or near water. WASA has advised that the algae bloom has been reduced and, as at today, the production of Desalcott has been restored to 40 million imperial gallons of water. So it is back to its normal complement.

WASA has further advised that during the period—

Mr. President: Minister, the time for urgent questions has expired. Thank you.

Sen. Mark: Mr. President, may I indulge you?

Mr. President: Sen. Mark, yes.

Sen. Mark: I would just like to ask you to guide us, as a Parliament, and this is the second time I am making this appeal to you, when questions of an urgent nature are being addressed here, unless an excuse is given to you from Ministers absent, I think it is contemptuous, insulting to this Parliament, for the Acting

Leader of Government Business to just appear on the platform without telling you, as the President and this honourable Senate, that she apologizes for the absence of both the Ministers of Labour and Public Utilities for not being here. So I want to ask you to guide this honourable House, so that the respect and dignity you and I seek to maintain, and all of us, could be sustained. So I just wanted you to guide us on this matter.

Mr. President: So, Sen. Mark, as you rightly indicated, your comments in relation to that matter has been raised before and my utterances in relation to such still stands. There are procedures within the Parliament by which those types of issues can be raised. It is not here on the floor and therefore, it is not for me to give guidance at this particular point in time. Acting Leader of Government Business.

Sen. Gopee-Scoon: I just want to add, with your leave, Mr. President, that all the questions posed by Sen. Mark, subsequently, were answered by me on behalf of the Government of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Mr. President: Clerk, one second. So, as I indicated, there is a process by which those issues can be raised. All Senators should be aware of this process, and I would invite all members to utilize those processes in terms of treating with those going forward in the future. Clerk?

ANSWERS TO QUESTIONS

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you very much, Mr. President. I have to say that the Government is in a position to answer Question Nos. 34, 37, 38 and 39. Oral Question No. 76, to the Minister of Finance, we are seeking a deferral of two weeks on that particular oral question, which is No. 76. And may I say also that with regard to the Written

Answers that are due, we are also seeking a deferral of Question No. 74, which is addressed to the Minister of Energy and Energy Industries, for two weeks. We have already circulated question No. 73. Thank you.

Mr. President: Hon. Members, the leave which the Member seeks is so granted.

WRITTEN ANSWER TO QUESTION

Judgement Granted Against the Attorney General (Details of)

73. Sen. Jayanti Lutchmedial asked the hon. Attorney General and Minister of Legal Affairs:

Can the Minister provide the following information for each year during the period 2017 to 2022:

- (i) the number of cases in which judgement was granted against the Attorney General in default of filing a defence;
- (ii) the number of cases in which judgement was granted against the Attorney General in default of an appearance; and the total sum paid in damages in cases where Claimants obtained judgement in default of the Attorney General filing a defence or appearing?

Vide end of sitting for written answer.

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Sen. Amrita Deonarine:

Value Added Tax Refunds

(Details of)

76. Given that \$4 billion in Value Added Tax (VAT) refunds were reimbursed to businesses in fiscal 2022, can the hon. Minister of Finance provide the following:

- (i) the current value of outstanding VAT refunds to date;

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- (ii) a timeline to clear the backlog of outstanding VAT refunds; and
- (iii) the mechanism(s), outside of the issuing of VAT bonds, being considered to avoid the recurrence of VAT refund backlogs?

Question, by leave, deferred.

NIDCO's Contract Termination with Construtora OAS S.A.

(Legal Fees Paid to Attorneys)

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

Can the Minister provide the total amount of legal fees paid to the attorneys who advised NIDCO to terminate the contract with the Brazilian construction company Construtora OAS S.A.?

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you, Mr. President. Mr. President, the Office of the Attorney General and Ministry of Legal Affairs did not retain the attorneys on record for this matter to represent NIDCO's interest. Consequently, the Ministry has no record or any invoices being submitted by NIDCO's attorneys for this matter, and I can confirm that the Ministry has not paid any legal fees to the attorneys on record for this matter.

Notwithstanding this, it is matter of public record that based on the advice of its attorneys, NIDCO has, to date, recovered \$922 million of taxpayers' money in the OAS matter and has been successful in court in maintaining possession of those funds. Any legal fees paid to its attorneys in respect of this matter, therefore, would be a small fraction of the amount recovered.

2.00 p.m.

In any event, the fees paid to other attorneys who advised NIDCO on various matters may arguably become the subject of comment and/or recommendation by

the commissioners in the commission of enquiry established to examine and to enquire into all aspects of the management of the land acquisition process by NIDCO for the construction of the Solomon Hochoy Highway Extension to Point Fortin. And as such, it is inappropriate for me to enquire after and/or to comment on this subject at this time. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Sen. Mark: Yeah. Mr. President, is the Attorney General indicating to this honourable Senate that he is not aware of any fees, at this time, paid to the attorneys that were involved in this matter involving NIDCO and the particular company that is before us? Is that what the Minister is telling us?

Mr. President: Attorney General.

Sen. The Hon. R. Armour SC: At the risk of repeating myself, Mr. President, regrettably, because I thought I had already answered the question, one, the Office of the Attorney General and Ministry of Legal Affairs does not retain attorneys for NIDCO and therefore, I do not propose to speak to fees paid to those attorneys. And secondly, to the extent that NIDCO has paid fees to those attorneys retained by it and not the Office of the Attorney General and Ministry of Legal Affairs, that may be the subject of comment and recommendation by a commission of enquiry and it would be inappropriate for me to comment and/or otherwise provide answers with that regard at this time. Thank you.

Mr. President: Sen. Mark.

Sen. Mark: Can I ask the Attorney General, what, if any, relationship on legal advice—on matters of a legal nature, I should say, exists between his office and NIDCO?

Mr. President: That question does not arise, Sen. Mark. Next question.

Sen. Mark: Can the Attorney General advise whether he was made aware at any time, as Attorney General, of the names and number of attorneys providing advice to NIDCO in this particular matter? Can the hon. Attorney General share that with this honourable House?

Mr. President: That question does not arise, Sen. Mark. Last supplemental.

Sen. Mark: I will go on to Question No. 37.

**THA Financial Statements
(Details of)**

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

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

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

Mr. President: Minister in the Ministry of Finance.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Finance (Hon. Brian Manning): Mr. President, the information being sought is available from the Auditor General through the Public Accounts Committee of the Parliament. The role of the Auditor General is clearly identified in section 116 of the Constitution of the Republic of Trinidad and Tobago, and the role of the Public Accounts Committee is clearly identified in section 119 of the Constitution. It should be noted that the Public Accounts Committee is chaired by an elected Member of the Opposition.

The Ministry of Finance has no constitutional role to play in auditing of the THA's financial statements and should not get involved in the business of

constitutionally independent audit authorities. The Senator is advised to pursue the information requested through the Public Accounts Committee.

Mr. President: Sen. Mark.

Sen. Mark: [*Inaudible*]—become a stuck record—

Mr. President: Sen. Mark—

Sen. Mark:—so I want to speed him up—speed it up.

Mr. President: Sen. Mark—

Sen. Mark: I am going to ask a—

Mr. President: Sen. Mark, if you are going to ask a question, do so. The extra is not required. Ask a question if you have a supplemental.

Sen. Mark: Yeah. Mr. President, is the Minister aware that the Minister of Finance has a responsibility and duty under the Exchequer and Audit Act to ensure that moneys approved by the Parliament are spent in accordance with the wishes of the Parliament? Can I ask the hon. Minister if he is aware that the Minister of Finance has a responsibility to ensure that moneys approved by the Parliament to any institution, including the THA, is in fact spent in accordance with the wishes of the Parliament of the Republic of T&T? I am asking the Minister that.

Mr. President: Minister in the Ministry of Finance.

Hon. B. Manning: Mr. President, if the hon. Member continues to ask the same question, he will get the same response.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, that is arrogance—

Mr. President: Senator—

Sen. Mark:—contempt—

Sen. Gopee-Scoon: No. No. No.

Mr. President: Sen. Mark—

Sen. Lyder: [*Inaudible*]—“he cyah answer, he cyah answer”—

Mr. President: Sen. Lyder, I am on my legs. Sen. Mark, I have indicated prior that the procedure that we are engaged in right now is treating with Questions for Oral Answer. If you have supplementals to ask, please ask the supplemental and leave out the extra commentary.

Sen. Mark: Mr. President, may I ask, through you, in light of the misappropriation, improprieties, irregularities occurring under the stewardship of the PNM administration—

Mr. President: So, Sen. Mark, that is not even the beginning of a question. So I am going to ask one more time, ask your question and please leave out the extras. If you have a supplemental, I invite you to ask it now.

Sen. Mark: Now, Mr. President, how do you know it is extras? I am trying to formulate a question. You are not in my head or my mind, so allow me to—

Hon. Senators: [*Crosstalk*]

Sen. Mitchell: Have some respect.

Mr. President: Senator—Members, Members—Sen. Mark—

Sen. Lyder: Stay out of this one. This is not—[*Inaudible*]

Mr. President: Sen. Lyder.

Sen. Mark: I am guided. I apologize. [*Inaudible*]—I apologize. Mr. President, can I ask, through you—I apologize—[*Inaudible*] Can I proceed?

Mr. President: Sen. Mark, I have ruled and all I would ask is for you to comply.

Sen. Mark: [*Inaudible*]

Mr. President: Sen. Mark, ask your supplemental.

Sen. Mark: Mr. President, may I ask, through you, whether the Minister can advise, in matters of misappropriation and irregularities, as we have in this

particular question, can the Minister advise this honourable House whether the central audit unit in the Ministry of Finance has a role to execute in such instances? Can I ask the hon. Minister this?

Mr. President: Minister in the Ministry of Finance.

Hon. B. Manning: These are matters for the Auditor General and not for the Ministry of Finance.

Mr. President: Sen. Mark.

Sen. Mark: Can the Minister explain if what he is saying is true, why did the Minister of Finance use the Central Audit Committee to set up that said committee to investigate financial irregularities in the Trinidad and Tobago Police Service under the former Commissioner of Police? If that is the role of—

Mr. President: Sen. Mark, that question does not arise. I would ask you to move on to the next supplemental.

Sen. Mark: Right.

Mr. President: Next supplemental.

Sen. Mark: So the Minister is playing games, you know.

THA Financial Statements (Details of \$17.2M Expenditure)

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

In light of the Auditor General Report on the audited THA Financial Statements ending September 30, 2015 and the expenditure of \$17.2M incurred by a Division of the Assembly, can the Minister provide the following:

- (i) the name of the Division of the Assembly that incurred the sum of expenditure totalling \$17.2M; and
- (ii) the reasons why supporting documents were not produced for examination by the Auditor General?

Mr. President: Minister in the Ministry of Finance.

The Minister in the Ministry of Finance (Hon. Brian Manning): Mr. President, this is yet again another question dealing with the THA and the Auditor General. The information being sought is available from the Auditor General through the Public Accounts Committee of the Parliament, Mr. President. The role of the Auditor General is clearly identified in section 116 of the Constitution of the Republic of Trinidad and Tobago, and the role of the Public Accounts Committee is clearly identified in section 119 of the Constitution. It should be noted that the Public Accounts Committee is chaired by an elected Member of the Opposition.

The Ministry of Finance has no constitutional role to play in the auditing in the THA's financial statements and should not get involved in the business of constitutionally independent audit authorities. The Senator is advised to pursue the information requested through the Public Accounts Committee.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, can I ask, through you, whether the Minister could explain to the Senate, accounting officers who are appointed by the Minister of Finance, with the support of the Treasury, can the Minister explain to this House what, therefore, is the role of accounting officers that are appointed by the Minister of Finance to ensure that public moneys are spent in accordance with the wishes of the Parliament? Can the Minister shed some light on this?

Mr. President: That question does not arise, Sen. Mark. Next supplemental.

Sen. Mark: I will go on to—I have a final question. I will go on. Question No. 39, right? That is not so?

Mr. President: Question No. 39, yes.

THA Financial Statements

(Submission of Supporting Documents to Auditor General)

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

In respect of THA Financial Statements ending September 30, 2015, can the Minister explain why supporting documents were not submitted to the Auditor General to verify expenditure amounting to the sum of \$41M under the Contingencies Account?

Mr. President: Minister in the Ministry of Finance.

The Minister in the Ministry of Finance (Hon. Brian Manning): Yes, Mr. President, yet again another THA financial statement question. Mr. President, the information being sought is available from the Auditor General through the Public Accounts Committee of the Parliament. The role of the Auditor General is clearly identified in section 116 of the Constitution of the Republic of Trinidad and Tobago, and the role of the Public Accounts Committee is clearly identified in section 119 of the Constitution. It should be noted that the Public Accounts Committee is chaired by an elected Member of the Opposition.

The Ministry of Finance has no constitutional role to play in the auditing of the THA's financial statements and should not get involved in the business of constitutionally independent audit authorities. The Senator is advised, yet again, to pursue the information requested through the Public Accounts Committee.

Mr. President: Sen. Mark.

Sen. Mark: I will deal with this on another platform, not this one. Thank you.

Mr. President: Acting Leader of Government Business.

JOINT SELECT COMMITTEE

Shipping Bill, 2020

(Extension of Time)

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

Thank you very much, Mr. President. Having regard to the Interim Report of the

Joint Select Committees appointed to consider and report on the Shipping Bill, 2020, Third Session, 2022/2023, Twelfth Parliament, I beg to move that the committee be granted an extension to September 08, 2023, to complete its work and submit a final report.

Question put and agreed to.

Sen. The Hon. Gopee-Scoon: Thank you very much, Mr. President, but I erred in terms of the order of the Motions and therefore, I read out the Shipping Motion when I should have done the Fisheries. So your suggestion is that we take it from the top?

Mr. President: No problem. We would just read out the Fisheries Management one and then I will put the question again.

Sen. The Hon. Gopee-Scoon: Thank you.

Mr. President: You are welcome.

Fisheries Management (No. 2) Bill, 2020

(Extension of Time)

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Mr. President, having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Fisheries Management (No. 2) Bill, 2020, Third Session, 2022/2023, Twelfth Parliament, I beg to move that the committee be granted an extension to September 01, 2023, to complete its work and submit a final report. Thank you.

Mr. President: Thank you.

Question put and agreed to.

3.00 p.m.

JOINT SELECT COMMITTEE REPORT**Shipping Bill, 2020
(Extension of Time)**

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

Thank you, Mr. President. Having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Shipping Bill, 2020, Third Session, 2020/2023, Twelfth Parliament, I beg to move that the committee be granted an extension to September 08, 2023, to complete its work and submit a final report.

Question put and agreed to.

DATA PROTECTION ACT, 2011**(PROCLAMATION OF REMAINING SECTIONS)**

[Third Day]

Order read for resuming adjourned debate on question [January 31, 2023]:

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

Question again proposed.

Mr. President: May I remind Senators that Members taking part in the debate may speak on the original Motion and the proposed amendments by the Attorney General and Sen. Damian Lyder. We have eight Members that spoke on January 31, 2023, and on the last occasion, which is Tuesday, February 28, 2023, we had nine speakers. Minister of Trade and Industry, you have 20 more minutes.

Hon. Senators: [*Desk thumping*]

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

Thank you very much, Mr. President, and I wish to thank you for the opportunity

to continue my contribution to this honourable Senate, in response to Sen. Mark's—and I said it before, what was a very thin, four-pronged note which was, in our estimation, poorly drafted.

And, of course, I will tell you that I reminded this House that the Bill was passed more than a decade ago by the PP Government and at that time, nothing was done by them to push the law forward. Least I say, they conspired to go against the law and offer Cambridge Analytical access to the private and confidential information of our citizens for a data and communications mining test project in 2013, but I rest that there.

But listening to the debate, and let us get to the seriousness of it, we all agree—at least I think most of us would have agreed that we now live in a time where data is the new gold, and that technology has been used to treat with data in ways that we could not possibly have envisioned. And I will tell you something. I am not a betting person, but had we proclaimed the rest of this Act in its current form, we would have been probably standing here in this very House on Private Members' Day debating the need for a more modernized data protection legislation. And I think, again, most people would agree on that position. The legislation needs to be modernized.

So, Mr. President, yes, we agree on the importance of data. When I spoke last, I spoke about the importance of proper collection and processing, and allowing for better decision-making by individuals, as well as by the public and the private sectors, supporting the creation of plans to implement and evaluate national programmes, also the influence on modernizing government services, and improving the economy and so on, among other things.

And, of course—but we know of the negatives, and that is what we have to

be careful about. Because as instrumental as data can be to growth and development, if leaked or if shared or exploited for nefarious reasons, it can have detrimental effects on the lives of our citizens. Therefore, safeguarding the personal data and information of our citizens is critical to our Government, and we stand by that.

And so, we say that any data protection legislation to be proclaimed by this Government must ensure the safeguarding and protection of data, while making provisions for its interoperability and the appropriate use of the particular data. We understand the need to have a fully proclaimed Data Protection Act, and I want to repeat that. We understand the need to have a fully proclaimed Data Protection Act. However, we are also cognizant that the Act, which this Motion today refers, has several gaps which must be treated—and many speakers spoke of it—to duly protect our citizens, again, while allowing for the use of data to further our social, our economic and our sustainable development.

Also, it is useful to remember, Mr. President, that our Data Protection Act is based on the old UK Data Protection Act, which was replaced in the UK in 2018, again attesting to the fact that we really do have to modernize the piece of legislation which is before us and which has become archaic.

Another critical development, since the passage of our Act, is the adoption in 2016 by the European Union General Data Protection Regulation, which has essentially, in some quarters, become known as a standard, or the world standard for data protection. This regulation, the GDPR, has been used to model data protection legislation in several countries, Mauritius, Chile, Japan, South Africa, the UK and so on, and even within our region, in Barbados, Jamaica, and so on. The GDPR has influenced their data protection laws. I think Bermuda, Bahamas,

Belize and the BV Islands have also sought to follow that model.

So that we are saying also—in addition to that, I made the point on the last occasion that a blanket approach cannot be taken to the protection of information across and within the public and private sectors. Therefore, we are of the view that a more tiered and reasonable approach should be undertaken which will allow for the appropriate levels of protection and the administration of business practices, in accordance with the nature and with the size of the businesses. It cannot be a one size fits all.

Again, I want to reiterate that our Government remains committed to guaranteeing that the data of all of our citizens is well protected, and that we will continue to do the necessary work to ensure that the required legislation is, in fact, passed; whatever that legislation finally becomes, that it is best suited to address our national environment and also fit into and be compliant with the global environment as well.

On the last occasion when I spoke, I spoke to some extent on the consultancy which had been done by a Ms. Tira Greene, and this was on behalf of the proactive request of the Office of the Prime Minister, Communications division, where the office of data protection is assigned.

Just to recap, the Ministry of Trade and Industry, under its single electronic window loan programme, an IDB-funded programme, executed this consultancy for the provision of advisory services to amend the Act in Trinidad and Tobago. I want to say that there was wide consultation, but not wide enough, but there was significant consultation and that took about 12 months or so, with a number of key stakeholders, people like CARICOM IMPACS; the Eastern Regional Health Authority; FCB; the Intellectual Property Office; the Judiciary; the Ministry of

Health; the Ministry of National Security, Computer Security Incident Response Team; Ministry of Public Administration and Digital Transformation, as it then was; the Ministry of Trade and Industry; the National Archives; the National Insurance Board of Trinidad and Tobago; the North Central Regional Health Authority; the North West Regional Health Authority as well; Office of the Attorney General and Legal Affairs, as it was then; the Office of the Prime Minister; the South-West Regional Health Authority; the Telecommunications Authority of Trinidad and Tobago; TSTT; the Treasury Solicitor's Department in the Ministry of Finance; the Trinidad and Tobago Police Service and the Cyber and Social Media Unit; the University of the West Indies; the Blind Welfare Association; the Bankers Association; Microsoft Corporation; Digicel; Scotiabank, and the Media Association. Wide enough, but there is still more consultation that I think has to be done as well.

The work that the consultant did considered the alignment of the current data with the GDPR, and looked at all of the 16 areas, and I am not going to call them out today. But what I am saying is that, the outcome was that our legislation is only aligned with the GDPR in three of the 16 instances, and that speaks to the gaps which exist.

Then, again, it did not align at all in two particular instances, which would be the data breach notifications and the data protection officers. And in some other instances, there was some alignment, partial alignment. So it is indicative of the current legislation's shortcomings and the areas which must be addressed to improve our legislation. It is therefore evident that we are behind in terms of what is expected to be the standard, if we are meant to be world class in this area, and if we are meant to have modern and useful law. So there are gaps, and let us admit.

So the consultant did, in fact, present a detailed legislative brief, which will inform the new and revised legislation. Again, we still have to go back to have another look at this. We need to now review, again, the policy instructions of the communications Ministry. We also have be informed by the policy again, instructions of the Ministry of Digital Transformation, both of which would have to be approved by Cabinet.

So that the new legislation must take into consideration the inclusion of provisions that will give effect to key principles in data protection, including international best practice, such as, again, certain provisions of the EU GDPR and, of course, it has to facilitate open data and data sharing. It has to address concerns about the abuse of power. It has to facilitate innovation, cloud policy, data localization, data standards, artificial intelligence and so on.

The current brief seeks to modernize the legislation and include new definitions about biometric data, who is a data processor, data controller, genetic data, sensitive personal information, et cetera. Also, the brief informs of ways in which the general privacy principles can be enhanced to ensure that personal information is processed lawfully, fairly and transparently, and is collected for explicit, specified and for legitimate purposes, and not further processed in a manner which is incompatible with other purposes. So it must be processed in accordance with the rights of a data subject.

So there must be exceptions of small businesses, understanding that a small business should not be subjected to the same level of scrutiny as a conglomerate or a financial institution. So, again, I do believe that we must consult with all of the other business institutions to ensure that we really do understand the levels that are necessary.

Also, the critical need for data sharing within the public sector, again, that is paramount at this time. We always speak about the ease of doing business but, again, we want to enable that data analytics be carried to identify issues and solutions regarding Government policymaking, programme management, service planning and delivery by government agencies, and also to enable such related agencies to develop better Government policymaking, programme management and services planning generally.

2.30 p.m.

So I want to say also, and I believe the Minister with responsibility for digital transformation addressed the need for the alignment of the data protection initiatives with other government projects and I am not going to go into it because the Minister spoke about the national identity management solution and—which will enable us, the Government and the private sector as well, to digitally authenticate and securely engage citizens online. So this e-identity management solution, or e-identity, would help in a lot of ways with fraud and forgery, fight corruption again, but again offer to the citizens the ease that they would wish in terms of accessing Government's policies and so on, again, with all of the necessary technologies. I am not going to go into it anymore—but also the other solutions or the Government's solutions that it should be in alignment with the interoperability services solution.

Also, again, in our own in the Ministry of Trade and Industry, our trade and information portal, which I am ever so proud of, I can just say, if I can squeeze in that, of more recently and when we checked it, that portal has received more than 134,000 unique visitors in this short time that it has been—it has been opened to the public, and more than 369,000 visits from persons across 84 countries in six

continents. And, of course, we are very pleased about that. And, of course, another project that I would mention, but not take the time to elaborate or to go on again, is our enhancement of the TTBizLink platform. But pretty soon, by the end of April or the beginning of March, we will have the very favourable outcomes of that and I will be able to go to the population to announce these.

But I want to make the point that even in the Ministry of Trade and Industry, where we have had these technologically-advanced solutions opened to the public, we had been very, very careful to ensure, about the design and the configuration, using a number of principles to ensure privacy and confidentiality of our citizens and our business persons, in terms of its user content, the actual authentication or authorization, the encryption, auditing and log in, the security controls and standards, et cetera. So we think we are doing best practice but, at the same time, I think the legislation will, in fact, ensure that all of these activities are in alignment with the proposed legislation and are indeed for the protection of the businesses and the persons who would be using those. So I am very proud of the fact, again, that we have been one of the Ministries to really spearhead the use of commercial data for advancing—for advanced reporting and research and analysis and recommendations and so on.

But I go on, Mr. President, to say that what we want in this country is really a data-driven culture, and this is what I know is the mandate of the—

Mr. President: Minister, you have five more minutes.

Sen. The Hon. P. Gopee-Scoon: —Minister of Digital Transformation. I want to say that, in the limited time that I have, that, again, our Government supports and will continue to uphold the fundamental rights of all citizens, including their right to privacy. We remain committed to the principle of good governance and putting

everything in place to ensure that we do have, in fact, the necessary legal and regulatory pillars to create a competitive and digital economy as well.

We have listened to everybody, the Opposition and the voices on the other side, and there have been recommendations that have been put forward by the Independents, in particular, and I want to congratulate them because they would have taken—many of them took the time to research and to recognize that more needs to be done to get this legislation right. Sen. Dillon-Remy would have recommended that we perhaps need another 12 months, if I remember rightly. And Sen. Deonarine would have recommend that 18 months—she does not see this happening before.

And so, therefore, I wish to place on the table to this honourable House an amendment. We will be removing the initial amendment which was posed by the Attorney General, replacing it with another amendment. And in that amendment we would delete the word “immediately” and substitute the words “within 18 months”. And so that, therefore, that final limb would read:

Be it resolved that this Senate call on the Government to within 18 months proclaim the remaining sections of the Data Protection Act and in the process ensure the necessary checks and balances aimed at safeguarding citizens’ fundamental right to privacy.

So, therefore, I seek to move this Motion now put forward by the Government, Mr. President. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, before I call on the next speaker, the question is that Motion be amended by the Minister of Trade and Industry.

Question, on amendment, proposed.

Mr. President: Senators taking part in the debate hereafter may speak on the original Motion and their proposed amendments. Sen. Thompson-Ahye.

Hon. Senators: [*Desk thumping*]

Sen. Armour SC: Mr. President, would you allow me to move—

Mr. President: Sure.

Sen. Armour SC:— a seconder to the Motion, please?

Mr. President: One second, Sen. Thompson-Ahye. You were saying, Attorney General?

Sen. Armour SC: To second the Motion to amend. Thank you.

Mr. President: So, Attorney General, there is no need to second the Motion once it comes from the Government Benches. Sen. Thompson-Ahye.

Sen. Hazel Thompson-Ahye: Thank you, Mr. President. I rise to speak on the Private Members' Motion brought by Sen. Wade Mark calling:

“...on the Government to immediately proclaim the...sections of the Data Protection Act...”—2011 which have not been proclaimed and which offer—

“...the necessary checks and balances aimed at safeguarding citizens' fundamental right to privacy.”

Earlier this year, I was at the meeting the Electoral College at which we elected a new President. I think it was this year. You look surprised, Mr. President. A Member of the other House on the way out of the Chamber said of me to a senior politician, “She in my constituency, you know. She vote for me.” I was absolutely astounded. I looked at the MP with furrowed brow. How could she make that assertion and with such assurance? On what basis? I did not admit or deny it. But more importantly I wondered, was not one's vote secret? What process of deduction had she used to purport to have that information? I do not

know her to be fond of alcohol or possessed of any other spirits. So like the naughty boy in the John Keats' poem, I stood in my shoes and I wondered. Even if that were true, section 64 of the Representation of the People Act requires secrecy of the vote. I surmised as the Bajans in Cave Hill would say, "she mekin' sport, man". During the penultimate election campaign, I was annoyed to receive messages on my cell phone urging me to vote for a particular party. How did they get my number, I wondered.

Not too long ago, a doctor friend, whom I had not consulted professionally, was able to tell me aspects of my medical history I had not shared with him. Earl Lovelace in his play *Jestina's Calypso*, in which as Robin Otway, a former local lawyer, shared in a chat quite recently, I will play the title Earl wrote, "It aint have no secrets in this place." Facebook, TikTok, WhatsApp, "everything out in de open".

In 2015, I conducted a course for Caribbean media on responsible coverage of children's issues. At the end of the course, a group of media, all male, invited me out to dinner. We were returning to Trinidad the next day. They seemed harmless enough, so I accepted. After dinner, as tongues as grew loose with drinks, they regaled me with tales of the private lives of—I will not say what group of people. Men are notorious gossips. "Doh" feel in the tea room the talk is only about Bills, eh. Now I will have no friends. While there may be more than a grain of truth in Lovelace's words, protection of personal data is a serious obligation of governments and a precious right of every citizen. It is no wonder then that Sen. Mark and many others are anxious that this law which protects the right of privacy of personal information be fully proclaimed, not later but now.

There is no denying the fact that protection of personal data is vitally

important and that the harm that can result to a person whose personal data is compromised can be devastating. As access to online data increases, we all read with dismay and even fear the horrific tales of identity theft, fake profile, financial insecurity, physical harm, sexual grooming of children and even murder which occurs through data loss and data misuse. We are urged to protect our personal information, to store our valuable information carefully, to choose strong passwords. That is a real challenge for some people, you know. I write my password sometimes in code and then forget what the code means. Recently, I spent over an hour at a particular bank as they told me I had to get a new bank card if I could not recall my password. And on top of that, they charged me \$30. If a bandit steals my card and say, “Your number or your life,” I gone through yes.

As a result of the risk, the perceived and real dangers, resultant from the lack of data protection, many jurisdictions have moved within recent times with alacrity to secure the personal data of its citizens. They have not only enacted data protection laws but have implemented these laws. I am forced to follow the Mighty Shadow and ask, “What wrong with we”?

You see, Mr. President, enacting laws and not implementing them reminds me of a slogan of striking workers I had heard walking down Frederick Street during my high school days. I know I have spoken about that before. The chain of stores is no longer present here. In fact, two weeks ago, I saw a sign in a village shop in India, it said “Bata Stores”. And I said, “Ohhh, that is where Bata gone.” The slogan was, “Pass by, mamaguy, but doh buy. If yuh want, yuh could even wave bye-bye but doh not buy”.

So when we pass a law and we do not implement it, citizens can be forgiven for thinking, it was a “mamaguy”. They are entitled to believe that we were just

going through the motions to look good but we were not serious. The object of the Data Protection Act is to ensure that protection is afforded to an individual's right to privacy and the right to maintain sensitive personal information as private and personal. The personal information that the Act seeks to protect is:

“...information about an...individual that is recorded in any form including—

- (a) information relating to race, nationality or ethnic origin, religion, age or marital status of the individual;
- (b) information relating to the education or the medical...or employment history of the individual or information relating to the financial transactions in which the individual has been involved or which refers to the individual;
- (c) any identifying number, symbol or other particular designed to identify the individual;
- (d) the address or telephone contact number of individual;
- (e) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual;
- (f) correspondence sent to establishment by the individual that is explicitly or implicitly of private or confidential nature, and any replies to such correspondence which reveal the contents of the original correspondence;
- (g) the views and opinions of any other person about the individual;
- (h) the fingerprints...”—DNA—“blood type or the biometric characteristics of the individual;”

The Act also seeks to ensure protection of:

“...an individual’s right...to maintain sensitive personal information as private and personal.”

And defines “sensitive personal information” as meaning:

“... information on a person’s—

- (a) racial or ethnic origins;
- (b) political affiliation or trade union membership;
- (c) religious beliefs or other beliefs of a similar nature;
- (d) physical or mental health or condition;
- (e) sexual orientation or sexual life; or
- (f) criminal or financial record;

‘sensory disability’”—meaning—“a disability that relates to sight or hearing;...”

So it is very, very wide.

We heard the hon. Minister say that we are preparing to modernize the law to reflect changes since 2011. That we need the law to keep pace with the changes in technology and the legal landscape. He said, and I quote:

“...the effective management of data...requires us to find the right balance between ensuring our national data resources are available to everyone while, at the same time, protecting the personal information on the citizen’s life, government and agencies.”

He stated that the first thing that Government had to do was:

“...to make sure...”—the law—“addresses the various technological and social changes that have occurred since it was partially proclaimed in 2011 and 2012.”

Data Protection Act, 2011 (Proclamation
Of Remaining of Sections)
Sen. H. Thompson-Ahye (cont'd)

2023.03.28

But you know what? In this rapidly changing world, where new inventions, innovations are created on such a regular basis, that we are dizzy from the whirlwind of technological changes, there will always be the need to make changes.

That is the reason for the process that we know as amendment.

2.45 p.m.

The need for amendment has not prevented jurisdictions enacting and/or implementing data protection laws. Look around, what do we see? Data protection laws aplenty. Antigua and Barbuda, Data Protection Act, 2013; the Bahamas, Data Protection (Privacy of Personal Information) Act, 2003, Chap. 324A; Barbados, Data Protection Act, 2019; Belize, Data Protection Act, 2021; Bermuda, Personal Information Protection Act, 2016; British Virgin Islands, Data Protection Act, 2019; Cayman Islands, Data Protection Law, 2021; Jamaica, Data Protection Act, 2020; St. Kitts and Nevis, Data Protection Act No. 5 of 2018; St. Lucia, Data Protection Act of 2011; St. Vincent and the Grenadines, Privacy Act, 2003.

The PECB, that is the Professional Evaluation and Certification Board University, Washington, DC, in an article in its magazine dated October 11, 2021, written by Vesa Hyseni, entitled, “Why is Data Protection Important?” enumerated “Key Elements of Data Protection”. May I have your permission to quote, Mr. President?

Mr. President: Sure.

Sen. H. Thompson-Ahye: One:

“Confidentiality: The data is retrieved only by authorized operators with appropriate credentials.”

Two:

“Integrity: All the data stored within an organization is reliable, precise, and not subject to any unjustified changes.”

Three:

“Availability: The data stored is safely and readily available whenever needed.”

The article also listed, “The Type of Data that Requires Protection”, and these were:

“Vital information of customers, such as names, addresses, emails, phone numbers, health information, or bank details.”

The article also dealt with the need for, “Data Protection Framework”. The author stressed that:

“As the number of organizations that process the personally identifiable information...increases so does the need for such organizations to ensure the safety and privacy of data.

The framework will help an organization to ensure that all data stored in their services is protected and reasonably used. It will also give the organization guidance and structure on any changes needed and the specific use of such changes.”

So that is actually in Part 2 of our Data Protection Act, the framework, and that is why it is so important that we enact that part.

“Additionally, using a well-known data protection framework may decrease the risk of incidents, and regulator may have a greater effort to protect the data in such cases. A data protection framework may also adapt to meet the evolving data protection requirements...Data protection standards may help

you and your organization to better manage your customer's data.”

PECB offers:

“...training courses and certifications...”

You can contact them at *marketing@pecb.com*. The Attorney General and the Minister of Digital Transformation may find that useful.

So here we are today, we have a 2011 Act that has been proclaimed in parts. According to Sen. Mark, key elements of the Act that will inure to the great benefit of citizens have not been proclaimed. In moving the Motion, Sen. Mark stated that some key provisions had not been proclaimed. I would have expected that in his preparation for coming to the Senate, to expound on the Motion for full proclamation, he would have thoroughly studied the existing circumstances. I was therefore very surprised to hear him state that sections 4 and 6 had not been proclaimed. The hon. Minister corrected him regarding his misconception about section 6. But it was left to Sen. Vieira, who in his patient and thorough way, who seem to have read the Act and the proclamation notices, in the same way I had, to set him straight on section 4. To wit, if Part I is proclaimed and sections 4 and 6 are constituent parts of Part I, then there is no logic in asserting that these sections have not been proclaimed.

According to the mover of the Motion, some citizens consider that they are vulnerable and are being prejudiced and likely to be disadvantaged by government personnel using their data without their permission and to their detriment. They feel unsafe and unprotected and they want immediate relief. There is no trust, but plenty distrust in our society. Trust in institutions and our fellowmen and women went out the window when the neighbourhood Chinese shop, that I frequented as a child and from which my mother used to trust good, shut its doors to be replaced

by supermarkets which do not give credit, but have recently been credited with digging out our eyes and emptying our pockets.

So although the Constitution guarantees our rights to respect for our privacy, that right is not absolute as the Constitution itself provides the circumstances under which this right might be derogated from or abridged, and these circumstances include, inter alia, the need for a special majority. So as precious and as treasured as the right to privacy may be, and undoubtedly is, the fundamental right to privacy is therefore not absolute. The mover of the Motion seems appalled that Government could even think of using personal information to further its objectives under another piece of legislation dealing with collection of taxes. He has accused the Government of cherry-picking the operationalization of section 42(a) and (b) with the specific purpose of collecting information for property tax.

I wish to make some comments and ask some questions in this regard. It is not unknown for governments under data protection law to use personal information for the purpose of revenue collection. All jurisdictions provide for consent to the processing of personal information. But all have exemptions to this general rule. Section 9(j) of the Barbados Data Protection Act, 2019, prohibits the processing of sensitive personal data, which under section 2(i) includes:

“financial record or position;”

Unless

- “(j) the processing is necessary for the exercise of any functions conferred on any person by or under an enactment;
- (k) the processing is necessary for the exercise of any functions of a public authority;”

So here we see Government is opting out. There is an exemption.

Section 5(3) of the Jamaican Data Protection Act, 2020—not yet enforced—states:

“Where the personal data is being processed...in...”—inter alia—“the public interest as a whole, the data controller would be exempted from complying with a number of provisions under the Act and would have legal basis for processing the data.”

Section 13 of the Bahamas Data Protection Act provides:

“In this Act any restrictions on or exceptions to the disclosure of personal data do not apply if the discloser is —

“(b) required”—inter alia—“for...assessing or collecting any tax, duty or other moneys owed or payable to...Government, statutory corporation, public body, or a local authority in any case image the application of those restrictions would be likely to prejudice any of the matters aforesaid;”

When we look at section 10 of Belize Data Protection Act, 2021, it provides that the:

“Processing of personal data shall be prohibited unless—

(j) the processing is necessary for the exercise of any functions conferred on any person by or under an enactment;

(k) the processing is necessary for the exercise of any functions of a public authority;”

When we look at Cayman Islands Data Protection Act, section 19 of the 2021 revision, it:

“...exempts from the...protection principle...

Personal data processed for...”—the purpose of:

“(c) the assessment or collection of any fees or duty...of any imposition of a similar nature, in the Islands,”

Section 42 of the Trinidad and Tobago Data Protection Act creates a specific exemption to the general rule against prohibition of disclosure of personal information without consent. That is that the information is for the purpose of collecting moneys owing by an individual to the Government of Trinidad and Tobago, or by a public body to an individual.

The mover of the Motion is convinced that the motivation behind the proclamation is for the collection of property tax. It is my considered opinion, however, that there was already a window of opportunity in the previously proclaimed section 9(2)(d) which provides for the commissioner to:

“authorise the collection of personal information otherwise than directly from the individual in appropriate circumstances;”

Can one seriously doubt, and would not accord rule that an appropriate circumstance must include the collection of revenue without which Government in particular—in particular, local government, cannot perform effectively and efficiently? I see no sinister motive but detect the operation of what I would dare to call “the doctrine of necessity” to compel a recalcitrant burgess to comply with his or her legal obligation. Is collection of taxes in the circumstances lawful? I say, yes. Is it fair? I say, yes. Why should only some bear the burden of taxation?

As a general rule, consent for disclosure of the information is required. But if the consent is not forthcoming what should Government do? Should the Government do like Brer Rabbit and lie low and say nothing. One has to be practical in certain circumstances. And I dare say, although it may sound harsh, that collection of revenue is one such circumstance. It is a most important function

of Government. Governments must govern or they must go home, or be put out to pasture, and I am not speaking of on a golf course either. Strong leadership is what is required in this country; strong in the sense of having the courage of one's convictions.

“Be not afraid

I go before you always.

Come, follow me, and I will give you...”—not rest, but relief.

Like in Europe, most data protection laws in the Caribbean have been influenced by the European Union Data Protection Regulation. Trinidad and Tobago still has a long way to go with regard to compliance with all that is required. Part I of our Act, which encompasses the preliminary provision, sections 1 to 6 have been proclaimed. As far as Part II is concerned, sections 7 to 18, which establishes the office of the information commissioner and sets out his methods of appointment by the President, his qualifications, tenure, powers, functions, as well as that of his deputy, to remuneration, to staffing and other procedural matters—I have spoken about section 42 of which the mover of the Motion complained.

Sen. Mark has also taken issue with a non-proclamation of other areas of the law which provide protection for citizens. It is incumbent on the Government to move with greater alacrity to have these provisions proclaimed. Matters such as appears in Part III, namely “Protection of Personal Data by Public Bodies”; especially section 52, the right of access to personal information held by a public body; and Part IV, “Protection of Personal Data by the Private Sector”; and Part V, “Contravention and Enforcement”, remain outside of the Act. We need this Government to show as a sign of good faith and to rebuild its failing trust in your governance, to signify your intention in a concrete and specific manner. Tell us

your intention regarding proclamation of the remaining sections of the Data Protection Act.

Jamaica, with regard to its plan for proclamation of its Data Protection Act, passed its Data Protection Act in June 2020. On December 01, 2021, it appointed Celia Barclay, one of my many adopted daughters in whom I am most proud, as the first Information Commissioner.

The Government has announced that its substantive provisions under the Act, which include the right of a data subject and legal obligation of a Data Controller, are not yet in effect. It further stated that those provisions will not come into operation until the Government has publicly appointed an effective date. The provisions appointing and establishing the Office of the Information Commissioner came into effect on the 1st of December, 2021. The result of this is that the two-year transition period for data controllers to take the necessary steps to ensure full compliance with the requirements under the Act commenced on 1st of December, 2021, and will expire—in fact, as it expires on 30 November, 2023.

While the Government will most likely be unable to comply with Sen. Mark's request for immediate proclamation, I am calling on the Government not to come here with one of their favourite stuck phrases, "soon as possible", "in short order", but a definite date. I see they are giving a timeline as the amendment that has been signalled to us, and they must work towards to conclude this long-standing sin of omission on our legal landscape of protection. This Lenten season is appropriate for you to confess to us your concrete plans. Give us a specific date. No more "pass by, mamaguy, but doh buy". I thank you.

Hon. Senators: [*Desk thumping*]

3.00 p.m.

Mr. President: Attorney General.

Sen. The Hon. R. Armour SC: Mr. President, in accordance with Standing Order 40(17), I seek leave of the Senate to withdraw the amendments in my name to Private Members' Motion No. 1. Thank you.

Question put and agreed to.

Mr. President: Attorney General.

Sen. The Hon. R. Armour SC: Thank you, Mr. President. Leave having been granted, in accordance with Standing Order 40(17), I wish to withdraw the amendment in my name Private Members' Motion No. 1.

Amendment withdrawn.

Mr. President: Hon. Senators, the amendment in the name of the Attorney General is withdrawn. The debate will continue on the original Motion and the amendments proposed by the Minister of Trade and Industry, and Sen. Lyder. Minister of Communications.

Hon. Senators: [*Desk thumping*]

Minister in the Office of the Prime Minister (Hon. Symon de Nobriga): Thank you, Mr. President, and thank you for that warm round of thumping to mark my arrival for this is my first real contribution on a Motion in this august Chamber. Mr. President, of course I thank you and the other Senators here for the opportunity to contribute in this debate on the Motion brought by Sen. Mark and which, of course, has generated a bit of national interest. Sen. Mark's resolution:

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

Mr. President, if I am to sum up the substantive points made by hon.

Senators thus far it would be as follows: firstly, that the Government has had 11 years and therefore, more than sufficient time within which the full proclamation of the Act could have been effected. Secondly, the Government has cherry-picked portions of the Act to be proclaimed for reasons that are less than noble, of course proffered by the Members of the Opposition, and constitute enough evidence of the far reach of government into the private lives of citizens. The third, that the Government has been silent in delineating what are the precise portions of the current legislation that require updating or removing. And fourthly, that the Government has not demonstrated why after all this time it still cannot articulate a time frame for full proclamation—of course, Mr. President, we have an amendment that has addressed that—and it is lagging behind its CARICOM partners in this regard.

Quite frankly, Mr. President, I have also heard proposed—besides the amendments proposed by Senators across the way, and I thank the hon. Senators for those amendments offered. Quite frankly, I have also heard from others outside of this Senate that the Act, though only 12 years old and in legislative standards of quite recent vintage, should be scrapped entirely and a new Act to be put in place that would adhere more closely with the European model already adopted by our CARICOM partners. Mr. President, I think we have already demonstrated, I do not need to hasten to add that it is not the Government's current position.

So therefore, it falls on me as the Minister in the Office of the Prime Minister and one of the Ministers upon whose shoulders, in conjunction with my colleague the Minister of Digital Transformation, the responsibility for this Act now sits, to further illuminate the very real and practical reasons behind the Government's insistence that more time is required before the Act can be fully

proclaimed and as I do so, I would like to anchor my contribution on the thoughts espoused by Sen. Vieira, and I am happy that he is in the House now, as he concluded his submission and I quote:

“...I do not support carte blanche proclamation of all the remaining sections immediately. It seems to me that if we are to move forward responsibly, we are required to revisit, to reassess the legislation, tweaking and updating as necessary. If aspects of this important Act are built on shaky ground, it behoves us to reinforce and to repair them. So to the extent that this Motion calls on Government to implement meaningful and effective data protection, I am 100 per cent behind Sen. Mark. I support the Motion. But on the matter of immediate proclamation, my respectful recommendation would be—I would ask the Government to commit, commit to proclamation later this year.”

Sen. Vieira, I hope I was true to your words.

Mr. President, in preparation for today’s debate, I thought it necessary to revisit, not only the *Hansard* of the current Motion but the entire history of data protection legislation in the Parliament as I believe that it will allow us greater context for Government’s request for additional time for full proclamation. The data protection legislation was first brought to Parliament by a predecessor Minister of Information in the Ninth Republican Parliament, which sat between November 2007 and April 2010. And the legislation introduced then was modeled along the GDPR guidelines of 1995, some 28years ago.

Additionally, the data protection legislation was introduced as a necessary and betrothed companion to the Electronic Transactions Act. At that time, Mr. President, Trinidad and Tobago was leading its CARICOM counterparts in the

passage of such legislation. The contention then that our CARICOM partners are moving ahead of us with respect to the data protection legislation is simply a false premise as they have only very recently introduced legislation based on the updated GDPR regime. And I give the assurance to the Senators and to you, Mr. President, that when we fully implement our legislation, we would undoubtedly return to being a head of the pack.

Mr. President, this context affords the opportunity to outline in greater detail then the guidelines currently recognized by the 2011 Act, birthed from 1995 guidelines, and equally important to demonstrate why full proclamation of the Act in its current form will also be a disservice to the intent and to the provisions of the Electronic Transactions Act. And, Mr. President, in those days, the vast majority of electronic transactions envisaged were those of an economic nature. Of course, today, with the advent of e-government, electronic transactions require a legislative companion that is strong and robust and modern, and able to provide it with the level of security it absolutely deserves, and able to provide citizens with the security that they absolutely deserves.

So, Mr. President, the provisions of the DPA were enacted to provide a more robust defence from the private information of citizens, collected by entities for very specifically defined purposes. It was argued that without these provisions, the personal data of citizens could very easily be compromised—and, of course, we have a past history showing that—and utilized in ways for which their collection and storage was never intended.

Mr. President, there is no argument from anyone on this side as to the necessity of having data protection legislation. Indeed, we strongly believe that data protection laws help to build trust between citizens and governments by

ensuring that personal data is collected, processed, stored safely and transparently, and this trust is critical to fostering citizens' acceptance of e-government services.

As the Government moves ahead with its digitalization agenda therefore, making increased numbers of e-services available both to particular population sets and the wider population in general, there must be a sense that the data gathered will be protected, that the data gathered is safely stored, and that the data gathered is utilized to make the lives of its owners easier.

A simple case in point is the Ministry of Education's recent announcement that a number of its services are now available electronically to both parents and teachers, and that is because of data gathered, stored, protected and used for the greater good. And that has happened, Mr. President, because the Minister of Education has put in place the necessary infrastructure to be able to now more efficiently and effectively utilize the information from its teachers and from the parents, their stakeholders.

Similarly, Mr. President, as the Housing Development Corporation continues on its thrust to not only deliver state subsidized housing to those citizens who require government's intervention to make their dream of home ownership a reality, it has also embarked on its more ways to pay campaign. And this campaign has opened up a multiplicity of online modalities for clients of the HDC to honour their legal obligations and indeed the HDC now boasts of being the first completely cashless state organization in the country. And that was made possible because of the proper gathering, storage and protection of data collected on its clients. And this is allowed to engage in electronic transactions at a pace, quite frankly, that was impossible to conceive.

Mr. President, I believe it was Sen. John who offered the position in support

of the full and immediate proclamation, that something is better than nothing. I want to respectfully disagree with the hon. Senator. Something being is not better than nothing. And in fact, in this case, it can be extremely dangerous to fully implement this Act without the necessary infrastructure in place. When I speak about infrastructure, I am speaking about the physical, the human and the technical infrastructure in situations like the Data Commissioner's Office would be, to court, very real possibilities of several lawsuits. And the truth is, Mr. President, we also have examples of that. There is a very real case of a former Attorney General of this country championing legislation through this Parliament and immediately upon being removed from that office, successfully sued the State for not having the infrastructure in place to accommodate the very legislation that he championed.

You know, Mr. President, there is a quote attributed to the author Stephen King:

“Fool me once, shame on you. Fool me twice, shame on me...”

I want to assure this honourable House, Mr. President, that this Government has no intention of visiting shame on itself or this country.

There is also, and I say this as the Minister with responsibility for Communications, and in my office I am responsible for state media and, of course, interaction with the media in general, of the very startling deficiency that has been identified in the legislation in its current and which requires remedy, if our journalists, the members of the fourth estate and particularly those few who engage in investigative journalism are allowed to carry out their duties unfettered. You see, for—on upon full implementation of the Data Protection Act, it would be both essential and expedient for the underlying principles and the practices embodying the Act to be in alignment with local, regional and international norms, including

widely held norms for a democratic society. So accordingly, the Government is of the view, supported by extensive consultation with the media industry and media practitioners, and mindful of inputs from civil society as well, that appropriate exemptions for investigative journalism and forms of artistic expression must be crafted and introduced into the Act by way of amendment. The intent would be therefore to have a widely workable data privacy framework, protective of all stakeholders, inclusive of our very important fourth estate upon full proclamation.

Mr. President, I am mindful of the time in which I have entered this debate. There are, of course, several other deficiencies in the legislation in its current form which do require updating to bring them more in line with the times in which we live. And with your leave, I will not treat with all of them but I would like to address some of them. There are key changes required to bring the 2011 Data Protection Act in line with modern legislation. The first of those is the definition of what personal data actually is, which needs to be redefined. You see, the existing Act uses the term “personal information” and specifically defines what it is, its names, photos, email addresses, phone numbers, physical addresses and personal identification numbers, things like your DP. But under modern legislation, personal data is defined as any information that can be use on its own or in conjunction with other data to identify an individual. And data that would include things like IP addresses, mobile device identifiers, dual location and biometric data. And most modern laws also cover data related to an individual’s physical, psychological, genetic, mental, economic, cultural and social identity.

Another much needed change is the legal basis to process personal data. You see, under the existing Act, knowledge and consent of the individual are required for the collection, use or the disclosure of personal information.

There are limitations as to the use of consent only as a legal basis as it can restrict public and private sector organizations from performing functions that may be in their legitimate interests or other activities, such as detecting fraud.

3.15 p.m.

Most current legislations outline six legal bases that can be relied on to legally process personal data. The first is consent where the individual has given clear consent to you to process their personal data for a specific purpose. The second is contract. The processing is necessary for a contract you have with the individual or because they have asked you to take specific steps before entering into a contract. The third is a legal obligation. The processing is necessary for you to comply with the law before this vital interest. The processing is necessary to protect someone's life. The fifth is public task. The processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function as a clear basis in law. And the sixth is legitimate interest. The processing is necessary for your legitimate interest.

A very important change, Mr. President, is not the Act in its current form has no differentiation on obligations—sorry, that there is no requirement to have no differentiation on obligations between public and private sector. The current Act separates the obligations of public sector versus the private sector. The obligations placed on the public sector are more stringent while the obligations placed on the private sector can be voluntary or regulated by other regulators. But most modern legislation does not differentiate between the public and private sector. And this is because the private sector, with the increasing use of technology and AI and data analytics, collects and processes huge volumes of personal data and metadata on individuals. And as such, under current laws, such as the GDPR and in other

territories of the Caribbean, once an organization is collecting and processing personal data, they are defined as a data controller and they have specific compliance obligations under the law. That is not the case with the Act in its current iteration.

There is the issue of personal data breaches. The current legislation is silent on a definition of personal data breaches and the obligations of data controllers to report personal data breaches to the regulator or the affected parties. And as such, you have a situation where persons being affected by data breaches may never know. Within the GDPR and the laws in the Caribbean, there is a single requirement to follow. Data controllers must notify their regulator and the individuals affected by a personal data breach within 72 hours of learning about the breach. Mr. President, of course, there are the key limitations to the Act, but I will move on from there because they have been ventilated in large part in this debate.

Mr. President, as would have been demonstrated by my colleagues on this side throughout this debate and through real-world evidence like the most recent digitalization success story at the Ministry of Education, this Government has demonstrated that it is fully committed to digital transformation—

Hon. Senators: [*Desk thumping*]

Hon. S. de Nobriga:—which allows Ministries and state agencies to work seamlessly together to deliver a robust and effective and efficient electronic government to a modern society. The ability to provide this robust, effective e-government must be built on the key pillars of building trust by ensuring that people's personal data is collected and processed and stored safely and transparently, which will be critical to fostering citizens' acceptance of e-government services. It will be built on the protection of citizens' privacy by

setting clear data handling guidelines. The laws ensure that e-government services respect citizens' right to privacy and protect their sensitive information. It will be built on ensuring data security by promoting cybersecurity best practices. These laws help create a safer digital environment for e-government services. It will be built on facilitating information sharing by setting clear standards for data sharing and interoperability. These laws will help simplify government operations and improve service delivery. It will be built on promoting transparency and accountability, and facilitating citizen participation to create an environment that makes citizens more comfortable using e-government services, such as digital identity management and electronic access to public services, and facilitating cross-border cooperation by setting common standards for data protection and promoting secure data transfers.

Mr. President, every year, our chambers of commerce and ordinary citizens lament the multiple hoops that must be navigated through to conquer the obstacle course that is doing business in Trinidad. A modernized Data Protection Act that allows for the sharing of data across and between government agencies makes no distinction between the private and public sector, and a modernized Data Protection Act will see a quantum leap in people's perception of doing business in this country.

And, you see, Mr. President, it was my hope that my contribution—it is my hope that my contribution and those by my colleagues provided Senators with a fairly comprehensive look at the extent of the work that is required to ensure that we have a modernized Data Protection Act and particularly one that works in concert with an equally modernized Electronic Transactions Act.

Certainly, Mr. President, through the joint efforts of many, but led

principally through Minister of Digital Transformation, this Government has and continues to revisit and reassess the current data protection legislation. It had been my initial intention, as part of my contribution, to give my support to the position put forward by Sen. Deonarine regarding an outside limit of 18 months to full proclamation and put forward arguments to explain why earlier amendments, such as Sen. Lyder's for full proclamation by December 2023. But I am particularly happy that the Acting Leader of Government Business has put forward an amendment to the Motion to replace the words immediately with the words, "within 18 months". This time frame will allow for the very necessary work required to produce legislation that is fit for purpose.

I want to give this honourable House the assurance that, as one of the Ministers currently charged with the responsibility for what data protection, I would do all within my power and remit to have the updated and modernized data protection legislation ready for the debate by then. Mr. President, I thank you and I thank the hon. Members for your time and for this opportunity.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Sen. Wade Mark: Thank you, Mr. President. I would like to sincerely thank all of my colleagues who have contributed to this Motion which seeks to encourage the Government to proclaim and fully operationalize the Data Protection Act. Of course, as some of my colleagues said earlier in their contributions, that even if we have to make amendments to the legislation, let us do so.

I remember the former Attorney General, Faris Al-Rawi, telling our Parliament and Trinidad and Tobago, try to avoid analysis paralysis, let us just start. That was the phrase that was used by the AG, let us just start. And here it is

we have the Data Protection Act partially proclaimed since 2011. And some eight years later, what we are experiencing over the last three sittings, involving contributions from some 18 Members on both sides of our House, the Independent Senators spoke, the Government Senators spoke and we even had the Minister who we did not know had such a powerful role to play in the implementation/operationalization of the legislation. He comes at the end of the debate. He should have been—when I say he, the hon. Minister in the Office of the Prime Minister should have followed the hon. Minister with responsibility for digital transformation. He comes at the end of the debate to tell this honourable House that he has a critical role to play in making sure that the data protection law is effective and implemented. That is eight years later almost. The question that we have to ask: Is this Government serious? Is this Government serious about data protection legislation in Trinidad and Tobago?

Mr. President, my colleague, Sen. Thompson-Ahje, who spoke earlier in this debate is the Chairman of a very important joint select committee called Finance and Legal Affairs. And I have seen two sittings that were televised: one on the planning and facilitation Bill, which is now an Act; the other on data protection and electronic transactions. And the focus was why when laws are passed and assented to, they have not been proclaimed. That is the subject of the enquiry and those three Acts were the subject of attention of that distinguished committee.

I have before me the Second Report of this Joint Select Committee on Finance and Legal Affairs. It came from the First Session, 2020/2021, of the Twelfth Parliament. I have the report. And even the chairperson of that Committee said she was utterly confused because different signals were coming

from different Ministries.

3.30 p.m.

And rightfully, the Chairman was saying, where is the collaboration on this very important matter? Why so much confusion? Because one silo, in this instance, Ministry, Mr. President, is telling the JSC one story and another Ministry is telling another story. So the Committee is confused and they are asking them, that is all the Ministries, Office of the Prime Minister, the Ministry of Public Administration and Digital Transformation, the Office of the Attorney General—all of them were before, in one way or the other, this Committee. But we did not know until the hon. Minister of Trade and Industry spoke.

Nobody told us before she spoke, the hon. Minister that is, that there were widespread consultations. We got the impression when this debate was taking place that there was consultation required. They need to meet with stakeholders in order to bring this matter up to—what is it called?—the European standard, and what is the favourite acronym?—GDPR. That came from the lips of every Member that spoke here, giving us the impression that the Government, Mr. President, had required more time to bring our legislation in line with the European Union standards. I will come back to that.

Let us go to page 40 of this report of my dear friend who chairs that very distinguished Committee on Finance and Legal Affairs. We learnt in the report, in 3.7, and I quote:

“A collaborative approach was thus undertaken and a consultant retained by the...”—Ministry of Trade and Industry—“at a cost of USD 70,000.”

So we are being told in this report that through the Ministry of Trade and Industry a consultant was retained for the sum of US \$70,000. And hear what is the

mandate of this consultant. First of all, I should tell you, it was funded by the Inter-American Development Bank, and hear the mandate:

To conduct—“...a comprehensive review of the legislation...”

Which legislation? The Data Protection Act.

In addition, they were supposed to also focus on the single electronic window for:

“...trade and business facilitation...”

Mr. President, this was in 2020—in 2020. And:

“In January of 2021, a meeting was held between the OPM...”—the Ministry of the Attorney General—“...Public Administration and Digital Transformation...and a representative of the Law Reform Commission...”

And:

“...the OPM informed partner Ministries of the stewardship role”—it had—
“in...”—this—“undertaking...”

So this OPM, with the Ministry of Communications under its wing, that is the OPM has that office or Ministry under its wing, had a big role to play in this matter. So they were supposed to review the consultancy, as I said, review the Data Protection Act.

And what was more amazing is that we learnt in this report, on this same page 40, from the Ministry of the Attorney General and Legal Affairs, they advised the Committee that there was:

“...a review of the...”—Data Protection Act that—“was underway”—that was in 2020 into 2021—“and that draft legislation was being considered.”

And the:

“...information”—as the report said seems—“...to be at variance with...”—

that—“provided by the...”—Office of the Prime Minister.

That is what is being told to us in this report.

And, of course, Mr. President, dates were given to the Committee by the Office of the Prime Minister on the completion of certain phases of this process. They told the Committee the Inception Report will be completed by December of 2020. They told the Committee that a gap analysis report would be completed by January of 2021. And they told the Committee that stakeholder consultations and the Regulatory Impact Assessment would be completed by March of 2021. That is what they told the Committee, the JSC.

But we have, coming before us, Minister after Minister, the Minister of Trade and Industry, the Attorney General, we have the Minister in the Office of the Prime Minister with responsibility for communication, we have the Minister in the Office of the Attorney General and Ministry of Legal Affairs, all telling us they need more time. This is a very complex exercise. The Minister of Digital Transformation, he agreed with the need to proclaim but he also said because of the technological changes, we need to have some more time to bring about amendments to the legislation, Mr. President.

Mr. President, I do not know who is fooling who. I do not know who is misleading who, but I believe that this Parliament is being taken for a ride. I believe that this Senate is being taken for a ride by the Government and their spokesmen, and their various Senators who have spoken here to give us the impression, Mr. President, that they need more time. They need to amend the law. They need to take into account what is taking place in the European Union in terms of the GDPR, General Data Protection Regulation.

Mr. President, I want to say something, we were told for the first time by the

Minister of Trade and Industry in her wrapping up that several stakeholder consultations were held. Okay? And the Minister went on to outline some of the persons participating. The Judiciary, the RHAs, the THAs, business, Bankers Association, TTMA; MATT was also included. I understand MATT was part of those consultations. TSTT, Digicel, TATT, Ministries were involved. So, Mr. President, if all of these stakeholders were involved in this matter, why is it the Government needs 18 additional months to bring legislation to this Parliament in order to have the law proclaimed? Why would the Government need that time?

Well, Mr. President, I have a copy of the invitation that was issued to the various stakeholders to attend this consultation. I would not call the names at this time, I will just read the contents so that you could understand what is happening, and all Senators can understand what is happening. Mr. President, it was on the 3rd of August 2021, that the Office of the Prime Minister issued invitations to all the stakeholders. I want to read the contents of this piece of information so that you, hon. President, and my senatorial colleagues will understand what has happened. It is an invitation to the second stakeholder consultation to amend, Mr. President—to amend, eh, the Data Protection Act, Chap. 22:04.

Mr. President, I want you to listen carefully. This invitation was issued on the 3rd of August, 2021. They were inviting the chambers, the Judiciary, MATT, THA, TATT, Digicel, TSTT, among others, to come—the Trinidad and Tobago Manufactures', to do what? To have a consultation to amend the Data Protection Act. And hear how it goes:

You are cordially invited to participate in a second virtual stakeholder consultation which is carded for August 12, 2021, from 11.00 a.m. to 12.30 p.m., to provide feedback towards...

Sen. Vieira, through you, Mr. President, I want you to listen carefully:

...towards the finalization of the draft amendment Bill to the Data Protection Act.

So on the 3rd of August 2021, the Government, through the Office of the Prime Minister, is inviting stakeholders to come to a consultation to finalize the amendment to the Data Protection Act. I would not bore you with the rest. I simply bring to your attention that the Government of Trinidad and Tobago is either misrepresenting the facts, is either misleading this Parliament.

3.45 p. m.

I would not go so far as to accuse the Government of misrepresenting the truth. I would not go that far. But, Mr. President, I am presenting to this honourable Senate—and I will ask you to have it circulated because I have copies and I want all my senatorial colleagues to read it. It is entitled, the draft—the Data Protection (Amdt.) Bill, 2021. Look, I have it here. It is here in my possession. I have it. I do not want to display it. I am going to ask you to circulate it—when I say you, the hon. President, because everything that we were told in this debate is contained in this amendment. “Look it here”. The amendment Bill that they are saying they have to develop, and they want 18 months to do so, they have already developed it. “Look it here. Ah have it”.

Why is the Government seeking to mislead the Parliament? What is the objective? Nobody came here, including the Minister of Trade and Industry, and the Attorney General, and told this Parliament that there was a draft Data (Amdt.) Bill, dated 2021. They never told us this.

So, Mr. President, I do not want to keep you in suspense and I do not want to keep my colleagues in suspense. I would like to ask, with your leave, if I can ask

the Clerk, through you, to circulate to my colleagues on the Independent Bench, my colleagues on the Opposition Bench and to your good self—because the Government already has this. They have it. I would like the Clerk to circulate this whilst I am speaking, so they can follow the contents of this amendment. And, Mr. President, you see this old talk and mamaguy about the General Data Protection Regulation that they want to update to bring us up to the European standards, the consultants did that.

Mr. Singh: [*Inaudible*]

Sen. Gopee-Scoon: Avi “doh” take him on.

Sen. Lyder: [*Inaudible*]

Sen. W. Mark: The consultant, as the hon. Minister said, Trade and Industry, is a lady called Tira Greene. She mentioned her name. There was a Queen’s Counsel out of London that was part of the team and they came up with this amendment Bill. So why come to this Parliament and mamaguy and mislead our Parliamentarians to tell us that you need more time to amend the law, when you have already amended the law.

Sen. Lyder: “Ahh”.

Sen. W. Mark: Look, the law has been amended here.

Sen. Gopee-Scoon: [*Inaudible*]

Sen. Lyder: I want a copy.

Mr. President: Okay, Sen. Lyder. I know that on the last occasion we had a Senate sitting, I did indicate that at the end of that sitting that there is no need for outbursts when Members are making contributions. That holds true continually. So can I have silence in the Chamber while the Member is wrapping up? Continue, Sen. Mark.

Sen. W. Mark: So, Mr. President, can I ask, through you, the Clerk—I would like if Madam Clerk can come, I have some copies, Madam Clerk, Procedural Clerk, I have some copies, I would like to pass it on to you so that you can pass it on to my Independent colleagues. So I have the copies here.

So, Mr. President, the reason why I am very concerned about this, it is almost treacherous for a government to come to a Parliament after eight years of failing to proclaim the law and giving the impression to you, the hon. President, and to us as Members of the Opposition, and our Independent colleagues that they need to enhance, they need to upgrade and therefore, they need time to amend the law to bring it to the Parliament, when in 2021, by December of 2021, the Government, Mr. President, had in its possession and amended law.

Sen. Gopee-Scoon: That is not the Government's job.

Sen. W. Mark: Whether it is not the Government, it is a draft legislation and no draft legislation could be approved without the Cabinet.

Sen. Gopee-Scoon: It is not the Government's work and you know that.

Sen. W. Mark: But the question here that we have to ask, Mr. President—

Sen. Gopee-Scoon: Well, ask it.

Sen. W. Mark: I am simply making the point that it is ludicrous to come and ask us for 18 months, when you have an amended law.

Sen. Mitchell: We want 24.

Sen. Gopee-Scoon: Exactly.

Sen. W. Mark: You have an amended law. You paid US \$70,000 for this piece of work. You brought a Queen's Counsel out of United Kingdom and here is the finished product.

So, Mr. President, I want to posit this evening that the Government has an agenda.

Sen. Gopee-Scoon: Oh no, oh no, man.

Sen. W. Mark: I want to posit this evening that this Government has no intention whatsoever of proclaiming, operationalizing and fully implementing the Data Protection Act with even amendments. They have no intentions.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: None.

Hon. Senator: [*Inaudible*]

Sen. W. Mark: And when I made the point, and some colleagues and so on mentioned it, about I am talking about areas that were not proclaimed and they were proclaimed, Mr. President, what sense does it make to proclaim sections of the Data Protection Act and it has not been operationalized, it has not been implemented? We proclaim the data protection—no, we proclaim the section that deals with the data, or the office or the information commissioner and all his powers and duties. But, Mr. President, as we speak, there is no information commissioner. There is no information commissioner, even though this was proclaimed since 2011, eight years ago. So, in other words, what is the sense of proclaiming, when you are not translating, you are not implementing, you are not operationalizing the legislation? What sense?

Mr. President, I want to say that it was in 2018, Mr. President, it was in 2018, on the 16th of November of 2018, that the Government of Trinidad and Tobago started its push to collect data on citizens of this country, knowing full well we had a Data Protection Act in place, and sections of it were proclaimed and they ought to have proclaimed all the other sections, they did not do it. But you know

what the Government did, Mr. President? They proceeded in a Cabinet Note, dated November 16, 2018, to establish memoranda of agreement and nondisclosure agreements among Government Ministries, statutory authorities and other legal entities and the SSA. Let me just say it again, the SSA, the Strategic Services Agency, for what, Mr. President? The sharing and management of data to something called the National—

Sen. Mitchell: Reshmi Ramnarine—[*Inaudible*]

Sen. W. Mark: —Fusion Centre—National Operation Fusion Centre. This was in 2018, after we had proclaimed sections of the Data Protection Act. The Government in the face of that Act being—sections being proclaimed, still used the Cabinet to establish a National Operations Fusion Centre, with the SSA at the centre, and they have a nondisclosure agreement and to do what Mr. Presiden? To gather data—to gather data. And hear the agencies that had to provide data to this National Operations Fusion Centre: the Ministry of National Security and all its agencies, TT Defence Force, police service, prison service, fire service, immigration authority, Mr. President, the fire service. All of these agencies were asked to provide data to this Fusion Centre. Hear the other agencies that had to provide data—and, Mr. President, you know the definition of data. Go to the Data Protection Act and it tells you what the definition of data is. It is as wide as it is broad. And these agencies without any lawful authority, without any Parliamentary approval of any legislation, they have the power, Mr. President, to collect data on you, me and others—the entire Ministry of Finance, all employees of finance, including Customs and Excise; data to the Operations Fusion Centre, and who is in charge of that? The Strategic Services Agency, the SSA.

Hear what the Government did in 2018. They compelled the Ministry of Agriculture, Land and Fisheries; the Office of the Attorney General and Ministry of Legal Affairs; the Ministry of Rural Development and Local Government; the Ministry of Planning and Development; the Ministry of Works and Transport, hon. Sinanan; the Ministry of Energy and Energy Industries—imagine the Judiciary. They told the Judiciary, they compelled the Judiciary to provide data to the SSA and through the SSA, the Fusion Centre. Why would the Judiciary want to do that?

Mr. President, you are going to the House of Assembly; you go to T&TEC; you go to the national—NGC; you go to WASA, TSTT, Digicel, Flow, Green Dot, Port Authority, National Quarries, Downtown Merchants Association, all of these organizations were compelled to share data with the Strategic Services Agency under the rubric called National Operations Fusion Centre. Mr. President, what were these agencies doing with my private and confidential data?

4.00 p.m.

Mr. President, what were these agencies doing with my private and confidential data? Mr. President, this data protection law is so critical and vital. I said the last time I spoke, it is like the oxygen you need to breathe. Data is life. Data is like water. Mr. President, you know that if you want to buy a box of chicken and chips and you do not want to go by KFC, you have to give them your name, your address and your telephone number? And when they send somebody in front of your house to deliver, what happens to that data after? Suppose somebody wants to send out a hit on you, what will happen?

I am just telling you, Mr. President, the importance of data, the vulnerability that people have. And when a Government allows these agencies to share data from a Cabinet perspective, where is my protection? Where is the protection for

the workers? Where is the protection for the people? Who is using my data? How are they using my data? For what purpose? We do not know. And the Government comes here—Sen. Ahye told us that throughout the Caribbean, laws have been passed, and in less than one year, one year and a half, they have been proclaimed and operationalized, in the Caribbean. Why in Trinidad and Tobago, it is almost eight years after, Mr. President, 2011, proclaimed—11 and 9 is 20; 20 and 3 is 23. It is 12 years, and we are naked. Mr. President, we have no clothes, because the Government has made us naked, and they are able to access all our privacy. All our privacy is in the hands of the Government. This is a dangerous, disturbing, troubling situation that we are facing in Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: So this data protection Motion is not a simple thing for the Government to come and say they want 18 months. Eighteen months to do what? To engage in more cyber surveillance of our people? To misuse data without any protection?

Sen. Gopee-Scoon: You do not understand the process.

Sen. W. Mark: No! You do not—Mr. President, let me deal with you, please. Mr. President, I want to tell the hon. Minister, through you, I think she was a Member of the Cabinet of Patrick Manning, and I want to tell the hon. Minister or to remind her, go back to the two Bills that you brought in 2009. I have them. A joint select committee was established. Mr. President, if you look at the Bills, they are almost the same as what we have with a few tinkering here and there. Why the Government has not proclaimed and fully operationalized these pieces of legislation? Why? You know, Mr. President, you know why? They amended the valuation Act, recently, through a Finance Bill, to give the Commissioner of

Valuation and others the right to access data without your consent from Trinidad and Tobago Electricity Commission, from the Water and Sewerage Authority, from the Postal Corporation of Trinidad and Tobago.

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

Sen. W. Mark: Thank you very much, Mr. President. Mr. President, we reject, completely, any 18 months. In fact, I was extremely under pressure to even make the amendment of a year. Some people say, “Wait, Wade Mark, yuh gone mad”? By May they should have this thing ready. Why are you giving them a year? “And I gone” to give it a year and we are being told today, by a Government that has gone rogue—

Sen. Gopee-Scoon: You do not understand the process.

Sen. W. Mark: Imagine, you are telling me, “process”? Listen. Mr. President, if the UNC—when the UNC takes power, if you do not implement it, we will implement it within the shortest possible time. And, Mr. President that 18 months they are talking about, I am saying any serious Government with legislation already passed, drafted—I have it here—they need only five months or less, if they are serious, but they have ulterior motives. They have ulterior motives. It is the stuff that dictators are made up of.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: They want, Mr. President, to access your private information without any checks and balances. So they can go to T&TEC right now and get your data and you do not know, Mr. President, that they went and accessed your data. They can go to WASA and do the same thing. They can go to TTPost and do the same thing. And if I can do so, if the Government can do so, Mr. President, without any checks and balances, without any amendment to the law, why would I

want to do it immediately? Why would I want to do it in less than five months? No, give me 18 months. At one time, somebody said 15 months when I said a year, and then to my shock and horror, I heard from the lips of the hon. Minister of Trade and Industry, 18 months. “I say but this Government gone mad?” I mean to say, I give them 12 months. I should not give them that, and you come to insult me and the people of this country and say you want—and, you know, next time before you know it, they will not even touch it.

So, Mr. President, I want to thank all my colleagues. You see, the Independent Senators, I mean to say, whether it is Sen. Vieira, Sen. Seepersad, Sen. Thompson-Ahye; look, they have made their contributions, I respect their contributions. I think everybody is in line with trying to get this thing operationalized and implemented, but 18 months? Eighteen months? Is the Government serious?

Mr. President, I call for a compromise. We have 12 months, and I really bent backwards for 12 months. It should be six months. It should be done immediately but, in an effort to give and take, I say 12 months. Do not come and tell us 18 months. You are insulting us. So, I am calling on the Government to withdraw this 18 months, and let us look at a period of six months to 12 months to have this thing before this Parliament for approval, proclamation, assented to, approved by the Parliament, operationalized and implemented.

In closing, Mr. President, I think it was Sen. Ahye, if I am not mistaken, at her meeting, she raised the question about: Why do you have one person in charge of the data protection process? That is the Information Commissioner. Sen. Ahye, you made that point during one of your hearings and you were expressing concerns. Sen. Ahye, through the hon. President, in this Act, Mr. President or Bill,

draft, they have changed it from the Commissioner to the Commission. So they now have a commission. That is in the law. So they have done away with the data or Information Commission and that will now be overseen by, Mr. President, something called an Information Commission. So, Mr. President, I would like to thank you for allowing me to prosecute this matter. I think that it is worthy of the consideration of everyone for the protection of our lives, our property, our future, and I would like to call on the Government to be more reasonable, not 18 months. Let us look at another period.

Mr. President, with those few words, I beg to move.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, I implore each and every one of you, as I go through the next procedure, to follow along closely as I treat with each of the proposed amendments as put forward by the various Senators throughout the process of the debate. I will first put the question on the proposed amendment.

Hon. Senators, the question is that the Motion be amended by Sen. Damian Lyder as follows:

Deleting the word “immediately” at the resolution and inserting a new resolution after that resolution that reads:

“And be it further resolved that the Senate call on the Government to commit to proclamation of the Data Protection Act at the earliest possible date and in any event on or before December 31, 2023.”

Question, on amendment, [Sen. D. Lyder] put.

Sen. Mark: Division.

The Senate divided:

Ayes 8

Noes 22

AYES

Data Protection Act, 2011 (Proclamation
Of Remaining of Sections)
Sen. Mark (cont'd)

Mark, W.

John, Ms. J.

Lutchmedial, Ms. J.

Nakhid, D.

Lyder, D.

Roberts, A.

Dillon-Remy, Dr. M.

Welch, E.

NOES

Armour, SC. Hon. R.

Gopee-Scoon, Hon. P.

Sinanan, Hon. R.

Hosein, Hon. K. West, Hon. A.

Mitchell, Hon. R.

Cox, Hon. D.

Bacchus, Hon. H.

Singh, Hon. A.

Sagramsingh-Sooklall, Hon. R.

Ibrahim, Dr. M.

Lezama-Lee Sing, Mrs. L.

Hislop, L.

Sookai, R.

Young, N.

Richards, P.

Vieira, A.

Data Protection Act, 2011 (Proclamation
Of Remaining of Sections)
Sen. Mark (cont'd)

Deyalsingh, Dr. V.

Deonarine, Ms. A.

Seepersad, Ms. C.

Teemal, D.

Thompson-Ahye, Mrs. H.

Amendment negatived.

Mr. President: Hon. Senators, the question is that the Motion be amended by the Minister of Trade and Industry as follows:

Resolution Delete the word “immediately” and substitute the words
“within 18 months”.

Question, on amendment, [Sen. P. Gopee-Scoon] put and agreed to.

Question, on amended Motion, put.

4.15p.m.

Sen. Mark: No. Division.

The Senate voted: Ayes 23 Noes 7

AYES

Gopee-Scoon, Hon. P.

Armour SC, Hon. R.

Sinanan, Hon. R.

Hosein, Hon. K.

West, Hon. A.

Mitchell, Hon. R.

Cox, Hon. D.

Bacchus, Hon. H.

Singh, Hon. A.

Data Protection Act, 2011 (Proclamation
Of Remaining of Sections)
Sen. Mark (cont'd)

Sagransingh-Sooklal, Hon. R.

Ibrahim, Dr. M. Y.

Lezama-Lee Sing, Mrs. L.

Hislop, L.

Sookhai, R.

Young, N.

Richards, P.

Vieira, A.

Deyalsingh, Dr. V.

Deonarine, Ms. A

Seepersad, Ms. C.

Teemal, D.

Thompson-Ahye, Mrs. H.

Welch, E.

NOES

Mark, W.

John. Ms. J.

Lutchmedial, Ms. J.

Nakhid, D.

Lyder, D.

Roberts, A.

Dillon-Remy, Dr. M.

Question agreed to.

Resolved:

That the Senate call on the Government to within 18 months proclaim the

remaining sections of the Data Protection Act and in the process ensure the necessary checks and balances aimed at safeguarding citizens' fundamental right to privacy.

Mr. President: Hon. Senators, before I move on to the next Motion on the Order Paper, permit me to suspend this sitting for approximately five minutes. As such, this Senate now stands suspended for five minutes.

4.18p.m.: *Sitting suspended.*

4.27p.m.: *Sitting resumed.*

Mr. President: Sen. Mark.

Hon. Senators: [*Desk thumping*]

Parliamentary Autonomy
(Government's Commitment to Honour)

Sen. Wade Mark: Thank you, Mr. President. Mr. President, I beg to move the following Motion standing in my name:

Whereas on April 24, 2018 the Senate unanimously approved a resolution calling on the Government "... to introduce legislation on parliamentary autonomy during the Fourth Session of the Eleventh Parliament and have same referred to a Joint Select Committee of Parliament for consideration and report before the end of the Fourth Session of the Eleventh Parliament";
And whereas on February 12, 2019, in the Senate, the Attorney General committed to making best efforts to have legislation on Parliamentary Autonomy introduced in the Fourth Session of the Eleventh Parliament;
And whereas to date the Government has not presented to Parliament a legislative framework on Parliamentary Autonomy;
Be it resolved that the Senate call on the Government to reaffirm its

commitment to introduce a legislative framework on Parliamentary Autonomy;

And be it further resolved that the Senate call on the Government to introduce in Parliament, within three (3) months, a Bill on Parliamentary Autonomy and have same referred to a Joint Select Committee of Parliament for consideration and report.

Mr. President, structured within the framework of our Republican Constitution is the principle of the separation of powers. It is a well-established Montesquieu project, concept and position that if you have the three organs of State, namely, the Legislature, the Judiciary and the Executive in one person, it will lead to tyranny. It will lead to unfettered dictatorship. That is why Louis XIV of France lost his head; he was beheaded. You remember the famous statement, Mr. President, from Louis XIV? He said, “I am the state and the state is me”. He embodied the three organs of the State, Legislative, Judicial and Executive.

Mr. President, it is not telling tales out of school that we in Trinidad and Tobago, since 1998 when the UNC was in office, have been attempting to bring into existence a new structure for the management of our Parliament. We were not successful in that period and then come, 2010—2015, efforts were made to bring about independence for the Parliament, and I will demonstrate as I proceed. When we talk about independence, when we talk about parliamentary autonomy, what are the concepts? What are the powers, roles and duties we are placing on the shoulders or on this body called the Legislature or the Parliament?

4.35 p.m.

So, Mr. President, the former Prime Minister, who has now passed on to the great beyond, Mr. Patrick Manning, attended a very important conference in Abuja, Nigeria in 2003. Arising out of that Heads of Commonwealth conference,

they agreed, that is the Heads of Government and the hon. former Prime Minister, Patrick Manning, signed that document. One of the things that they had to agree to was a set of principles for the enhancement, elevation and advancement of parliamentary democracy.

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

The document, which is now in the form of a handbook called the Latimer House Principles emerged. That Latimer House Principles clearly outlined that the Parliament, the Judiciary and the Executive must be separate and apart. Of course there will be interlinkages, there will be relationships, but there must be separation in the context of understanding the principle of the powers of separation.

So what happened is that a policy was proposed for parliamentary autonomy. It was adopted, and then from its adoption, Mr. Vice-President, emerged stakeholder meetings. But before we reach to the stakeholders meetings, from the proposal, which is the policy, in 2014/2015, a Bill was formulated known as the Houses of Parliament Service Authority Bill. That Bill set out to give to the Parliament full autonomy. That Bill was referred to a joint select committee. 2015 came, the Parliament had to be dissolved, the work was saved and it was hoped that it would be passed on to the incoming Parliament, or the next Parliament. Well, the rest is history.

In 2016, I took the opportunity, as a Member of the Opposition, to continue this struggle, because Mr. Vice-President, I want to say to this honourable House, that for democracy, for Parliament to be strong—if Parliament is not strong, if Parliament is not independent, if Parliament is not autonomous, democracy will be undermined. Democracy will be subverted. Democracy will be compromised.

So a stronger Parliament means a richer democracy for our country. There is a link between Parliament and democracy, within the framework of the

parliamentary system, as we know it, in the British Commonwealth. So we have been struggling for the last 25 years to establish parliamentary autonomy in Trinidad and Tobago. We have been struggling to have a more independent Legislature, so it can make its own decisions, and this is not something that we alone support.

In the PNM's manifesto for 2015—I do not have the manifesto before me—but in their manifesto they made it very clear that they are committed to not only parliamentary autonomy, but judicial autonomy. So the Government, or the party at that time, was seeking to translate the principles of the separation of powers into practical operations, and hence the reason they, the Government, brought their manifesto and they adopted it as policy at the Cabinet level, and it was then tabled in the both Houses of Parliament.

So we are talking about the Latimer House Principles. We are talking about the Government adopting as policy its manifesto, which spoke to autonomy for Parliament and for the Judiciary. We are talking about the Caribbean, Americas, the CAA, that is the grouping that we belong to. In that grouping, Mr. Vice-President, benchmarks were established. One of the benchmarks that was established is for us to establish corporate bodies to run the Parliament, and to have our Parliament independent in its operations. That was agreed to by all the Parliaments of the Caribbean and the Americas.

Mr. Vice-President, I was a bit disturbed. I thought it was very disrespectful, contemptuous to this Parliament, when we all agreed. Mr. Vice-President, we all agreed. We agreed on April 24, 2018. All Government Members, all Opposition Members, all Independent Senators agreed that we must have parliamentary autonomy. Everybody agreed. There was no equivocation or ambiguity on this issue.

I was so disappointed that when it was passed eight and half months later, no action was taken by the Cabinet to effect the agreement, and then to have the former Attorney General on record as making some very unfortunate remarks in his contribution on a Motion that I raised on the 12th—I should say I raised this Motion on the 2nd of December, 2019, and literally the Motion was dismissed. All I was asking, Mr. Vice-President, was when was the Government going to honour its commitment to the Parliament to effect parliamentary autonomy.

I do not want to say PNM means “promises never materialize”, but it appears that PNM means really “promises never materialized”.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Because how can you come in the Senate and give an undertaking by voting for parliamentary autonomy, and then eight months later you dismiss it and say, “Why you did not implement it”? “The People’s Partnership was in office for five years.” But that was not the agreement, Mr. Vice-President.

So here I am in 2023, after raising it in ’16, raising it in ’17, getting through with it in ’18, brought it back on the agenda in ’19, brought it back on the agenda in ’20, I brought it back on the agenda in ’21. In ’22, it is here, asking the Government to honour its commitment to parliamentary autonomy in Trinidad and Tobago. That is all this Motion is asking the Government to do.

Mr. Vice-President, let me explain what parliamentary autonomy means, so that you and our Senators and the viewing public would have an understanding of what we are trying to accomplish in our Parliament. I go to page 5, Mr. Vice-President, on the Report of the Joint Select Committee appointed to consider the legislative proposal entitled the Draft Houses of Parliament Service Authority Bill, 2014. On page 5 of this report which is on our website it says:

“Parliamentary autonomy should be viewed not solely in terms of

separation, but rather as a recalibration...”—recalibration—“of the existing relationship between the executive and the legislature based on an underlying evolution in parliament and state maturity. Basic requirements for parliamentary autonomy include the following:

- a) Parliament should be serviced by a professional staff independent of the public service.”

So that is the first feature of parliamentary autonomy. We already have a professional staff. I have to take my hat off to the parliamentary staff. They are professional. They are hardworking. They are consistent. They provide help to everyone, regardless of the colour or complexion of your party. That is what they are here for.

So we already have a professional parliamentary staff. What we are saying is that we must go a step further. They must be outside of the public service so that they can have greater opportunity for mobility. Mobility is very slow as you know, in some respects. So that is one of the areas. The second area is:

- “b) Adequate resources should be provided to government and non-government backbenchers in order to improve parliamentary impact and should include provision of:
 - i. Training for new members;
 - ii. Secretarial, office, library and research facilities; and
 - iii. Drafting assistance including private members’ bills...”

The last area I want to just touch on is:

- “c) An all-party committee of Parliament should review and administer Parliament’s budget, which should not be subject to amendment by the executive.”

4.50 p.m.

So when we talk about parliamentary autonomy, we are talking about the ability of the Parliament to recruit its own staff, to pay its own staff, to promote its own staff, to use meritocracy as the basis for advancement of the staff.

When we talk about parliamentary autonomy, we are talking about a parliamentary commission as what they have in London, the UK headed by the Speaker who is the chairman of the commission. And that commission, is made up, Mr. Vice-President, of Members of Opposition, Members of the Government and in this instance, it will be Members of the Independent Bench. And most importantly, the Minister of Finance must be on that commission. And the reason why the Minister of Finance must be on that commission is because when we through our Clerk debate our estimates which is drawn up by our Clerk and sent to our Members—and I want to say, Mr. Vice-President, the estimates for the Parliament are discussed by the Members of Parliament but the clerk is the conduit to that process in terms of sending it to the Minister of Finance.

So the first leg is we meet, Mr. Vice-President, through the Clerk, we have the estimates and we debate it. When we debate that and we say we need \$500 million to run our Parliament, maybe that might represent 0.0.0.0023 per cent of our budget but that is what we would have agreed to. There will be a debate and all of us will agree to our budget. And when we agree to our budget, Mr. Vice-President, the Clerk sends that budget to the Minister of Finance who sits as a member of the parliamentary commission chaired by the Speaker. Not a full stop, not a comma, not a cent could be removed once we agree here.

Right now, Mr. Vice-President, the Parliament is viewed as a department of the Ministry of Finance. We are lucky, so far, that we do not have a Minister of Finance holding back on releases to the Parliament. But how long can that go on for, Mr. Vice-President? We want certainty. We want predictability and we want

the Parliament to be financially independent. That is what parliamentary autonomy is about. We having the power.

You know the Tobago House of Assembly has more power than the Parliament? You know they get their moneys en bloc every quarter? The Clerk of our House has to go to the Minister of Finance to get releases to get to pay people in this Parliament. And if you have a vindictive Minister of Finance, we “doh” have that right now, but if we get one, what is happening? In Tobago releases quarterly en bloc. You know the Tobago House of Assembly employ their own staff, the Tobago House of Assembly, Sir. But we cannot as a Parliament employ our own staff. We have to get permission and releases.

Mr. Vice-President, if you, hon. Vice-President, or Sen. Vieira, or hon. Sinanan have to travel on parliamentary business to go to New Zealand, to go to America, to go to Australia, I as a former Speaker can tell you how it is done. You have get a note prepared by the Clerk. I have to sign off that note as the former Speaker and the note goes to the Cabinet and the Cabinet decides if Sen. Vieira can travel. The Cabinet has to decide if the hon. Sinanan can travel. The Cabinet has to decide if the hon. Vice-President could travel. But look how unusual our situation is. The Executive is the Cabinet. The Executive is the policy-making body in this country. They meet religiously on a Thursday. You think anybody could tell the Executive from the Parliament they “cyah” travel? The Executive determines who will travel and where they will travel and when they will travel. So why is the Executive telling an independent organ of the State that for you to travel you must get my express permission? And if you do not get my express permission, you cannot travel. I just draw this as an example to show you, Mr. Vice-President, that the Parliament is in the back pocket of the Executive and that is why we have not met here for about four weeks. We do not organizationally, we

are not in charge of the House. The Executive is in charge of the House through the head of the—through the Leader of Government Business and they determine when we meet and when we do not meet. You think we could tell the Prime Minister who is head of the Cabinet when to meet and when not to meet? He meets religiously on a Thursday. But when we are supposed to do the people's work, the head of—the Leader of Government Business tells us, we adjourn to a date to be fixed and it could be a month, it could be two weeks, it could be three weeks. That is what passes for the separation of powers. That that is what passes, Mr. Vice-President, for the independence of our Parliament. Our Parliament has been hijacked by the Executive arm of the State and we have to bring this thing to an end. We must be able to revolutionize how we do business in our Parliament and not depend on the good graces or wishes of the Government.

Look, Mr. Vice-President, in the Congress of the United States in the German Bundestag, you know they have research facilities there, where you are talking about hundreds of millions of dollars in research. When you as a parliamentarian in that German Parliament have to make a contribution, man you will believe you are a scientist because they employ scientists in the research unit. We do not have that. I am not saying we have to be like the Germans but we must have the capacity to have quality within our system. I have to compliment the staff of our Parliament because they try their best. They try their best. We have a library here, if you go to the library of the Congress—I am not saying that, you know, our library is not good. We have a very good library given our circumstances but we have to improve that. So research is very important. We have to have resources allocated for research. But you cannot go—you could imagine we get a budget of 125/\$130 million and if there is a cut, you know they are “cutting we too”. We have to cut too. No. We must have independence. We

must have autonomy. And I am arguing and I will go down fighting, defending the independence of our Parliament. I have been in this place for a few years well and I would like, Mr. Vice-President, to see this Parliament become autonomous, become independent. And what I am saying is, we have reached this close, we have reached this close, Mr. Vice-President, and then the Government reneged, the Government reneged. And up to now we cannot get a proper reason for why the Government reneged on it. And there could only be one reason. The Government wishes to be in charge of the Parliament through what goes on here. They want to maintain the status quo.

When I became Speaker, hon. Vice-President, we had Standing Orders dating back to 1961. In our Standing Orders, hon Vice-President, we had the term “governor general”, we had “Her Majesty the Queen”. Mr. Vice-President, if we did not make changes to our Standing Orders in 2014, we would have still had the 1961 Standing Orders before us. So, I am saying, Mr. Vice-President, we have to revolutionize how we do business in our Parliament.

So, Mr. Vice-President, I have before me a Bill, so the Government does not have to reinvent things, Mr. Vice-President. The Bill has been drafted. We have had some consultations but, yes, let us have some further consultations. But let us refer this Bill to a joint select committee and that is what this Motion is about. It is about asking, calling on the Government to refer this matter which is the Houses of Parliament Service Authority Bill to a joint Select committee for consideration and report. And within a few months thereafter, debate that report, pass the legislation, approve the legislation and operationalize the law so we can become an independent autonomous Parliament.

Mr. Vice-President, corporate bodies exist in many Parliaments today, so we are not new to it. Mr. Vice-President, we must recruit the best, we must pay the

best, we must retain the best but we can only do so if we are in charge. You cannot be depending on the CPO to pay our professionals here. We must have a team of people here, professional team who will recruit, who will interview, recruit people and salaries and so on will be determined in a proper way. So we need to have these corporate bodies with the power to secure budgetary requirements without any interference from the Government. The Government has no business in our operations here. There is a relationship but do not direct us.

So, Mr. Vice-President, I am saying that a Parliament corporate body must be responsible for providing the necessary financial and human resources for the organization called the Parliament. An officer responsible for accounting for the financial resources provided by this body which is called the corporate body for the parliamentary service and an independent auditing arrangement. So these are some of the elements that we are talking about. We could always tweak these things.

5.05 p.m.

So, Mr. Vice-President, I do not want to reinvent anything. The information is there for all to see, to read, to analyze, to study. We are calling on our Senate and our Parliament, the both Houses of Parliament, to agree to parliamentary autonomy, both from an administrative point of view and a financial point of view. I do not appreciate, and I do not support, Mr. Vice-President, this kind of arrangement that we have at the moment. And within the framework of a parliamentary democracy where there is autonomy we have to promote a culture of accountability, transparency and high ethics in all aspects of our parliamentary administration. So, we have to be committed to accountability.

We have to be committed to transparency, and we have to promote high ethics in the process, Mr. Vice-President. So, I have reintroduced this Motion to get or to solicit once more the support of the Government and my Independent

colleagues who have already gone on record as supporting autonomy, as well as the Government, so we do not have to spend too much time in debating this Private Members' Motion. We can go on to some other subject matter. But I cannot conclude my contribution without talking about the parliamentary budget office.

Mr. Vice-President, there is a concept called the parliamentary budget office. You see in the United States Congress there is something called the Congressional Budget Office. They employ the brightest, the best. They are under congressional control, but they are independent, and they have the brightest you can think about. They pay them the best. And when I tell you, Mr. Vice-President, they get the best out of them. So when a congressman debating a budget in the House of Representatives or in the Senate—

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

Sen. W. Mark: Thank you, Sir. The quality of his contribution, the depth of his contribution, the quality and depth is—everybody can see it and hear it and feel it. You know why? Their staff from the budget office provides them with the most sophisticated up-to-date information in an objective, professional manner.

Look, we have been in this Parliament for different periods of time and Independent Senators and Opposition Senators, and Senators on the PNM back bench, well, of course, they might get some help from Ministers, but I am talking about us. Mr. Vice-President, we have to go and do our own research. Sometimes you have to go and pay somebody to help you do research. How can you expect quality? “And look, nah man”, we do our best. We give our best. But, Mr. Vice-President, we are undermined, because we do not have the facility in our Parliament to help us. Not to mention not a Senator has a personal assistant, you know on the back bench here, you know. It is one man, one woman demolition squads, they do everything for themselves. Who happens to be a lawyer like Sen.

Vieira might depend on his own personal staff to help him. But what about us who are not lawyers? We have to do it on our own, Mr. Vice-President.

I am saying that the Parliament is not being given its proper place in our country, and the role that we perform. Imagine a budget of close to \$60billion that we have to debate and we “cyah” have a personal assistant to help us, and we are talking about we are a democracy and we have separation of powers. Mr. Vice-President, I hope that we do not have to take 10 days or we do not have to take 10 months to just agree on something that we have already agreed upon. Parliamentary autonomy is fundamentally important for the progress of the nation of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Mr. Vice-President, in closing, when we speak in this Parliament, and if we have the quality support—I am not saying we do not have support. We have support, but we need to embellish that. It would redound to the interest of the nation.

So, Mr. Vice-President, I know this thing like the back of my hands, that is why I could speak without notes, because I have been at this thing for the last two—almost a decade, preaching, imploring, encouraging, trying to get the Government to agree and to effect the implementation and the operationalization of parliamentary autonomy through the appropriate legislation which is already there on the books. When I say the books, it is there in a report, rather.

So, Mr. Vice-President, I have said enough on this matter. I want to thank you for giving me the opportunity to introduce this matter, this Motion, rather. It is vital for our democracy. I close by saying, Mr. Vice-President, a strong Parliament means a very rich democracy. If we have a strong Parliament—and in closing, I have always advocated the President of the Senate and the Speaker of the House

should be elected by a three-fifths majority, not a simple majority. We have to amend the Constitution to allow the Speaker and the President to be elected by a three-fifths majority.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: That will give us the opportunity to negotiate and get the best person to occupy the chair, so that nobody would be accusing me, or you, or any other person who occupies that chair of being this and that and the other. Let us make sure in the future we take charge of our Parliament and we give the Parliament the power that it is supposed to have as envisaged under the Constitution.

I beg to move, Mr. Vice-President.

Sen. John: I second the Motion, Mr. Vice-President, and reserve the right to speak at a later time.

Mr. Vice-President: The Motion has been seconded by Sen. John.

Question proposed.

Mr. Vice-President: Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Mr. Vice-President. And thank you for allowing me the opportunity to address this august House on behalf of the Government of the Republic of Trinidad and Tobago on the issue of introducing legislation on the concept of parliamentary autonomy.

And may I say from the outset as I begin these brief remarks that Sen. Mark who has piloted this Motion today, has the advantage on me, and I will acknowledge that immediately, he ended by referring to his decade of having been speaking to this point. And when one looks at the timeline of the discussion that

has been taking place on this subject, it is quite clear that it is a subject that has already involved considerable research, a subject which has already involved considerable discussion, and indeed, stakeholder consultation. And if for no other reason, Mr. Vice-President, that fact alone recommends that notwithstanding the fact of the length over which the discussion has been taking place, given the importance of the concept of parliamentary autonomy, and given the central and pivotal importance of the Parliament to a thriving democracy to serve the people of this country, we must be careful to ensure that we engage the discussion in depth, meaningfully, and are satisfied at the end of the process that we are truly going to evolve and help to develop the deepening of our parliamentary autonomy in terms which will produce significant benefits for the citizenry of this country.

And I make those preparatory remarks to signal that I do not think that in the limited time we will have this afternoon I could do justice to a subject as important as this, and particularly when I began my research on the subject and I looked at the time line of the discussion that has been ongoing since 1997 in this House, it is certainly a subject that I look forward to embracing and returning to with careful thought and careful research, not least of which will be the Latimer House Principles, which are central to the discussion but are not in the final analysis the only authority on as important a subject as this.

Mr. Vice-President, this Government's support for the development of a comprehensive and well-thought-through policy towards building on and deepening our Parliament's institutional framework within the context of and the concept of parliamentary autonomy, has been put on the record in this honourable House by our colleague, the late Sen. The Hon. Franklin Khan, in his Senate submission on the 28th of June, 2016, where he indicated that the legislation under consideration should include a parliamentary service authority in the form of a

body corporate and an authority board with appropriate membership including members of the Opposition, the Independent Bench and the Government.

5.20 p.m.

He spoke to:

“‘Vesting the Authority’—with—land, property, rights, assets and obligations of the...department.”

He spoke as well to the:

“‘Powers and functions for the Authority enabling it to fulfill—its—’”—policy objectives.

He spoke to the Office of:

“...the Clerk of the House...”—being—“appointed by the President”—of the Republic of Trinidad and Tobago after—“consultation with the Prime Minister and the Leader of the Opposition.”

And he spoke to:

“...the creation of a Houses of Parliament Service Authority Fund...”

A point which I am certain Sen. Mark would agree with in his latter remarks towards the end of his contribution today in speaking to the financial wherewithal by which the Parliament manages its affairs.

And I go on record to acknowledge the contribution of our late colleague, Sen. Franklin Khan, both by way of acknowledging the richness of his contribution then and the indelible contribution that persons of the ilk and quality of Sen. Khan have brought to enriching the fulsome and ample authority of this House.

Mr. Vice-President, we have seen in the debates and the discussions that have taken place that the process for reforming the administrative structure of the Parliament is a longstanding one which dates back in Trinidad and Tobago as far as 1997 when a report of the House of Committee of the House of Representatives

identified a need for organizational change for the Parliament which had remained largely unaltered since Independence of 1962. The Houses of Parliament Service Authority Bill, 2014 was laid as a paper in the House of Representatives on February 14, 2014. A Joint Select Committee of Parliament was established to consider and report on a legislative proposal entitled: “the Draft Houses of Parliament Service Authority Bill, 2014”.

We have seen, Mr. Vice-President, in addition, the debates and contributions of distinguished Members, Ministers and Members of this Senate where in the year 2014 the Draft Houses of Parliament Service Authority Bill was referred to that Joint Select Committee along with a number of reports and recommendations of the Joint Select Committee established in the year 2000. And when we look at the timeline, Mr. Vice-President, of the events which have taken place in the Parliament, we can see that in 2013/2014 Session of the Tenth Parliament, that Joint Select Committee was appointed then to report no later than May 31, 2014.

By a report dated the 25th of July, 2014, the Committee recommended that a new committee be established to continue the work undertaken and to adopt submissions received. In the 2014/2015 Session of the Tenth Parliament another Joint Select Committee was established with the same mandate. And as a consequence a Committee was established on November the 7th, 2014, with terms of reference to consider the legislative proposal entitled: “the draft legislative proposal for the Houses of Parliament Service Authority Bill, 2014”. On December 09, 2014, the Joint Select Committee met with Dr. John Patterson, a parliamentary expert on governance who was engaged by the United Nations Development Programme in consultation with the Office of the Parliament to assist in advancing the process of functional autonomy of the Parliament of the Republic of Trinidad and Tobago.

On December 12, 2014, a committee approved a pre-policy paper entitled: “Towards an Independent Parliament, Ensuring Parliament’s Functional Autonomy”. That paper was circulated, and I touched on it at the beginning, to a wide range of stakeholders, including the media, Members of the House of Representatives and the Senate, political parties, staff of the Office of the Parliament, national trade union groups and civil society groups.

[MR. PRESIDENT *in the Chair*]

On December 16, 2014, the pre-policy paper was launched and invitations for inputs from a wide cross section of the population was requested. The Committee agreed to a deadline for submission of January 20, 2015. But on the 23rd of January, 2015, the Committee agreed to extend the deadline to February 06, 2015 to allow for further feedback. All of this speaking to the central importance that the Parliament has placed on the subject which Sen. Mark has engaged us on today in his Motion.

On the 29th of May, 2015, the Committee discussed a policy document and a preliminary report on appropriate recommendations on parliamentary autonomy in Trinidad and Tobago which was prepared by Dr. Patterson. In 2015 it was presented in the Senate, on June 10, 2015 and in the House on June 12, 2015.

The Joint Select Committee, Mr. President, was unable to complete its work before the prorogation of the Tenth Parliament and its ultimate dissolution. By Cabinet Note July 04, 2018, a legislative proposal together with a Draft Houses of Parliament Service Authority Bill was submitted to Cabinet for its consideration with a recommendation that the Bill be introduced in Parliament and referred to a joint select committee.

I chronicle this narrative of the timeline to emphasize the point which to me is centrally important, that significant work has gone into examining a subject

which I think without fear of contradiction, every Member of the Senate will consider to be an important subject of conversation, a subject of conversation which requires in depth consideration and careful and detailed analysis.

ADJOURNMENT

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

Given that there has been agreement by both Senators, Sen. Mark and Sen. Richards, I now beg to move that this Senate do adjourn to a date to be fixed.

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

House of Representatives Chamber

(Collapse of Ceiling)

Sen. Wade Mark: Thank you very much, Mr. President. Mr. President, almost about four months ago, I think it was November 05, 2022, a ceiling or part of the ceiling of the House of Representatives collapsed. Fortunately it was on a Saturday and no one was sitting on that Opposition chair where that particular piece of “plaster paris” or that piece of the ceiling fell at that material time. Had Parliament been in session one Member of Parliament might have been hospitalized, might have been injured, we do not know.

Since then to now, we have been getting promises after promises from UDeCOTT. UDeCOTT along with the Prime Minister’s Office were responsible for the construction of almost half a billion dollars’ worth of investment in the rehabilitation, Mr. President, of this building called the Parliament. And every time UDeCOTT chairman speaks, he says within 26 days of this event, which took place on the 5th of November. So by the 15th or the 16th of December, 2022, the roof was supposed to be completed.

Mr. President, it is shameful that after, close to November, December, January, February, March, close to five months, a Parliament that cost us close to half a billion dollars has to be settled for its deliberation in one Chamber, which is our Chamber and the Government is silent. The chairman of UDeCOTT is silent, no word. You see, in another jurisdiction that chairman would have been fired, but in Trinidad and Tobago anything goes. I am concerned about where we are.

The structural integrity of the building needs to be examined and we need to get a proper report on the safety of this building, because it was the House of Representatives yesterday, tomorrow it might be the Senate and up to now, Mr. President, no report, no report. The Prime Minister hijacked—let me withdraw that—the Parliament was supposed to be constructed by the Parliament and not the Prime Minister's Office. They took the project, UDeCOTT took over.

December of 2021, Sen. Cox, hon Minister Cox was speaking right there and then water started to fall on her, leaking roof. Then there was a major set of rain the year before, place leaking all over the place like a strainer and then the latest episode, the roof came through. Well of course, they said, Mr. President, air-conditioning caused the problem, because of that air-condition process, water was leaking and it started to—"plaster paris" and the rest is history.

Mr. President, I have raised this matter and I want to serve notice on this Government, you know, I will raise this matter until that roof is repaired, a proper report is given by the health and safety department, OSH, we will raise this matter until they complete that job.

Mr. President, there is no excuse whatsoever for something like what happened there on the 5th of November not to have been repaired to the satisfaction of the Parliament. And when I talk about the Parliament I am talking about the

President of the Senate, the Speaker of the House of Representatives, and the Clerk to start. They must be satisfied that whatever is done fits the bill and is fit for purpose and the safety and well-being and health of our Members and staff and police officers could be guaranteed.

5.35 p.m.

So, Mr. President, it hurts me, I am not happy to raise this matter because this is a building that we are all proud of. We spent half a billion dollars on it almost and we should not be having these problems that we are having today and therefore, UDeCoTT must come clean and tell us if there is a bigger problem. The earthquake took place so, but the damage is up here, “eh know”. We do not know. That is why we need a proper structural analysis of the integrity of the structure because I could be standing here and my colleague sitting there and something collapses. What happens? Who will take responsibility for that?

So these are issues, Mr. President, I am raising to get the Government to act. Let UDeCoTT that employed so many different contractors to repair this Red House, give account. We need accountability. And that is why I have raised this matter today so that we can get some clarification, we could get a status report and we want a definitive timeline as to when the Members of the House of Representatives who are “squatting”—I say “squatting” because the reason why we have two Houses is because one is for the Senate and one for the House. But when the House has to come in the Senate, we have to take action to repair that building, that roof.

So, Mr. President, I call on the Government to account, I call on the Government to give us a status report on the state of repair of the roof, the ceiling and we want to know definitively when will it be repaired. When will our

Members of the House of Representatives be able to resume in their House of Representatives. That is what we want to get from the Government today, a status report on the state of that repair of the ceiling in the House of Representatives. That is the only reason why I raised it, a status report

And I am serving notice and I am giving warning, move, get this thing done, report to this Parliament quickly or else, “ah coming back again and I eh giving up” until the roof is repaired and Members of the House resume. Thank you very much, Mr. President.

Hon. Senators: [*Desk thumping*]

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you very much, Mr. President. Colleagues, we are all very pleased and proud of this very august place which is the seat of the Parliament of the Republic of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Gopee-Scoon: And I think it is an absolute privilege to be here and to be able to serve this country in this restored building which was first constructed many years ago in 1844, and let me remind this honourable House that it was the PNM Government who was able to complete the restoration of this very fine building.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. P. Gopee-Scoon: But, Sen. Mark, we know what the issue is and I am pleased to be able to provide a response and some timelines.

So the issue is that on November the 5th, 2022, a small section of the north Chambers decorative molding became detached from the Chamber ceiling and the separation was as a result of the occurrence of condensation within the attic space.

So UDeCoTT would have gotten to work very quickly and consultants for the project along with the air-conditioning contractor, they were instructed to complete an assessment of the existing conditions with the purpose of recommending a definite solution to the problem.

So that a site visit was done, a joint site to the north Chamber attic and this is on November 8th, immediately, soon after the November 5th when the incident occurred, all of the stakeholder representatives were in attendance, and coming out of the visit, the consultant via their report dated November 11, 2022, recommended that particular work be undertaken in order to treat with the condensation problem within the north Chamber attic space. So the ductwork joints were examined and the existing compromised external fiberglass insulation was removed and replaced with flexible closed-cell elastomeric thermal insulation and there was a need for a repurposing to supply cool air into the north link Chamber space to assist in alleviating the conditions that caused the condensation on the ductwork in the first place.

So that on-site ductwork repairs are approximately 85 per cent complete at this time and it is important to note that all sections of the ductwork repairs have been inspected and they have been approved by the consultant and the related inspection reports thus far have been prepared.

There is still the remaining ductwork repairs to be done and these works are to be completed by April 07, 2023. All of the installation material required to complete the entire north Chamber has been manufactured and the anticipated delivery date to Trinidad is April 07, 2023. The reinstallation works will commence thereafter and be completed within 15 calendar days. There would be regular inspections by the consultant and efforts are being made to complete the

reinsulated works no later than April 22, 2023 and nearing the completion of the air-conditioning works and the installation of additional ceiling supports and any other fixes, all of these will be performed by the restoration contractor at no cost to the Parliament of the Republic of Trinidad and Tobago and it is expected that all of these works will be completed within an initial seven days, that being by April 28, 2023.

It is also that a structural engineering consultancy firm will be responsible for conducting an assessment of the ceiling thereafter, and this inspection would comprise a thorough and careful examination and testing of the structural and decorative ceiling elements and subsequent to all of that, the north Chamber will be handed over to the Office of the Parliament and the proposed date is by April 29, 2023, and in the meanwhile, we continue to share the premises with our colleagues of the House of Representatives. It is not going to be long again but I think we can easily live with the situation that is presented to us. Thank you.

Hon. Senators: [*Desk thumping*]

Claims of National Energy Corporation Missing US Dollars
(Government's failure to properly address)

Sen. Wade Mark: Thank you, Mr. President. The second matter on a Motion for the adjournment deals with the failure of the Government to properly address claims that US \$10 million in the name of the National Energy Corporation went missing from the company's First Citizens Bank account.

Mr. President, may I jog your memory? You would recall, it was on the 28th of February, 2022, the Minister of Energy and Energy Industries, the hon. Stuart Young, in responding to question No. 33 dealing with Bill Gates and Melinda Gates, re: the Prime Minister receiving a donation which turned out to be a

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fraudulent attempt by somebody to mislead the Prime Minister, the hon. Minister in responding to supplemental questions when I posed it, stated—and this is a *Hansard* copy on page 4 of this response. He stated and I quote:

“But I do use this opportunity to remind the population that during the period 2010—2015 there were a number of instances, and one comes to mind where fraud was perpetrated on the population of Trinidad and Tobago to the sum of about US \$10 million under the Kamla Persad-Bissessar-led Government at the time, with the NGC group.”

He goes on:

“And I believe it was NE...”—which is the National Energy Corporation—
“at the time, through the FCB Bank, where US \$10 million of ours...”—of our money—“disappeared...”—and most importantly, Mr. President—
“and to date has never been able to be recovered.”

That is what the hon. Minister said. He said it has never been able to be recovered. This is the 28th of February, 2023. I did my research on this matter. And I have before me a copy of *Loop* news dated—I want you to pay attention to the date, Mr. President, August 10, 2017; the date, eh, August 10, 2017. The Minister comes to this Parliament, tells the whole country, puts on the *Hansard* record that the Kamla Persad-Bissessar administration, through this administration, lots of fraud. NEC, \$10 million, never recovered, according to the Minister.

Let me read for the record what is the fact or what are the facts in this matter according to this newspaper and there has been no denial because the release came from the Ministry of Energy and Energy Industries, so if anybody is supposed to know the truth, it is the Minister in that Ministry. Let me read it for you, Mr.

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President.

“The National Energy Corporation (NEC) recovered almost \$4 million...”—
US—“from an illegal wire transfer which was sent to a recipient in Dubai
in September of 2011.”

Now, this is in 2017, eh, they recovered the money which was the last leg of the
relay race in September 2011.

“According to a statement issued by the Ministry of Energy and Energy
Industries, the recovery was the result of collaboration between Dubai-
based attorneys and the executives of the NEC.

The Ministry said criminal and civil proceedings were also initiated
against the recipient in Dubai by the NEC and Dubai authorities, which
led to the recipient being sentenced to three years imprisonment by the
Dubai courts.”

So the money was discovered, the man was sentenced by the Dubai authorities. It
goes on:

“Following civil proceedings, which were successfully completed, the sum
of US \$3,562.566.62 million (approximately TT \$23 million) was
returned to the company's account on August 3, 2017.”

This was returned to the company's account on the August 3rd, 2017.

5.50 p.m.

Mr. President, the Ministry said that the company initially discovered in
September 2011 that its US dollars account at First Citizen Bank had been debited
in the amount of US\$9.608995.41 or approximately TT\$64 million, right?

The company said there were three wire transfers, right? Three, from the

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NECs account that had not been instructed by the company in terms of movement. Hear where the money went, Mr. President, Boston, Antigua and Dubai. US \$4.633 million, which had been wired to an account in Antigua, were recovered in October 2011, as the funds had not yet reached the recipient bank account. So the one that they sent to Antigua never reached Antigua and was recovered, US\$4 million US. That was in 2011.

And following this, mediation proceedings began—

Mr. President: Senator, you have two more minutes.

Sen. W. Mark:—the Boston recipient NEC and First Citizens and they recovered US \$912,000 and that was the total out of a total of 1.25.

Mr. President, the Minister came to this Parliament and told an untruth. He misled this Parliament. He misrepresented the facts; he ought to have known this came from his Ministry. I am giving him the opportunity today to apologize not only to the Parliament, but to you, and to the hon. Kamla Persad-Bissessar, because he gave the impression that fraud was committed under her administration. If he does not do that, I reserve the right, given the evidence I have before me to take other steps to ensure that this kind of situation never occurs in our Parliament again.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: This is unacceptable, the Minister misled the Parliament, he literally lied. Let me withdraw that word. He literally misled the Parliament and therefore he must be held accountable for it. And if he does not apologize I will take action, further action on this matter. Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

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Mr. President: Minister in the Ministry of Finance.

The Minister in the Ministry of Finance (Hon. Brian Manning): Thank you, Mr. President. I see Sen. Mark has begun to ask his own questions then proceed to give his own answers. Let me shed some light on this issue, Mr. President.

In September of 2011, early in the former UNC Government's tenure, an illegal wire transfer—illegal wire transfers were made to three separate entities from National Energy Corporations or NEC's USD bank account at state-owned First Citizen Bank. These three wire transfers were not requested or authorized by the NEC and the recipient banks that were used for the fraudulent transfer of taxpayers funds were located in Boston USA, Antigua, and Dubai. These illegal wire transfers totalled US\$9,608,995 or approximately TT\$65.34 million. To date, due to the continued efforts of successive PNM Governments, US\$9,073,438 or TT\$61.7 million have been recovered.

Hon. Senators: [*Desk thumping*]

Hon. B. Manning: That is to say, Mr. President, almost all of the funds been recovered. In other words, the money was stolen under the UNC and recovered under the PNM.

Hon. Senators: [*Desk thumping*]

Hon. B. Manning: The recovery was achieved through the assistance of internationally based attorneys together with executives of the NEC. The process required assiduous and concerted efforts by the PNM administration across multiple jurisdictions to recover the stolen money in the interest of the NEC and the citizens of Trinidad and Tobago. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Greetings Spiritual Baptist Shouter
Liberation Day
Sen. Hislop (cont'd)

2023.03.28

Greetings

Spiritual Baptist Shouter Liberation Day

Mr. President: Hon. Senators, I now invite you to bring greetings on the occasion of Spiritual Baptist Shouter Liberation Day to be observed on Thursday March 30, 2023. Sen. Hislop.

Hon. Senator: Oh, yes.

Hon. Senators: [*Desk thumping*]

Sen. Lawrence Hislop: Mr. President, it gives me immense pleasure to rise on behalf of the Government Bench to extend the greetings on this auspicious occasion of commemorating Spiritual Shouter Baptist Liberation Day. Mr. President, each year we recognize and pay tribute to those who never gave up, who never gave up the fight for the right to practice their religious beliefs. We recognize and we pay tribute to those who held on to their faith in the privacy of their homes and private spaces even in the midst of legal prohibition and social ostracism. Spiritual Shouter Baptists are the embodiment of the work community. What it means to be convicted, grounded and unwavering. What it means to dwell in fortitude and resolve. And as the hymn says:

“Through all the changing scenes of life,
in trouble and in joy,
the praises of my God shall still
my heart and tongue employ.
O magnify the Lord with me,
with me exalt his name;
when in distress to him I called,
he to my rescue came.

Greetings Spiritual Baptist Shouter
 Liberation Day
 Sen. Hislop (cont'd)

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The hosts of God encamp around
 the dwellings of the just;
 deliverance he affords to all
 who on his succour trust...
 ...Fear him, ye saints, and you will...
 have nothing else to fear;
 make you his service your delight,
 your wants shall be his care.”

It took you 34 years of struggle and faith to publicly live by the tenets of your faith. You are not only Baptists, but you are also Trinidad and Tobago. And so, we all join in solidarity to celebrate the beauty of your robes, the uniqueness of your sounds, the pulsating rhythms of your drums, symbols and bells. The reverberating vocals in total praise and worship. The faithfulness and fervency in prayer, and the boldness of your dance.

My Spiritual Shouter Baptist brothers and sisters, dance your dance, chant your chant, and sing your song as only you can do it, and may God be pleased with your worship. And to everyone in this august House, to the national community, and especially all our Spiritual Baptist brothers and sisters, I extend sincere regards, happy Spiritual Shouter Baptist Liberation Day. Mr. President, I thank you.

Mr. President: Sen. Mark.

Sen. Mitchell: [*Inaudible*]

Sen. Wade Mark: Randall Mitchell, do you call my name? Mr. President, on behalf of the incoming government—

Hon. Senators: [*Desk thumping*]

Greetings Spiritual Baptist Shouter
Liberation Day
Sen. Mark (cont'd)

2023.03.28

Sen. W. Mark: On behalf of the hon. Kamla Persad-Bissessar, this country's next Prime Minister, we bring greetings and solidarity greetings to our Baptist brothers and sisters on this very auspicious occasion. On Thursday the 30th of March, Trinidad and Tobago and the Baptist community in particular will be commemorating the repeal of that oppressive Shouter Prohibition Order of 1951.

It is that ordinance for 34 years that denied those citizens of our republic, their forefathers, their forbearers, the right to worship in peace and freedom in our country. But it was the archbishop Elton Griffith along with Albert Gomes who we do not give sufficient recognition to in our country, who combined along with the Baptists and several other forces to force the repeal of this piece of legislation.

And it took a United National Congress government led by Basdeo Panday.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: In 1995 when we got power, within one year we were able to establish and put on the books of Trinidad and Tobago, a public, a national public holiday for the first time for the people of the Baptist faith. It is called Spiritual Shouter Baptist Liberation Day.

Mr. President, I am proud. I am a proud product of that period where for the first time an early childhood centre was constructed for the Baptist community in T&T. A primary school was delivered not by the PNM but by the UNC to the Baptist community. And Mr. President, they got land in Maloney to build a spiritual park and to construct a cathedral. Promises, promises, promises, never delivered. It took a UNC government to provide those needs for the people.

So Mr. President, on the—I believe it is the 28th anniversary of the Shouter Baptist Liberation Day. I think it is the only holiday in the world that is commemorated by the Baptists. It took place in Trinidad and Tobago on March

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30, 1996. So we must celebrate our Baptist brothers and sisters. And we in the UNC extend our solidarity, we bring warmest greetings to our Baptist brothers and sisters on this very important and historic occasion, and we wish them a very powerful, mighty Shouter Liberation Day as they celebrate their 28th anniversary of that very important national holiday.

So on behalf of the Bench, the Opposition, we say solidarity to our Baptist brothers and sisters, in particular, and to our citizenry in general as we commemorate a very historic, significant, and memorable occasion and day. Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

6.05 p.m.

Mr. President: Sen. Thompson-Ahye.

Hon. Senators: [*Desk thumping*]

Hon. Senators: [*Crosstalk*]

Sen. Mark: [*Inaudible*].

Mr. President: Sen. Mark, you had your chance to bring your greetings. Please allow Sen. Thompson-Ahye to bring hers. Sen. Thompson-Ahye.

Hon. Senators: [*Desk thumping*]

Sen. Hazel Thompson-Ahye: Thank you, Mr. President. Today, it is my privilege to bring greetings on the occasion of Spiritual Shouter Baptist Liberation Day. This is the day that we mark the anniversary of the repeal of the 1970 Shouter Prohibition Ordinance. For 34 long years until 1951 Baptists had to hide to practice their religion. Since 1951, they no longer must feel ashamed and afraid to be what they are, to celebrate publicly what they believe in and to take their

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place in society where every creed and race find an equal place. They struggled and cried and prayed but they never grew weary yet. They never grow weary yet.

The Baptists are a symbol of resilience and pride and dignity of the black people. Their imperial dress, their fearlessness in evangelization are examples for all of us to follow. But they are not all uniting so we have the Shouter Baptist, we have the London Baptist, and we have the shouter—the other Baptist. Today, after so many years, what do we see? The discrimination against the Baptist is because really, they were African, they were black. Today we see a culture of disrespect for members of the African race, that it still exists. No matter their accomplishments many are today ridiculed, regarded with contempt, spoken to, addressed in a way that no other person is. Some find it difficult to address them by their proper titles, or to speak with or treat them with the courtesies that befit their office. “Is Rowley, is Hinds, it is Paula-Mae, et cetera.”

A young man walking into a store is followed, the proprietor or clerk is sure he is there for no good purpose. He was the first to be arrested for weed. I walked into a store on Frederick Street one Saturday morning and I asked the price of a piece of material—

Mr. President: Sen. Nakhid, please if it is that you—

Sen. H. Thompson-Ahye:—the clerk said to me contemptuously—

Mr. President: Sen. Thompson-Ahye, one second—

Sen. H. Thompson-Ahye:—it expensive, you know—

Mr. President:—Sen. Thompson-Ahye, one second. Sen. Nakhid, again, if you are exiting the Chamber for the rest of the evening, which is quite fine, remember this is greetings and we usually have silence in the Chamber when greetings are

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being brought because it is to a particular section of the society. So, we just offer each Senator bringing greetings the respect to do so. Continue, Sen. Ahye.

Sen. H. Thompson-Ahye: Thank you, Mr. President, I well understand, I well understand. But what I am hoping is that we face the truths in our society and try to bring about change. Because when we say every creed and race finds an equal place, it must be something that we believe in, that we act on, and that we are true to. So, many times in this society we feel that everyone is not equal. We should not still be fighting for recognition in the number of ways that we are. So, let us vow today that if we believe in liberation, that we would be sure that everyone is liberated, that everyone is treated with respect. I have the experience of walking into Register General office, you come through one door on Richmond Street, and then you go through the other door. And I went to see—because the rain was falling, if my car was there, and the way I was spoken to—“yuh cyah go dere, wey yuh goin, leh meh see she pass here”—as a parliamentarian, that is what I was subjected to, had it been someone differently—different that would not have happened. And we have to face the truth in our society, let us try to bring about change, let us try to bring about unity, let not the fight for being equal in this society continue. Let us say from today, we will all be liberated. Every creed and every race must find an equal place and we must try to bring up those who are in need, those of us who are not respecting society, the future of the unity of our nation depends on us.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, it is my honour and privilege to join with you in bringing greetings on the occasion of Spiritual Shouter Baptist Liberation Day, which we will commemorate on Thursday, the 30th of March, 2023. The Spiritual

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Shouter Baptist religion embodies roots laid by our African ancestors, intertwined with the traditional tenets of Christianity, creating a truly unique and indigenous practice of faith. As we celebrate, we must also remember the courage, strength and resilience of our brothers and sisters in their battle to repeal the Shouter Prohibition Ordinance, which sought to prevent all activities relating to the practice of the Baptist faith. The determination and tenacity exhibited by members of that faith are qualities we should strive to emulate in our lives. On behalf of the Parliament of the Republic of Trinidad and Tobago, I would like to wish the Baptist community and our blessed nation a happy Spiritual Shouter Baptist Liberation Day.

Hon. Senators: [*Desk thumping*]

Easter Greetings

Mr. President: Hon. Senators, I now invite you to bring greetings to commemorate Easter celebrations 2023, Sen. Lezama-Lee Sing.

Hon. Senators: [*Desk thumping*]

Sen. Laurel Lezama-Lee Sing: Thank you, Mr. President. For Christians, the celebration of Easter is the most important and the most sacred feasts of feasts in our faith. This is a celebration of the resurrection of Jesus Christ and the promise of eternal life. The story of Jesus Christ is one of the most fascinating and enlightening stories known to man, from his humble birth to his compassionate and miracle performing life, to his legacy of love, righteousness and service, to his deceitful betrayal, to his horrific and traumatic crucifixion, to his death and to his glorious resurrection. Over the 40 days of Lent, many have spent time reflecting on the life of Jesus with specific focus on the Easter story. Christians have practiced some form of sacrifice repentance and alms giving, while on a personal

journey of introspection and reflection, all in preparation for Easter, the season of new life.

As we reflect, we see that the events of what we call Passion Week show very clearly what constitutes the very essence of human nature, and how fickle, petty, hate-filled, greedy and shallow mankind can be. On Palm Sunday, Jesus was welcomed with open arms by cheering crowds as he entered Jerusalem. The following day, Jesus put the vendors out of the temple and he angered the leaders, some of whom had welcomed him the day before. We celebrate Jesus' last supper with the 12 disciples on a Thursday that we call Holy Thursday. At that supper, Jesus presents bread and wine as memorials of his body and blood, which the Church celebrates as the Liturgy of the Eucharist at every celebration of Holy Mass. But even amidst that precursor to the ultimate sacrifice of himself, we are taught and we believe that the day before the Last Supper was equally significant. Jesus told Peter that before the cock crowed three times he would deny knowing Jesus, and just around that same time, we know that Judas was betraying or, as we say, in Trini parlance, selling out Jesus for a measly 30 pieces of silver. By Friday, the people who paid Judas found Jesus, captured him and presented him before the same crowd who welcomed Jesus into Jerusalem.

As we know, the crowd told Caesar to free Barabbas the criminal while Jesus was made to carry the cross upon which he would be crucified. Jesus died and was buried on the third day he rose again. Oh, the hope, the promise, the joy of that resurrection. And while we celebrate tragedy, and immense sorrow turning into tremendous joy, I want us to pause and reflect on the events and more so the people of the Easter story. If our country Trinidad and Tobago can be likened to the main character, the hero of the Easter story, who are we, as the people, as individuals in the Easter story?

I ask every person here and all those who are listening, who are you in the Easter story? Are you the crowd who praises and cheers and welcomes the hero today and chews up and spits out the hero the next day? Are you not committed in totality to the hero to Trinidad and Tobago, to its leaders? Are you easily swayed based on personal feelings and grudges or based on nothing at all? Are you always actively ready to crucify those who you never even gave a chance? Are you a Peter, on the face of it, you pretend and you present love and devotion but when under pressure or under the microscope you quickly run away or deny? Are you Judas, the shininess of the silver and the promise of material things lures you to the point of unbridled greed and poor and despicable behaviour? Or are you one of the few who stood with Mary, Jesus' mother, in defence and in support of the hero? Who are you, colleagues, friends, my people, who are you in the Easter story? Who are you in the story of Trinidad and Tobago?

In the Roman Catholic faith at the end of the Holy Triduum, we sing a hymn on Glorious Saturday night or Easter Sunday morning depending on when you go to church, which carries the refrain, "Hallelujah we are Easter people". And on that night when we celebrate the resurrection of Christ, we celebrate that grace has conquered sin and that light has defeated darkness. We must remember, however, that faith in the resurrection does not exempt us from our trials and sufferings. Let us rejoice and celebrate that death has been defeated, and that no tomb can hold us forever. So, may we as citizens of Trinidad and Tobago be heartened by hope and may we be infected by joy. We must be the light and will continue to let our light never set and let our light vanquish every darkness. May we be Easter people celebrating life renewed in commitment to our country and her people.

Mr. President, I have treated this holy occasion with suitable reverence as we on this side always do and avoided the politicization and disrespectful conduct

that some may choose to do to indulge in during this period. And I trust that in this new season, we choose respect and we put our country first.

Mr. President, on behalf of the Government Bench, I extend happy, peaceful and holy Easter greetings to you, your family, the staff of the President—the staff of the Parliament, and to all the Members of this Chamber, and especially to the members of the Christian community and the wider national community. May God bless our nation.

Hon. Senators: [*Desk thumping*]

6.20 p.m.

Sen. Damian Lyder: Thank you, Mr. President. Mr. President, as a practising Christian—

Hon. Senators: [*Desk thumping*]

Sen. D. Lyder:—and as a practising Roman Catholic, with my foundation having its genesis in St. Anthony's Church, in Petit Valley, Diego Martin, it is, indeed, a great honour and a privilege, to bring Easter greetings on behalf of my great and diverse party, the United National Congress.

Hon. Senators: [*Desk thumping*]

Sen. D. Lyder: Mr. President, Easter is the greatest celebration in the Catholic Church, because it is the completion of the Holy Week that ends with the resurrection of Jesus Christ. Easter celebrates the beginning and the foundation of Christianity. Jesus was risen from the dead, and it goes to show that he conquered sin and death. It is the oldest Christian holiday and the most important feast in the Christian clerical year. In fact, the dates and celebrations of the liturgical year are arranged around the central Christian feast of Easter.

The Roman Catholic Church always marks Easter on the first Sunday that follows the first full moon of the spring equinox. The date, therefore, changes each

year, and falls on any day between March 22nd and April 25th. Easter Sunday starts the Easter season, marks the end of Lent, and it is the last day of the Holy Week, which is also known as the Easter Triduum, which is Holy Thursday, Good Friday and Easter Sunday.

Holy Thursday is the commemoration of the Last Supper of Jesus Christ when he established the sacrament of the Holy Communion prior to his arrest and then, eventually, his crucifixion. It also commemorates his institution to the priesthood. Good Friday commemorates the crucifixion of Jesus and his death at Calvary. On this day, according to the Bible, the Jewish religious leaders, who had condemned Jesus the night before, for claiming to be the son of God and the King of Jews, brought him to the Romans for sentencing. Thus, he was crucified on the Cross and Easter Sunday marks the resurrection of Jesus, three days after his death by crucifixion.

For many Christian churches, Easter is the joyful end to the Lenten season of fasting and penitence. Mr. President, I take you to Luke 24:46:

“...and he said to them, ‘Thus it is written, that the Messiah is to suffer and to rise from the dead on the third day...’”

Easter celebrates Christ’s resurrection from the dead. One practice of commemorating Easter is the joyous greeting of and I quote:

“Christ is Risen”

And in response:

“He has risen indeed.”

It reminds us that Jesus is alive and in our midst, and he welcomes us in a new life with him. Easter is thus a symbolic reminder for all Catholics and Christians that Jesus has, indeed, overcome death and sin. It makes and marks victory of good over evil. The resurrection of Jesus is a magnificent event that

shows the realization of our Christian faith in 1 Corinthians 15:17, St. Paul wrote that:

Unless Christ rose from the dead, our faith is in vain.

By sacrificing himself, Jesus Christ saved humanity from the shackles of sin and his eventually resurrection is a promise of new life. Mr. President, do we live in perilous times in Trinidad and Tobago? And throughout the world, this Easter serves as a comfort and a reminder to us all that, indeed, good can and will overcome evil.

So, Mr. President, on behalf of the Opposition Bench, on behalf of our most hon. leader, Mrs. Kamla Persad-Bissessar, and on behalf of the United National Congress I, firstly, would like to wish you, Mr. President and your family, I would like to wish those on the Government side and on the Independent Benches, as well as the parliamentary staff who work so hard for this Parliament and to assist in the running of this Parliament and, by extension, I wish the entire national community a very happy and holy Easter season. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Maria Dillon-Remy: Mr. President, I thank you for allowing me to bring greetings from the Independent Senators on the occasion of the celebration of Easter 2023. Ash Wednesday ushered in a period of prayer, fasting and alms giving from many Christians. This is referred to as the Lenten period. It is also a time in which Christians engaged in prayer and fasting for individual, societal and national issues as well as seeking to add value to the lives of the less fortunate by engaging in charitable ventures. This, undoubtedly, goes a long way in relieving suffering. I also acknowledge that many of our Muslims citizens are similarly involved in fasting, prayer and alms giving at this time. This Lenten period is nearing the end, and many more secs of Christianity will join in the celebration of

the death and resurrection of Jesus Christ on Good Friday and Easter Sunday, respectively.

The celebration commemorates a beautiful and very old love story. It tells of how God made a way to save all mankind, who he knew will fall victim to mistakes and sin, the punishment for which is eternal death. It continues to tell how Jesus loved us so much, that he stood trial for all our charges, including our past, present and future crimes, sins and mistakes. Jesus took our place and suffered the punishment of death so that we would not have to. He served the sentence, allowing us to go free and experience victory and eternal life once we believe in the one who paid the price for our mistakes.

Jesus was innocent of the crimes he was accused of yet, he allowed himself to be crucified. The cross is a symbol sacrificial love. Is it possible for us to forgive as Jesus did and not allow hatred, bitterness and offence to overwhelm our heart and mind or to consume us? I say the answer is yes. This is not easy, by any means, but it is very necessary. Forgiveness frees us, unforgiveness has created an atmosphere of toxicity, negativity and discord at every level of our society. But there is hope.

The story continues to tell of how Jesus rose up from the grave. The hero, the rescuer is alive and continues to offer help. Because of this, we can hope and trust that God will help us to rise from the decay and hopelessness that is threatening to envelop us, that he can help us to change and become better versions of ourselves. All is not lost. He overcame the troubles and ills of this world and he conquered the grief.

So, to you Mr. President and your family, to all Members of this Senate and their families, to members of staff of the Parliament and all the families of our nation, may God bless us and protect us. May he smile on us and be gracious to

us. May God show us his favour and give us his peace. Happy Easter to everyone.
Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, it is my privilege to join with those who have spoken before me in bringing greetings to members of the Christian community and the wider society on the occasion of the celebration of Easter 2023. Easter is the most important day in the Christian calendar, as it represents the fulfilment of God's promise to mankind. Christians all over the world, join in celebrating the resurrection of Jesus Christ, the victory of life over death. The celebration of the resurrection, not only embodies the message of unconditional love through the ultimate sacrifice, but one of hope, renewal and new life.

As we enter this season, may we all strive to love one another just as Christ loves us, for it is through the repetition of this simple act, showing love to each other, that we would be able to reflect the image of Christ's mercy and grace. To the Christian community and to all of Trinidad and Tobago, on behalf of the Parliament of the Republic of Trinidad and Tobago, I wish you a happy and holy Easter.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.31 p.m.