

HOUSE OF REPRESENTATIVES

Monday, June 05, 2023

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, I received communication from the hon. Ayanna Webster-Roy, MP, Member for Tobago East; Mr. David Lee, MP, Member for Pointe-a-Pierre; and Mr. Rudranath Indarsingh, MP, Member for Couva South who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

VISITORS**SCARBOROUGH METHODIST PRIMARY SCHOOL**

Madam Speaker: Hon. Members, I wish to invite you all to join with me in recognizing the students of the Standard 5 Scarborough Methodist Primary School who are present in the public gallery.

Hon. Members: [*Desk thumping*]

CONDOLENCES**(MRS. AMOY MOHAMMED)**

Madam Speaker: Hon. Members, Mrs. Amoy Mohammed, a former Member of Parliament passed away on Wednesday, May 31, 2023. Mrs. Mohammed served as the Member of Parliament for Princes Town during the Second Republican Parliament from November 27, 1981 to October 29, 1986. I now invite hon. Members to pay their respective condolences to Mrs. Mohammed.

The Minister in the Ministry of Education (Hon. Lisa Morris-Julian): Madam Speaker, it is with heavy heart and profound sorrow that we on the Government

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side are here today to pay tribute to the extraordinary life, legacy and remarkable contributions of our beloved former Member of Parliament, Amoy Mohammed. A beacon of light and an inspiration to all, Amoy's passing leaves a void in our hearts as we mourn the loss of a true leader, advocate and inspiration.

Amoy Mohammed will be remembered as one of the pioneers of the party's women's league, under Isabel Teshea, in the formative years of the PNM. She hailed from a Princes Town family that stood up to the then Opposition to the extent she was subjected to vicious attacks. Amoy was always in the forefront of her constituency, and in 1976, she was the flagbearer for her party that was unsuccessful in the polls but she never gave up her fight.

And in 1981, under the leadership of George Chambers, she won the Princes Town seat and was appointed Parliamentary Secretary in the newly formed Ministry of Information with Mrs. Muriel Greene as the Minister. It was a historic victory because the PNM won 26 seats, which included Caroni East and Princes Town, which were considered Opposition strongholds. She identified with the community and was seen as the Chinese woman with the East Indian name. She never backed down from her critics and always responded in typical women's league style that sent many running for cover.

After the 1986 general elections, she maintained contact with her colleagues, especially Marilyn Gordon, Ashton Ford and the hon. Prime Minister himself. Her unwavering commitment to the public service and dedication to her community will best be remembered as she served on community-based organizations, such as the local school board as well as the social welfare and advisory council home for the aged.

Throughout her illustrious career, she championed the causes of women's empowerment and community development with passion and integrity. She

Condolences (Mrs. Amoy Mohammed)
Hon.L. Morris-Julian (cont'd)

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believed that there should be affordable housing for all and worked assiduously for this cause. She was not merely a representative, Madam Speaker, she was a genuine advocate for the betterment for the lives of her constituents.

As member of the PNM National Women's League, she embodied values of resilience and courage. She was an exemplar par excellence and can be counted upon to act and uplift women, providing them with opportunities for growth and equality. Amoy was a trailblazer and her unwavering determination and spirit paved the way for other women to follow her footsteps and to pursue their dreams fearlessly.

Beyond her political accomplishments, Amoy Mohammed was a woman of exceptional character, wife, mother, grandmother, and all her children appreciate to this day her support and kindness. Her legacy will continue to shine brightly, reminding us of the power of dedication and service, her courage and commitment to uplifting all, and her absence will be deeply felt but her spirit will live on through the countless lives she touched.

As we bid farewell to our dear sister and comrade, we extend our deepest condolences to her family, friends and constituents. We share in their grief and we know that Princes Town will long remember the care, consideration and kindness that she displayed. Thank you very much.

Hon. Members: [*Desk thumping*]

Mr. Barry Padarath (*Princes Town*): Thank you, Madam Speaker. I join with the Opposition, United National Congress, our political leader and Leader of the Opposition, the hon. Kamla Persad-Bissessar, and all my colleagues in extending condolences to the family of Mrs. Amoy Mohammed.

Madam Speaker, as the sitting Member of Parliament for Princes Town, I recall that Amoy Mohammed remains one of the cornerstones, one of the

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Condolences (Mrs. Amoy Mohammed)
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foundation members of the People's National Movement in the constituency of Princes Town. Mrs. Mohammed remains a household name throughout the constituency from St. Julien to Ridge Road, from New Grant to the town centre itself. And for those who met and knew her, she was a most affable person, and that characteristics, despite party politics, Mrs. Amoy Mohammed found friends and favour throughout the entire constituency among all constituents.

And on this occasion, Madam Speaker, it is because of that quality of representation that I am reminded that each and every one of us as a Member of Parliament, whether it is in the other place or here, we are only for a time. And in one instance, I met Mrs. Mohammed, she shared some political advice with me and I will repeat that today. She told me to ensure that as a representative that you find a balance with family life and social and political activism. Because at the end of the day, "MP" before your name is only temporary but the impact that you have on people's lives long thereafter, through your work, through your activism, is what really matters. And, to me, that stands out more than anything else when I recall the person Amoy Mohammed meant to the people of Princes Town.

Madam Speaker, once more, on behalf of the Opposition, we extend our deepest condolences to each and every one of Mrs. Amoy's family and friends and to my colleagues across the aisle for the contribution that I know—because she was very, very much committed to the People's National Movement up until the end. And I wish to thank her for her support to the constituency of Princes Town and to the service that she gave to the people of Trinidad and Tobago. I thank you.

Hon. Members: [*Desk thumping*]

Madam Speaker: Hon. Members, I also wish to pay tribute to Mrs. Amoy Mohammed. Mrs. Mohammed was elected as the Member of Parliament for Princes Town on November 09, 1981. However, this was not her only

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Condolences (Mrs. Amoy Mohammed)
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parliamentary role. She also served as a Parliamentary Secretary during the Second Republican Parliament. Mrs. Mohammed contributed to a number of Bills, including the housing Bill, the Constitution (Amdt.) Bill and the Land Acquisition Bill. She also served on several special select committees, among those being the Amar Foundation (Inc'n) Bill.

I am informed that Mrs. Mohammed worked earnestly with various community-based organizations, such as the local board of social welfare and the advisory council home for the aged. Her dedication to serving the community paved the pathway to her successful career as a politician which should be an inspiration to us all. I take this opportunity to express my deepest condolences to the Mohammed family during this time of mourning and I pray that the Almighty grants them peace and consolation during their time of bereavement.

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

The House of Representatives stood.

Madam Speaker: May her soul rest in peace. Hon. Members, an appropriate letter will be sent to convey our condolences to the family of the late Mrs. Amoy Mohammed.

Madam Speaker: Attorney General.

Sen. Armour SC: Madam Speaker, I beg to move the following Motion standing in my name. Be it resolved—

Madam Speaker: No, no. Just one minute, Attorney General. We are still at the items, Papers.

Sen. Armour SC: Oh, yes. Beg your pardon, Madam Speaker.

PAPERS LAID

1. Industrial Relations (Amendment to the Second Schedule) Order, 2023. [*The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Environmental Management Authority – Environmental Trust Fund for the year ended September 30, 2022. [*The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis)*]
To be referred to the Public Accounts Committee.
3. Audited Financial Statements of the Development Finance Limited (DFL) for the financial year ended December 31, 2022. [*Hon. C. Robinson-Regis*]
4. Audited Financial Statements of CLICO Investment Fund for the financial year ended December 31, 2021. [*Hon. C. Robinson-Regis*]
5. Audited Financial Statements of CLICO Investment Fund for the financial year ended December 31, 2022. [*Hon. C. Robinson-Regis*]
Papers 3 to 5 to be referred to the Public Accounts (Enterprises) Committee.
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the Audit of Sustainable Development Goal (SDG) 3 Target d- Contributing Towards a Strong and Resilient National Public Health System for the years 2016 to 2021. [*Hon. C. Robinson-Regis*]
7. Ministerial Response of the Ministry of Finance to the Fifth Report of the Joint Select Committee on an inquiry into the implementation of a Regulatory Framework for the Development of Financial Technology (Fintech) and E-Payments. [*Hon. C. Robinson-Regis*]

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8. Response of the Office of the Prime Minister to the Fifth Report of the Joint Select Committee on Social Services and Public Administration 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). [*Hon. C. Robinson-Regis*]

1:45 p.m.

URGENT QUESTIONS

Galil Assault Rifle

(Steps Taken to Retrieve)

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker. Question to the Minister of National Security: With respect to the suspicious disappearance of a Galil assault rifle from the custody of the Trinidad and Tobago Defence Force yesterday, will the Minister state what urgent steps have been taken to retrieve this deadly weapon now in unauthorised hands?

Madam Speaker: Minister of National Security.

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker.

Hon. Member: “She get promoted”?

Hon. C. Robinson-Regis: No, we get the same salary, all of us.

Hon. Member: [*Interruption*]

Hon. C. Robinson-Regis: Well, you are not one of us. Madam Speaker, it is obvious that the person who asked this question did not see the public engagement of the police yesterday on this matter, and the defence force on these matters. And it is amazing that they have brought—

Hon. Member: *[Interruption]*

Hon. C. Robinson-Regis: You will tell me how to answer? It is amazing that they have brought this question because it was all revealed yesterday to the public—

Hon. Member: *[Interruption]*

Hon. C. Robinson-Regis: It was. Madam Speaker—

Dr. Moonilal: The Speaker did not know that.

Hon. C. Robinson-Regis:—an immediate investigation has been launched which involves collaboration with the Trinidad and Tobago Police Service, and the Trinidad and Tobago Defence Force. Madam Speaker, the investigative and intelligence machinery have been carefully activated in this regard, and this special team is headed by Senior Superintendent Henry of the Western Division. A reward of up to \$75,000 has been offered for information leading to the retrieval of the firearm and arrest of the perpetrator. Thank you, Madam Speaker.

Madam Chairman: Member for Oropouche South.

Dr. Moonilal: Thank you very much, Madam Speaker.

Madam Chairman: East, sorry.

Dr. Moonilal: Through you, Madam Speaker, the Member may wish to direct concerns about questions to the Chair who approves these questions.

Hon. Members: *[Desk thumping]*

Dr. Moonilal: In the context that it is not the substantive Minister—I believe he is checking in at the airport at this time, we have eyes on him there as well—could I ask the Minister if it is within her capacity to answer whether or not the defence force has undertaken any internal investigation into the breach of its own security

protocols, procedures and policy on this matter apart from a police investigation?

Madam Speaker: Leader of the House.

Hon. C. Robinson-Regis: Thank you very kindly, Madam Speaker. As is normal, Madam Speaker, the defence force, of course, is undertaking its own internal investigations, as is normal.

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: It may be normal as well, could I ask whether the Minister is aware whether or not any person or persons have been detained and/or suspended in relation to this incident?

Madam Speaker: Leader of the House.

Dr. Moonilal: Or is that not normal too?

Hon. C. Robinson-Regis: Madam Speaker, that information is not within my purview.

Madam Speaker: Member for Oropouche East.

**Chaguaramas Heliport Immigration Station
(Allegations of Sexual Exploitation/Assault)**

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker. The second question, which I believe you approved, to the Minister of National Security: In light of the recent serious allegations of sexual exploitation and assault by members of the Trinidad and Tobago Coast Guard at the Heliport Immigration Station in Chaguaramas involving a 21 year old female migrant, will the Minister indicate whether an investigation has been undertaken into this matter?

Madam Speaker: Minister of National Security.

The Minister of Housing and Urban Development (Hon. Camille Robinson-

Regis): Thank you very much, Madam Speaker. Madam Speaker, an investigation has been undertaken through the collaborative efforts of the Trinidad and Tobago Police Service, Special Victims Department, and the Counter Trafficking Unit of the Ministry of National Security.

1.50 p.m.

Madam Speaker, in addition to that, as was said in the press conference yesterday, no evidence of sexual exploitation has been revealed thus far. The victim has been deemed to be a victim of human trafficking. Therefore, the victim has been moved from custody to the care, safety and protection of the Victim and Witness Support Unit of the TTPS.

Additionally, the victim has had access to Venezuelan officials at the embassy here, the victim has had access to attorneys-at-law, and so far has not provided the police with the support they must have to proceed. However, investigations are ongoing.

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Thank you very much. Would the Minister be kind enough to indicate whether or not any steps have been taken to ensure that the victim, alleged victim, is not deported, thereby undermining any and all investigations?

Hon. Members: [*Desk thumping*]

Hon. C. Robinson-Regis: Madam Speaker, my information is that the victim continues to be under the care of the Victim and Witness Support Unit. And consequently, there is no intention at this time to deport the victim. The victim has alleged that a crime has been perpetrated against her and the investigations continue. If the victim is not here then it would be difficult to continue the investigations. My information is that the victim continues to be here. So that the investigation can continue unperturbed.

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Madam Speaker, my question: In light of the Brent Thomas abduction and the real possibility that this victim can be deported by dark forces within national security, what assurance can you give this country that the victim will not be deported? That is the issue.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Arouca/Maloney.

Hon. C. Robinson-Regis: The victim continues to be under the care and protection of the Counter Trafficking Unit.

Dr. Moonilal: “Dat is de same people who bring back Brent Thomas”?

Madam Speaker: Leader of the House.

ANSWERS TO QUESTIONS

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, there are five questions for oral answer, and we will be answering all of these questions. There are seven questions for written response. We will be answering six of the seven questions, and we are asking for a deferral of two weeks for Question No. 162. Thank you.

WRITTEN ANSWERS TO QUESTIONS

Trinidad and Tobago Electricity Commission (Details of Vacant Positions)

161. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Public Utilities:

In light of the questions in the public domain regarding vacant senior positions at Trinidad and Tobago Electricity Commission (T&TEC), will the Minister state:

- a) the date interviews were first conducted for the position of Chief Human Resources Manager;
- b) whether the first round of interviews for the vacant positions were quashed and the reason;
- c) the names and designations of the persons on the interview panel; and
- d) the scores awarded to interviewees in the first round of interviews that were conducted on or before March 7, 2023?

**CARICOM Regional Symposium
(Breakdown of Costs Incurred)**

173. Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Prime Minister:

With regard to the CARICOM Regional Symposium on Violence as a Public Health Issue – The Crime Challenge held on April 17 to 18, 2023, will the Prime Minister provide a breakdown of the costs incurred by the Government of Trinidad and Tobago and/or any State Enterprise for the following:

- a) hotel accommodation, meals and related services at the Hyatt Regency or any other hotels for local and foreign delegates and support staff;
- b) all goods and services inclusive of entertainment associated with the opening and closing ceremonies;
- c) the reception for delegates at the end of the symposium inclusive of meals, beverages, entertainment and gifts;
- d) the amount spent on logistics such as transportation, rental of vehicles, drivers, inclusive of publicity, marketing and advertisement;

- e) the cost of all “live” and delayed media broadcasts on television, radio and social media; and
- f) any other related costs?

**Student Support Services Division
(Number of Persons Employed)**

174. Ms. Anita Haynes (*Tabaquite*) asked the hon. Minister of Education
With regard to the Student Support Services Division (SSSD), will the Minister provide a detailed breakdown of the number of persons employed in the following units:

- a) Guidance and Counselling Unit;
- b) Social Work Unit;
- c) Special Education Unit; and
- d) Development Assessment Intervention Unit.

**Student Support Services Division
(Details of Students’ Access to)**

175. Ms. Anita Haynes (*Tabaquite*) asked the hon. Minister Education:

Will the Minister provide a detailed breakdown of the number of students who have accessed the Student Support Services Division and for what service, for each school year during the period September 2015 to April 2023?

**Special Education
(Update on Details)**

176. Ms. Anita Haynes (*Tabaquite*) asked the hon. Minister Education:

Further to the response to the House of Representatives Question No.138 on the May 24, 2021 will the Minister provide an update on:

- a) the number of students who require special education provisions as at April 30, 2023;

- b) the number of teachers who provide special education needs as at April 30, 2023; and
- c) the number of special education aides that assist in the provision of special education?

**Technical and Vocational Instructors/Teachers
(Details of)**

177. Ms. Anita Haynes (*Tabaquite*) asked the hon. Minister Education:

Will the Minister provide a detailed breakdown of:

- a) the number of Technical and Vocational Instructors/Teachers currently employed by the Ministry and its various arms; and
- b) the number of vacant positions for Technical and Vocational Instructors/Teachers as of April 30, 2023?

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS

**Princes Town Presbyterian No.1 School
(Agreement to Reconstruct)**

169. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Education:

In light of the continued shift system at Princes Town Presbyterian No.1 School, will the Minister state whether the Ministry and the Presbyterian School Board have come to an agreement with respect to the reconstruction of the Princes Town #1 Primary School and if yes, provide the outcomes of this agreement?

Madam Speaker: Minister of Education.

Hon. Members: [*Desk thumping*]

The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker. Madam Speaker, the Ministry is currently in the planning phase for this

project and anticipates that it will move forward later in fiscal 2023, barring unforeseen circumstances. In the interim, the Presbyterian Board has cleared the proposed site for construction and the board also provided proof of ownership for the proposed property on June 01, 2023.

The Ministry of Education will make all efforts to ensure that the project commences as soon as possible. Additionally, the Ministry, as a contingency measure, has requested the required allocation under the Ministry's submission of draft estimates for fiscal 2024.

Madam Speaker: Member for Princes Town.

**Unlicensed Children's Homes
(Update on)**

170. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister in the Office of the Prime Minister:

Further to the response provided to an Urgent Question on March 22, 2023, will the Minister provide an update on:

- a) the names of the Children's Homes that are not licensed; and
- b) the reasons proffered for these Children's Homes not being licensed as at March 31, 2023?

Madam Speaker: Minister in the Office of the Prime Minister.

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Madam Speaker, on behalf of the Minister in the Office of the Prime Minister, as at May 15, 2023, the following children's homes remain unlicensed: Casa de Corozon; Jireh and Raffa House; Mary Care South; Cyril Ross Nursery; St. Mary's Children's Home; Marian House; the Lady Hochoy Home; Transitional Home for Migrant Girls; St. Jude's School for Girls; Operation Smile Home for Children.

The reasons for the children's homes not being issued licenses are as follows: as it relates to Casa de Corazon, they are awaiting final written approvals from fire and public health, and there is—as it relates to the status of outstanding critical issues, we are awaiting certificates of character, staff medicals and the food badges.

As it relates to Jireh and Raffa House, the fire certificate of approval works are ongoing and an inspection is to take place upon completion of approvals. As it relates to critical issues, we are awaiting food badges, certificates of character and staff medicals.

In relation to Mary Care South, we are awaiting staff medicals and certificates of good character. In relation to Cyril Ross Nursery, we are awaiting the fire certificate of approval works, and this is ongoing. And we are awaiting a re-inspection to take place upon completion of works that are proceeding on the building. We are also awaiting the certificate of character, medicals of the staff and food badges. In relation to St. Mary's Children's Home, we are awaiting staff certificates, staff medicals and the food badges.

As it relates to Marian House, Madam Speaker, we are awaiting a re-inspection by the fire service. And the home is still in the process of completing works. In relation to the Lady Hochoy Home—may I just point out, Madam Speaker, that in relation to Marian House, this home is not given a stipend by the Office of the Prime Minister. In relation to the Lady Hochoy Home, the fire certificate of approval is being awaited, although the inspection has been completed. We are also awaiting completion of recommendations by the relevant authorities.

The Transitional Home for Migrant Girls, the inspection is required for fire to issue the certificate. We are awaiting staff certificates of good character and

food badges. We are also awaiting a documented public health certificate, although a verbal approval has been given. May I indicate, Madam Speaker, that currently the Transitional Home for Migrant Girls is not under the Office of the Prime Minister, and this home is currently being considered as a branch of the St. Jude's Home. So they were making a further application.

As it relates to St. Jude's School for Girls, they are awaiting fire approvals, staff certificates of good character, staff medicals and food badges. And Operation Smile Home for Children, they are in the process of making the application. Thank you, Madam Speaker.

Madam Speaker: Member for Princes Town.

Mr. Padarath: Thank you Madam Speaker. Hon. Minister, in light of the list of 10 homes remaining unlicensed, and the fact that the Government gave a proclamation date of March 31st, and has now extended that to July 1st, could the Minister indicate whether or not the Children's Authority, through the Office of the Prime Minister, envisages that all 10 homes will meet the requirements by July 1st, a date of proclamation given by the Government?

Madam Speaker: Minister.

Hon. C. Robinson-Regis: Madam Speaker, given the list that I have outlined, we are trusting that they will. But the date for proclamation, as we had stated previously, is still going to be kept.

Madam Speaker: Member for Princes Town.

Mr. Padarath: Thank you, Madam. Can the hon. Minister, in light of the answer she has provided, indicate what then becomes of children who are in homes that will remain unlicensed as of July 01, 2023, please?

Madam Speaker: Member, I would not allow that as a supplemental question, based on the question originally asked and the answer. Member from

Moruga/Tableland.

**Frederick Road, Hindustan
(Update on Paving and Repair Works)**

178. Ms. Michelle Benjamin (*Moruga/Tableland*) asked the hon. Minister of Rural Development and Local Government:

Further to the response to House of Representatives Question No. 92 on March 25, 2022, will the Minister provide an update on when paving and repair works will begin on Frederick Road, Hindustan in the Moruga/Tableland constituency?

The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi): Thank you very much, Madam Speaker; welcome back. To the hon. Member, in answer to question 178, based on the records of the Ministry of Rural Development and Local Government, the response to the House of Representatives Question No. 92 was related to the measures that would have been taken to repair the landslips along Loney Road, Pooran Street and Sahadath Road, to which the Ministry provided a comprehensive reply.

Site visits have been conducted by the technical officers of the Princes Town Regional Corporation, as well as the Engineering Unit of the Ministry of Rural Development and Local Government, to investigate and report on the landslips along Loney Road, Pooran Road and Sahadath Road in the constituency of Moruga/Tableland. Based on these investigations, the scope of the works to be undertaken to repair the existing landslips at these three locations were established. Restorative work along Loney Road would entail the design and construction of a retaining wall, approximately 45 metres long, with new drainage infrastructure. The estimated cost of these works is approximately \$1.5 million.

Pooran Road restorative works would encompass the construction of a

retaining wall approximately 30 metres long, road rehabilitation, construction of a footpath and drainage infrastructure. The estimated cost of those works are at \$1.8 million. Repairs to Sahadath Road would involve the construction of a reinforced concrete retaining wall, 25 metres long, 2.4 metres high, at an estimated cost of \$2 million.

It is noteworthy that these estimated costs cater for geotechnical investigations to be conducted on each site prior to the commencement of works to facilitate the design of a suitable retaining structure and mitigate against further failure of the structure. The Engineering Unit of the Ministry of Rural Development and Local Government has deemed these projects as critical. Based on the total estimated cost of the restorative works to be undertaken, these projects have been recommended to be executed by the Rural Development Company.

However, with respect to Frederick Road, Hindustan, the Ministry is not in receipt of any request for assistance to undertake paving and repair works in that area, and therefore an update on this matter cannot be provided by this Ministry.

Madam Speaker: Member from Moruga/Tableland.

Ms. Benjamin: Thank you, Madam Speaker. Madam Speaker, several requests were sent. Minister, I think you missed answering with regard to question 178. We asked for an answer with regard to Frederick. I am asking on behalf of my constituents when would repair work, with regard to Frederick, question 178. You went straight to question 179. I will ask again, with regard to Frederick Road, Hindustan, when would the constituents of Moruga/Tableland see some repair works?

Hon. Members: [*Desk thumping*]

Madam Speaker: Minister.

Hon. F. Al-Rawi: Madam Speaker, having spent time to recast again for the

benefit of this House and the hon. Member, all of that which was asked earlier, I am specifically repeating in the last paragraph the following words: However, with respect to Frederick Road, Hindustan, the Ministry is not in receipt of any request for assistance to undertake paving and repair works in that area, and therefore an update on this matter cannot be provided. I cannot understand how the hon. Member cannot connect that to question 179. Hopefully, I have assisted the hon. Member in the plain English language.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member.

Ms. Benjamin: Madam Speaker, I think the Minister is the one that is lacking with regard to English.

Madam Speaker: Okay. So, Member, Member—

Ms. Benjamin: Madam Speaker—

Madam Speaker: Member, Member—

Ms. Benjamin: —if you would allow me to go back to the question.

Madam Speaker: Member—and please “doh tell meh hold on. Yuh not flagging down ah taxi here”. Okay. The Member answered with respect to 178 on Frederick Road. I heard the answer, and I still allowed you a supplemental. So do you have a supplemental, a further supplemental question on 178? Please.

Ms. Benjamin: Madam Speaker, through you, to the hon. Minister, Minister, are you saying—could you inform this House if you are saying that no request came from my goodly office, or is it that no request came from Princes Town Regional Corporation, or the Ministry of Works and Transport?

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: Madam Speaker, may I, for the record, acknowledge that the hon. Member, the Member for Moruga/Tableland, is a very industrious letter

writer, and that the hon. Member has in fact the record of writing the most letters to the Ministry of Rural Development and Local Government on that side.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: This side, on the other hand, probably surpasses the efforts of the hon. Member. But that notwithstanding, I am quite confident that the answer as provided involved a search of all records that we have.

2.05 p.m.

If the hon. Member has in fact written, perhaps the hon. Member has, the hon. Member knows that I answer her phone calls up to midnight at night—

Hon. Members: “Ooooooh”.

Hon. F. Al-Rawi:—when we are involved in engaging in repairs, the hon. Member has outstanding requests for repairs and works elsewhere. Hon. Member, just pick up the phone and send me the information and I will happily assist you.

Madam Speaker: Member for Moruga/Tableland.

Ms. Benjamin: Madam Speaker, through you, hon. Minister, if you would go through that pile of letters you would find a request—

Madam Speaker: Okay. So, Member, is there a question?

Ms. Benjamin: Yeah. So, Madam Speaker, the question is, could the hon. Minister for the sake—and all banter aside—of the resident of Frederick Road, Hindustan, give a commitment to this House—

Hon. Members: [*Desk thumping*]

Ms. Benjamin:—that technical staff would visit because the rainy season is upon us?

Hon. F. Al-Rawi: Madam Speaker, I am so pleased to receive this question. There is something called local government reform.

Hon. Members: “Ooooooh”.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: In the local government reform, the request for all of those works will fall within the corporation. If only the hon. Members opposite would support local government reform—

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi:—they would not need to harass me, because the power to procure, the power to spend, the use of property taxes in the area to the tune of millions of dollars would all be at the hon. Members' disposal, Madam Speaker. So, Madam speaker, help yourself by supporting local government reform and stop speaking from two sides of your mouth, Madam Speaker, most respectfully.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Moruga/Tableland.

Ms. Benjamin: Madam Speaker, through you, to the hon. Minister. Madam Speaker, this Minister speaks of local government reform but the question is, why should people have to pay property tax during these trying times? Madam Speaker, the question that I have for the hon Minister, and I will move on to 179, you would have provided several answers—

Madam Speaker: No, no, no, no. Wait. We have a procedure that we all understand and, you know, it is nice to be lighthearted and for there to have banter, but let us stick to the procedure. Are you now asking question 179?

Ms. Benjamin: Yes, Madam Speaker.

Madam Speaker: And there is a way to ask it, so please ask question 179.

**Paving and Road Repairs
(Moruga/Tableland)**

179. Ms. Michelle Benjamin (*Moruga/Tableland*) asked the hon. Minister of Rural Development and Local Government:

Will the Minister provide an update on when paving and repair works will begin on the following roads:

- a) Lengua Road, Indian Walk, Moruga;
- b) Marac and La Lune, Moruga;
- c) Sixth Company, Indian Walk, Moruga;
- d) Realize Road, Princes Town;
- e) Douglas Trace, St Mary's Village, Moruga;
- f) Cunjal North Road, Moruga;
- g) Harper Trace, St. Mary's Village, Moruga;
- h) Warwell Road, Robert Village, Tableland;
- i) Glod Road, Tableland;
- j) Mc. Tooliah Road, Tableland;
- k) Knutt Pond Trace, Sixth Company, Moruga;
- l) Mc Nish Road, Hindustan, Princes Town;
- m) Loney Road, Indian Wak, Moruga;
- n) Third Company Road, Indian Walk, Moruga; and
- o) Sahadath Road, Princes Town?

The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi): Thank you, Madam Speaker. I thank the hon. Member for her 15 questions that are involved in question 179, and I am pleased to report as follows:

- Lengua Road, Indian Walk, Moruga: repair works, due to a landslip in that area, are being undertaken by the Bridges Landslips and Traffic Management Unit of the Ministry of Works and Transport.
- Marac and La Lune, Moruga: the Ministry has no records, that is the Ministry of Rural Development and Local Government, of a request for

paving and repair works to be undertaken in this area, but we are checking with sister agencies.

- Sixth Company, Indian Walk, Moruga. the Ministry has no records of a request for paving and repair works to be undertaken in this area, but we are checking with sister agencies.
- Realize Road, Princes Town: according to the Ministry's records, this road falls under the purview of the Ministry of Works and Transport.
- Douglas Trace, St Mary's Village, Moruga: the Ministry has no records of a request for paving and repair works to be undertaken in this area, but we are checking with our sister agencies.
- Cunjal North Road, Moruga: the Ministry again has no records of a request for paving and repair works to be undertaken in this area, but again we are checking with sister agencies.
- Harper Trace, St. Mary's Village, Moruga: the Ministry has no records of a request for paving and repair works to be undertaken in this area, again, with checks being undertaken.
- Warwell Road, Robert Village, Tableland: the Ministry has no records of a request for paving and repair works. Again, we are checking with sister agencies.
- Glod Road, Tableland—there are two aspects to this: firstly, road works at Mantacool Road West off Glod Road, contractor to be mobilized on site, that is in gear. And Mantacool East, Glod Road, project to be costed.
- Mc. Tooliah Road, Tableland: retaining wall, Mc. Tooliah Road, LP No. 6 and 7, it has been approved to tender.
- Knutt Pond Trace, Sixth Company, Moruga: the Ministry has no records of a

request for paving and repair works to be undertaken in this area with checks afoot.

- Mc Nish Road, Hindustan, Princes Town: again, the Ministry has no records of request with checks afoot.
- Loney Road, Indian Walk, Moruga: we are awaiting some information from the Rural Development Company right now on. We believe that this project, we can report on at a subsequent point. Regrettably, I do not have the information and did not want to hold back with the full answer.
- Third Company Road, Indian Walk, Moruga: again, the Ministry has no records of a request and we are checking with the sister agencies.
- Sahadath Road, Princes Town: this is to be dealt with by the Rural Development Company and we have assigned that project to them.

Thank you.

Madam Speaker: Member for Moruga/Tableland.

Ms. Benjamin: Madam Speaker, through you, firstly, Minister, I am disappointed with regard to your checks. You could have held off on the question and come back to the House. Minister—

Hon. Members: [*Desk thumping*]

Ms. Benjamin:—with regard to Lengua Road, Indian Walk, are you aware that the project has failed? That the retaining wall has failed?

Madam Speaker: Minister.

Hon. F. Al-Rawi: Madam Speaker, I know that answering 15 questions can sometimes be a little overwhelming to hon. Members, so perhaps allow me to repeat. The repair works are that assigned under the Ministry of Works and Transports. The protocol in this House is that you ask the questions of the line Ministries with responsibility for that. I do understand, in fairness to my learned

colleague, that there may have been some confusion because the secondary road repair company was for a short while under this Ministry, and I know that there are vesting aspects still to be there. I do undertake to make enquiries of the Ministry of Works and Transport. We are, as the machinery on the ground demonstrates, in the course and process of repairing everything that we can in the financial year and with the resources that we can. We will be ably assisted if you supported local government reform.

Hon. Members: “Ooooooh”.

Hon. F. Al-Rawi: But, Madam Speaker, that perhaps is not the support that the hon. Member wants to give, instead make noise, quarrel hard, and then expect nothing because no money is given.

Madam Speaker: Member for Moruga/Tableland.

Ms. Benjamin: Madam Speaker, and allow me this half-a-second statement. Minister—

Madam Speaker: No, no, no, no. Member—

Hon. Members: “Noooooooooooooooo”.

Hon. Member: Half a second statement?

Hon. Members: [*Crosstalk*]

Ms. Benjamin: Madam—

Madam Speaker: This is not for statements. You ask a question if you wish. You are entitled to a supplemental question if you wish.

Ms. Benjamin: Minister, given the report that you would have stated with regard to Sahadath Road, that it was referred to the Rural Development Company—

Hon. Member: [*Interruption*]

Hon. Members: [*Laughter*]

Ms. Benjamin:—can you inform this House as to the status of the project? The

contractor was contracted to start August of last year and to date the project has not begun.

Madam Speaker: So you ask for the status of the project? Yes. Minister.

Hon. F. Al-Rawi: Madam Speaker, thank you, hon. Member, for your question. As the public is aware, the public procurement legislation has been operationalized. There is therefore a working out period that is afoot right now, in terms of what we call “pipeline projects”. On April 26, 2023, when that law became active, there had to be a reset on a number of procurement steps. The Minister of Finance is aggressively working on ensuring that all of us are assisted in ensuring that pipeline projects continue. But the Prime Minister was absolutely clear that the law had to be put on, and that we would find our way through the complications created by a different regime of procurement.

So all that I can say with that caveat is that it is an ongoing process. But please remember, hon. Member, that we are now under a very different regime that is a little bit more complicated than the older one was.

Madam Speaker: Member for Moruga/Tableland.

Ms. Benjamin: Thank you, Madam Speaker. Hon. Minister, can you inform this House when the works to Sahadath Road would start?

Madam Speaker: Okay. So out of order. The question has been asked and answered. Any other supplemental question? Member for Moruga/Tableland.

National Carnival Commission (Release of Funds)

181. Ms. Michelle Benjamin (*Moruga/Tableland*) asked the hon. Minister of Tourism, Culture and the Arts:

Will the Minister state whether all outstanding money was released to the National Carnival Commission (NCC) and if yes, state whether all the relevant Carnival bodies have been paid by the NCC?

Madam Speaker: Minister of Tourism, Culture and the Arts.

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you very much, Madam Speaker. Madam Speaker, the National Carnival Commission was allocated \$146,371,000 for fiscal 2023. As at June 02 2023, the total approved releases amounts to \$142,181,338. The balance on allocation is therefore \$4,189,662, which is expected to be released over the course of fiscal 2023.

As pertains to carnival bodies, each regional body is required to submit evidence that carnival activities occurred, as well as financial statements, to support their expenditure. Outstanding documentation from the various regional committees have been received. Once the documentation has been reviewed and verified, cheques will be prepared and distributed.

In fiscal 2023, the National Carnival Commission assumed responsibility for the mass component of carnival. There is an outstanding payment as it relates to prizes and operational expenses for these competitions in the amount of \$12,815,100. These payments will be made from the most recent approved release.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Moruga/Tableland.

Ms. Benjamin: Hon. Minister, give me your answer, could you provide this House with a detailed breakdown of all the regional bodies that were paid, and the sum that was paid to them?

Madam Speaker: Minister.

Sen. The Hon. R. Mitchell: Thank you very much. Madam Speaker, I do not have that information with me but to repeat the answer that I just gave, the National Carnival Commission is now in receipt of all the releases. There is a process that documentation, financial statements, evidence of all the expenditure must be provided to the NCC. Once those are verified then the cheques are prepared and distributed.

Madam Speaker: Member for Moruga/Tableland.

Ms. Benjamin: Hon. Minister, could you tell me what steps your Ministry has in place with regard to providing accountability in the essence that like my— I am sure I am not the only MP that is receiving complaints from several regional bodies that they have not been paid. Could you tell me?

Madam Speaker: Okay. So I rule that question out of order in light of the question asked and answers given.

Madam Speaker: The Attorney General.

**MUNICIPAL CORPORATIONS (EXTENSION OF TERMS OF OFFICE
AND VALIDATION) BILL, 2023
Senate Amendments**

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you, Madam Speaker. Madam Speaker, I beg to move the following Motion standing in my name:

Be it resolved that the Senate amendments to the Municipal Corporations (Extension of Terms of Office and Validation) Bill, 2023 listed in the appendix II be now considered.

Question proposed.

Question put and agreed to.

Clause 5.

Senate amendment reads as follows:

Delete the words “and thereafter exercised the functions of Councillors and Aldermen up until the commencement of this Act.”.

Madam Speaker: The Attorney General.

Sen. Armour SC: Madam Speaker, I beg to move.

Question proposed.

Madam Speaker: Member for Siparia.

Hon. Members: [*Desk thumping*]

Mrs. Persad-Bissessar SC: Thank you very much, Madam Speaker, and can I say welcome back. I did not expect us to be back in the House so soon. And the hon. Attorney General—we were here last Monday on this Bill and further amendments, I will come to that, but I guess you all were missing us. So you need us today, and we are back, you summoned us and we are here to do the people’s businesses in the public interest.

Hon. Members: [*Desk thumping*]

2.20 p.m.

Mrs. Persad-Bissessar SC: So I rise in this debate, Madam Speaker, to deal with the Senate amendments to the validation Bill that we debated last Monday, the 29th. You know, I had cause last week to speak about the smile of San Fernando West but I do not think I will do that today. Maybe he will join this debate. You know, if they had listened to us last Monday, Madam Speaker, we would all been spared—

Hon. Members: [*Desk thumping*]

Mrs. Persad-Bissessar SC: —the time, the cost to be spent here on this Bill, as we return once again with it. You know, there is a famous expression, “We told you so”, but your leader always says, “Stick break in your ears”—

Hon. Members: [*Desk thumping*]

Mrs. Persad-Bissessar SC: —so you do not listen to the appal, kicking and screaming, whether it be for the courthouse or elsewhere in the public domain, you just do not listen. So we could have saved a lot of time here; a lot of time. Not just being in this Chamber saves time, the cost. What cost is it to bring us back here today? The cost for all the parliamentary staff; the cost with respect to all the security personnel summoned back, all that could have been avoided. But then it is not your money. It is taxpayers’ moneys that are being expended—

Mr. Hosein: Yes, they do not care.

Mrs. Persad-Bissessar SC: —to come back here in what has been a comedy of errors, dealing with local government reform that they keep talking about. From day one, it has been a comedy of errors and that is why we are here today to fix the errors along the way—

Hon. Members: [*Desk thumping*]

Mrs. Persad-Bissessar SC: —along the way. That is why we are back here again. So we need to back up. What is the—let us look at the progression—the Bill progression.

This Bill was introduced in this House, Madam Speaker, on 26 May, 2023. That was about a full week falling upon the Privy Council’s judgment on the 18th of May. Now, bear in mind, the Government would have had access to an advanced copy of that judgment, because that is the practice. The hon. Attorney General told the other place, “Well, how you know that?” That is the practice. And therefore, when the Privy Council rules, you are given an advanced copy to

the lawyers, and do not tell me the lawyers would not share it with the AG because the AG is the client. So you would have had access, through your lawyers, to that days before the actual judgment on the 18th of May.

So the Bill was debated, passed with amendments in this House last Monday, the 29th. And we have to remember the really, really—oh gosh, the really, really silly, if I may put it, amendments; really tiny things or things that should have been nothing of difficulty. Those two amendments moved in this House on Monday were matters dealing with dates that should have been obvious to everyone. Amending the Preamble to now state, what was it?—the date—

Mr. Hosein: The date of the elections.

Mrs. Persad-Bissessar SC: —the date of the last—they did not even know that, the 2019 elections, when everything is predicated for our next election on that date, the 2nd of December. We could not even get that right, the date of the last elections. So the Preamble now had to insert that. But I am saying by very tiny amendments that should not have been wrong, those were corrected, and the second would have to change the date. What was the date of the last local—that too was wrong. So we passed the Bill in this House with amendments and the Bill was thereafter debated in the Senate, amendments moved in the Senate, and that is what we are now sitting here to do, Senate amendment to clause 5.

In the Senate on May 31st, clause 5 of the Bill was amended as follows. The clause which is before us has to be amended with deleting certain words. These were done at the Senate. Now, it is very surprising the AG would not come here today to explain why he did it.

Mr. Hosein: “Aha”.

Mrs. Persad-Bissessar SC: Why did you accept that amendment? Why are you bringing it back to this House?

Mr. Hosein: Disrespectful.

Hon. Member: Coward.

Mrs. Persad-Bissessar SC: Not a word from him. Could it be again that, you know, again, comedy of errors or shame, as you may say? I do not think—

Hon. Members: [*Desk thumping*]

Mrs. Persad-Bissessar SC: But I would not lay shame on the feet of the AG. I do not think he is not capable of that. I would not put that at his feet. But the point is, you are piloting a Bill and not one word to this House to explain what happened. Not one word. Usually, Madam, you are well aware of the process here. If you come to pilot a Bill or pilot Senate amendments, you explain to this House or you share with this House, and in that way you share with the John Public—general public what is this about, why are we here. And therefore, all we can say, the only reason it is we are here is because you have been compounding error upon error, misstep upon misstep—

Hon. Members: [*Desk thumping*]

Mrs. Persad-Bissessar SC: —and can find no words. So Senate amendment, which we are on—about here today. In the Senate, clause 5 of the Bill was amended as follows:

“Where the Councillors and Aldermen under section 3, exercise the functions of Councillors and Aldermen between 2nd December, 2022 and 18th May, 2023...”

And these are the words to be deleted:

“...and thereafter exercised the functions of Councillors and Aldermen up until the commencement of this Act...”

And then those functions are to be validated. So there were two things been validated, up to the 18th of May, which is the date of the Privy Council judgment, but then there was a strange part of the clause:

“...and thereafter exercised the functions...”

And that was the Senate amendment. And indeed the problem with that original clause 5 was strongly pointed out here. I hate to say it again, we told you so. We said, move it, it cannot work, you cannot validate going forward, you cannot validate when it is the council has expired since December, what is it?—2nd—since in December last year and you have now extended their term to 18th May. You have not extended them to after the 18th of May, but you are saying, validate what they did.

So we objected very strongly, it was very objectionable. There was no adequate reason for the inclusion of that deleted portion of clause 5. This part of the clause meant that actions, decisions of these local government practitioners would be validated from 19 May, 2023 to until the Act received assent. We raised the point. When is that going to happen? Well, it was, “We are rushing to the Senate next couple of days and after that we will have it assented”. Of course, that did not happen. There is a good intention always, but road to hell is always paved with good intentions—

Hon. Members: [*Desk thumping*]

Mrs. Persad-Bissessar SC:—that you would bring it here quickly, you know, get it assented to, and now it is how many weeks thereafter. We are into the month of June, when this matter should have been—an election should have been called during the period December to March of 2023—March the 3rd, April, May, June. So this election has been extended now for six months and we cannot say for how much longer because there is no date. How much longer we will deprive citizens,

the electorate, their right to elect their representatives, which is what the Privy Council ruled?

Hon. Members: [*Desk thumping*]

Mrs. Persad-Bissessar SC: And, you know, there is a strange argument coming from the other side, I hear them in different places and different forums and different platforms, well, the Privy Council said it was not unconstitutional.

Madam Speaker: Member for Siparia.

Mrs. Persad-Bissessar SC: “Mm-hmm”.

Madam Speaker: Remember, it is just a limited amendment. You are quite experienced so we cannot re-debate—

Mrs. Persad-Bissessar SC: Sure.

Madam Speaker: —what took place last week or week before. And as you quite rightly reminded me, those words you have said were the exact words in the debate. I do recall even if I was not sitting here. So I have allowed you some leeway. If you could just deal with the amendment as it is and not rehash things in the entire debate about local government elections, et cetera, please.

Mrs. Persad-Bissessar SC: Madam Speaker, we—I am guided by your ruling certainly and I will do my best to—I am guided. But there must be, why are we here and what are we correcting? I cannot just come and say—read these words and say, “I agree”, and go home.

Hon. Members: [*Desk thumping*]

Mrs. Persad-Bissessar SC: No. If I am to agree to this amendment, then we have to see what is the wrong that we are correcting.

Madam Speaker: And I fully understand what you are saying and I understood what you said up to the point when I made the intervention, that you have explained why we are here and the consequences. What I am limiting you in is

going back into the debate with respect to the Privy Council decision, with respect to calling the elections now, et cetera. I am not allowing that.

Mrs. Persad-Bissessar SC: Thank you so much. So the clause 5, we felt was dramatically opposed, was in conflict with the remainder of the Bill. So I cannot talk of clause 5 on its own. Clause 5 was what we objected to. We objected to taking this forward after the 18th of May and that we felt was in conflict with the Bill, which gave you life only until the 18th of May. So you could not go forward. Okay. In effect that portion of clause 5 would have validated the actions done thereafter.

Now, I am told—we were very clear on our side that we instructed our local government practitioners, do not proceed to do anything after the 18th of May because based on the Privy Council ruling, it would not be legal, it would not be lawful. However, some councils went ahead and did so and maybe that is why we are being asked to validate thereafter. So I objected very strongly. And, Madam Speaker, I think it would be very unfair if I were not able to put forward why we objected to that clause 5, and why we would accept the amendment now.

Madam Speaker: And I am almost certain that you are not trying to say that the ruling is unfair. Okay?

Mrs. Persad-Bissessar SC: No, no.

Madam Speaker: I am almost certain you are not saying that. But again, I repeat that you were quite clear in your original debate. This is not allowed, to rehash the debate. You are quite aware of the Standing Orders and it is not so much a question of fair or not fair. It is that we all here seek to abide by the Standing Orders that we have created. Okay? So please.

Mrs. Persad-Bissessar SC: I guided and therefore I will waive my contribution in a slightly different tack. Okay? So I cannot go backwards, so I will go forward.

Why do I now support this amendment? This amendment now corrects what we objected to. That is what it does.

Hon. Members: [*Desk thumping*]

Mrs. Persad-Bissessar SC: I will support this amendment because you have now taken out everything post 18 May, 2023. The complete deletion of clause 5 may have done the same, which is what we had asked for. However, that has not happened and therefore, whilst this is not perfect, it is not objectionable and so we can give support to it here today. But it really resolves and erases the error that was made before. And that is why I would say, by including a very clear, specific and unambiguous provision, the Bill, it minimizes the possibility of any debate as to the meaning and effect.

So whilst we had asked for the deletion of the whole clause 5, these words, some may be superfluous, but there is no harm and there is a danger in the way the clause is framed. And the AG gave an explanation as to why that clause was important when they objected to what we were saying. And he said, it has to do with the de facto doctrine.

Madam Speaker: And again, we running afoul of the same thing. So in this debate, the AG has said nothing. We are dealing with the clause, which is the deletion. Okay? And again, I am not going to allow you to go back to the doctrine of necessity and all of that, please.

Mrs. Persad-Bissessar SC: So, Madam Speaker, because the AG has come here and stayed totally silent, we cannot debate this matter to give our support to it or not give support. I feel that is objectionable, with the greatest of respect.

Hon. Members: [*Desk thumping*]

Mrs. Persad-Bissessar SC: Because—so if nobody on that side gets up—

Madam Speaker: So, so—

Mrs. Persad-Bissessar SC: —we are not allowed to speak on matters—

Madam Speaker: Member for Siparia.

Mrs. Persad-Bissessar SC: —that affect—

Madam Speaker: Member for Siparia, I believe you started talking at 2.19 p.m., it is 2.33 p.m., so I do not think it will be accurate to say that your side is not being allowed to say anything. You have been allowed a lot but once you keep within the confines of the Standing Orders, of course, you have 30 minutes, plus an additional 15.

Mrs. Persad-Bissessar SC: Madam Speaker, I take total objection to this course of action and I will not participate in this debate.

Hon. Members: [*Desk thumping*]

Mrs. Persad-Bissessar SC: And I think we should all leave. This is total—

Madam Speaker: Attorney General.

Mrs. Persad-Bissessar SC: —not democracy. Total not democracy.

Hon. Members: [*Desk thumping*]

2.35 p.m.

Sen. Armour SC: Thank you very much, Madam Speaker.

[Opposition Members rise to exit the Chamber]

Mr. Padarath: “All de time he have nothing to say.”

Hon. Member: “A-a”.

Ms. Ameen: [*Inaudible*]

Madam Speaker: Members, you have a right to leave. Member for Princes Town and Member for St. Augustine, you all do have a right to leave if you wish, please do not disrupt the proceedings. Attorney General.

Hon. Members: [*Desk thumping*]

Sen. Armour SC: Thank you, Madam Speaker. I was intrigued in anticipation—

Mr. Padarath: [*Inaudible*]

Mrs. Robinson-Regis: “A-a”.

Mr. Padarath: And there is no election—[*Inaudible*]

Madam Speaker: Member!

Mr. Padarath: [*Inaudible*]

Madam Speaker: Member!

Mr. Padarath: [*Inaudible*]

Madam Speaker: Member!

Mr. Padarath: And the AG has nothing to say about that.

Madam Speaker: Member!

Mr. Padarath: But the Leader of the Opposition—[*Inaudible*]

Madam Speaker: Member for Princes Town.

Mr. Padarath: [*Inaudible*]

Madam Speaker: Member for Princes Town, I will ask you to apologize for your outburst. You are too senior for this type of behaviour.

Mr. Padarath: Madam, I apologize for the change in nothing.

Hon. Member: That is not an apology.

Madam Speaker: Member, I want an unconditional apology. Please keep your emotions under control.

Mr. Padarath: I apologize.

Madam Speaker: Thank you very much. Attorney General.

Hon. Members: [*Desk thumping*]

Sen. Armour SC: Thank you very much, Madam Speaker. I took the trouble, which is why I said nothing earlier, to ask for an unedited urgent copy of *Hansard* of the 29th May, in respect of what had been said by Members of the other side when this House assembled on 29th May to debate the Bill which is here before this

House—when we assembled before the House then to debate now a mere amendment.

I have read with interest pages of the *Hansard* of the 29th of May, 2023. I have read with interest pages 34, 52, 76, 87, 103 and 104 of *Hansard*. And it is interesting at page 103 of *Hansard*, Member for Barataria/San Juan—I looked in the wrong direction, he is now—

Madam Speaker: So, AG, the same thing. I really tried to contain the Member for Siparia. I will allow you to respond to anything that was said here today. Unfortunately, we are not back-peddalling. Okay? So you can respond to anything that was said here today.

Sen. Armour SC: Thank you. I appreciate it. The Member for Siparia today said that the amendment corrects what they had objected to, and that is what I wish to respond to.

On the 29th, *Hansard* records that what the other side had asked for was the entire deletion of clause 5, and it is recorded in the pages have that I have referred to. What I have done, on reflection, and I ask this House to accept today, accomplished in the Senate, is to delete certain words for the clarity of clause 5, the entirety of which the other side had asked to delete. So that is the first thing that I wish to say, Madam Speaker, with your leave.

The second thing that I wish to say, with your leave, because we have to be responsible as we rise in this House in relation to other Houses in the separation of powers, it is patently untrue and a misrepresentation of the records of the Supreme Court and the Privy Council to say that the Government was given an advanced copy of the decision.

Madam Speaker: Okay. So, AG, as I said, we really are so limited in this debate, and this debate is only about deleting certain words in clause 5. It is not the

entirety of clause 5. I allowed you to respond based on certain things that were said by Siparia, but I am not going to allow anybody to stand here and carry this debate outside of the very limited remit which we have today.

Sen. Armour SC: Thank you, Madam Speaker, and I am guided. I think I have said enough. I beg to move.

Question put and agreed to.

**ADMINISTRATION OF JUSTICE (INDICTABLE PROCEEDINGS)
(AMDT.) BILL, 2023**

Order for second reading read.

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

That a Bill to amend the Administration of Justice (Indictable Proceedings) Act, 2011 (Act No. 20 of 2011), be now read a second time.

Madam Speaker, I consider myself very privileged to rise today to speak to this Bill:

“An Act to amend the Administration of Justice (Indictable Proceedings) Act, 2011 (Act No. 20 of 2011)”.

And I say that because we have long been in the making of our attempts on the part of this Government to make a fundamental and critical improvement of the criminal justice system of this country. And this Bill before this Parliament today is a significant step in that regard, in reducing the endemic delay in the criminal trial process.

The statistics demonstrate that as at March 2023, there are approximately 37,933 pending indictable matters at the district courts. That means that there are 37,933 criminal offences, including murders, attempted murders, robberies, rape, trafficking in persons, misbehaviour in public office and other types of fraud that

are currently pending at the pretrial stage. Madam Speaker, these numbers do not merely represent pending matters or charges. They represent thousands of persons whose lives have been disrupted and who wait anxiously for some form of progress and/or closure in respect of a criminal trial, which has followed them like a shadow for many years.

It must be emphasized that of every one of these 37,933 matters, there are accused persons, sometimes multiple accused persons; a victim, sometimes multiple victims; tens of witnesses and distressed family members and, of course, the members of the wider public. This is the reality of our criminal justice pretrial system.

To add to this number is the average of 8,835 indictable offences filed annually which now joins the queue of the 37,933 pending matters. Critically, it is well known that the work of conducting preliminary enquiries is shared between the Office of the Director of Public Prosecutions and the Trinidad and Tobago Police Service. We have received information from the office of the DPP. State counsels of this office are tasked with the conduct of the most serious, most high-profile matters; the preliminary enquiries of highest public interest; among, of course, other work to that which they are also committed. At current, the Office of the Director of Public Prosecutions has under its conduct approximately 2,120 preliminary enquiries. For the period 2013 to 2023, the Office of the DPP has concluded 900 preliminary enquiries.

Madam Speaker, while that figure has not been disaggregated per annum, it does round off to an average of approximately 90 preliminary enquiries per annum being completed by the Office of the Director of Public Prosecutions. Statistics received from the Trinidad and Tobago Police Service for the period 2013 to 2023 demonstrate the astronomical number of preliminary enquiries currently engaging

the police service, which averages between 4,000 to 6,000 annually, with a grand total of 55,037 for the past decade. Further, there is currently an alarming backlog of 11,707 preliminary enquiries engaging the attention of the Trinidad and Tobago Police Service. These statistics alone demonstrate the critical need to immediately pass this Bill to remove this protracted preliminary enquiry process from our criminal justice system, which clearly overburdens our law enforcement resources.

In looking at the statistics with an overall average of 37,933 pending matters and an approximate additional 8,835 joining the list every year, it is clear that the pretrial phase of the criminal justice system is in dire need of improvement. I repeat, the pre-trial phase, and by that I refer to the preliminary enquiry process phase. Because the reality of our criminal justice system under the existing law, which this Bill is seeking to make significant improvements to, is that for every criminal charge that is faced by an accused person, that person has to go through two trials: the preliminary enquiry trial, and then if there is an indictment, the actual trial of the indictment before the High Court.

Madam Speaker, this is not the first legislative attempt of this Government to abolish preliminary enquiries. I could list them out in large detail, but I would not belabour the time that is available to me to do that, because I am here, not so much concerned with belabouring the history of the endemic need to improve the criminal justice system, as I am here to persuade this House to move into the future and to join with this Government to improve the criminal justice system.

The harsh reality is that when we introduced paper committals as far back as 2005, we had hoped that those paper committals would have speeded up the pretrial committal process. But what we have instead found is that those paper committals have become a trial before the trial, with requests for numerous witnesses to provided additional oral evidence, full cross-examination and multiple

adjournments. In today's criminal justice system in Trinidad and Tobago, the present system has resulted in countless deficiencies in the system, inordinate delay in the disposition of preliminary enquiries, approximately 88 per cent of preliminary enquiries into capital matters taking over two years to completion before the indictment can get to the trial stage, and this is modest.

In conjunction with that type of delay, it has led to the undue incarceration of accused persons, some of whom are to find out after a delay of several years that a prima facie case has not been made out against them. It has led to the obvious depletion in the quality of evidence, both at the preliminary enquiry stage and any subsequent trial, to the failing memory of eye witnesses, and to the increase in the number of witnesses who have passed away, or cannot be located to provide testimony and subject themselves to cross-examination in order for the evidence fairly to be tested.

The impact of prolix cross-examination and the lengthy conduct of preliminary enquiries is another one of the deficiencies plaguing the current system of preliminary enquiries. As well, Madam Speaker, we have a very small criminal defence bar. Once a defence attorney is locked into a preliminary enquiry, the sheer length of those matters tends to deplete the accessibility and availability of defence counsel to adequately represent other accused persons.

This Government has attempted to do the best that it can by introducing the public defenders as part of our legal aid system, and that has made some measure of difference in improving access to justice, but we need to do more. Therefore, we must continue on improving our criminal justice system.

We acknowledge there is no constitutional right to a speedy trial. And similarly we acknowledge, with the benefit of decisions out of the Privy Council, that the preliminary enquiry process is not a process that is protected under the

Constitution. We have had the decision of *Hilroy Humphreys v the Attorney General of Antigua and Barbuda* as far back as 2008, UKPC, in which the Privy Council has made it clear, beyond a shadow of doubt, that there is nothing unconstitutional in abolishing the lengthy delaying process of preliminary enquiries.

At paragraph 4 of that judgment, the Privy Council said:

“...defendants in criminal proceedings do not have a vested right to any particular procedure and there will generally be nothing unfair in applying whatever procedure is in force when the case comes to court.”

2.50 p.m.

Madam Speaker, the Bill before this House has benefited from the hard work of the officers of the Office of the Attorney General and Ministry of Legal Affairs, before my time under the work of my predecessor in office, and since I have taken office. And I pay tribute to the very hard work of the members of the Legislative Drafting Department, the Law Reform Commission, and the members of the Criminal Justice Unit of the Office of the Attorney General and Ministry of Legal Affairs.

We have had several different pieces of legislation over the year: Act No. 3 of 2019, the Administration of Justice (Indictable Proceedings) (Amdt.) Act, 2019; Act No. 11 of 2019, the Administration of Justice (Indictable Proceedings) (Amdt.) (No. 2) Act, 2019; Act No. 1 of 2020, the Administration of Justice (Indictable Proceedings) (Amdt.) Act, 2020; and Act No. 13 of 2020, the Interception of Communications (Amdt.) Act, 2020; Act No. 20 of 2020, the Miscellaneous Amendments (No. 2) Act, 2020. All of these being efforts that have been undertaken by this Government through the legislative reform process to improve the criminal justice pretrial phase, so as to produce a fast track criminal trial process that will allow accused persons and affected members of the society, the

victims and their families, to ensure that their trials are accomplished in the shortest possible time. And that is why we are here today, Madam Speaker.

We are here today after a process of consultation which has been engaged with the Trinidad and Tobago Police Service, the Director of Public Prosecutions, the Judiciary of Trinidad and Tobago, the Legal Aid and Advisory Authority in particular, the Public Defenders' Department of the Authority, the Law Association of Trinidad and Tobago, and the Trinidad and Tobago Prison Service. We are here as a result of the hard work, Madam Speaker, bearing in mind the reconstitution of the criminal justice committee in April 2021, chaired by the honourable Chief Justice. That committee is comprised of, among other heads of departments, the Attorney General, the Chief Magistrate, the President of the Law Association of Trinidad and Tobago, the Commissioners of Police and Prisons, the Chief Public Defender and the Director of Public Prosecutions.

The overall aim of that criminal justice committee, which has been working in particular, among others, on the improvements to this Bill, is to tackle the various issues plaguing the key criminal justice stakeholders with the aim of expeditious resolution and cross-agency collaboration. Madam Speaker, the readiness of stakeholders for the abolition of preliminary enquiries has been canvassed throughout the course of the meetings of that committee and over the last two years the committee has met on a number of occasions to discuss the operationalization of this fast track legislation.

I will then therefore turn, Madam Speaker, if I may, because it is a lengthy Bill, to the clauses of the Bill that are before this House today. Clause 1 is simply the short title of the proposed Act. Clause 2 is the proclamation clause and will provide for the commencement of the proposed Act on a date to be fixed by the President.

Clause 3 of the Bill clearly defines the Act to mean the Administration of Justice (Indictable Proceedings) Act, 2011. And I pause there, Madam Speaker, to acknowledge a very intuitive and very telling contribution which was made by a member of the lay public in a conversation that I had with him less than two months ago when I was speaking to the fact that the Government was seeking to pass this legislation. And I referred to it by its long title, and I said I will call it by its short title, “AJIPA”. And that member of the lay public said to me, “Mr. Attorney General, you lawyers like to talk in lawyer’s language. What is the name that you can give to this piece of legislation so that the members of the listening public will understand the object of this legislation?” So the name, in deference to that very intelligent gentlemen, the name that I give to the Bill that is before this House this afternoon is the “fast track trial law”.

Hon. Members: [*Desk thumping*]

2.55 p.m.

Sen. The Hon. R. Armour SC: The fast track trial law is intended, Madam President, when we—Madam Speaker, I beg your pardon, when we pass it in due course, to expedite the process of criminal trials to move us from the current reality that we now exist in, where on average which it takes two to three years to finish a preliminary enquiry while the accused are incarcerated in jail.

In some instances, and I will not go into that, we know of preliminary enquiries that have not yet been completed and are in train for 15 years. That is why this legislation that I bring before this House this afternoon, I will refer to it as the fast track trial law, because we want to give people their entitlement, according to justice, to be tried in a speedy, efficient and fair manner as is possible, to bring relief to them, they who are accused of crimes and to those who are affected by the crimes, the victims and the families of the victims and the members of the public

of this country.

Clause 4 of the Bill, Madam Speaker, importantly inserts definitions, among other definitions, and one or two of them are worth discussing. The term “appropriate adult” is introduced because “appropriate adult”, when you read it in relation to the different legislation that this fast track law has to be read with, involves children and persons who fall within the brackets of age groups who will be referred to as appropriate adults who are charged with certain crimes, but we want to bring those trials to the earliest possible conclusion.

Another definition that is introduced by this legislation is the enhanced definition of “prosecutor”, through a consequential amendment that is going to be made to the Police Service Act, specifically by inserting “section 64A of the Police Service Act” to require that for the purpose of this fast track trial law, police prosecutors must comply with the requirements of the Legal Profession Act, so that police prosecutors who are trained to practise law can appear before a master of the High Court and conduct pretrial hearings. The reason for this expansion of the definition of “prosecutor”, Madam Speaker, at the pretrial hearing stage, is to allow police prosecutors, who are legally qualified to practise, to augment the efforts of state counsel employed with the Office of the Director of Public Prosecutions.

Clause 5, Madam Speaker: clause 5 of the Bill addresses the issues of part-heard preliminary enquiries and what occurs with those matters when the fast track trial law is proclaimed. The point there being that when this Act is proclaimed, there will still be existing matters that are on the file, and therefore what are the circumstances in which the master will determine whether those matters remain at the summary level to be completed before the magistrates or whether the master can direct that the matters be brought into the High Court to comply with the provisions of the fast track trial law in order to give the accused and the victims an

opportunity for expedited justice. And the amendments that are introduced by clause 5 of the Bill are intended to give to the master of the High Court the discretion to make the choice between those matters which remain in the summary trial phase or those matters that come into the fast track trial phase.

Clause 6 of the Bill will require:

“...a report to be filed in the High Court within fourteen days, by a constable upon of the execution of a search warrant.”

And this acts as a necessary check and balance. It is part of the wider purport of the section which is being amended.

Clause 7 of the Bill, Madam Speaker, will:

“...allow for sections 13(2) to (4) and section 14 of the Interception of Communication Act to apply where a search warrant has been issued under the...”— fast track trial law—“...for the purpose of obtaining data.”

This allows for enhanced cooperation with providers and law enforcement for the purposes of this new law that we are bringing into effect, subsection (1A) specifying that:

“...subsection (1) would apply to a search warrant issued by a Master or issued by a person who exercises concurrent jurisdiction with a Master under section 10 of the Act.”

That is to say, the Registrar of the Supreme Court.

Clause 8 of the Bill, Madam Speaker, will:

“...amend section 6 of the Act by repealing subsections (1), (1A) and (1B) and substituting new subsections...detailing the procedure as it relates to the institution of indictable proceedings and compelling the appearance of the accused. The clause would amend section 6 by inserting a new subsection (1D) that deals with a complaint where the accused is a child or where is a

children charged matter within the meaning of section 3 of the Family and Children Division Act.”

Clause 8 also inserts:

“...a new subsection (2A) to provide for the circumstance in which a complaint is not made, but an indictment is preferred and filed under subsection...”—6(2), which is known as a voluntary bill of indictment.

This allows the Master to issue a warrant of apprehension to compel the accused’s presence before a master for an initial hearing. This Bill proposes that the accused will be subject to a sufficiency hearing even in circumstances where the Director of Public Prosecutions files a voluntary bill of indictment. The rationale there being, Madam Speaker, to produce balance; to ensure that even while the Bill preserves the independent remit and all of the powers of the Director of Public Prosecutions under the Constitution, the sufficiency of evidence that comes before the master can still remain to be judicially assessed. So if at that stage the master is of the view that an insufficient case has been made out, the master can deal with the evidence at that initial stage in the interest of justice. And, Madam Speaker, under section 23 of the current preliminary enquiry Act, the power of the DPP to prefer an indictment or not has been conducted under certain circumstances. That is being addressed in the amendments that are being brought to this House by this Bill.

Madam Speaker, clause 8, will:

“...also amend section 6(3) by deleting paragraph (e) and substituting a new paragraphs (e) to...”—(h).

“These new paragraphs would allow the Director of Public Prosecutions to prefer and file an indictment under subsection (2) where a Preliminary Enquiry or sufficiency hearing is not completed and the offence is of a

violent or sexual nature...”—involving—“...trafficking of persons where the accused or witness is a child or an adult witness is murdered or subjected to violence or where the witness or victim is not resident in Trinidad and Tobago.”

Clauses 9 and 10 of the Bill, Madam Speaker, insert a new section 6A allowing:

“...for a notice of complaint to be given to the Director of Public Prosecutions by the Master”—of the High Court—“where a complaint is made under section 6(1)...”

This notice is necessary to alert the Director of Public Prosecutions to any private indictable offences which have been filed.

Clause 10 of the Bill will amend section 7 by repealing the old subsection (7) which speaks to a master issuing a summons directly to an accused who is likely to leave the country to appear forthwith. And that is then addressed at clause 11, Madam Speaker, which amends the marginal note to section 8 by deleting the words “apprehension of the accused” and substituting the words “Arrest warrant”. It inserts a new subsection (1A) which:

“...allows a master...if he or she thinks fit...”—to—“issue a warrant in cases where the accused is likely to leave Trinidad and Tobago.”

The practical need for this is patent and I need say no more on that. This clause, Madam Speaker, will:

“...amend section 8(6) by deleting the words, ‘or, where this is not possible, a Magistrate’ and”—will also—“repeal section 8(7) and substitute it with a new section 8(7) which would permit a police officer to bring a person who is arrested and charged with an indictable offence before a Master”—forthwith—“or at the earliest available court date after the person is

charged.”

This clause also deletes the words “or Magistrate” in subsection (8). Because you would appreciate, Madam Speaker, we are seeking by this Bill to move indictable matters at the pretrial stage out of the jurisdiction, the summary jurisdiction, before the masters and move them all into the High Court in its two stages, the initial hearing stage and the sufficiency hearing stage.

Madam Speaker, clause 12 of the Bill will repeal section 8A of the Act because the appearance, as I just explained, of the accused at the Magistrates’ Court is no longer contemplated, since under this fast track trial law all indictable matters, subject of course to certain exceptions, commence in the High Court. An accused charged with an indictable matter should not have to appear before a magistrate in the district courts unless his matter is triable either way and is being dealt with summarily.

It bears emphasis, Madam Speaker, that this fast track law envisions a transformative change to our pretrial procedure. Once your matter, your charge, is laid at the Supreme Court, a straightforward trial assessment and process follows through to finality of trial in one place, that is to say the High Court, in a timely manner.

Clause 13 of the Bill, Madam Speaker, will amend section 10 of the Act by deleting the words “of Masters and Magistrates” for the same reason, in the marginal note, and in subsection (1) by deleting the words “Magistrates and Magistracy Registrars and Clerk of the Courts”.

“The clause would insert a new subsection (1A) to ensure that Magistrates, Magistracy Registrars and Clerks of the Court would not exercise jurisdiction in relation to any matter referred to in subsection (1) or for which a Master is given jurisdiction under this Act. In order to harmonise

the Act in accordance with section 10(1A) subsections (2), (2A) and (3) and (4) would also be amended...”—by removing the words “Magistrate and Magistracy Registrar and Clerks of the Court” wherever they appear.

This fast track law, Madam Speaker, aims not only to streamline the process but also to streamline the role of judicial officers by reducing duality of function. No longer are we going to have two trials for the same charge; one at the preliminary enquiry stage before a master and the other before the High Court on indictment. No longer.

Clause 14 of the Bill, Madam Speaker, will:

“...amend the Act by inserting after section 10, a new section 10A which addresses the jurisdiction of the Children Court.”

And you will see cross-referencing throughout this to Bill to allow for the operation of the jurisdiction of the masters and judges of the High Court to provide clarity on when the jurisdiction of the Children Court will apply.

The initial hearing stage of the criminal pretrial process, Madam Speaker, is dealt with from clauses 15 to 19. And as I had said at the beginning, those stages can be prosecuted both by police prosecutors legally trained as well as officers of the Office of the Director of Public Prosecutions.

Clause 15 of the Bill will amend section 11 of the Act dealing with the initial hearing relative to issues addressed by the Scheduling Order. And it is perhaps worth spending just a little time to say what the Scheduling Order, Madam Speaker, deals with at that initial stage—when a Scheduling Order is being dealt with at that initial stage. If you will permit me to refer to clause 11:

“Subject...”—

I read from clause 11—section 11(2) of the Act as it will be amended:

“Subject to the Rules, at an initial hearing, a Master shall...”—where

practicable, do a number of things.

And among the things that the master will do at that initial hearing, which must be dealt with in the first three months of the indictment being laid at the initial hearing, the master may:

“(h) make a Scheduling Order in the form”—that is—“set out...”—dealing with, among other things, that:

- (i) the accused shall, if applicable, retain an Attorney-at-law;
- (ii) an order for legal aid shall, if applicable, be satisfied;”

The police shall submit to the Director of Public Prosecutions, the complaint; any account given by the accused in an interview or statement; any written statement of a witness or document exhibit; a list of exhibits; the accused’s criminal record; any available statement of the effect of the offence on a victim, a victim’s family or any other persons.

- (iii) the prosecutor shall file in the High Court and serve on the accused”—the indictment and—“all witness statements and other documentary evidence that he intends to use at the sufficiency hearing, which date shall be no later than three months from the making of the Scheduling Order...”—or such longer period as the master thinks fit.

3.10 p.m.

“(iv) the accused shall file in the High Court and serve on the”—prosecutor—“any witness statements and other documentary evidence that he intends to use at the sufficiency hearing, which date shall be no later than...”—28 days from the date specified above or such longer period as the master thinks fit in his or her discretion.

And:

“(v) the sufficiency hearing shall commence, which date shall be no later

than twenty-eight days...”—or such longer period as the master thinks fit from the date earlier specified.

And then other aspects of the Scheduling Order are spelt out.

The point there being, may it please you, Madam Speaker, that the entire preliminary enquiry stage, as I said earlier, is being divided into those two stages of the initial hearing and the sufficiency hearing, all designed to expedite the right of the accused and the right of victims of the family to a fair trial within the shortest possible time. I cannot stress too much the importance of the abolition of the preliminary enquiry for the purpose of expedition in the criminal justice system.

The filing of the indictment at the initial hearing stage is an initial step in ensuring that the pretrial proceedings are conducted with greater efficiency than what currently obtains in the preliminary enquiry system. Effectively, once a person is charged, they can be assured that once there is sufficient evidence their matter will progress through the system as efficiently and smoothly as possible. Notably, this of course, does not interfere with the Director of Public Prosecutions’ ability to amend, add or withdraw accounts on the indictment, as is necessary in the discretion of the Director of Public Prosecutions.

Clause 16 of the Bill, Madam Speaker, will:

“...amend the Act by repealing section 12(1) and (5) and substituting new section 12(1) to (4) to...”—adjust—“...the manner in which a summary trial of either-way offences are dealt with under the Act.”

Madam Speaker, clause 17 of the Bill will amend section 13 of the Act by repealing subsections (1) and (2) of section 13 and substituting new subsections:

“...in order to provide adequately with respect to the notice of alibi.”

Clause 18 of the Bill will amend section 14 of the Act in section 4 by

repealing and substituting a new subsection:

“...in order to improve on the clarity of the section...”—addressing—“...the time for tendering alibi evidence.”

Clause 19 of the Bill will:

“...amend section 17(5) of the Act by deleting the words, ‘by reason of illness or accident’ and substituting the words, ‘because of illness, accident or any other reason’ in order to extend the situations under which a Master is able to order the further remand of an accused due to his absence at the adjournment under section 16 for a period of no longer than twenty-eight days.”

The sufficiency hearing, Madam Speaker, is provided for at clauses 20 through—to 37 of the Bill before this House. Importantly, clauses 20 to 37 of the Bill will deal with the sufficiency hearing, after the initial hearing stage has taken it to the sufficiency hearing by way of the Scheduling Order.

Clause 20 of the Bill will amend section 19 of the Act by repealing certain subsections (1), (2) and (4) and substituting new sections in order to improve the language in relation to the various procedures at a sufficiency hearing. This clause also removes the reference to section 6(2) in—subsection (1), where the Director of Public Prosecutions would now be subject to a sufficiency hearing, remembering that the master will have a discretion to assess the sufficiency of the evidence even where the indictment has been filed independently by the Director of Public Prosecutions. As mentioned earlier, this Bill proposes that the accused will be subject to a sufficiency hearing in those circumstances. With the rationale being to balance, to ensure that while the section 90 powers of the Director of Public Prosecutions are maintained, sufficiency of evidence is still to be judicially assessed.

Madam Speaker, this clause will:

“...amend section 19 of the Act by deleting and substituting the chapeau in subsection (4)...in order improve the language and ensure that the procedure is properly explained.”

This clause will also repeal subsections (6), (7) and (8)—

ADJOURNMENT

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. Madam Speaker, I beg to move that the House do now adjourn to a date to be fixed.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 3.15 p.m.