

HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2023

The House met at 1.30 p.m.

PRAYERS



[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, I have received communication from Mr. Esmond Forde, MP, Member for Tunapuna, who has requested leave of absence from the period June 20 to 29, 2023; and from Mr. Rushton Paray, MP, Member for Mayaro; and Mr. Dinesh Rambally, MP, Member for Chaguanas West, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

VISITORS

(Delegation from the National Assembly of Zambia)

Madam Speaker: Hon. Members, I wish to advise that a delegation from the National Assembly of Zambia comprising the Acting Deputy Principal Clerk, Parliamentary Reforms and Strategy, Constituency Office Operations, Mr. Aubrey Chiwati; and Constituency Office Coordinator, Parliamentary Reforms and Strategy, Ms. Nikiwe Phiri, are present in the Chamber for today's proceedings. I ask you to join with me in welcoming the delegation. Welcome.

Hon. Members: [*Desk thumping*]

Madam Speaker: And hon. Members, there is one more item under announcements. I would kindly ask that we defer this to later in the proceedings.

ARBITRATION BILL, 2023

Bill to repeal and replace the Arbitration Act, Chap. 5:01 and to provide a modern legal framework for the use of arbitration as a means of resolving disputes, brought

from the Senate [*The Attorney General and Minister of Legal Affairs*]; read the first time

PAPERS LAID

1. Economic Sanctions (Implementation of United Nations Security Council Resolution 2653 (2022) on the Republic of Haiti) Order, 2023. [*The Minister of Health (Hon. Terrence Deyalsingh)*]
2. Statement of Her Excellency, the President, on the Economic Sanctions (Implementation of United Nations Security Council Resolution 2653 (2022) on the Republic of Haiti) Order, 2023. [*Hon. T. Deyalsingh*]
3. Audited Financial Statements of the Water and Sewerage Authority for the year ended September 30, 2019. [*The Minister of Finance (Hon. Colm Imbert)*]

To be referred to the Public Accounts Committee.

4. Audited Financial Statements of the Vehicle Management Corporation of Trinidad and Tobago Limited for the financial year ended September 30, 2016. [*Hon. C. Imbert*]

To be referred the Public Accounts (Enterprises) Committee.

5. Administrative Report of the Betting Levy Board for the period July 01, 2018 to June 30, 2019. [*Hon. T. Deyalsingh*]
6. Administrative Report of the Betting Levy Board for the period July 01, 2019 to June 30, 2020. [*Hon. T. Deyalsingh*]
7. Administrative Report of the Trinidad and Tobago Creative Industries Company Limited for the year ended September 30, 2016. [*Hon. T. Deyalsingh*]

8. Ministerial Response of the Ministry of Agriculture, Land and Fisheries to the Ninth Report of the Public Administration and Appropriations Committee on the examination of the implementation of the 2021 budget with emphasis on the 'Green Economy' [*Hon. T. Deyalsingh*]
9. Ministerial Response of the Ministry of Digital Transformation to the Ninth Report of the Public Administration and Appropriations Committee on the examination of the implementation of the 2021 budget with emphasis on the 'Green Economy'. [*Hon. T. Deyalsingh*]
10. Ministerial Response of the Ministry of Trade and Industry to the Ninth Report of the Public Administration and Appropriations Committee on the examination of the implementation of the 2021 budget with emphasis on the 'Green Economy'. [*Hon. T. Deyalsingh*]
11. Ministerial Response of the Ministry of Planning and Development to the Ninth Report of the Public Administration and Appropriations Committee on the examination of the implementation of the 2021 budget with emphasis on the 'Green Economy'. [*Hon. T. Deyalsingh*]
12. Third Ministerial Response of the Ministry of Planning and Development to the Seventh Report of the Public Administration and Appropriations Committee on the examination into the implementation of the Public Sector Investment Programme (PSIP) for the fiscal year 2021. [*Hon. T. Deyalsingh*]
13. Ministerial Response of the Ministry of Public Utilities to the Eleventh Report of the Public Administration and Appropriations Committee on the examination into the Island Wide Power Outage and Blackout that occurred on February 16, 2022. [*Hon. T. Deyalsingh*]

**PUBLIC ADMINISTRATION AND APPROPRIATIONS COMMITTEE
REPORTS**

(Presentation)

Dr. Lackram Bodoie (*Fyzabad*): Thank you, Madam Speaker. Madam Speaker, I have the honour to present the following reports:

Management and Operations of the HDC

Thirteenth Report of the Public Administration and Appropriations Committee on an examination of the Management and Operations of the Housing Development Corporation (HDC) including the restructuring of HDC into three distinct State Enterprises.

**Processing of the Payment of Pensions and Gratuities of
Retired Public Officers and Contracted Employees**

Fourteenth Report of the Public Administration and Appropriations Committee on an examination of the Implementation of the Recommendations contained in the Twenty-Fourth Report of the Public Administration and Appropriations Committee from the Eleventh Parliament on the Processing of the payment of Pensions and Gratuities of Retired Public Officers and Contracted Employees.

PRIME MINISTER'S QUESTIONS

**April 2021 Explosion at the NiQuan Plant
(Status and Findings of Investigation)**

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker. In light of the recent tragic death of a worker at the NiQuan plant, will the Prime Minister inform this House of the status of the investigation into the April 2021 explosion at the NiQuan plant inclusive of the findings of the main contents of the final report?

Madam Speaker: Prime Minister.

Hon. Members: [*Desk thumping*]

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, as I has been previously indicated, including by the Minister of the Energy and Energy Industries, a number of investigations were done into an incident at NiQuan's plant which took place in April 2021. The Ministry of Energy and Energy Industries conducted an investigation, as did OSHA. Other investigations were conducted, including by NiQuan. The restart of the plant was only permitted at the completion of the investigations, and implementation of remedial and other works being conducted by NiQuan. The advice received is that the Ministry of Energy and Energy Industries' report cannot be made public as NiQuan is not a public entity, it is a private legal entity, and in the circumstances the Ministry of Energy and Energy Industries cannot publish its report, Madam Speaker.

Madam Speaker: Member for Pointe-a-Pierre.

Recent Incident at the NiQuan Plant

(Linkage to 2021 Explosion)

Mr. David Lee (Pointe-a-Pierre): Thank you, Madam Speaker. Will the Prime Minister state if any of the concluding issues revealed by the investigation into the 2021 explosion at the NiQuan plant were also responsible or linked to last week's incident at the plant, which led to the death of an individual conducting maintenance work on the plant?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the recent tragic accident at NiQuan's plant, which took place on June 15, 2023, is, as is to be expected, as is expected, is now the subject of an investigation by the Ministry of Energy and Energy Industries.

1.40 p.m.

The Ministry's investigation team has been established and notification was given earlier today via a release from the Ministry on the composition of the team. It is much too early, Madam Speaker, at this stage, for the Ministry to determine what was the root cause of this very tragic incident and therefore, no conclusions can be drawn at this time. Accordingly, Madam Speaker, the premise of this question by my colleague from Pointe-a-Pierre is a bit premature and possibly speculative.

Madam Speaker: Member for Pointe-a-Pierre.

Mr. Lee: Thank you, hon. Prime Minister, for your response. Could I ask you if, when the report is concluded by the Ministry of Energy and Energy Industries, at least that the family members of this unfortunate incident would be notified of what caused the death of their loved ones?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I would await the nature of the report. As I just said, it all depends on what the report is and whose report it is. But once the circumstances and the legal authorities permit, then the relevant Minister would make that commitment. I would not presume to make it, as I have just said, when I was asked about putting NiQuan's report out. So, Madam Speaker, we will await the outcome.

[Device goes off]

Madam Speaker: Okay. So would the Member or the person in the Chamber whose phone is giving them some difficulty—

[Member Mc Clashie raises hand]

Madam Speaker: Thank you very much. Member for Couva South.

Mr. Indarsingh: Thank you very much. Prime Minister, as the head of the Government of Trinidad and Tobago, are in a position to inform this House if the

scene of this accident has been preserved by the Occupational Safety and Health Agency in keeping with section 47 of the Act?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, we have processes and agencies to answer questions like that. I am in no position to get into that kind of detail and I would not presume so to do. I will rely on the relevant entities to do that. So I am invited, but I decline the invitation.

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Thank you very much. Prime Minister, just to clarify, could you indicate the legal basis upon which the Ministry of Energy and Energy Industries conducts investigation if the report arising from that cannot be made public or placed in the public domain?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: I did not say that. I was very clear. They are asking about a report and I am saying depending on which report and the nature of the report, then if it can be made public under the specific authorities, then it will be. If it is, on the other hand, a report coming from the company, then, of course, we have constraints.

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Thank you, Madam Speaker. Madam Speaker, in light of the fact that it is the same company in 2021 and today in 2023; this exact company, does it also stand that that report on the investigation on this current issue that occurred just a couple days ago, that also will not be made public, because it is the same company?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, not necessarily so, because if a report is

done by the Ministry of Energy and Energy Industries and we are advised that the report can be made public without legal complications, then, of course it will be made. I am not being as previous as they are. Madam Speaker, these things are guided by commercial controls and legal controls, and that is where we are.

Madam Speaker: Member for Couva South.

Trinidad and Tobago Revenue Authority

(Status of Employees)

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker. Given that the Government's proclamation of Section 18 of the Trinidad and Tobago Revenue Authority Act came into effect on May 1, 2023, will the Prime Minister inform this House if all of the existing employees at the Board of Inland Revenue (BIR) and Customs and Excise Division, with their existing terms and conditions of employment, will be employed at the Trinidad and Tobago Revenue Authority?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, it is clear that my colleague from Couva South would like me to assist him with his reading and paying attention in the House, because the answer to this question lies in the very Act that he has assisted in passing in this House. And the answer in the Act—I can quote, Madam Speaker, for his benefit, and I quote from the relevant Act—it came here as a Bill, it was debated, it was passed into law as an Act, and the Act says:

“(2) A person to whom this section applies may, within three months of the coming into force of this Act...may...exercise one of the following options...”

The Member knows that.

“(a) voluntarily retire from the Public Service on terms and conditions

agreed between him..."

Madam Speaker, I am distracted by a conversation here. Can I speak in silence, please?

Madam Speaker: Would all Members kindly allow the Prime Minister to speak in silence?

Hon. Dr. K. Rowley: Thank you very much.

"(2) A person to whom this section applies may, within three months of the coming into force of this Act...exercise one of the following options..."

That is the Act that the Member helped to pass in this House. And it says they can:

"(b) transfer..."

Or they can:

"(a) voluntarily retire from the Public Service on terms and conditions agreed between..."—the officer and its—
"...appropriate...association and the..."—CPO.

"(b) transfer to the Authority with the approval of the appropriate Service Commission on terms and conditions which, taken as a whole, are no less favourable than those enjoyed by him or her in the Public Service;

(c) be appointed on transfer by the Public Service Commission to a suitable public office in the Enforcement Division on terms and conditions which, taken as a whole, are no less favourable than those enjoyed by him or her in the Public Service on the date of the coming into force of this Act; or

(d) remain in the Public Service provided that an office commensurate with the office held by him in the Public Service prior to the date of the coming into force of this Act, is

available.”

Madam Speaker, the Member knows that these options are section 18(2) of the Act and they are available to the Member, as well as to employees of the Inland Revenue Division and the Customs and Excise Division.

Madam Speaker, I want to advise you that this matter is currently before the courts and is sub judice. For the record, the matter cannot be commented upon further by me.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Taking into consideration what the Prime Minister just stated and the matter being sub judice, Prime Minister, are you aware that the Chairman of the Board of Inland Revenue and the Comptroller of Customs are offering packages to individual employees which have not been agreed with their recognized majority union, which currently are offering conditions of employment in the TTRA, which are inferior to what currently exists, for example, sick leave, casual leave and pension plans?

Madam Speaker: Member, you have 15 seconds to ask a question. Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I am not aware of the detailed day-to-day workload of the CPO. But since that is coming from the Member for Couva South, there is a very good chance that it is not true.

Madam Speaker: Member for Naparima.

Coast Guard Vessels

(Urgent Steps to Make Operational)

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. Given reports that only one in eleven of our large coast guard marine assets is operational, will

the Prime Minister state the urgent steps being taken to make our Coast Guard vessels operational?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, in the coast guard, I do not know what 11 large vessels he is referring to. But what I can tell you, Madam Speaker, of my interpretation of the question, that premise of that question is not correct. But I go further to say, Madam Speaker, as head of the National Security Council, I have said over and over again to this particular Member, I am not prepared to come in public and outline any vulnerabilities of the security of this State. And it might suit them, Madam Speaker, to keep talking about a porous border and a porous border.

Madam Speaker, all islands have borders around them because we are surrounded by water and persons who want to penetrate you, even if you are use East Germany at sea, they will try and sometimes they succeed. But to have authorities, like my colleague here, forever talking and telling the world, especially people nearby, that we have porous borders, that is a pull factor to Trinidad and Tobago. And, of course, to come and ask me after to announce when and where there are coast guard vessels working, and misleading the country that there are no vessels out there, I will not participate in undermining the State.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: So every time he asks a question like this and asks me to detail our security and our vulnerabilities, if they exist, they answer is, it is a matter of national security and I will not answer you. I will not assist you in telling the public about any vulnerabilities.

As a matter of fact, Madam Speaker, we have just spent a lot of money to ensure that CG41 and CG42 are operational today. Today they are operational,

those two. I do not know what other large assets he is talking about. Because one of the things they bought as a large asset was a vessel that cannot go off the east coast of Trinidad and Tobago.

So, Madam Speaker, this attempt to expose us and to tell untruths about our condition is not going to find favour with me and the answer is, you are incorrect.

Madam Speaker: Member for Naparima.

Mr. Charles: Are you aware of the fundamental difference between stating our assets and stating when will they become operational? It is a management—
[Inaudible]

Hon. Members: [Desk thumping]

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, to premise the question that all of our assets are down and then ask me to answer when they are going to become operational, when they are not all down, I understand exactly what he is doing. He is trying to get me to confirm that they are all down, and that is not correct and I will not do that.

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Thank you very much, Madam Speaker. Prime Minister, would you not think it wise to indicate to the nation—

Madam Speaker: Member, Member, Member—

Dr. Moonilal:—how good the boats are and they are actually working?

Madam Speaker: Member, could you rephrase that question? It is difficult and double negative.

Dr. Moonilal: Prime Minister, would you indicate to the national community the status of these boats? Are they functional or not? If they are not, say that and fix it.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker, I do not want to cast any aspersions on my colleagues on the other side. But there is an underlying trend of wanting to tell the world what is the situation with Trinidad and Tobago's borders. And, Madam Speaker, that public information is very useful to criminals who would like to penetrate Trinidad and Tobago's borders. And I do not know on whose behalf they are acting.

Hon. Members: [*Interruption*]

Hon. Dr. K. Rowley: I do not know on whose behalf they are acting. And when they come here, Madam Speaker, and make statements like all our major assets are down—

Madam Speaker: Just one minute. I believe there is one Member I have recognized. I am having great difficulty in hearing the Prime Minister. Prime Minister, are you finished? Prime Minister, are you finished? Yes?

Hon. Dr. K. Rowley: Yes, Madam Speaker.

Madam Speaker: Member for Naparima.

Mr. Charles: Would the Prime Minister tell this honourable House whether one of the two Cape-class vessels that you bought from Australia, in the absence of procurement legislation, is it down in the Dominican Republic for repairs?

Hon. Dr. K. Rowley: Madam Speaker, you see what I mean? That vessel had to be repaired. It was sent to the Dominican Republic. It has been repaired. It has returned to service, but you have a Member of Parliament coming here today and saying that the vessel is down and it is in the Dominican Republic. The Member is mischievous. As a matter of fact, when the vessel was down, he came here and sought an announcement from me, right?

Dr. Moonilal: Madam Speaker, Standing Order 48(6), please. The Member is up

to mischief in asking questions for transparency, accountability.

Hon. Dr. K. Rowley: Mischief.

Madam Speaker: Okay. Overruled.

Dr. Moonilal: You approved, Ma'am.

Madam Speaker: Overruled. Member for Naparima.

Mr. Charles: Next question?

Former THA Administration

(Issuing of Awards of Contracts Allegations)

Mr. Rodney Charles (*Naparima*): Given recent very serious allegations of malfeasance in the issuing of awards of contracts by the former THA Administration, will the Prime Minister state whether he requested an investigation into these allegations given the Government's commitment to the principles of good governance?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I know not of what he speaks. But maybe if the Member has information about serious allegations of malfeasance—and, of course, if he does, Madam Speaker, I know he will run to the correct authorities. We have authorities in this country established for this precise purpose. So if what he has heard, or any allegations which he believes require any investigation, I am sure the Integrity Commission and the police would have heard it too. So therefore, I am not in any position to refer to what he is talking about.

Madam Speaker: The hon. Member. Member for Naparima.

1.55 p.m.

Mr. Charles: Yes. Let me "brave up". Is the Prime Minister aware—you said you do not know—of the allegations made by the Chief Secretary that two senior

government officials pressured the THA to pay a certain contractor who happens to be your friend?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I wonder if 48(1) applies to that? So it is all well and good to jump on 48(1) and say I cannot cast aspersions, but he can get up and make questions, “my friends”. Madam Speaker, I have no friend who is collecting any money from the Government on my instructions, because authorities have the right to spend government money with respect to their authority. And as far as the statement made by the Chief Secretary, Madam Speaker, the Chief Secretary can explain it himself. I do not have to help him explain himself.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Naparima.

Mr. Charles: Therefore, the Prime Minister is telling this honourable House—

Madam Speaker: Member, question.

Mr. Charles: Yes, that is the question.

Madam Speaker: Please ask the question.

Mr. Charles: Is the Prime Minister then telling this honourable House that if malfeasance takes place in an institution under his watch, that he does not care about whether it is brought to the public domain or not?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Certainly not, Madam Speaker. That is why so many of them are in difficulty with the State—

Mr. Hinds: “Ohhh”.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley:—because we have brought it to the authorities. And Madam Speaker, if there is any justification—

Mr. Indarsingh: Madam Speaker, 48(6), the Prime Minister must clarify.

Hon. Members: [*Crosstalk*]

Hon. Dr. K. Rowley: You want me to clarify?

Mr. Indarsingh: He cannot continue to make these wild accusations and aspersions about Members on this side—

Hon. Members: [*Desk thumping*]

Mr. Indarsingh: —without any substantiation.

Madam Speaker: Overruled, Prime Minister.

Mr. Indarsingh: Without any substantiation.

Madam Speaker: Overruled, Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, my friend is calling his colleague from Pointe-a-Pierre nothing. What do you mean without any substantiation? I have a colleague in this House—

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: I have a colleague in this House that is on \$1 million bail. I have another colleague in this House who is before the High Court for fraud, so what are you coming to tell me? Madam Speaker, allegations are made by those on the other side and others, at a mile a minute, a thousand a day. I am not going to be in the habit of having an investigation into every wild allegation they made. But we do have Members here who have serious difficulty with the court and the police.

Hon. Members: [*Desk thumping*]

Mr. Charles: The Prime Minister is making allegations. Are you aware that an owner of a brothel is your close friend, and there are allegations that—

Madam Speaker: Member—

Mr. Charles:—he paid for the Balisier House?

Hon. Member: What?

Madam Speaker: Member, Member, out of order on several grounds. It does not rise out of the question originally asked and the answers, and I will rule there on Standing Order 48(6). Member for Oropouche East.

Purchase of Land from Warner Group of Companies

(Investigation into THA'S Decision)

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker, a much more straightforward matter. In light of revelations regarding the former THA Administration's decision to purchase thirteen acres of land from the Warner Group of Companies at the price of \$43 million dollars, purportedly for the construction of a secondary school, will the Prime Minister advise the House whether he intends to order an independent probe into the purchase of this property? The question as approved by you, Madam.

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): The question as approved by you, Madam Speaker, I have an answer for it, as approved by me. Madam Speaker.

Mr. Indarsingh: What? You are disrespecting the—[*Inaudible*—]—of the Speaker?

Mr. Charles: Dictator.

Hon. Dr. K. Rowley: That is a calypsonian. Dictator is a calypsonian. Madam Speaker, I am not aware of any such transaction by the Tobago House of Assembly, but if it is that there is any basis for the statement that the THA did in fact buy a piece of land in Tobago, as far as I am aware, the THA has full authority under law to purchase land.

As about the price, I have no information as to what the price might have been. But what I do know is that there is a requirement in Tobago to relocate the

Scarborough Secondary School and that the THA was in fact searching for an appropriate site. If the Tobago House of Assembly has in fact taken action towards that, I do not know why my colleague in the Parliament is referring to that as “purportedly for”. It is a statement of public knowledge that the Tobago House of Assembly, as part of the authorities in Tobago, had been or is this the market for land to relocate the Scarborough Secondary School for reasons known to all of us. My friends in this House are fishing for some mark to “buss”, this is not one of them. So I have nothing to investigate.

Dr. Moonilal: Thank you. Let me reiterate, I am not a fisherman. Madam Speaker, to the hon. Prime Minister: Prime Minister, given that over the years you had a great interest on the purchase of a piece of land, Eden Gardens, on the claim that it was inflated price, do you not have the same interest that this piece of land was valued at \$13 million and purchased with \$30 million more, or is it only Eden Gardens you are concerned with, you are not concerned with Tobago?

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker, one of the reasons why I have no interest in this, like Eden Gardens, is that nobody in the valuation department received a cheque from the seller.

Mr. Hinds: Yes.

Hon. Members: [*Desk thumping*]

Dr. Moonilal: “How you know dat”?

Hon. Dr. K. Rowley: Because the evidence of that is available. And, Madam Speaker, the Member doth protest too much.

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

Dr. Moonilal: I am neither fisherman nor protestor.

Madam Speaker: Order. Order. Order,

Dr. Moonilal: I am neither fisherman nor protestor. Will the Prime Minister—

Madam Speaker: Member, Member.

Dr. Moonilal: Could I ask the—

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Yes.

Madam Speaker: And that is why, there is so much noise, you are not even hearing me. Okay, you may now proceed.

Dr. Moonilal: Prime Minister, could I ask how would you be aware that in this matter there is no letter or valuation that—contrary to reality in this matter of the Warner Group of Companies purchase, how are you aware that there is nothing wrong or illegal in that matter? Did you also investigate that?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I have taken no position on the matter. I said, if it turns out that the Tobago House of Assembly has bought a piece of land, to the best of my knowledge, they have the authority to purchase land. I do not know how my colleague got as far as accusing me of authorizing or clearing the purchase. I have no information to do that. But I will tell you, Madam Speaker—I will tell you, Madam Speaker, I do have, and I have put on *Hansard* how Eden Garden land was purchased—valued at \$59 million—

Hon. Members: [*Desk thumping*]

Dr. Moonilal: We are not concerned with that.

Hon. Dr. K. Rowley:—and purchased for \$180 million. I put that on the *Hansard*, so I have the interest in that—

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

Hon. Dr. K. Rowley:—and you will have your day in court.

Mr. Hinds: You will have your day in court.

Dr. Moonilal: Are you aware—my question, are you aware, as I put on the *Hansard* now, that this is \$30 million overpriced by Warner Group of Companies? And was that money part of a lucrative and generous deduction in the purchase of apartments in Tobago?

Hon. Members: [*Desk thumping*]

Dr. Moonilal: Straightforward.

Hon. Members: [*Continuous desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker, they are obviously entertained, but I can tell my colleague, I know not of which you speak.

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

Hon. Dr. K. Rowley: Yeah, looking for company.

URGENT QUESTIONS

Potable Water Supply (Testing Conducted on)

Mr. Davendranath Tancoo (*Oropouche West*): Thank you, Madam Speaker. To the Minister of Public Utilities: In the aftermath of the recent flooding in South and Central Trinidad, will the Minister state what testing, if any, has the Ministry conducted on the potable water supply to affected residents to ensure that no water contamination has occurred?

Madam Speaker: Minister of Public Utilities.

The Minister of Public Utilities (Hon. Marvin Gonzales): Thank you very much, Madam Speaker. Madam Speaker, the Ministry of Public Utilities does not have the capacity to conduct water quality testing. However, the Water and Sewerage Authority ensures that all water leaving its water treatment plants complies with WHO water quality standards. Routine bacteriological testing are conducted at all plants along its distribution system and samples are taken on

recent water leaving its plants after the flood, Madam Speaker, and the samples confirm the WHO standards for water quality, and therefore the water is safe for consumption.

Madam Speaker: Member for Oropouche West.

Mr. Tancoo: Thank you, Madam Speaker. Would the Minister be able to advise what steps have been taken to ensure that affected areas of flooding have now been able to receive an acceptable supply of water to ensure proper clean up subsequent to the flooding?

Madam Speaker: Minister.

Hon. M. Gonzales: Madam Speaker, the question was on water quality testing. The Member is asking a different question, which is the distribution of water to affected flood-prone areas. I wish to advise the Member that luckily and fortunately, none of WASA's water treatment plants have been impacted by the floods, and therefore areas in central and south Trinidad continue to get their water in accordance with approved schedules.

Madam Speaker: Member for Oropouche West.

**Power Outages at Eric Williams Medical Sciences Complex
(Incident Report of)**

Mr. Davendranath Tancoo (*Oropouche West*): Thank you, Madam Speaker. In light of the two (2) reported power outages at the Eric Williams Medical Sciences Complex (EWMSC) over the weekend, will the Minister state whether he has received an incident report following this event?

The Minister of Health (Hon. Terrence Deyalsingh): The answer is, yes, I have.

Mr. Tancoo: Supplemental, Madam Speaker. Can the Minister indicate whether he is aware of any reports of adverse effects to patients as a result of these power outages?

Hon. T. Deyalsingh: Thank you. There were absolutely no adverse reports to patients. Thank you very much.

Mr. Tancoo: Thank you, Madam.

Madam Speaker: Leader of the House.

ANSWERS TO QUESTIONS

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. Madam Speaker, there is one question for oral answer which we will be answering today. There are four questions for written answer. I have already laid written answer for questions 180 and 182, and we ask for a two-week deferral for questions 147 and 162. Thank you very much.

WRITTEN ANSWERS TO QUESTIONS

Moruga Fishing Facility

(Update on Construction)

180. Ms. Michelle Benjamin (*Moruga/Tableland*) asked the hon. Minister of Works and Transport:

Will the Minister provide an update on the status of the construction of the Moruga Fishing Facility, including a detailed breakdown of:

- a) the total estimated cost for this project;
- b) the names of the contractors selected;
- c) the time frame for construction; and
- d) the proposed opening date of this facility?

Vide end of sitting for written answer.

Carnival Activities 2023

(Details of Estimated Expenditure)

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

With regard to the estimated expenditure of 147m allocated to assist with activities related to Carnival 2023, will the Minister provide a detailed breakdown of:

- a) the total expenditure to date;
- b) the funds dispersed to each regional body or constituency;
- c) a list of all the service providers and contractors; and
- d) the amount paid to each service provider and contractor?

Answer lodged in the Parliament Library.

ORAL ANSWER TO QUESTIONS

San Fernando to Point Fortin Highway

(Status Update on Street lights)

183. Dr. Lackram Bodoë (*Fyzabad*) asked the hon. Minister of Public Utilities:

Further to the response to House of Representatives Question No. 80 on January 23, 2023, will the Minister provide a status update on when the following sections of the San Fernando to Point Fortin Highway will be illuminated by working streetlights:

- a) the Southbound from South Oropouche LP #HH13-261 to LP #HH13-82, Delhi Road; and
- b) the Northbound from Delhi Road LP #HH13-83 to LP# HH13-236, South Oropouche?

Madam Speaker: Minister of Public Utilities.

The Minister of Public Utilities (Hon. Marvin Gonzales: Thank you very much, Madam Speaker. Madam Speaker, the section of the San Fernando to Point Fortin Highway between South Oropouche and Delhi Road junction was previously energized and fully illuminated with streetlights. Subsequently, there were several incidents of vandalism and theft of cables, resulting in sections of the street

lighting circuit becoming nonfunctional and requiring remedial civil works. The Trinidad and Tobago Electricity Commission is currently working alongside NIDCO, providing the necessary guidance for the restoration of the full service, which was anticipated by March 2023, but there is a slight delay to perhaps September 2023.

The Ministry of Public Utilities has been advised by T&TEC that the two sections of the San Fernando to Point Fortin Highway identified in the question are under construction and the street light installations are currently under the purview of NIDCO and AECOM and will be handed over to T&TEC upon completion.

Madam Speaker: Member for Fyzabad.

Dr. Bodoë: Thank you, Minister, for that answer. Because of the high utilization of that part of the highway, can you give an undertaking to see whether the work can be forwarded from September? Can you give that undertaking?

Madam Speaker: Minister.

Hon. M. Gonzales: Madam Speaker, as I indicated, my instruction from the Ministry of Works and Transport is that this section is still a work site and has not been handed over to NIDCO at this point in time. But as soon as that is completed, the necessary work will be done to ensure that T&TEC takes full control of that site of the highway and will be able to conduct its routine maintenance as the case may be. But I certainly cannot give the House and the national community an assurance that this will be completed in September, because it is outside of the purview of the Ministry of Public Utilities.

Madam Speaker: The Minister of Rural Development and Local Government.

ANTI-DOPING IN SPORTS (AMDT.) BILL, 2023

Order for second reading read.

The Acting Attorney General and Minister of Legal Affairs and Minister of

Rural Development and Local Government (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, I beg to move:

That a Bill to amend the Anti-Doping in Sports Act, Chap. 40:56 to bring in compliance, the non-conformities of the Act with the standards of the World Anti-Doping Code, be now read a second time.

Madam Speaker, in May 2013, whilst in the Senate, together with Minister of Sport and Community Development, Shamfa Cudjoe, and Minister of Health, Terrence Deyalsingh, we had great pleasure, accompanied by nonetheless than the Minister of National Security, Fitzgerald Hinds, in making observations concerning the parent law which we seek to amend today.

In fact, the Anti-Doping in Sport Bill, which presented for debate in May 2013, then piloted by Sen. Anil Roberts, the then Minister of Sport, involved us having to consider the introduction of international standards into the world of sport.

I start by saying that the observations that I made then as Senator in that Parliament, the Tenth Republican Parliament, are perhaps some of the reasons why we stand here today making amendments some 10 years later onto this parent law. The parent law, Madam Speaker, is an Act of Parliament, which was dealt with in 2013. The Act became fully proclaimed on 01 June, 2015.

2.10 p.m.

And if we look to the preamble of the legislation, that is the parent Act, the Anti-Doping in Sport Act, I wish to read into the record the preamble of that it is:

“An Act to provide for the implementation of the UNESCO International Convention Against Doping in Sport, the establishment of the Trinidad and Tobago Anti-Doping Organisation, the Trinidad and Tobago Anti-Doping

Disciplinary Panel and the Trinidad and Tobago Anti-Doping Appeal Panel, the promotion of an anti-doping environment which encourages positive behaviour among participants in sport and dissuades them from using prohibited substances and prohibited methods and for other related matters.”

In May 2013, Madam Speaker, we had cause on the Opposition Bench in the Senate to reflect upon the hierarchical structure that the international sporting arena has, the fact that we were wrestling with bringing into local law the international parameters commonly referred to as “the code” then. Indeed, the reflections that we made were that the region, as a Caribbean region, presented itself with some difficulties in how we would mobilize this independent body of anti-doping management. And, Madam Speaker, we cautioned that there should be deeper reflection, and specifically we cautioned that there should be transparency with respect to the code.

Madam Speaker, in 44 days, this country intends to host, having been accepted as the host country, the Commonwealth Youth Games, and the code, the international code, is one which says that Trinidad and Tobago must be in compliance with international standards. And that international code, Madam Speaker, is one which has undergone a significant amount of review and a significant amount of reflection.

Indeed, in 2017, the world was put upon notice that the international code was going to be the subject of review and for some two years that review was undertaken. It was not until 2021, Madam Speaker, that the code actually found its final form. And in 2021, that code became something which all countries had to undertake. So for the record, Chap. 40:56, which is Act No. 10 of 2013, which is the parent law which we seek to amend today, this was primarily for Trinidad and

Tobago to demonstrate its acceptance of UNESCO's International Convention against Doping in Sport. To date, approximately 700 organizations have accepted the World Anti-Doping Code and in fact this code is one of the most important codes in terms of unification of the world. It underwrites every single sporting arrangement in the world.

Now, the beauty about the particular code is that it left room for significant flexibility. Under Article 20 of the code, it was set up such that governments could actually meet with compliance of the law by regional and local involvement. And if their local bodies were not fully prepared, the Olympic Committee of Trinidad and Tobago, by virtue of the operation of Article 20 of the code, could substitute for the national body. So back in May 2013, we warned in the Senate, sitting in Opposition then, that the Government should take great care in not seeking to rush too fast into full proclamation, largely because of the hierarchical arrangements that were in effect. We had concerns about how the cost ramifications would work out and we had that deep concern that there was no transparency with the full code.

Madam Speaker, in light of governmental obligations to meet with the requirements of the codes—and specifically I will say, Madam Speaker, if you look to Article 20 of the code, which is to be found in the first Schedule to this Bill, after we come to the end of the Bill—the first Schedule actually adopts the entire code. When we look at page 84 of the code, which is part of the Bill, you will see, Madam Speaker, that that is what the Government is bound to manage. And for the record, Madam Speaker, the responsibilities of signatories and the World Anti-Doping Agency are set out in specific form. And they tell us how it is we are intended to manage this in 20.1, 20.2, 20.3. And they set out the interrelationships between the Olympic Committee, the International Federations

and the National Olympic Committees. And in fact, Madam Speaker, the code goes a little bit further to allow us the privilege of having a substitution or delegation of responsibility such that governments under Article 22 of the code—and you will see it at page 99 of the Bill, Madam Speaker—governments must firstly get their commitment to the code. That is to be evidenced by signing the Copenhagen Declaration on Anti-Doping in Sport, which was a document published by 3rd of March, 2003, and the ratifying, accepting, approving or exceeding to the UNESCO Convention. So we have done that. We say that:

“Each government should take all actions and measures necessary to comply with UNESCO Convention.”

And that:

“Each government should put in place legislation, regulation, policies or”—and I stress here—“administrative practices for: cooperation and sharing of information...”—et cetera.

They say specifically, at Article 22.7, which is at page 100 of the Bill:

“Each government that does not have a National Anti-Doping Organization in its country should work with its National Olympic Committee to establish one.”

Now, Madam Speaker, when we go to what is before us here, I must put upon the record that with the unanimous approval of the revised code, on the 7th of November, 2019, the World Conference on Doping in Sport held in Poland ensured that the revised code would come into force on the 1st of January, 2021. Madam Speaker, that was squarely and plumb right in the middle of the pandemic. And notwithstanding Trinidad and Tobago’s successful participation of bubble events in cricket, which actually took the world by storm in the sense that we

successfully managed it during a COVID pandemic, we are to note that we are now in 2023 and that in March of 2023, the Government received positive obligation from the World Anti-Doping Agency that we were bound to make certain critical amendments to our law in ensuring that we complied with all three elements; that the world organizations have complied, governments and agencies are alike in saying:

1. You must first implement the code;
2. You must do that by way of your legislative amendments; and
3. You must seek enforcement of those provisions.

So, Madam Speaker, putting it in summary form, we debated a law in 2023—we debated a law in 2013, forgive me, May 2013 in the Senate. We made certain cautions which have turned out to be real. In 2015, June 01, 2015, the law was fully proclaimed, notwithstanding the fact that there was advanced knowledge that there would be a revision of the code. In 2017, the consultations in respect of revision of the code commenced globally. In 2019, in Poland, there was a unanimous acceptance of a revised code due to come into effect in 2021. In 2021, in the middle of a pandemic, those provisions went into effect. Trinidad and Tobago, pursuant to the articles of the code, have had the Trinidad and Tobago Olympic Committee as its delegated authority, managing with the regional anti-doping authority to ensure compliance with the code.

Today, 44 days prior to the world youth Commonwealth activities, by way of notification given to us in March, we were alerted to critical amendments necessary. After review of our laws by the World Anti-Doping Agency, the Government with diligence approached that prospect. We also looked at our own reflections in the law and the Bill therefore comes before us with the specific

purpose of meeting the objectives identified to us by the World Anti-Doping Agency. That corrective action is in fact contained in a corrective action report. And I can inform today that when this Bill was laid in the House—

Mr. Charles: [*Inaudible*]

Hon. F. Al-Rawi:—the particular measures—if Naparima would not mind in the middle of contribution disturbing me, Madam Speaker—that we are treating with, Madam Speaker, in that corrective action report, were brought into effect by way of communications passing between the Government, through its delegated authority, the Olympic Committee, confirming now, Madam Speaker, that the WADA, the World Anti-Doping Agency has reviewed the law as laid into the Parliament, has made certain observations which we propose by way of minor amendments at committee stage in respect of some of the amendments that we have proposed in this Bill.

I flag now that we will at committee stage be proposing amendments to clause 4, to clause 6, clause 9, clause 11, clause 12, clause 15, clause 16, clause 17, clause 18, clause 19, clause 22. These are not as difficult as the listing of them appears, Madam Speaker, they are actually very simple amendments. And that is because we are duty-bound under the code and under our parent legislation, by virtue of the theory of dualistic law, to effect those amendments, Madam Speaker.

So, Madam Speaker, this is:

1. A law with a legitimate aim. The legitimate aim is in further prosecution of the support of the UNESCO's positions in relation to anti-doping.
2. The measures before us involve amendments which are proportionate and balanced. They introduce into law—and I will get into the particulars on the clause by clause shortly. They introduced certain amendments to

include transparency and proportionality, including by amendments to treat with the independence of office-holders and the independence of the appeal panels that are going to consider claims that arise by way of appeal from decisions.

Madam Speaker, very importantly, we are taking the remedial step which really ought to have been done in 2013, when we made our observations of annexing the entire code. Is there precedent for that sort of approach? Yes, Madam Speaker. If you look to the tax information exchange documentation that forms part of the laws of the Republic of Trinidad and Tobago, whether it be the Tax Information Exchange Act for the United States of America, 1989 or 2016; whether it be the FATCA legislation, which is the exchange of information with the United States from the intergovernmental agreement status that we have with the United States; or whether it be the European association, the European Union under the BEPS, which is the base erosion and profit shifting methodologies, it is common to annex the full documentation. One can look at the United Nations' implementation of laws into our laws or, for instance, you can look, Madam Speaker, at the Caricom suite of legislation, where the Treaty of Chaguaramas is in fact annexed as a Schedule to the laws.

So we are taking a very material and important step. In the Bill, we are adding into law, Madam Speaker, the Schedules that bring to life, importantly, in Schedule 1, the provisions of the entire code. That is to be found at clause 22, where the Act is amended by inserting after section 38, the following sections, which is a trigger for the future amendment of the code, but which allows us the opportunity of laying the entire code into law. And we say by a new section 39, proposed in clause 22:

“Where an amendment of the Code or international standard is adopted by WADA, the Minister may, by Order, amend the applicable Schedule for the purpose of including therein that amendment.”

2.25 p.m.

So, Madam Speaker, the first and most important parameter is to bring to life the entire code, annexing it as the first Schedule to the parent law and very importantly, Madam Speaker, that therefore then triggers the suite of amendments which we propose in the Bill itself.

One can perhaps categorize the amendments into several heads. There are amendments that introduce definitional amendments. There are amendments that introduce the operational independence of office-holders and functionaries. There are amendments that introduce the updated provisions of the 2021 effective date code, which is the 2019 document produced in Poland, Madam Speaker. And there are miscellaneous provisions that you can add as a fourth category there.

So, Madam Speaker, I think it important to reflect upon Schedule 1, to put the amendments that we propose in the Bill itself into context. In the parent Act, Madam Speaker, you will note that it is Part III of the Act, beginning with section 20, that really treats with anti-doping and the concept of the definitional amendment of anti-doping, which we find in the clause that treats with the amendments to the definition section, Madam Speaker, that would be clause 4 of the Bill, that ties a lot of definitions now back to the code. Again, by way of precedent, I refer you to the TIEA, 1989; the TIEA, United States, 2016, legislative approaches that we have as precedents in this Parliament.

Madam Speaker, it is material to note before we get to the actual definitions aspect, that we are also including an amendment to the preamble of the law. It is

not often that you seek to amend a preamble to a law, but I would ask you to note that by clause 2, we seek an amendment to the preamble which includes the trigger dates, which explains why it is we are now here taking the approach that we are. So clause 2 amends the second paragraph to the preamble. And if I may read that preamble as fully amended by the Bill's proposition, it would say:

And whereas the World Anti-Doping Agency adopted “the World Anti-Doping Code” in Copenhagen, Denmark on the 5th March 2003 and approved and adopted revisions thereof with effect from 1st January 2009, 1st January, 2015 and 1st January, 2021.

I have now tied back the material that I have sought to rely on in getting to particular clauses that we are reflecting on now.

Madam Speaker, if we get to the provisions of clause 4 of the Bill—because clause 3 is rather innocuous. If we get to clause 4 of the Bill, where we are deleting and substituting several definitions, the first thing that ought to jump out at us would be that the definition of “doping” itself is one which is now cross-referenced, it says:

“...means any violation of the Anti-Doping Rules;”

But we amend “doping control”, we amend “in-competition” definition, we amend “international-level athlete”, “athlete support personnel”, and we tie them all back to this rubric. It is contained in anti-doping rule violations. That is a new definition we are inserting by repealing what was there before. And we say, anti-doping rule violation shall be construed in accordance with Article 2 of the code. So we felt it important because the code is the document that underwrites every in-competition testing arrangement, out of-competition testing arrangement and the therapeutic exemptions that we use to have legitimate purposes for exceptions to anti-doping.

It is critically important that we see the entire code.

Madam Speaker, if you look to the definition contained in Schedule 1, the definition of “doping”—and this would be at page 28 of the Bill. If you look at Schedule 1:

“Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Articles 2.1 through Articles 2.11 of the Code.”

And when we look at the parameters set out as to what doping looks like, you will notice that they seek to traverse all of the arrangements: evasion, possession, control, the presence of metabolites and markers, and not only the actual substance. So what we do here is to bring the contemporary physiological and pharmaceutical markers to the equation, because as has been said in the context of this evolution, this code is constantly reforming itself.

Now, Madam Speaker, the general intention behind anti-doping is to level the playing field. You can actually say that it is great equalizer because it is that mechanism by which fairness and consistency of standards in a world where exogenous therapy and exogenous drug use can have effect to cause competitive advantage. What does that mean? People can find themselves on more than just anabolic steroids or other arrangements. They can find themselves with performance enhancing drugs and techniques, as we saw quite famously in the use of blood arrangements in cycling, as Lance Armstrong was famously discovered, notwithstanding his prowess; the ability to actually receive transfusions of your own blood to supercharge yourself, if you can call it that way.

If you wanted to look at it in any sphere, it is intended to be a great equalizer. Why? There is great national pride in sport, there is great opportunity in sport, there is great arrangement for lifting people out of lifestyles that they

thought would entrap them forever. You see the movies that grip us and inspire us, you see the tales of the heroism. You look at the origins of sport, from the Olympics come down, where the gods of Olympus themselves infused the flavour of what sporting looked like. And, Madam Speaker, when you look at that and you translate it to a society like Trinidad and Tobago; when you look at the Government's whole-of-government approach to treating with issues, such as crime as public health arrangement; you look at the Prime Minister's personal push to ensure that Caricom operates as one, where sporting is done at a regional level in athletics, in track and field and in other arrangements, Madam Speaker, you will notice that sport has the ability to the save lives. Sport also has the ability to promote lives. There is an economic side to that arrangement, endorsements for athletes, et cetera.

But if you look at Trinidad and Tobago's own history, Madam Speaker, where several of our Olympic and other athletes have actually found themselves elevated in the track and field arena, the Olympic medalling arena by the disqualification of persons who were found to be guilty of doping in the arrangement, what that effectively meant was not only that we had sometimes 10 years later the grant of medals which were higher in rank at the Olympics, but what it represented was a lack of opportunity.

2.35 p.m.

It was opportunity lost for endorsements and growth and nationalism, Madam Speaker. So there is a direct and proximate relationship with the people of Trinidad and Tobago in ensuring that anti-doping techniques form part of the structure, Madam Speaker.

So, Madam Speaker, the use of anti-doping rule violations, as I was saying,

in Articles II of the code, which is at Schedule 1, really underwrites how we are treating with this. And when you look to the transparency of what the prohibited list is structured as at Article IV, you will notice, Madam Speaker, that there is a significant amount of proportionality in the manner in which drugs or techniques or other aspects are included as prohibited substances or techniques in the lists, Madam Speaker. And very importantly, Madam Speaker, I point you to page 36 of the Bill, which would set out at Article 4.3 the criteria for including substances and methods on the prohibited list. And that really says, and if you look at:

“4.31: A substance or method shall be considered for inclusion on the Prohibited List if WADA, in its sole discretion, determines that the substance or method meets any two of the following three criteria:”

And here is what they say:

“4.3.1.1 Medical or other scientific evidence pharmacological effect or experience that the substance or method, alone or in combination with other substances or methods, has the potential to enhance or enhances sport performance;

4.3.1.2 Medical or other scientific evidence, pharmacological effect or experience that the Use of the substance or method represents an actual or potential health risk to the Athlete;”

Or:

“4.3.1.3 WADA’s determination that the Use of the substance or method violates the spirit of sport described in the introduction to the Code.”

So Madam Speaker, this is intended to, not only be the great leveller of the athletic field across its many iterations, but it is intended to ensure that there is protection for the athlete and that the sport itself is managed this way.

Now, Madam Speaker, very importantly in the definition section you will see that we make reference to “ADAMS”. ADAMS is in fact the acknowledgement, it:

“...has the meaning assigned to it in the Code;”

It is in reference to the online system for the admission of data by the athlete, by the coach technicians under the Therapeutic Use Exemptions, et cetera. It is the technological tool that allows people, wherever they may be in the world, to actually participate in this.

Now, where does Trinidad and Tobago fit into all of this? One can see that quite clearly when we look to the fact that the:

“...Act binds the State...”—at section 6 of the parent Act.

But also, if you look at the section 5 of the parent law,:

“This Act applies to—

(a) athletes who are—

(i) citizens or residents of Trinidad and Tobago;

(ii) in or outside of Trinidad of Tobago...

(iii) in-competition or out-of-competition;

(b) athletic support personnel who are citizens...”—et cetera.

“(c) athletes who are not citizens...when they are training or competing in Trinidad and Tobago;

(d) athlete support personnel who are not citizens or residents...when they are in Trinidad and Tobago for the purpose of supporting an athlete;

(e) national governing bodies and their affiliate members, clubs...”—et cetera.

“(f) sporting organisations not affiliated...”

So this allows us, Madam Speaker, by way of applicability, by way of compliance with WADA’s 2021 deadline code, as confirmed in June 2023, that the amendments that we propose in this Parliament are now current and acceptable because WADA has confirmed that in writing to us, Madam Speaker—what this allows us to do is to qualify all of our venues, our jurisdiction itself, our arrangements and our connection with RADO, meaning the regional organization equivalent, to allow us, Madam Speaker, in the de facto structure of the Olympic committee acting in de fault of TTADO, which is the Trinidad and Tobago association, it allows us to utilize our facilities and structures. It allows us to host games. It allows us to have sport tourism. It allows us to have all of the benefits that come and are associated with Trinidad and Tobago anchoring itself, Madam Speaker, as a destination for tourism, Madam Speaker.

Madam Speaker, may I ask, what time full time is?

Madam Speaker: Your full time is 2.53.25.

Hon. F. Al-Rawi: Thank you, Madam Speaker. Madam Speaker, I would like to get to some of the other provisions of the Bill. So, Madam Speaker, we have dealt so far with clause 1; clauses 2, 3 and 4, and I have referred you most recently to ADAMS in particular, which is amendment that signals the code utilization of the technology for reporting in its structure.

Madam Speaker, we have also similarly in the definition section made reference to the Therapeutic Use Exemption as the meaning assigned in the code. Now, remember, Madam Speaker, at clause 22 we are saying that any future amendments to the code shall be done by way of an Order of the Minister. That is both proportionate and well known to us in law because, Madam Speaker, the law

must continue to speak in harmony with WADA's arrangements, lest we are ostracized from the international community and our athletes or those who train here are equally ostracized. Madam Speaker, that Therapeutic Use Exemption is critical particularly in your out of season arrangements and in your training or treatment for medical injuries and other structures as well.

Now, Madam Speaker, I wish to take us to the fact that we are amending section 7 of the Act. And, Madam Speaker, in looking at clause 5 of the Bill, you will see that we are removing the reference to "parent". Why are we removing the reference to parent? Because "parent" is caught by the subsidiary definition—oh, sorry, I should not say subsidiary, by the definition of support personnel. So we have excluded and tightened up the fact that the parent is not a creature standing alone. The parent is somebody or guardian or person with responsibility for the child, stands in the pack of the support personnel, Madam Speaker. And we ensure that TTADO, the Trinidad and Tobago anti-doping organization, when it is fully operationalized, which can only come after the implementation of the 2021 guidelines now directed to us this month by WADA as being in order, we can now ensure, by way of further amendment to section 7 of the Act, that TTADO shall comply with operational independence requirements.

Madam Speaker, if you were to back to May 2013, when I spoke on this law in the Senate as an Opposition Senator then, I questioned how the government was going to ensure independence because it was effectively arrangements put into effect by the Minister at the behest of the Minister. And you will see in this law today that we are, when we get to arms-lengthening of the appeal panel in particular, ensuring that the President of the Republic appoints members of the appeal panel in his or her own discretion, therefore causing an exception to section

80 of the Constitution. Otherwise President would be read to mean, the Cabinet of the Republic of Trinidad and Tobago. So to meet the arrangements of operational independence, you will see that as a tagline that WADA has recommended and which we have fully accept. We in this Government knew since 2013 that that should have been a feature of the law, but our colleagues opposite were then in power and did not take us on, Madam Speaker.

Madam Speaker, I should tell you, in case you are wondering, because I omitted to do this, my colleague the Minister of Sport and Community Development is in fact on her way from the airport. Her flight from Tobago was delayed, so I am substituting for the piloting of this Bill at short notice.

Hon. Members: *[Interruption]*

Hon. F. Al-Rawi: But as you can tell, all of us in the Government are well accustomed to the ins and outs of law in its full and proper context, Madam Speaker.

Hon. Members: *[Desk thumping]*

Hon. Members: *[Interruption]*

Hon. F. Al-Rawi: No written speech required. Just the law, Madam Speaker, in your hands.

So, Madam Speaker, when we get to clause 5—I have just traversed the amendments to section 7, et cetera. Madam Speaker, let us get to clause 6 of the Bill, which is an amendment to section 8 of the Act, and we are inserting a new (e). The proposed amendment allows the president of the board to terminate a board member's appointment, again, if there is going to be a failure to meet requirements of operational independence, Madam Speaker.

Madam Speaker, you will see that repeated in the amendments to section

8(3) and 8(6), so we bring that into harmony. Again, the legislative insistence that the criterion for operational independence, as specified in the code and specifically Article 20.5.1 of the code, is referenced there.

Madam Speaker, we seek to make an amendment to section 12 of the Act. And in section 12(3), we are making an amendment that the staff of TTADO shall be obliged to comply with other relevant or applicable WADA documents. Why are we doing that? The only way in our dualistic system of law that we can accept an international document as our own law is to bring it into the parent law and therefore, this is the mechanism by which we bring that alive in law, Madam Speaker.

Madam Speaker, we will see similarly and amendment to section 17 of the Act. And in section 17 we are inserting, again, the matters of harmony that are required in accordance with the international standard for Therapeutic Use Exemption. And you will see, Madam Speaker, when we add in Schedules 2, 3 and 4 at the end of the Bill, you will see that we have actually prescribed in the Schedules to the law, and therefore now become part of the law, the specific and transparent mechanisms for how you treat with the Therapeutic Use Exemptions, Madam Speaker.

Madam Speaker, you will note that in the amendments to section 17 of the Act that we are saying that the agency, that is TTADO, currently those performance matters are done by the Olympic Committee in Trinidad, shall be responsible for uploading the arrangements onto the ADAMS database, Madam Speaker, in accordance with the international standards.

Madam Speaker, we are, again, in section 18 of the Act seeking amendments. We are introducing, Madam Speaker, that TTADO, in the

Therapeutic Use Exemption, may appeal—that there may be an appeal in relation to any decision of WADA and that we can also have the inclusion of the international federation. And that is done through CAS, the Court for Arbitration for Sport.

Madam Speaker, we introduce a new—we repeal and we replace subsection (5). And we are saying now in the repealed aspect, the replaced bit:

“The Appeal Panel’s decision regarding an appeal of the...”—Therapeutic Use Exemption—“...decision may be appealed by WADA...”

But we have broadened it:

“...the relevant International Federation and, where applicable, the International Olympic Committee or International Paralympic Committee to the Court of Arbitration to Sport.”

You will note that that is a significant broadening of the rights of appeal, the persons who may enter into appellate function. And that was born about by way of experience which found itself anchored in the revisions to the code which came into effect in 2021.

Madam Speaker, we are looking at further amendments when get down to clause 10 to the Bill, which amends section 19(3), Madam Speaker. We are saying that we must have the results management committee mandatorily:

“...comply with any requirements indicated in the International Standard for Results Management;”

The consequence of non-compliance with the international levels, Madam Speaker, is that you will just basically be excluded and therefore, if you do not meet muster, you cannot participate, so we are ensuring the participation of our athletes.

Madam Speaker, we—in Part III of the Act, dealing with anti-doping, we

repeal and replace section 20 of the Act, Madam Speaker. Now, section 20 of the Act, these are new subsections to provide the process by which an international athlete who has a medical condition may apply for the Therapeutic Use Exemption. So what we are doing here, Madam Speaker, is we are bringing this in line with what the standing practice in the last decade has taught us. We are bringing to life what the 2021 revised code effectively tells us we ought to put in, but we are ensuring that the access point through our legislation is fixed by way of the repeal and replace of clause 20, Madam Speaker.

Madam Speaker, clause 13 amends section 23 of the Act. And that if we look, again, you will see that instead of the use of static forms, custody issues, inaccuracy issues, phase lag and phase-lead issues, if you look at timing, we are making sure that the access portal is, again, the electronic system used by WADA which is referred to as the ADAMS system, Madam Speaker. And that we do treat with whereabouts information required by international standard for testing and investigations. The issue of whereabouts is a very important construct to manage in-competition and out-of-competition analysis in any 12-month period, Madam Speaker. And here it was necessary in section 23 to cause that amendment, Madam Speaker, by clause 13 of the Bill.

2.50 p.m.

Madam Speaker, clause 14 of the Bill amends section 24(2). And 24(2), I would just like to add, lest anybody jumps up prematurely, even though we are inserting positive language to treat with DNA or genomic profiling, or for other legitimate anti-doping purposes, I want to remind that the amendment to 24(2) is done with the consent of the athlete. Consent vitiates any concern in relation to the need for a three-fifths majority in relation to this specific language inclusion.

Madam Speaker, this is something that we looked at carefully. I am the Chairman of the Legislative Review Committee and it occupied our attention at the LRC, and specifically, we looked at the constitutionality of this issue from a three-fifths perspective and determined that it was not required. The hon. Attorney General, Sen. Armour SC, also agrees with that perspective hence the recommendation by the Cabinet at the behest of the LRC that we accept this. So specifically, Madam Speaker, we are introducing now the matrices for DNA or genomic profiling but it is subject to the caveat of consent. In any event—five minutes?

Madam Speaker: You have three more minutes left.

Hon. F. Al-Rawi: Thank you, Madam Speaker. In any event, Madam Speaker, we are relying upon the proportionality principles upheld in the most recent case of Suraj by the Privy Council—

Hon. Members: Suratt.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi:—which upheld Suratt, in case Naparima is not aware, Madam Speaker. Madam Speaker, that simple case of and upholding of proportionality for Trinidad effectively has allowed us over the last eight years to uphold all of the laws which the Opposition threatened to see come crashing down to the ruin of the people of Trinidad and Tobago.

Madam Speaker, in the few minutes I have, I would just like to say that clause 16 of the Bill, which amends section 28, we are treating with the independence requirements of the code and we are treating with the panel. You will note clauses 17, et cetera, I already referred to the President in own discretion function, which gives that degree of separation and therefore broadens the proportionality principles, furthering the legislative aim, but in a manner that is

proportionate and that can withstand the scrutiny of our courts. Madam Speaker, you would find that where we are treating with the anti-doping appeal panel at clause 19 of the Bill.

Madam Speaker, the four Schedules are critical. Schedule 1 I have referred to already which is the code, and the need for transparency of the entire document. It will continue to be amended from time to time by Order of the Minister pursuant to clause 22 of the Bill.

When you look to Schedules 2, 3, onward, Schedule 2 deals with the International Standards Results Management document, which is closely related to the code. We felt it important to put that into the full text of the law. Madam Speaker, Schedule 3 deals with the International Standard for Testing and Investigations, otherwise known as ISTI. Again, that seeks to annex the International Standard for Testing and Investigations. And Schedule 4 deals with the International Standard for Therapeutic Use Exemptions, and this again provides transparency.

In the round, Madam Speaker, this law is timely. Madam Speaker, it has been approved by WADA only a couple days ago. The amendments which we will move at committee stage are as a result of WADA's confirmation of the final text that they wish. It is in anticipation of 44 days hence the Commonwealth Youth Games which we have and the many more games, and we stand in support of our local athletes, we stand in support of our tourism and sport tourism, we stand in support of underwriting the public health's arrangements for a whole-of-society approach through the advancement of sport, Madam Speaker. And on behalf of the Government and my colleague, the Minister of Sport and Community Development, I beg to move.

Anti-Doping in Sports (Amdt.)
Bill, 2023
Hon. F. Al-Rawi (cont'd)

2023.06.20

Hon. Members: [*Desk thumping*]

Question proposed.

Madam Speaker: Member for Caroni Central.

Hon. Members: [*Desk thumping*]

Mr. Arnold Ram (*Caroni Central*): Thank you, Madam Speaker, for the recognition and for the opportunity to add my voice to this Bill entitled the Anti-Doping in Sports (Amdt.) Bill, 2023, which seeks to amend the Anti-Doping in Sports Act, Chap. 40:56, to ensure compliance with the standards of World Anti-Doping Code.

But before I start my contribution, Madam Speaker, I would like to recognize in the public gallery, the indomitable Ravi Balgobin Maharaj—

Hon. Members: [*Desk thumping*]

Mr. A. Ram:—who is sitting in the public gallery, Madam Speaker, and taking a bird's eye view of all legislation brought by this Government before this honourable House, and I want to congratulate him on behalf of the people for the work that he has been doing, and continues to so do.

Madam Speaker, permit me to go into a bit of the procedural history of this piece of legislation which was first brought by the United National Congress, the Anti-Doping in Sports Bill, 2013, which is now the Act, was introduced in the House of Representatives by the then Minister of Sports, now Opposition Senator, Anil Roberts. The Bill required a three-fifths majority and it was passed in both Houses of Parliament with some amendments, with all Members voting unanimously for said Bill. And by that said Act of 2013, the then UNC government, Madam Speaker, brought the Anti-Doping in Sports Act into being.

By section 2 of the Act, this crucial legislation came into effect on the 1st of

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2023.06.20

June, 2015. By section 7(1) of the parent Act, the Trinidad and Tobago anti-doping organization was established. Its functions, which are set out in 10 subsections of section 7, includes:

“(a) planning, implementing and directing a National Anti-Doping Programme aimed at informing or educating athletes...”

And I want to highlight:

“...aimed at informing or educating athletes, athlete support personnel, parents, the media and the general public in Trinidad and Tobago about anti-doping matters...”

It goes on further, Madam Speaker, to talk about the:

- “(b) facilitating the sharing of information among national governing bodies, sporting organisations and other relevant agencies to reduce the prevalence and availability of prohibited substances and methods;
- (c) facilitating the access of national governing bodies to laboratories accredited by WADA for doping control analysis;
- (d) entering into reciprocal testing agreements with national anti-doping organisations outside Trinidad and Tobago;”

So those are some of the stated aims of the anti-doping agency.

Now, Madam Speaker, no one can argue against any legislation geared towards stamping out doping in sports. Indeed, the parent Act was brought by the People’s Partnership government because it was seen as an absolute necessity and important in the fight against anti-doping in sports.

Hon. Members: [*Desk thumping*]

Mr. A. Ram: Sports is perhaps one of the most important aspects of human life, whether it be at the highest level of professionalism, or simply some children

playing in the backyard, playing football or cricket, it is a golden thread running through our various and unique cultures across the globe. Sports can be used within communities to tackle the issues of crime. It is also an avenue out of poverty, as we have seen so many young men and so many young women emerge from underprivileged situations to lucrative deals in professional sports. Its utility knows no bounds.

Sport also plays a very important role in health, in physical education and fitness and discipline. Also, one cannot forget that sport has the power, not only to bring households, communities and villages together, but it can also bring countries and religions together. It is a potent unifying force, and it is important that we understand same. The late great Nelson Mandela famously appreciated the importance of sports as a weapon against racism. In his home country of South Africa, which struggled with racial strife, Nelson Mandela used sport to inspire togetherness. He said:

“Sport has the power to change the world. It has the power to inspire. It has the power to unite people in a way that little else does...Sport can create hope, where once there was only despair. It is more powerful than governments in breaking down racial barriers.”

However, an evil which threatens to undermine the potency of this magic pill called sport is doping. It is therefore imperative that we take this very seriously and ensure that proper legislation is enacted to combat this problem, and I propose later on, Madam Speaker, to propose some amendments for consideration by the Government. One need not look further than the story of Lance Armstrong, the man who had beaten cancer and went on to win seven straight Tour de France competition from 1999 to 2005. The man inspired millions

of people, only for their hopes, their beliefs and aspirations to be crushed due to doping.

Madam Speaker, section 17 states that the Trinidad and Tobago Anti-Doping Agency—this is in the parent Act:

“...shall establish a Therapeutic Use Exemption Committee (hereinafter referred to as ‘TUEC’)”

—while section 27:

“...established a Disciplinary Panel to be known as ‘the Trinidad and Tobago Anti-Doping Disciplinary Panel’.”

So by the parent Act, and included in this amendment here, Madam Speaker, there are certain committees which must be established in recognition of WADA’s codes.

Madam Speaker, it is clear from 2010 to 2013, which in the parent Act was supported by the Opposition, PNM—as you saw this was very important to this crucial legislation. It is clear that the success of this entire regime in this country’s fight against the anti-doping drive depends on the establishment of a properly functioning anti-doping organization. At least that is what was originally contemplated, and these proposed amendments make changes to that.

Now, Madam Speaker, this amendment refers to the codes, and this code is by WADA:

“The Code is a core document...provides”—which is:

“...a core document that provides the framework for anti-doping policies, rules and regulations within sporting organization and among public...”—bodies.

“It is designed to harmonize anti-doping policies and ensure the standards

are same for all athletes.”

Madam Speaker, on the World Anti-Doping Agency’s website, it is stated that:

“The Code was never designed to be a document that stood still. As anti-doping developed, so would the ideas that would”—often—“form rules, regulations and policies in the future.”

The first application of this World Anti-Doping Code came into effect in 2004. There were public consultations of varying amounts—of varying means, Madam Speaker, in 2006, 2011 and 2017, full review in a fully collaborative process, and that led to the newest codes which took effect on the 1st of January, 2021. In fact, Madam Speaker, when you go back to the debate of the Act, this is the 2013 Act, then Opposition Member, the hon. Donna Cox, said, and permit me to quote from the *Hansard* dated the 12th of April, 2013:

“Mr. Speaker, a perusal of the Bill reveals that the implementation of this process will be costly and must involve proper planning. Might I add, it also reaffirms the importance of the national sports policy, including the establishment of the sports commission, as there must be a holistic, integrated and systematic framework in the development of sport rather than a piecemeal approach. In the National Sports Policy one of the objectives is that Trinidad and Tobago should become the preferred destination for international events and a hub for sports in the Caribbean.”

Now, Madam Speaker, when you look at what was indicated by the hon. Minister then, hon. Donna Cox, is that the desire was for Trinidad to become a hub for sports in the Caribbean. And that is exactly what the United National Congress government had as its imperative. We had the establishment and the building of

the National Cycling Velodrome, the National Aquatic Centre, and the tennis court in Tacarigua. Those are all international venues which were built under the People's Partnership government.

Hon. Members: [*Desk thumping*]

Mr. A. Ram: Three very successful endeavours, might I add. Now, what has been done since the PNM has taken office? The last time I remember, and I read a couple months ago, the National Aquatic Centre, an international venue, had to be shut down because of water shortage; because of water shortage. I am not sure whether that venue is now operational. But, you know, the PNM has all the answers, Madam Speaker, when they are in Opposition, and when they are in government all these things fall by the wayside.

3.05 p.m.

The hon. Member went on to say that she had observed that—this is the hon. Member:

“Many committees and the appointment of a board, the appointment of committees, the Trinidad and Tobago anti-doping organization... the Results Management Committee, the disciplinary committee, the appeals panel, all of which require competent, honest, qualified persons of integrity to fill these positions.”

Now, the Government knew about this arrangement in terms of the committees and they have been in Government since September 2015. We are, Madam Speaker, in June 2023. None of these positions, vacancies within the Act have been fulfilled today. There is no anti-doping organization in Trinidad and Tobago.

Now, do we have all persons available to fill these positions, especially

persons involved in sports medicine, sports lawyers, persons familiar with the anti-doping process and the rules and regulations? Now if we do not have, Madam Speaker, the personnel to fill these positions, what has the Government done? Have they collaborated with the University of the West Indies? Have they collaborated with the University of Trinidad and Tobago to establish programmes and policies, or a curriculum to identify—to have a curriculum that these classes of persons are trained and/or developed, or a programme developed to fill these positions? I mean, the lives of the future of many athletes will rest in the hands of these persons of substance, and the wrong person in these positions can make or break an athlete. I see my colleague, the Member for Port of Spain South. I remember when he had to fight at the courts for one of our athletes who have been bypassed in the gymnastics field. I remember that, Madam Speaker. So these positions—the persons in these positions can make or break an athlete.

Madam Speaker, United National Congress demitted office three months after this Act went into effect and the PNM has been in Government for the past eight years. I ask the Government, Madam Speaker, where is the national sport policy? Where is the national sport policy? Where is the national sport commission? They had all these ideas when they were in Opposition. And I repeat, many good ideas when they were in Opposition, but the moment they attained Government, all fell by the wayside.

Hon. Members: [*Desk thumping*]

Mr. A. Ram: More importantly, Madam Speaker, and relevant to today's debate, where is the Trinidad and Tobago anti-doping organization? I can answer that question myself. None. Zip. Zero. It just does not exist.

One has to ask, what is the purpose of rushing through this amendment when

we have not even established an anti-doping organization? Is it because we are having these game in August? Is it because of some letter, correspondence, between WADA and the Minister of Rural Development and Local Government that the hon. Member alluded to in his presentation before me? I have not seen that letter. I myself would have wanted some form of—or have a look at that correspondence if the Government is so minded. The entire Act and amendment centres on the Trinidad and Tobago anti-doping organization which simply does not exist. Where are the other boards and committees? We do not know. Where is therapeutic use exemption committee, the disciplinary panel, the appeal panel?

You know, Madam Speaker, the hon. Donna Cox made at the point in her contribution that the then legislation had been drafted by the PNM Government that held office in 2010. So they had drafted this legislation, waited all this time and still have not established some of the requirements of the Act. And I am saying, it is my considered view that this piece of legislation is brought for no other reasons than to pay lip service to anti-doping because of this country hosting the junior Commonwealth games in August 2023.

Madam Speaker, eight years after coming into effect, the PNM Government has failed to set up, again, the respective bodies that are required to centralize and give effectiveness to this legislation. These amendments are lip service to look good two months before the games. That is all it is. Madam Speaker, this PNM is the Milli Vanilli of governments.

Hon. Members: [*Laughter*]

Mr. A. Ram: We all remember Milli Vanilli—

Madam Speaker: [*Inaudible*]

Mr. A. Ram: Milli Vanilli of governments—who lip-synced to other person's

voice and could not sing a proper note on their own.

Hon. Members: [*Desk thumping*]

Mr. A. Ram: During the debate in 2013, the Opposition was at pains to point out that Act 10 of 2023 was patterned against similar legislation in Jamaica and Bermuda. Let us see what the position in Jamaica has been since, Madam Speaker.

According to the Jamaica Anti-Doping Commission website, on the 25th of July, 2008, the Government of Jamaica passed the Anti-Doping in Sports Act, and the Jamaica Anti-Doping Commission was formerly established in 2008 to execute the national anti-doping programme in accordance with standards stipulated by the international governing body, the World Anti-Doping Agency. So while we are paying lip service in Trinidad and Tobago, Jamaica is moving full steam or has moved full steam ahead, and yet we continue to ask ourselves why Jamaica is much more successful than we are. Madam Speaker, and I think one of the answers to that is because a lack of passion demonstrated by consecutive Ministers of Sports under the People's National Movement.

Madam Speaker, you know, now is about graduation time and we normally give discourses to students and we tell them, follow their passion because it is what drives them. Not everybody can be attorneys and doctors and engineers, but we advise them to follow their passion. And I remember quite distinctly, Madam Speaker, when the current Minister of Sport and Community Development was appointed, and I paraphrase please, "I do not know anything about sport. I used to play ah lil bit ah football". That was her response, Madam Speaker, and it shows a lack of passion from this Minister of Sport and Community Development to get the job done. There is no determination, there is no diligence on the part, assertiveness and tenacity of this Minister of Sport and Community to get things moving.

Because why? The hon. Minister of Sport and Community Development has indicated from her very first appointment that she lacks the passion for the job that was handed to her by the Member for Diego Martin West.

And as we move along, the figures show that we lag behind our more successful neighbours. Based on the figures quoted on WADA testing figures, 2018, established in December 2019, out of 69 elite athletes, Jamaica Anti-Doping Commission performed 240 out of competition tests at a rate of 3.5. You know what our figures are, Madam Speaker? It is not hard to guess. Out of 12 elite athletes, we have done zero testing. None. And yet this PNM Government wants to come here to hoodwink the population into believing that they are serious about anti-doping and promoting sports. And the Jamaicans are proud, as they should be, of their achievements. The Jamaican Minister of Culture, Gender, Entertainment and Sport, the hon. Olivia Grange was quoted in the *Gleaner* newspaper in an article appearing in January this year as saying:

“We are proud of what we have been able to do in a short time what we established the [Anti-Doping in Sport] Act and have been administering the programme. Because we are so well known across the world in track and field in particular, and other sporting disciplines, we sometimes are seen as a country that has to be looked at very closely when it comes to anti-doping practices. And we are proud that we have been able to actually demonstrate that we support clean sports and actually live what we preach.”

And that is the position of the Minister of Sport in Jamaica—well, the Minister of Culture, Gender, Entertainment and Sport. But that is the demeanour that they have taken up because they are passionate about sports. They recognize that they are being looked at across the globe. And Trinidad and Tobago should be no

different, Madam Speaker, at least in the world of track and field. I see ourselves as a force to be reckoned with on the international scale. We are well-known, but where is our testing to meet the requirements of WADA's code? Unlike Jamaica, this Government is not serious about implementing anti-doping measures and carrying out the mandate of WADA, Madam Speaker.

What this Government has done is for the past eight years, the PNM has ensured that none of the framework needed for Anti-Doping in Sport Act was put in place, not even a single committee. Yet they have simply taken wholesale WADA's 2021 international anti-doping code and brought it to this Parliament to pass as a rush job on the heels of international games to be held in August.

And you know, Madam Speaker, even if this Bill is passed today and proclaimed tomorrow, we will still be in the same position we were in when they got into Government eight years ago. We will be in the same position. Imagine, Madam Speaker, we have anti-doping legislation which established the anti-doping organization, yet for the Commonwealth Youth Games this year in the Caribbean, the Regional Anti-Doping Organization, RADO, they will be providing the support to Trinidad and Tobago Olympic Committee, acting as national anti-doping organization for August 4th to 11th, Commonwealth Youth Games.

Interestingly, Madam Speaker, instead of establishing our anti-doping organization, this Government has been passing responsibility for testing to different organizations. They have been hoping and praying for international groups to assist us for these games. According to an article appearing in the *Express* newspaper on the 8th of May, 2023, written by Mark Pouchet, RADO's Chairman, Patrick Werleman, said:

“...the...member country representatives need all the help their can get to

comply with strict...Anti-Doping Code requirements, while these country's governments also have responsibilities..."

And I reread:

"...while these county's governments also have responsibilities and obligations through the UNESCO International Convention against doping in sport, 'to take appropriate and necessary measures to promote the fight against doping in sports.'"

And there is a subliminal message there, Madam Speaker. Our country, and our Ministry, and our Government has a responsibility and an obligation to do certain things, yet they have failed to do so. So while international agencies are doing their best to assist to us, our Government is sitting by doing nothing of substance.

Talking about nothing, way back in 2019, the hon. Minister of Sport and Community Development, Shamfa Cudjoe, as quoted in a *Newsday* article said that:

"The government of..."—Trinidad—"...has committed to providing the necessary support resources to ensure that we take responsibility, do right..."—to—"...our sporting fraternity, and uphold our commitment, UNESCO, WADA, our Caribbean RADO, and our peers in the international community..."

This was way back in 2019, Madam Speaker, and the hon. Minister was speaking at the seventh UNESCO Conference of Parties to the International Convention Against Doping in Sport in Poland, referred to by the previous Member.

So they recognized, Madam Speaker—and I mean, they, the Government, recognized that there are certain obligations which were approved on the 7th of November, 2019, at that said conference. It was unanimously approved by all the

members. And this Government knew since 2019 that a new code, the revised code, will come into effect on the 1st of January, 2021, and they are here today to tell you about COVID; “gone back” to blaming COVID, that we could not pass the laws because of COVID and we are now passing the law to make it in compliance with the new code, Madam Speaker.

So, Madam Speaker, may I ask what is my full time?

Madam Speaker: You ordinary time ends at 3.23. You are entitled to 15 minutes after that if you wish—

Mr. A. Ram: I will avail myself, please, Madam Speaker. So, Madam Speaker, I just want to get—

Hon. Members: [*Desk thumping*]

Mr. A. Ram:—into some of the clauses of the Bill and for consideration by the hon. Member for San Fernando West who piloted the Bill for the Government’s position. Clause 4, the definition of “athlete support personnel”, I am saying, should be clear that it applies to physiotherapists and nutritionists. The amended definition for “athlete support personnel” is as follows:

“‘athlete support personnel’ means any coach, trainer, manager, agent, team staff officials, medical or paramedical personnel, parent or any other person working with, treating or assisting an athlete participating in or preparing for sports competition;”

3.20 p.m.

Whilst it may be argued that physiotherapists and nutritionists may be captured by “any other person working with treating or assisting an athlete”, it is imperative to make it that this applies to physiotherapists and nutritionists. It is not common for athletes to be closely monitored and supported by these two

professions who have a direct impact on what they consume. The specific reference to them adds certainty to the definition and as such it should be retained. That is my first comment in respect of the Bill before us today, Madam Speaker, for consideration by the Government.

The other is clause 12. Why is there need to wider the scope of section 21 to capture possession of prohibited substances? And the question is, does this need a special majority? This definition includes the possession of a prohibited substance, so it is no longer just the use but also the prohibition of possession of a substance. So section 21 is amended to include “or possesses a prohibited substance or to use a” prohibited method. Does it mean that if an athlete is carrying around a prohibited substance on his or her person and/or it is being stored in his or her room, that the athlete, which has not consumed same, he or she is in violation?

It must be remembered that prohibited substance in the context of this Act is not an illegal substance. Some routine prescription drugs and supplements could be prohibited substances. Suppose an athlete, Madam Speaker, is holding the substance for a relative, does this make them in violation of the Act?

Further, it is arguable that this amendment tampers with individuals’ rights to enjoyment of property under section 4(a) of the Constitution. As such, does this section require that the Bill be passed with a special majority? The hon. Minister should indicate whether this is indeed so.

Clause 13, Madam Speaker, expanding the definition in section 23 about the whereabouts of the athlete, does this also need a special majority? Section 23 is amended by including a new subsection (1)(c). Whilst the unamended section provides for specific information related to the whereabouts of the athlete, the new subsection (1)(c) is much broader. This is clause 13, Madam Speaker. And

subsection (1)(c) adds:

“any other whereabouts information required by the International Standard for Testing and Investigation.”

Having regard to subsection (1)(a) and (b), is it really necessary to include such a broad new subsection at (1)(c)? This subsection allows for:

“...other whereabouts information required by the International Standard for Testing and Investigations.”

The counterargument here is that it is in compliance with the code. However, by this amendment, it is arguable that it increases intrusion of personal information which was not envisaged by the parent Act. As such, does this section require the Bill to be passed with a special majority? Again, the hon. Minister should indicate whether this further intrusion into the privacy of the athlete engages section 13 of the Constitution, specifically a breach of section 4(c):

“the right of the individual to respect for his private and family life;”

Another clause for the active consideration of the Government is the new section 39. It says:

“...the Minister may...amend...”

If we are complying with the standards of the World Anti-Doping Code, should it not be mandatory for the Minister to amend and reflect the updated code and international standard? By this new section 39—new section:

“...the Minister may, by Order, amend the applicable Schedule for the purpose of including...”—amendments to the code or international standard.

This section 39 reads as follows:

“Where an amendment of the Code or International Standard is adopted by

WADA, the Minister may, by Order, amend the applicable Schedule for the purpose of including therein that amendment.”

The policy and purpose of the Bill is to bring us in compliance with the standards of the World Anti-Doping Code. The purpose of this section is to allow the Minister to make necessary amendments to include any changes or amendments which are subsequently made to the code and international standard.

And I said before, the code is a working document, it is not static and we ask the question, why use the word “may”? It gives the Minister a choice. So the Minister could decide not to reflect amendments to the code and international standards in our legislation? This makes little sense because what we are doing is bringing our legislation in conformity with the code and international standards. This section should read “the Minister shall”, and I am proposing that amendment to the Bill, “the Minister shall”.

Any time there is amendment to the code or international standard, there should be an obligation to the Minister to make the necessary changes in our domestic law. If the Government of the day decides that their policy is not to be in line and in compliance with the code or international standard, then they could come to the Parliament and amend this section, but I am uncomfortable with the Minister having a choice as to whether or not our laws should be updated to reflect changes in the code and international standards. The ability to cherry-pick defeats the purpose of this Bill. For example, we could pass this Bill today and in two weeks, the code and international standards could be significantly amended, and a Minister may or may not have the relevant amendments by Order.

When we look at Schedules 1 to 4, why include the code and the international standards in the Act? Is it necessary to include Schedules 1 to 4, the

code and international standards? And I heard the hon. Member before me giving some reasons why it should be. But would it not make better legislative sense, Madam Speaker, to define the code and international standards in the Act so that reference could be made to the code and international standards enforced from time to time? So you do not have to make an Order or come back to Parliament, it will be reflected immediately. For example, the current definition of “Code” is as follows:

“‘Code’ means the World Anti-Doping Code adopted by the World Anti-Doping Agency on the 5th of March 2003 and includes any revisions or amendments thereto as are adopted by the World Anti-Doping Agency, from time to time;”

So by including the entire Schedules wholesale, Madam Speaker, as opposed to saying, let us include the code and the international standards—so when they come into force from time to time that they are automatically included. By maintaining the current definitions and not excluding the code and international standards, it would serve to remove the need for section 39. The Minister may no longer have to amend the Schedule to include any updates and/or amendments to the code and international standards.

By including the code and Schedules, Madam Speaker, it means that if WADA amends the code and international standards, it would be incumbent upon the Minister to amend the Act by order. In other words, the revised versions of the code and international standards will not automatically apply to Trinidad and Tobago.

Furthermore, by incorporating the code and international standards into the Act, it makes the Act very bulky and cumbersome which negatively impact on the

ability of persons to maneuverer through the Act. So, Madam Speaker, those are some of my comments with respect to certain clauses in respect of the Bill before us here this afternoon for active consideration by the Government if they so choose.

Madam Speaker, in my remaining time, I just want to indicate that one of the purposes of the WADA code is to bring education of anti-doping to our athletes and to the general public. Again, we lack behind the rest of the world and again, this Government is paying lip service. Interestingly, and I go back to the debate of 2023 by the hon. Minister Donna Cox, the hon. Member spent a significant portion of her time concentrating on education as part of the anti-doping campaign and we have not seen any of that here today. It has been 10 years since that hon. Member raised the issue in Parliament, eight years since this PNM Government has taken office and three years since this hon. Minister of Sport and Community Development addressed the Poland conference and what has been done to promote anti-doping in this country. Nothing. I answer my own question, Madam Speaker, nothing. Nothing has been done. What they have done is just taken wholesale the WADA code and reproduce it as amendments in an attempt to save face.

So, Madam Speaker, with those few words, I want to thank you for the opportunity this afternoon.

Hon. Members: [*Desk thumping*]

Madam Speaker: Minister of Rural Development and Local Government.

The Acting Attorney General and Minister of Legal Affairs and Minister of Rural Development and Local Government (Hon. Faris Al-Rawi): Thank you, Madam Speaker. If ever there was proof as to why the Opposition should never see the halls of power ever in their lives again, it is the entire contribution of my

learned friend.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: Madam Speaker, let me tell you why I have started off on such an uncharitable note, which is uncharacteristic for me in these circumstances.

The hon. Member said that we should not include the Schedules that we are proposing be included. The hon. Member said, it would be by far better, from a legal point of view, and I think he is a practising attorney-at-law, the hon. Member, that we allow the law to say instead that the code shall be such code as is enforced from time to time. He said that way we would not have to be bothered to annex bulky things to the law. Madam Speaker, that is just after the hon. Member bothered to say that the Bill perhaps needs a three-fifths majority. Now, Madam Speaker, those two principles of advocacy just do not blend and let me explain why.

Madam Speaker, the reason why the Schedules, the code in Schedule 1 and the other aspects in Schedules, 2, 3 and 4 are there, are specifically to ensure that we only introduce into the laws of Trinidad and Tobago, by way of the dualistic theory of law, laws which can pass constitutional muster. If we accept what the hon. Member said a short while ago, if WADA were to produce a code which automatically infringed our constitutionally-enshrined rights and we were to just say, “Look, we will receive these laws by just saying such aspects of the code are enforced from time to time”, then we would unwittingly allow for subsidiary legislation to be received into primary legislation which could offend the separation of powers principle and the constitutionally-enshrined rights provisions.

So, Madam Speaker, that submission, not only has absolutely no precedent in the laws of Trinidad and Tobago, but it is the opposite of the manner in which

our law operates. There is no law in Trinidad and Tobago that says, “Just receive the law as may be in existence from time to time elsewhere”. The supreme law is the Constitution, the Constitution sets up sections 4 and 5, and section 14 of the Constitution, and section 54 of the Constitution. There is no way that we can just simply say, “Receive law”, proverbially “cat in bag”, Madam Speaker. It makes absolutely no sense.

Madam Speaker, the second aspect that the hon. Member spoke to was to say that we should add the definition—we should include nutritionist and physiotherapist in the definition of support personnel. But I think charitably I would say the hon. Member gave the answer to that submission himself because the definition is what speaks, and whether you rely upon the *ejusdem generis* rule for interpretation or whether you go on the literal meaning interpretation alone, the fact is, Madam Speaker, that the support personnel, as broadly defined as they are:

“‘athlete support personnel’ means”—as we are proposed to be included here—“any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel, parent or any other person working with, treating or assisting an athlete participating in or preparing for sports competition;”

Hon. Member, go back to the law school books that you probably had, feel free to look at the *ejusdem generis* rule, do not be worried about how it would look to research the law, it is right there. It is the basic tool of statutory interpretation. You do not even need to go as far as *Bennion*, Madam Speaker, to understand statutory constructions. The literal meaning takes care of that.

3:35 p.m.

So point number one, Naparima, obsessed as he is with Suratt notwithstanding, Madam Speaker—the point number one is that you cannot receive laws, “cat in

bag” in a monistic sense, contrary to the dualistic sense. You cannot say the code as may exist from time to time; it is not done.

Number two, the “athlete support personnel” definition is wide enough for us to capture exactly what the hon. Member believes should be inside of there. Madam Speaker, the hon. Member raised the spectre of special majority in relation to possession. I would just like to remind that the possession aspect is part and parcel of proportionality, and the proportionality is balanced by the due process provisions in the law.

The law sets up a tribunal, the law sets up a panel, the law sets up the appellate process, Madam Speaker. And because of the separation of powers principle, Madam Speaker, the mere possession is associated in the code with burdens of proof and standards of proof. And if you bothered, hon. Member, to read what was printed for you, hon. Member, you will see that the law is set out. Mere possession is not simpliciter, it is not a strict liability offence. There is a standard of proof, there is a burden of proof. It is more than a balance of probabilities, it is not as high as proof beyond reasonable doubt. It is right there in the code set out in Schedule 1, Madam Speaker. So that was the third submission of my learned friend opposite.

Madam Speaker, I come to the last submission of merit that deserves a reply, Madam Speaker, because anybody that took their time to read insults is not to be taken that seriously, so I will just ignore all of the insults that the hon. Member had to read out in quite a halting manner. So, Madam Speaker, the hon. Member dared to say that the hon. Minister of Sport and Community Development, who has demonstrated such a vigour and passion for sport, as her predecessor, Daryl Smith, did before that, Madam Speaker—the hon. Member dared to say that the current

Minister of Sports and Community Development, the hon. Shamfa Cudjoe, did nothing for sport, Madam Speaker. And he did it in a bifurcated way. On the first limb, the hon. Member said that eight years later nothing has been done. Instead of just standing and reading a reply, a debate requires that you listen to what hon. Members said.

And, Madam Speaker, it is a matter of record on *Hansard* that I explained in 2017 that WADA went about its consultation exercise for two years. In 2019, it is on the record that the agreement in Poland came up with an effective implementation date of 2021. It is on the record that the Olympic Committee of Trinidad and Tobago is de facto/de jure in charge of the coordination. It is on the record that the RADO, the Regional Anti-Doping Organization, has done the testing because of economies of scale.

And I went so far back as to say that those were the very submissions made on the record in May 2013, when I sat in the Senate and made those observations 10 years ago, and we explained why the law could not be operationalized because the hon. Members had not thought it through, Madam Speaker. Madam Speaker, if one were to dare to use the parliamentary tools, the iPad paid for by the people of Trinidad and Tobago, which the hon. Member is in possession of, if one were to dare to type in the Ministry of Sport and Community Development of the Republic of Trinidad and Tobago, and see at its front page the Elite Athlete Assistance Programme, it would make a mockery of the submissions made by my learned friend.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: Madam Speaker, in black and white, red as well, even a little tinge of yellow, which my learned friend may be willing to have a look at, it says:

“Elite Athlete Assistance Programme

In keeping with the National Sport Policy, the Government of Trinidad and Tobago is committed to providing financial assistance to outstanding athletes, in support of their preparation for, and participation in international competition.

The Policy that guides the EAAP provides financial support for nationals who have attained the qualifying international ranking determined by the Trinidad and Tobago Olympic Committee...”

It goes on to treat with the particulars:

“Funding...

- Athletes ranked in the World Top 10 positions will qualify for the current maximum sum allocation of \$250,000.00.
- Athletes ranked in the World Top 11-40 positions will benefit...\$187,500.00 (75% of the maximum sum).
- Athletes who medal in the specific Games...\$75,000.00 (30% of the maximum sum).
- The funding will be provided...
- Training schedules
- Coaching fees”.

—et cetera.

Madam Speaker, it is right there. And, Madam Speaker, more than that, the fact is the proof is in the pudding, the eating is in there. What do you call six medals in April 2023? What do you call the performance of Dylan Carter, swimming as he does? What do you call the 34 medals in 2022 CARIFTA swimming? What do you call Trinidad and Tobago swimming, Thompson, his

three goals, Madam Speaker, state of Illinois? What do you call Nicholas Paul? It is so bad, the submission coming from my learned friend for Caroni Central, that Naparima does not even know what Caroni Central had to say because Naparima was asleep for the entire time. Now that Naparima has awoken from his slumber and is throwing barbs across the floor, Madam Speaker, Naparima is confused as to what Caroni Central had to say. Madam Speaker—

Mr. Ratiram: Madam Speaker—

Hon. F. Al-Rawi: Madam Speaker, discord in the ranks.

Mr. Ratiram: Madam Speaker, I rise on Standing Order 48(8), this is not about the—

Hon. Members: [*Desk thumping*]

Mr. Ratiram:—MP, for Naparima or the Opposition.

Madam Speaker: 48(8) you said?

Mr. Ratiram: Yes.

Madam Speaker: Overruled.

Hon. F. Al-Rawi: Dear Lord God, send a hand.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: Send a hand and lift them out of the ignorance that they are in, Madam Speaker.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: Madam Speaker, the simple point is, as unfortunate as it may be for the hon. Members opposite, in piloting this Bill, the rationale for the law was set out. The reasons for the milestones being such as they are in the period June 01, 2015 to today's date are set out on the record. The Minister of Sport and Community Development has acted with alacrity. And, Madam Speaker, the

members of the Ministry of Sport and Community Development that are here, I can tell you, who appeared at the Law Revision Committee, along with the CPC's department, they worked overtime to ensure that Trinidad and Tobago would be ready in the very limited time frame provided by WADA. Remember in March of this year WADA wrote to us to say that they had only just completed their review. In June of this year, WADA confirmed the amendments that they wished.

And, Madam Speaker, I wish to give a public compliment to the—not only the hon. Member who—Minister of Sport and Community Development, Shamfa Cudjoe, who piloted and championed this, but to the hard-working members of her team, Madam Speaker: her legal team, the Trinidad and Tobago Olympic Committee; all of these persons, Madam Speaker, who have worked tirelessly behind the scenes to ensure that Trinidad and Tobago has the opportunity to level itself up in the world rankings, and to ensure that our law is properly on the books, Madam Speaker. I say we in the Government salute you, the people of Trinidad and Tobago salute you, and thank you for your service.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: Madam Speaker, there is nothing else to reply to, and I beg to move.

Hon. Members: [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

Madam Speaker: This House will now go into the committee of the whole to consider the Bill clause by clause. This Bill has 22 clauses and four Schedules. Hon. Members, at this time we are just going to suspend for five minutes and we

will resume into the committee of the whole. So we will return here at 3:50.

3:44 p.m.: *Sitting suspended.*

3.50 p.m.: *Sitting resumed.*

House in committee.

Madam Chairman: So the meeting of the committee of the whole shall commence. Can we take clauses 1 to 3 together, Minister?

Mr. Al-Rawi: Yes, Madam Chairman, yes.

Madam Chairman: Have the amendments—

Mr. Al-Rawi: They have been circulated.

Madam Chairman: They have been circulated.

Mr. Al-Rawi: Yes, one sheet; 1 to 3, first amendment at 4.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

Question proposed: That clause 4 stand part of the Bill.

In the proposed section 4 –

(A) Delete paragraph (c) and substitute the following paragraph:

“(c) by deleting the definition of “anti-doping organization” and substituting the following definition:

““anti-doping organization” has the meaning assign to it in the Code”;

(B) Renumber paragraphs (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u) as paragraphs (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v).

(C) Insert after paragraph (c), the following paragraph:

“(d) by deleting the definition of “anti-doping rule violation” and substituting the following definition:

“anti-doping rule violation” shall be construed in accordance with Article 2 the Code;”

(D) In paragraph (i) as renumbered, delete the words “doping control procedures” and substitute the words “doping control”;

(E) In paragraph (k) as renumbered, by delete the words “in-competition testing” and substitute the words “In-Competition”.

Madam Chairman: Minister of Rural Development and Local Government.

Mr. Al-Rawi: Madam Chairman, we propose that clause 4 be amended as circulated in five ways through letters (A), (B), (C), (D) and (E). Effectively, Madam Chairman, it is just to tighten the observations made by the World Anti-Doping Agency with respect to our text, Madam Chairman. The large part of confusion just is in simple renumbering, as identified at paragraph (B), Madam Chairman, and they really pretty much speak for themselves. So they are rather innocuous amendments.

Madam Chairman: Just to make this observation, and, Minister, you would correct me—

Mr. Al-Rawi: Sure.

Madam Chairman:—maybe in the sequential order (C) should come before (B)?

Mr. Al-Rawi: Yes and no, Madam Chairman. I am hearing the hesitation of the Assistant CPC. I think because of the rationale of deleting paragraph (C) and substituting, then they sequentially started with (D) and the renumbering. And then, insofar as your observation, is after (C) that (D) then follows. I do catch what you are saying but to not do injury to the thought process of the CPC’s department, I crave your indulgence in leaving it as circulated.

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 ordered to stand part of the Bill.

Clause 6.

Question proposed: That clause 6 stand part of the Bill.

Delete the proposed section 8 and substitute the following:

“Section 8 of the Act is amended –

(a) in subsection (3), by inserting after the words “by the Minister”, the words “provided that they satisfy, and continue to satisfy, the operational independence requirements indicated in Article 20.5.1 of the Code.”

(b) in subsection (6) –

(i) in paragraph (c), by deleting the word “or”; and

(ii) in paragraph (d), by deleting the fullstop and substituting the words “;or” and

(iii) by inserting after paragraph (d), the following paragraph:

“(e) fails to comply with the operational independence requirements referred in Article 20.5.1 of the Code.”

Madam Chairman: Minister of Rural Development and Local Government.

Mr. Al-Rawi: Yes, Madam Chairman, thank you. Madam Chair, consistent with WADA’s review of the Bill after we had laid, they asked us to shore up the independence provisions by causing amendments to the Bill in clause 6, which amends section 8 of the Act. And effectively, Madam Chairman, in two significant places we are ensuring the operational independence requirements consistent with the code. It is in keeping with the rationale delivered in the piloting of the Bill, Madam Chairman, and it falls within those four corners.

Madam Chairman: Chief Whip?

Mr. Lee: [*Assent indicated*]

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clauses 7 and 8 ordered to stand part of the Bill.

Clause 9.

Question proposed: That clause 9 stand part of the Bill.

In the proposed section 18 –

- (A) in paragraph (a), delete the words “or the International Federation” and substitute the words “and/or the International Federation”; and
- (B) delete paragraph (b) and renumber paragraph (c) as paragraph (b).

Madam Chairman: Minister of Rural Development and Local Government.

Mr. Al-Rawi: Madam Chair, we propose that clause be amended as circulated. Notwithstanding the inelegance of the phrasing “and/or the International Federation”, our battle with the civil lawyers that represent WADA proved to be less than in full accord. So we are compelled to accept what we usually refrain from in this language. So may I, with your indulgence, propose that we accept the amendments from WADA? They really cause no injury. And that would be in paragraph (a) of clause 9, and then we delete paragraph (b) and renumber (c) as (b) respectively.

Madam Chairman: Chief Whip?

Mr. Lee: [*Assent indicated*]

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 ordered to stand part of the Bill.

Clause 11.

Question proposed: That clause 11 stand part of the Bill.

In the chapeau, delete the words “subsections (1) and (2)” and substitute the words “subsection (1), (2) and (3)”.

Madam Chairman: Minister of Rural Development and Local Government.

Mr. Al-Rawi: Thank you, Madam Chairman. Madam Chairman, we omitted to repeal subsection (3) and we had only done subsections (1) and (2) in the Bill. And therefore, we propose that we also repeal subsection (3) in the chapeau as circulated with respect to clause 11.

Madam Chairman: Chief Whip?

Mr. Lee: Yes.

Question put and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12.

Question proposed: That clause 12 stand part of the Bill.

Delete the words “or possess a prohibited substance or to use a”, and substitute the words “or possess a prohibited substance or a”.

Madam Chairman: Minister of Rural Development and Local Government.

Mr. Al-Rawi: Thank you, Madam Chair. And if you were to add my acting, it would be even longer. Madam Chair, we are proposing, consistent with WADA’s direction and approval, that we cause an amendment to clause 12, which effectively amends section 21 of the Act. I dealt with this in reply to the hon. Member that addressed the issue. The inclusion of possession is what we are seeking to capture here. I want to remind that it is not a strict liability offence. It is clothed with the due process roots that the code offers. And, of course, there is the burden and standard, which is set out in full structure in Schedule 1 to the Bill, which comes after clause 22.

Madam Chairman: Chief Whip?

Mr. Lee: [*Assent indicated*]

Question put and agreed to.

Clause 12, as amended, ordered to stand part of the Bill.

Clauses 13 and 14 ordered to stand part of the Bill.

Clause 15.

Question proposed: That clause 15 stand part of the Bill.

Delete the proposed section 26 and substitute the following:

“Section 26 of the Act is amended –

- (a) in subsection (1), by deleting the words “may make Rules”, and substituting the words “shall make Rules consistent with the Code”; and
- (b) by repealing subsection (2), and substituting the following subsection:

“(2) Rules made under subsection (1) shall prohibit anti-doping violations as specified in Article 2 of the Code.”
- (c) in subsection (3) by deleting the words “may provide that any person who commits an anti-doping rule violation may be subject to one or more of the following sanctions” and substituting the words “ shall provide that any person who commits an anti-doping rule violation may be subject to one or more of the following sanctions in accordance with the Rules and the Code”; and
- (d) in subsection (4), by deleting the words “subsection (3)” and substituting the words “the Rules and the Code”.

Madam Chairman: Minister of Rural Development and Local Government.

Mr. Al-Rawi: Madam Chair, in our deliberations with WADA, they asked specifically for amendments to clause 15, which seeks to amend section 26. To get the texting right, what we have done is we have effectively—we are asking for a

complete repeal of clause 15, which treats with section 26 and then we restate it here, so it is easier to read, Madam Chairman. The effective direction of this is to include that the rules “shall prohibit the anti-doping violations”, which include, of course, use and possession and methods.

But, Madam Chairman, I want to remind that the rules are subsidiary legislation. And notwithstanding the use of the mandatory term “shall”, there is no offence in saying that you shall make rules which shall penalize. I want to just remind that there is the fact that it is still subsidiary legislation and therefore, it falls to be viewed in that regard, in particular as it comes to any criminality. Remember we are dealing with violations here. We are not dealing with criminal sanctions at all. And even though we are dealing with violations, we still have the due process mechanisms inside of all of this.

Madam Chairman: Chief Whip?

Mr. Lee: [*Assent indicated*]

Question put and agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clause 16.

Question proposed: That clause 16 stand part of the Bill.

(A) In paragraph (a), delete the proposed subsection (3A) and substitute the following subsection:

“(3A) The Disciplinary Panel shall comply with the requirements indicated in the definition of “operational independence” in the Code and the International Standard for Results Management.”; and

(B) In subparagraph (b)(iii), delete the proposed paragraph (e) and substitute the following paragraph:

“(e) fails to comply with the requirements indicated in the definition of “operational independence” in the Code and the International Standard for Results Management.”.

Madam Chairman: Minister of Rural Development and Local Government.

Mr. Al-Rawi: Madam Chair, we propose that clause 16 be amended as circulated. That proposes—clause 16 deals with the amendments to section 29 of the Act. WADA came back to us, effectively asking us to treat with the repealing of subsections (2) and (3), which the Bill did not originally propose. And subsections (2) and (3) are wrapped up by way of code and other provisions. So all that we really need to stand on is what would now be section 29(1), as is proposed to be amended.

Madam Chairman: Chief Whip?

Mr. Lee: [*Assent indicated*]

Question put and agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

Clause 17.

Question proposed: That clause 17 stand part of the Bill.

Delete the proposed section 29 and substitute the following section:

“Section 29 of the Act is amended –

- (a) in subsection (1)(c) , by inserting after the words “rule violations”, the words “in accordance with the Code and the International Standard for Results Management”; and
- (b) by repealing subsections (2) and (3).”

Madam Chairman: Minister of Rural Development and Local Government.

Mr. Al-Rawi: Madam Chair, clause 18, we propose be amended as circulated.

Madam Chairman: Clause 17.

Mr. Al-Rawi: Forgive me. No, no, clause 17 stands as it is. Forgive me, I was on 18. No amendments to clause 17, Madam Chair.

Madam Chairman: Just one minute, clause 17, there is something circulated.

Mr. Al-Rawi: Sorry, sorry, sorry, sorry. I am on the other page.

Madam Chairman: Yes?

Mr. Al-Rawi: Clause 17, section 29, Madam Chairman. I was ahead of myself. It was this one that I spoke to a little bit earlier, which treats with the subsections (2) and (3), which WADA came back to us. Subsections (2) and (3) were directions that are now treated with by adherence to the code, which we have amended in subsection (1). So they are really otiose and therefore, we do not need them. So we have deleted subsections (2) and (3).

Madam Chairman: Chief Whip?

Mr. Lee: [*Assent indicated*]

Question put and agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

Clause 18.

Question proposed: That clause 18 stand part of the Bill.

In paragraph (c), delete the words “Appeal Panel” and substitute the words “appellate body”.

Madam Chairman: Minister of Rural Development and Local Government.

Mr. Al-Rawi: Madam Chair, clause 18, which amends section 30 of the Act, we are proposing, as circulated, that in paragraph (c), which is the amendment to subsection 30(4) that we, instead of using the defined term “Appeal Panel”, use the “appellate body”. So the new subsection (4) would read:

The decision of the Disciplinary Panel shall remain in effect until the determination of the appeal, unless the appellate body orders otherwise.

That is to capture the various iterations of appeal bodies, so they are in the plural depending upon which body you are before, and this therefore captures it that way.

Madam Chairman: Chief Whip?

Mr. Lee: [*Assent indicated*]

Question put and agreed to.

Clause 18, as amended, ordered to stand part of the Bill.

Clause 19.

Question proposed: That clause 19 stand part of the Bill.

Delete the proposed section 32 and substitute the following section:

“Section 32 of the Act is amended –

- (a) in subsections (1) and (9) by –
 - (i) inserting after the words “the President”, the words “acting in his own discretion,”; and
 - (ii) deleting the words “on the advice of the Minister”;
- (b) in subsections (6) and (8), by inserting after the word “President”, the words “ acting in his own discretion”;
- (c) by inserting after subsection (3), the following subsection:
 - “(3A) The Appeal Panel shall maintain institutional independence as defined in the Code and shall comply with –
 - (a) the requirements indicated in the definitions of “operational independence” and “institutional independence” in the Code; and
 - (b) the International Standard for Results Management.”; and
- (d) in subsection (8) –

- (i) in paragraph (c), by deleting the word “or”;
- (ii) in paragraph (d), by deleting the fullstop and substituting the words “;or”; and
- (iii) by inserting after paragraph (d), the following paragraph:
 - “(e) fails to comply with the requirements indicated in the definitions of “operational independence” and “institutional independence” in the Code or the International Standard for Results Management.”

Madam Chairman: Minister of Rural Development and Local Government.

Mr. Al-Rawi: Thank you, Madam Chair. Madam Chair, clause 19 is where we move away from the appeal being a creature of the Minister, that is the appeal panel. This is effectively in section 32 of the Act. So we are qualifying the operation of section 80 of the Constitution, so that the President is acting in own discretion expressly. Otherwise, the President would be acting on the advice of Cabinet. That is the principal amendment that we propose in the circulation, Madam Chairman.

Madam Chairman: Chief Whip?

Mr. Lee: [*Assent indicated*]

Question put and agreed to.

Clause 19, as amended, ordered to stand part of the Bill.

Clauses 20 and 21 ordered to stand part of the Bill.

4.05 p.m.

Clause 22.

Question proposed: That clause 22 stand part of the Bill.

Delete the word “may” and substitute the word “shall”.

Madam Chairman: Minister of Rural Government and Local Government.

Mr. Al-Rawi: The never-ending battle between “shall” and “may”, Madam Speaker, finds itself yet again before us. WADA has insisted, and we have no objection, that we use instead the word “shall”. So this is the provision which allows for the dualistic theory of law to operate, where amendments to the code are made that we shall have the positive obligation to cause the amendments. Because the code specifically says and acknowledges from the UNESCO convention, come down, that the laws of the land are to be respected, there is nothing that we can bring in by way of subsidiary legislation, in this case statutory instrument or order, which we would be permitted to put which offended any of our Constitutional rights and remedies.

So notwithstanding the use of the word “shall”, we are intended to capture here and we do not trade away the discretion that our legislature will have to ensure that constitutionality is preserved, notwithstanding the use of the word “shall”.

Mr. Lee: Just for clarity, Minister, are you saying now that we are putting in the word “shall”, that any codes or amendments to the code internationally from WADA would be accepted by—into law? Correct?

Mr. Al-Rawi: I am saying that that is—

Mr. Lee: So there is no discretion, there is no discretion.

Mr. Al-Rawi: There is a discretion. The discretion is our Constitution. So the code itself and the UN convention sets up that countries are under a positive obligation to introduce the Copenhagen standards, the code, subject to the laws of the country. Our supreme law is the Constitution. The Constitution has entrenched rights and certain Montesquieu principles like the separation of powers, et cetera. None of those things can be offended because our Constitution still remains the supreme law. So even though the word “shall” is there, there is always the

discretion for filtration, if I could use that word.

Question put and agreed to.

Clause 22, as amended, ordered to stand part of the Bill.

Schedules 1 to 4 ordered to stand part of the Bill.

Question put and agreed to: That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendment, read the third time and passed.

ARRANGEMENT OF BUSINESS

Mr. Al-Rawi: Madam Speaker, which Motion do you wish to do first?

Madam Speaker: The Minister of Rural Development and Local Government, we will do Motion No. 1 first.

Mr. Al-Rawi: Is that Haiti or—? Just remind me.

Mr. Deyalsingh: Iran.

Mr. Al-Rawi: Iran? Madam Speaker, may I just ask if there is a procedural brief for that because I only had one for sport.

Madam Speaker: Minister, it will be passed to you shortly.

Mr. Al-Rawi: Thanks. So, Madam Speaker, this is for Motion No. 2. So I will deal with Motion No. 1 instead.

Hon. Members: [*Crosstalk*]

Mr. Al-Rawi: Yeah, Motion No. 1.

Dr. Moonilal: We may need a recess, Ma'am.

**EXTENSION OF ECONOMIC SANCTIONS (IMPLEMENTATION OF
UNITED NATIONS RESOLUTIONS ON THE ISLAMIC REPUBLIC OF
IRAN) ORDER, 2023
(IN FORCE UNTIL REVOKED)**

The Acting Attorney General and Minister of Legal Affairs and Minister of Rural Development and Local Government (Hon. Faris Al Rawi): Thank you, Madam Speaker. Madam Speaker, we are conserving on paper these days so the electronic versions—[*Inaudible*] So, Madam Speaker, on Motion No. 1, Madam Speaker I beg to move the following Motion standing in the name of the Attorney General:

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi:

Whereas by section 4 of the Economic Sanctions Act, Chap. 81:05 (“the Act”) the President may for the purpose of implementing a decision, resolution or recommendation by a regional or an international organisation of States or association of States, of which Trinidad and Tobago is a member, that calls on its members to take economic measures against a foreign State make an Order with respect to—

- (a) the restriction or prohibition of any of the activities referred to in section 5 in relation to a foreign State;
- (b) the seizing, freezing or sequestration in the manner set out in the Order any property situated in Trinidad and Tobago that is held by or on behalf of—
 - (i) a foreign State;
 - (ii) any person in that foreign State; or

(iii) a national of that foreign State who does not ordinarily reside in Trinidad and Tobago.

(c) the exclusion of any person, property, goods, technical data, services, transactions, ships or aircraft or any class thereof from the application of the Order;

And whereas the United Nations Security Council Resolutions 2231 (2015) relative to Iran, United Nations Security Council Resolution 1540 (2004) and its successor resolution, Member Countries of the United Nations were called on to impose economic sanctions on the Islamic Republic of Iran;

And whereas Trinidad and Tobago is required to implement the Financial Action Task Force's Recommendation 7 relative to the Islamic Republic of Iran which requires that countries implement target financial sanctions to comply with United Nations Security Council Resolutions (UNSCRs) relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing;

And whereas the aforementioned resolutions require countries to freeze, without delay, the funds and other assets of and to ensure that no funds and other assets are made available, directly or indirectly, to or for the benefit of any person or entity designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations;

And whereas the President, by Legal Notice No. 83 of March 27, 2023 signed the Economic Sanctions (Implementation of United Nations Resolutions on The Islamic Republic of Iran) Order, 2023 ("the Order");

And whereas the President, in accordance with section 4(4) of the Act, did cause to be delivered on the 27th March, 2023 to the Speaker for presentation to the House of Representatives, a statement setting out the specific grounds on which the decision to make the Order was based;

And whereas the Statement of Her Excellency the President, was debated in the House of Representatives on April 26, 2023 and approved and published as Legal Notice No. 111 of 2023;

And whereas section 4(3) of the Act provides that subject to section 4(5), an Order made under section 4(1) shall, unless previously revoked, remain in force for three months;

And whereas section 4(5) of the Act provides that before the expiration of an Order made under section 4(3), the Order may be extended, either indefinitely or for a specified period, by a resolution supported by a simple majority vote of the House of Representatives;

And whereas it has become necessary to extend the life of the Order, until such time as it is revoked:

Be it resolved that the Order shall remain in force until such time as it is revoked.

Madam Speaker, we have debated the issue of UNSCR resolutions, springing from Resolution 2231 and Resolution 1540, on several occasions in the life of the Eleventh and Twelfth Republican Parliaments, Madam Speaker.

Madam Speaker, our obligations are bifurcated. Number one, they spring from our obligations under Chapter VII of the United Nations Charter, by which we, as members of the United Nations, are called upon to mandatorily enforce and

comply with the resolutions of the United Nations Security Council. And secondly, as the second limb, Madam Speaker, speaks we are obliged under the Financial Action Task Force, Recommendation 7, to implement targeted financial sanctions.

Indeed, on the latter limb, Madam Speaker, the Caribbean Financial Action Task Force, of which we are a member, known as an FSRB, Madam Speaker, in a FATF-style regional body, requires that for us to continue to achieve muster, that is, with compliance always under review, we are bound to implement Recommendation 7 of the Financial Action Task Force.

Now, Madam Speaker, the issue of Iran is one that probably represents the United Nations working at its best. And I say that, Madam Speaker, because Iran has been the subject of review. Whilst the weapons of mass destruction have been an issue in the Middle East and around the world, Madam Speaker, if one were to look at far as the DPRK, if you look at the Korean issue, Madam Speaker, or you look at false start that happened in relation to Iraq, what happened in the Iran situation is that the United Nations by its Security Council resolution imposed these two security council resolutions. And countries went to work, but in going to work, Madam Speaker, they actually saw the revision of the sanctions. And there was a significant amount of debate in the global context, with the United States of America departing at one point in time from participation in support of the resolution to adopt a unilateral approach, the rest of the United Nations went to work and in fact agreed to a graduated scale of de-escalation, because Iran had committed to working with the United Nations in a process of review of its facilities. What we have here Madam Speaker, is a legacy obligation on the part of

Trinidad and Tobago for us to carry over the renewal of targeted economic sanctions.

Now, Madam Speaker, in our law of Trinidad and Tobago, the manner in which we achieve targeted financial sanctions is perhaps in one of two ways: one, under the Anti-Terrorism Act, which would be under the provisions of section 22B of that Act, where listing requirements can be done, so you can be a listed entity pursuant to the UNSCR resolutions that exist there, that is section 22B of our Anti-Terrorism Act, or secondly, Madam Speaker, where we go through the process of the Economic Sanctions Act. And in the Economic Sanctions Act, Madam Speaker, there is a method by which Trinidad and Tobago has operated in the past to achieve this structure.

4.20 p.m.

Specifically, Madam Speaker, the Resolution 2231 and its successor resolution, they have caused us to be bound to be seen to implement positions.

Now, Madam Speaker, quite interestingly, when this Government came into office on the 9th of September, 2015, not a single entity listed by the United Nations Security Council was ever listed in the years prior—

Hon. Member: Wow.

Hon. F. Al Rawi: —notwithstanding the fact that hundreds of listed entities were the subject of UNSCR resolutions, in particular 1276 and other resolutions, which section 22B springs from in the Anti-Terrorism Act. Not a single entity was listed. Since then, Madam Speaker, as is well known, the Office of the Attorney General and Ministry of Legal Affairs, supervised under my hand, the amendments of the

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Anti-Terrorism Act, and we saw the utilization of section 22B for the listing of hundreds of entities, so that we could freeze the assets—

Hon. Members: [*Desk thumping*]

Hon. F. Al Rawi: —moneys and other structures of persons who were labelled by the United Nations itself as individuals to be watched, literally. And, Madam Speaker, that provides for judicial acknowledgement of an entity, because it is one thing to say, you know something, there is another thing to have a legislative basis. And what this Order does before us, Madam Speaker, it sets up the process by which Trinidad and Tobago approaches the court, seeks the listing of named individuals published by the United Nations under the UNSCR 2231 and its successor resolution. We approach the court, we ask the court of the Republic of Trinidad and Tobago to list these entities by name. There is a process of service, there is a due process permitted where persons who are affected by the Order, either principally or by way of third party right infringement, can approach Trinidad and Tobago and the courts of Trinidad and Tobago, and express reasons why those Orders should be varied, lifted, or otherwise. What the Order does as well, Madam Speaker, is that it sets up a regime, and the regime is such that we have an obligation if there has to be an amendment or a revocation of a listing, we have an obligation to inform the United Nations Security Council that we intend to do that. We can *ex proprio motu*, of our own volition, ask for a listing, we can seek variations of listings and we have a positive obligation to keep entities that are listed under review, and every six months for the Attorney General to take steps to confirm that this should happen.

Now, Madam Speaker, when last we debated this in a different Parliament, there was a lot of noise coming from the Member for Naparima that—in fact, the Member for Naparima threatened to take me to the Privileges Committee and write to the United Nations, because he was so convinced that what the Government was doing was wrong. That fell into the same version of silence that the Member often demonstrates when he is asleep in this House. But, Madam Speaker, what happened there was that the Member was threatening that we were implementing Orders and resolutions that were revoked.

Mr. Charles: Yes.

Hon. F. Al Rawi: Madam Speaker, so confident was the hon. Member that nothing happened. Absolutely nothing.

Mr. Hinds: Nothing.

Hon. Members: [*Desk thumping*]

Hon. F. Al Rawi: And, Madam Speaker, what I can tell you is, if you look at the United Nations' website today, and you go to the UNSCR 2231 Resolution, today, you will see that the listings that we seek to implement today are still listed, Madam Speaker.

Mr. Hinds: Oh my God.

Hon. F. Al Rawi: So this Government has an obligation under the UNSCR 2231 and the successor resolution to put into effect this Order. We have taken the steps under the Economic Sanctions Order, the publication by Her Excellency of a statement, the debate of that statement, the life of the Order for three months. Now we are required, Madam Speaker, to extend the time frame, because the previous Orders that we had expired and there were limited time frames then recommended.

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Now the recommendation is that the Orders stand until they are revoked. Madam Speaker, we are therefore meeting UNSCR obligations pursuant to Chapter VII of the United Nations Charter and, Madam Speaker, our positive obligations pursuant to Recommendation 7 of the Financial Action Task Force, as it is upheld by the Caribbean Financial Action Task Force.

Madam Speaker, with those few words, I beg to move.

Hon. Members: [*Desk thumping*]

Question proposed.

Madam Speaker: Member for Barataria/San Juan.

Hon. Members: [*Desk thumping*]

Mr. Saddam Hosein (*Barataria/San Juan*): Thank you very much, Madam Speaker, for allowing me to join this particular debate on this Motion, dealing with economic sanctions to be imposed on the Republic of Iran. And, Madam Speaker, what we are engaged in here is a legislative exercise that is prescribed by law, in terms of the extension of the legality or the extension of the effectiveness of this particular Order. We were here earlier this year in April to discuss Her Excellency's statement with respect to the economic sanctions and by law we are required to come back here now, where the Government is seeking an extension of that particular Order. And when you look at the Order of 2023, that is, the Order that was promulgated by the President, Her Excellency, on the 7th day of March, 2023, by the then President, Paula-Mae Weeks, this Order is several pages long and you would have seen, Madam Speaker, that it outlined several of the clauses in that particular Order, which deals with the enforcement of the United Nations resolution that was adopted by Trinidad and Tobago being a member state.

And in these recommendations, Madam Speaker, and these resolutions that were passed by the UN, yes, they are in accordance with our international obligations by law, because failure in which Trinidad and Tobago is not conducting its international obligations will result as being also sanctioned or being placed on several blacklists. And what we are trying to do here now is—as part of the global community, what we are trying to do is adhere to our international obligations with respect to national security. And one of the most important recommendations that we are dealing with here is Recommendation 7 from the Financial Action Task Force, and that particular recommendation deals with the proliferation of weapons of mass destruction.

Now, Madam Speaker, I have no interest to declare, I am just namesake—

Dr. Moonilal: [*Laughter*]

Mr. S. Hosein: —when it comes to that particular issue. But this matter that we are dealing with here, we all know of the history with respect to the Middle East, with respect to the US relations when it comes to weapons of mass destruction. And I go no further there, because living in a country like Trinidad and Tobago, we heard at one point in time that we had the highest number of recruits of ISIS fighters and those are matters that are of concern to us. Matters of terrorism are a concern to us, Madam Speaker, and Trinidad and Tobago must play its part in fighting against terrorism, not only here, but also as part of the Caribbean because we play a very important role when it comes to national security in the Caribbean and this is what we are doing here, Madam Speaker. And at the same time, we must also be very cognizant of persons who these things may affect innocently also, Madam Speaker. And, Madam Speaker, when I look at the Order 2023 that

we are extending here, I have to read it in light with the Economic Sanctions Act, because that is the law that is governing us and governing this procedure that we are engaged here this evening.

Madam Speaker, I want to go through two provisions with you and that is section 4 of the Act, which is found in the body of the Motion, because under this particular section, the Economic Sanctions Act, Chap. 81:05, at section 4, it gives the President the power to make the Order, outlining all of the restrictions with respect to certain countries that would have been sanctioned by the United Nations Security Council. And that was done. That was done, as I said earlier, in April of this—sorry, March of this year, the 7th of March. And what subsection (3) of the Act, says Madam Speaker, is that:

“Subject to subsection (5), an Order made under subsection (1) shall, unless previously revoked, remain in force for three months.”

This Order that we are dealing with here, Madam Speaker, was made on the 7th of March, 2023. So in March this Order was made, so we should have been here before three months. So we are looking at March, April, May, June.

Hon. Member: Correct.

Mr. S. Hosein: So 7th of June, this particular Order would have expired. So let us go on to read what the rest of the law says now. At subsection (5) of section 4 of the Act, it says in clear terms:

“Before its expiration, under subsection (3), the Order may be extended, either indefinitely or for a specified period by a resolution supported by a simple majority vote of the House of Representatives.”

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So, Madam Speaker, what this Government is asking us to do today is participate in an illegality.

Hon. Members: [*Desk thumping*]

Hon. Member: Immoral, abominable.

Mr. S. Hosein: The law is extremely clear. As my friend would say, it is pellucidly clear—

Hon. Members: [*Desk thumping*]

Mr. S. Hosein:—that this Order for an extension should have been here before the 7th of June, 2023.

Dr. Moonilal: You cannot remedy this.

Mr. S. Hosein: And, Madam Speaker, how can we now extend an Order that has expired according to law? This Parliament should not be engaging in an illegality.

Hon. Members: [*Desk thumping*]

Dr. Moonilal: That is “Reggie” Armour. Armour, again?

Mr. S. Hosein: I humbly request that the hon. Acting Attorney General withdraw this particular Motion and we will have to promulgate a fresh Order and come back here within the three-month period, Madam Speaker. Because how can we now be doing something here, where the Order has been expired? How could we extend something that has expired?

Dr. Moonilal: Lazarus. Local government.

Mr. S. Hosein: This reminds me of a case that was recently decided in the Privy Council, Madam Speaker.

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

Mr. S. Hosein: And I do not think that we would have to trouble this Parliament any longer and come with a validation Act to remedy an illegality that has taken place. So I sound the warning.

Hon. Members: [*Crosstalk*]

Mr. S. Hosein: I sound the warning that this exercise that we engaging here may be an illegal exercise. Madam Speaker, I have no difficulty with following our international obligations. We are in fact mandated to follow our international obligations that we are member states of. But while we are adhering to our international obligations, we also have to follow the domestic law.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: We have to follow the domestic law. And, Madam Speaker, this whole problem could have been fixed in 2018. But what they tried to do was some sloppy drafting of the Orders.

Dr. Moonilal: Who was the AG then?

Mr. S. Hosein: Sloppy drafting.

Madam Speaker, you would be very surprised. I just want to go through very briefly the drafting of that particular Order, Madam Speaker, in 2018. In 2018, normally when you have a law, you may have a full sunset clause in order to really tell you exactly when provisions would come to an end. You know, Madam Speaker, they broke up the Order and say, “Well, section one to something will come to an end in 2020. A next section will come to an end in 2023. A next few sections will come to an end in 2025”. I mean, how could you have pieces of the law just falling off after time has passed. All they had to do in 2018 was in fact say that the Order extends indefinitely until it is revoked.

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Hon. Members: [*Desk thumping*]

Mr. S. Hosein: Until it is revoked. Madam Speaker, that is not any legal *ex proprio motu* doctrines—

Dr. Moonilal: What?

Mr. S. Hosein: —anything like that you know, Madam Speaker. That is something called basic common sense.

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

Dr. Moonilal: Not *ex proprio motu* and so on.

Mr. S. Hosein: Basic common sense, Madam Speaker; basic, basic common sense. So, Madam Speaker, I do not wish to detain this House any longer. I think I had made a very important point in this Parliament. But all I want to say, Madam Speaker is that I cannot understand that Trinidad and Tobago is currently on a blacklist but we are now engaged in putting other countries on our blacklist.

Dr. Moonilal: And we are doing it illegally.

Mr. S. Hosein: And we are doing it illegally, Madam Speaker. So I thank you very much and I wait to hear from my colleague, the Acting Attorney General, on how we are going to deal with this Motion.

Hon. Members: [*Desk thumping*]

4.35 p.m.

Madam Speaker: Member for Port of Spain South.

Hon. Members: [*Desk thumping*]

Mr. Keith Scotland (*Port of Spain South*): Madam Speaker, the concept and the bandying about of Trinidad and Tobago being on a blacklist wrongs counter-intuitive to the fact that the world and the international community is

acknowledging Trinidad and Tobago and its ability to make and participate meaningfully in dealing with international issues, and positively influence others to take a principled stance as we are doing today in this Parliament. And it has been acknowledged, over the last six weeks—and the other side would not want to call a spade a spade—that Trinidad and Tobago, a country of 1,980 square miles, is playing a major role in international affairs.

Madam Speaker, just look at the appointment of Trinidad and Tobago's permanent representative to the United Nations as the 78th President of the General Assembly of the United Nations. That is no mean achievement and it shows the gravitas and the status that Trinidad and Tobago holds in the international community, despite the naysayers.

Madam Speaker, it is of utmost importance to underscore that this resolution is premised on the obligation of Trinidad and Tobago as a member state of the United Nations for the implementation and adoption of the United Nations Security Council Resolution 2231 of 2015 within our domestic legislation, and it is a continuation of this legislation. It is a continuation, Madam Speaker, of this obligation. It is aligned with our duty under the Financial Action Task Force, as well as the Caribbean Financial Action Task Force. It is no minor event that we are about now. Madam Speaker, therefore we are obliged to comply with and adhere to this resolution and its obligations which are encapsulated in this application for an extension.

In this regard, Madam Speaker, I would like to reiterate that this resolution, adopted on the 15th of July, 2015, has played a pivotal role in the shaping of global efforts towards promoting peace and stability in the international arena. It

specifically addresses the joint comprehensive plan, also known as the Iran nuclear deal, which aims to ensure the peaceful nature of Iran's nuclear programme.

Madam Speaker, first and foremost, this resolution acknowledges the sheer scale of potential destruction that nuclear proliferation may create and it also acknowledges that weapons of mass destruction, and particularly nuclear weapons, can kill and destroy on a large scale in an indiscriminate manner. Therefore, we must be proactive and we must take action that is in alignment with our commitment to our international obligations, because the dangers of these weapons are inherent in their very existence. In other words, you never know who will push the button. And given their potential for destruction and the danger to mankind, it is important, Madam Speaker, that we align ourselves with this extension, and that is what we are here about.

If there is an issue, Madam Speaker, as to the expiration of some clauses, then as a Parliament we can fix it and not score cheap political points.

Hon. Member: What?

Mr. K. Scotland: That is my respectful submission and that is my response. If there is a lacuna, we can have the panacea and fix it, because we are about serious business relative to the avoidance to the proliferation of nuclear weapons in Trinidad and Tobago, and in the world at large as it relates to Iran.

As long as their presence exists and there is risk of further proliferation, then there is a threat of the deliberate use of nuclear weapons, there is a threat of coercion, there is threat of blackmail, and there is also, Madam Speaker, the threat of accidental use, there is threat of use for terrorism. The only way to alleviate these dangers would be do away with the weapons through a global regime seen in

part through the passing of the United Nations Security Council and the resolution of implementation and the imposition of these sanctions that we are here about and it is by each member country. Through this resolution, the international community is expressing its support for the full implementation of the JCPOA, recognizing its potential to bolster regional stability, international stability and confidence-building measures.

The resolution also called upon the UN members states to comply with their obligations under the JCPOA and refrain from actions that would undermine the integrity and accordingly the basis of that agreement that the nation states had as it relates to nuclear proliferation and the Islamic state of Iran. Madam Speaker, Resolution 2231 not only facilitated the implementation of the JCPOA, but it provided a road map for its enforcement and monitoring mechanisms.

Madam Speaker, monitoring mechanisms are very important because what it does is that it creates a basis for control and auditing of the actions of the State upon which the sanctions are being imposed. And it is very critical, and it is a very critical component of, or in the arsenal of sanctions and in the arsenal of what I would want to say measures that are available in situations like these.

Madam Speaker, it is important to acknowledge that in the face of such challenges, it is imperative for Trinidad and Tobago to affirm our commitment to Resolution 2231. By upholding these principles and the principles enshrined in the resolution, we can advance a cause for non-proliferation, we can strengthen regional security, and we can promote values of diplomacy and peaceful conflict resolution. All these are relevant considerations that were duly considered by this Government relative to passing of the extension of this resolution.

Madam Speaker, furthermore, when evaluating the necessity for this resolution, it is our responsibility to carefully examine the merits which first and foremost accompany this resolution—the merits. Because it is one thing just to say, “Let us extend”, but what about the merits? And we say that this resolution represents a multilateral effort involving over 51 countries and the European Union to address concerns about the nuclear programme coming out of the state of Iran.

4.45 p.m.

By endorsing this, we have signalled our support to diplomatic solutions over military actions, thus fostering a climate of cooperation and trust among nations and not coercion. The passing of this resolution would contribute to the global non-proliferation regime. Additionally, Madam Speaker, it is the respectful view, and I wish to put on record the benefits that would redound to this country if and when we do this extension.

Madam Speaker, the extension of economic sanctions related to the implementation of this resolution has the following factors to take into account: the nuclear programme concerns. The international community continues to monitor and address concerns about the Iran nuclear programme. The extension of the economic sanctions serves as a means to pressure Iran to comply with its international obligations, including the implementation of nuclear agreements and the verification of peaceful nuclear activities. That is one.

Two, regional stability. The involvement in regional conflicts in the Middle East is a sign or it is a cause for great concern for all nations. An economic sanction serves as a tool to discourage nations from engaging in destabilization or destabilizing activities.

Three, there is a human rights issue. I did not hear the hon. Member for Barataria/San Juan speak about human rights issues.

Hon. Members: [*Interruption*]

Hon. K. Scotland: The human rights issues—Madam Speaker, they just cannot help themselves. The human rights issues relate to human rights violations and the international community seeks to address them. Economic sanctions can be utilized to put pressure on government to beef up and improve their human rights record.

Four, the non-proliferation efforts. The extension of the economic sanctions reinforces the global commitment to non-proliferation of weapons of mass destruction. And, Madam Speaker, that is indeed a laudable goal.

Five, the support for diplomatic sanctions. And we say that while economic sanctions are often viewed as punitive measures, their extension can also serve as a means to create leverage for diplomatic negotiations. And this is a goal that we expect or this is a benefit that we expect to come and to emerge from this extension. It will bring, not just moral suasion, but actual suasion to bring parties to diplomatic resolution.

It is important to note that the relevance of economic sanction should not be—well, should be regularly evaluated to ensure their effectiveness and impact. And that is why it is important at this stage to take an audit of where we are. If it is, Madam Speaker, that there is something that needs to be done, in my view, to ensure that we are in line with our obligations, then let us just do it and get on with it.

Madam Speaker, with these short few words, I also lend my support and beg

to move.

Hon. Members: [*Desk thumping*]

Madam Speaker: Minister of Rural Development and Local Government.

The Acting Attorney General and Minister of Legal Affairs and Minister of Rural Development and Local Government (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Oh, Madam Speaker, how good it is to hear a near “ketch yuh”, a gallery, an attempt. The Member for Barataria/San Juan is a good debater and I always enjoy when he enters a debate, Madam Speaker. But I urge him, the same way I urge Caroni Central, please do a little research, Madam Speaker. “Ah beggin yuh”, Madam Speaker. So let us go to Economic Sanctions Act, Chap. 81:05, Act No. 15 of 1994. It is not the first time we are dealing with this, Madam Speaker. So let us go to the law, which is pellucidly clear, Madam Speaker. Let us go to the law. “Imposition of Economic Sanctions”, section 4.

“(1) The President may, for the purpose of implementing a decision, resolution or recommendation by a regional or international organisation of States...”—et cetera—

“(a) make...”—an—“Order...”

I am summarizing.

“(2) An Order made under this section may exclude any person, property...”—et cetera.

“(3) Subject to subsection (5), an Order made under subsection (1) shall, unless previously revoked, remain in force for three months.”

The Interpretation Act says three months, it is three calendar months.

“(4) Within fourteen days...”

I am going to bold, underline and italicize the following words now:

“...of the commencement of an Order made under subsection (1)...”

“Within fourteen days of the commencement of an Order made under subsection (1), the President shall deliver to the Speaker for presentation...a statement...

(5) Before its expiration...”

Subsection (5):

“...under subsection (3)...”

“Before its expiration under subsection (3), the Order may be extended, either indefinitely or for a specified period, by a resolution...simple majority...”

Madam Speaker, the reason why law is for lawyers is that the words “commencement of” have legal and purposeful meaning, Madam Speaker. And I read now from the Legal Supplement Part B—Vol. 62, No. 45—27th March, 2023, at page 331.

“Legal Notice No. 83

Republic of Trinidad and Tobago

The Economic Sanctions Act, Chap, 81:05

ORDER

Made by the President under section 4(1) of the Economic Sanctions Act”.

Madam Speaker, that commencement is the date of publication, the 27th March, 2023. The Order happens to be dated on the 7th March, Madam Speaker, as the end of the Order says, Madam Speaker, 7th day of March 2023, but the commencement is the date of publication to the world in the Legal Notice No. 83 under the

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Economic Sanctions Act, Madam Speaker.

Mr. Hosein: Will the hon. Member give way?

Hon. F. Al-Rawi: Sure.

Mr. Hosein: Thank you very much. When I looked at the law, AG—because this is a very important matter and we should get it right. When you look subsection (3) and subsection (5), it deals with the Order, not the date of the commencement of the Order. I understand subsection (4) deals with the commencement of the Order in terms of the presentation of the statement of the President to the Parliament and then thereafter proving the resolution. But when you look at subsections (3) and (5), it does not deal with the commencement of the Order. It just deals with basically the date of the Order and that is the point I raised, that that was the 7th of March.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: I thank the hon. Member for posing a very serious question and I join him on the issue. I genuinely do thank you very much, hon. Member, for the question. I wish to give comfort to the hon. Member on this important issue. Number one, the precedent of the economic sanctions order for Iran on the last occasion—I have asked for the dates but I am told by the CPC's department that it was in similar fashion, i.e., commencement held the prevailing view for the calculation of time frame as opposed to the date to the Order.

Secondly, Madam Speaker, for the record, if I can just say this, if we look at the dates themselves—let me put the dates on the record, so again to treat with the commencement issue. Madam Speaker, on the March 27th, as I told you before, we published Legal Notice No. 45 which is—Legal Notice No. 83, sorry, in Vol. 62,

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No. 45, the *Gazette*. So that was promulgated on that date, so as to comply with the mandate of the UNSCR. April 26, 2023, was when we actually treated with the resolution. So the one month was calculated and this Parliament sat and we did the Motion prior to the expiry of the one-month time frame. And it is from time frame, May 4th, the statement setting out the grounds was approved. Section 4 of the Act and Order was made under section 4(1). The Order was approved on April 26th. The three-month period will expire actually July 26, 2023.

So just to assure my learned friend, all jest aside and the joy of debating aside, Madam Speaker, I thank the hon. Member for the question, but I am guided by the CPC's department and precedent that we are well within the three-month time frame and that we are not dealing with something that could get us into trouble and that there is precedent behind it, Madam Speaker.

I do not think that there is much to address other than the issue posed by my learned colleague and therefore, I beg to move.

Question put and agreed.

Resolved:

That the Order shall remain in force until such time as it is revoked.

**IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS ON THE
REPUBLIC OF HAITI ORDER, 2023**

The Acting Attorney General and Minister of Legal Affairs and Minister of Rural Development and Local Government (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, I beg to move the following Motion standing in my name of the Attorney General, as Acting Attorney General:

Whereas by section 4 of the Economic Sanctions Act, Chap. 81:05 (“the

Act”) the President may for the purpose of implementing a decision, resolution or recommendation by a regional or an international organisation of States or association of States, of which Trinidad and Tobago is a member, that calls on its members to take economic measures against a foreign State make an Order with respect to—

- (a) the restriction or prohibition of any of the activities referred to in section 5 in relation to a foreign State;
- (b) the seizing, freezing or sequestration in the manner set out in the Order any property situated in Trinidad and Tobago that is held by or on behalf of—
 - (i) a foreign State;
 - (ii) any person in that foreign State; or
 - (iii) a national of that foreign State who does not ordinarily reside in Trinidad and Tobago.
- (c) the exclusion of any person, property, goods, technical data, services, transactions, ships or aircraft or any class thereof from the application of the Order;

And whereas there is grave concern about the extremely high levels of gang violence and other criminal activities, including kidnappings, trafficking in persons and the smuggling of migrants, and homicides, and sexual and gender-based violence including rape and sexual slavery, as well as ongoing impunity for perpetrators, corruption and recruitment of children by gangs and the implications of Haiti’s situation for the region;

And whereas the illicit trafficking and diversion of arms and related material of all types contributes to undermining the rule of law and respect for human

rights, and can impede the provision of humanitarian assistance and have wide ranging negative humanitarian and socioeconomic consequences;

And whereas the need to prohibit the transfer of small arms, light weapons and ammunition to non-state actors engaged in or supporting gang violence, criminal activities, or human rights abuses in Haiti, as well as to prevent their illicit trafficking and diversion;

And whereas the situation in Haiti continues to constitute a threat to international peace and security in the region;

And whereas the Republic of Trinidad and Tobago is required, by virtue of its international obligations to prevent and prohibit illicit financial flows, trafficking and diversion of arms and related materials of all types, illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in all its aspects which pose threats to international peace and security, cause significant loss of life and contribute to instability and insecurity in the region;

And whereas the Republic of Trinidad and Tobago is a member of the United Nations;

And whereas the United Nations Security Council has issued Resolution 2653(2022) requiring members of the United Nations to impose economic sanctions against entities and individuals listed pursuant to United Nations Security Council Resolution (UNSCR) 2653(2022) concerning the Republic of Haiti;

And whereas, by virtue of its membership to the United Nations, the Republic of Trinidad and Tobago is required to implement UNSCR 2653 (2022), issued by the United Nations Security Council concerning the

Republic of Haiti;

And whereas it has become necessary to take measures to ensure compliance with our international obligations;

And whereas the President signed the Economic Sanctions (Implementation of United Nations Security Council Resolution 2653 (2022) on the Republic of Haiti) Order, 2023 on 6th June, 2023 and was published as Legal Notice No.168 of 2023 on 12th June, 2023;

And whereas the President, in accordance with section 4(4) of the Economic Sanctions Act, Chap. 81:05, did cause to be delivered on the 13th day of June, 2023 to the Speaker for presentation to the House of Representatives a statement setting out the specific grounds on which the decision to make the Order was based;

And whereas section 4(4) requires the Statement of Her Excellency the President, be debated as soon as practicable but in any event not later than one month from the date of commencement of the Order:

Be it resolved that the Statement of Her Excellency the President, pursuant to section 4(4) of the Economic Sanctions Act, Chap. 81:05, setting out the specific grounds on which the decision to make the Economic Sanctions (Implementation of United Nations Security Council Resolution 2653(2022) on the Republic of Haiti) Order, 2023 was based, be approved.

5.00 p.m.

Madam Speaker, I dare say that we are making history today within the region. We are not unfamiliar—

Madam Speaker: Attorney General, may I just—

Hon. F. Al-Rawi: Yes, please.

Madam Speaker: Acting Attorney General, may I just ask you to pause for one minute, please? Okay, so that I would like at this stage, having regard to certain procedural matters, to take a suspension and we will resume here in half an hour. I would like to speak to the Whip and to the Leader of the House in the meantime. Okay? So this House is now suspended. We will resume here at 5.30.

5.01 p.m.: *Sitting suspended.*

5.30 p.m.: *Sitting resumed.*

Madam Speaker: The Minister of Rural Development and Local Government.

Hon. F. Al-Rawi: Thank you, Madam Speaker, for allowing us a small and deserved break. Yes, Madam Speaker, having just read the Motion, and with the statement of Her Excellency properly before the House, Madam Speaker, we are here making history. Why do I say that? I do not refer, of course, to the utilization of the Economic Sanctions Act. We have used the Economic Sanctions Act to deliver targeted financial interruption of activities for a number of jurisdictions, the DPKR, that is North Korea; Iran. We have used targeted financial relief under section 22B of the Anti-Terrorism Act hundreds of times in this country. But, Madam Speaker, we are here today taking relief for the people of the Republic of Haiti, and that, as a Caricom region, Trinidad and Tobago is following immediately in the footsteps of our forefathers, indeed Eric Williams, the father of this nation, and importantly, Madam Speaker, permit me to single out our own Prime Minister, Dr. Keith Rowley, who holds the Republic of Haiti and the inequalities that the people of Haiti bear on a day-to-day basis very close and dear to his heart.

The current leadership of the Caricom as a unit shares this vision for moving protection for the benefit of the people of Haiti. And, Madam Speaker, if you look

at the statement of Her Excellency the President, and you see the four corners of it, we are taking unprecedented action today in areas that many of us can relate to. We are treating with, Madam Speaker, bringing to life security council sanctions via the committee of the United Nations, the permanent representative of Haiti together with the panel of experts from the UNODC, all agreeing, Madam Speaker, that we are to take collective action globally for the benefit of Haiti.

Madam Speaker, it was on the 10th of February, 2023, that the members of the Security Council committee established, pursuant to the Resolution 2653 of 2022, concerning Haiti, held its first informal consultations. And with the permanent representative to the United Nations for Haiti, Madam Speaker, on the 22nd of February, the United Nations published in a press release its adamant position that the members of the committee were resolved to ensure protection for Haiti. Madam Speaker, if you look to the Conference of Heads of Government of the Caricom and the statement made on Haiti, February 18th, a week after, just over a week after the UN Security Council met—on February 18th, the Conference of Heads of Government to the Caribbean Community produced a statement on Haiti in the Bahamas cycle at their 44th regular meeting and reiterated that the community must play a leadership role in addressing the deteriorating situation in Haiti.

As a member state of the United Nations and more particularly, Madam Speaker, as a member state of Caricom where Haiti is a contributing participating entity in our Caribbean Community, Madam Speaker, I am very pleased that the hon. Prime Minister, leading our Cabinet, took the decision to bring to life relief for the people of Haiti by the introduction of targeted financial action against individuals named in the Security Council resolution.

Now, Madam Speaker, it is quite interesting, the resolution adopted by the UNSCR on the 21st of October, 2022, noted their concern—this is the United Nations Security Council—with the economic security, human rights, humanitarian and food security crisis in Haiti, and stressed the responsibility of the governments of the world, Madam Speaker, because we are, all pursuant to Chapter VII of the United Nations Charter, obliged to introduce United Nations Security Council resolutions. There are 15 of them. Trinidad and Tobago in fact has treated with four of them. We have dealt with ISIS, and Da'ish, et cetera, in the 1273, and other issues familiar to us under the Financial Action Task Force, the Anti-Terrorism Act, section 22B.

We have dealt with the Democratic People's Republic of North Korea, we have dealt this afternoon with the Iran sanctions in 2231, and today we are bringing to life the fourth of those 15 which is in relation to Haiti, Madam Speaker. And what are we saying? We are saying that after years of Haiti suffering that we as a member of an international organization, we as Caricom members, we as leaders in Caricom, we in Trinidad and Tobago will bring to life our economic sanctions order against, at this point, one individual.

And, Madam Speaker, the individual named at the resolution's purpose, the Security Council's resolution is in fact one person. And what will follow here, Madam Speaker, is we will actually be targeting a gentleman—a man by the name of Jimmy Chérizier also known as “Barbecue”. And according to the description in the annex to Resolution 2653:

Chérizier has engaged in acts that threaten peace, security, stability of Haiti; planned, directed or committed acts that constitutes serious human rights abuses; have acted in gang operations directly against Haiti; has caused

economic paralysis and humanitarian crisis.

And Chérizier, that one individual at this point, that one person, the subject of the annex that we are treating with today in Her Excellency's statement is to be targeted by every financial institution in the Republic of Trinidad and Tobago, is to be known by our Financial Intelligence Unit, is to be known by the banking sector, all assets, all moneys, all transshipments, all matters to the benefit and aid of this named individual are to be treated with seriously by the people of Trinidad and Tobago with freezing orders, with property freezing, with money freezing, with in-transit travel ban issues going on as well, Madam Speaker. Because unless we do our part in the Caricom matrix to protect Haiti and the people of Haiti, Madam Speaker, then we are just simply failing in our obligations.

It is not good enough to rely upon the bard's words, "Haiti I'm Sorry". It is not good enough to celebrate Toussaint L'Ouverture and the freedom that Haiti brought at the time that happened when we looked at what the first successful revolution looked like, and centuries later to reflect upon decay and catastrophe in a Caricom member, Madam Speaker. Dare I say this sort of targeted action in the Caricom is unprecedented, Madam Speaker. Trinidad and Tobago is very pleased to start the process under the Economic Sanctions Act, beginning with inviting the Cabinet, inviting Her Excellent the President to trigger the process, by producing a statement; by publishing an Order which has due process and provisions of the type that we are well aware of, description of activities to be taken, financial institutions to be notified, freezing assets, third party rights to be protected in the Order. But this process of debating the statement of Her Excellency the President within one month from the point of commencement, that is when it is published, is a critical first step.

It will last for three months. After the three months there will be further steps for us to take, Madam Speaker. Legislatively, we would have to come back to this Parliament and move a Motion for the continuation of the effect of the Order. Initially, the United Nations Security Council resolution is that we should start with one year, but perhaps it is we may very well move that the prohibitions contained in the Order continue in effect until revoked, Madam Speaker.

5.40 p.m.

Madam Speaker, we, in the Government; we, on behalf of the people of the Republic of Trinidad and Tobago; we, following the lead of our Prime Minister, Dr. Keith Rowley, are insistent on lending support to our brothers and sisters in the Republic of Haiti, and it gives me great pleasure in those circumstances to move this Motion to adopt the statement and debate the statement of Her Excellency the President to trigger the full process of applying the Economic Sanctions Act in its measure, and I beg to move.

Hon. Members: [*Desk thumping*]

Question proposed.

Madam Speaker: Member for Naparima.

Mr. Rodney Charles (*Naparima*): Thank you very much, Madam Speaker. As indicated by the previous speaker and by your good self, we are here to debate the statement by Her Excellency, pursuant to section 4(4) of the Economic Sanctions Act, Chap. 81:05, which sets out:

“...specific grounds on which the decision to make the Economic Sanctions (...on the Republic of Haiti) Order, 2023 was based...”

Madam Speaker, before I begin, I could say that we support the resolution. We support the statement by the President. Because the Order is made to ensure

compliance with Trinidad and Tobago's obligations under Articles 2 and 25 of the United Nations Charter, which respectively mandates—and we all know that resolutions of the Security Council are binding on all member states of the United Nations. So it respectively mandates each member state to:

“...fulfil in good faith the obligations assumed...”

And:

“...agree to accept and carry out the decisions of the”—United Nations—
“Security Council in accordance with the present Charter.”

So we basically support the resolution before us today.

Before we get—before I—a few points I wish to make today. I would like to just give a little background to this resolution because the resolution—statement by the President lays out the background and the reasons for, and it speaks about gangs. And in that regard, Haiti was a member of Caricom since 2002. We therefore have an obligation, both because of the fact that we are a member of the United Nations and we have to carry out a UNSC resolution, and secondly, because Haiti is part of us. And when Rudder sang the song, “Haiti I’m Sorry”, we have a special fraternal relationship with Haiti. This resolution comes in the context of what is going on in Haiti and why the Security Council had to act and why Her Excellency had to send us a statement.

I was reading from *The Guardian* of the United Kingdom about how dire the situation is in Haiti, and it says—and this article was written on the 12th of January, and I want to stick a pin and note that date because one of the points I wish to make will relate to the fact that this article gave an indication of what obtained, and what still obtains, in Haiti as of January this year. It says:

“Earlier this week, the terms of Haiti’s last 10 remaining senators officially

expired, leaving the Caribbean country without a single elected government official as it faces a set of intersecting catastrophes...”

And among the catastrophes listed in our fellow Caricom state are:

“...famine, cholera, devastating gang violence, fuel shortages...”

Hon. Members: You sure it is not Trinidad?

Mr. R. Charles: Somebody asked, “You sure it is not Trinidad?”

“...and economic collapse.”

And it goes on to say:

“Haiti is now...”—facing—“...its worst-ever famine, with 4.7 million people facing acute hunger.”

So we are talking about essentially a crisis in a fellow Caricom state. And, Madam Speaker, it brings me to a fundamental point I would like to make, but before I do that, just a further context. They said:

“There are almost 100 gangs in Port-au-Prince...”

One city, 100 gangs. They:

“...control major roads and draw income from customs, water and electricity distribution, and even bus services.”

And it goes on to say—and this is something we have to be mindful of as citizens of Trinidad and Tobago. Haiti is the ultimate if we do not get our act together. They say:

“Membership”—in gangs—“has become so desirable for some young men that some gangs have waiting lists for new recruits.”

Gangs with waiting lists. And in all of Haiti, with over 11 million fellow Caricom citizens, there are 500 soldiers, and the police appear impotent. And the articles goes on to say there are two solutions:

“...ending the gangs’ power...”—which relates to why we are here today.

And:

“...holding meaningful...elections.”

So this brings me to the first problem I have today, Madam Speaker. We are here because this Government has—notwithstanding the protestations of the Acting Attorney General and Minister of Legal Affairs about our urgency and the importance, and we acted with requisite expedition, once again for a Caricom country that is suffering, that has no law and order, it is the obeisant state of nature where life is nasty, brute—women are raped left, right and centre and, Madam Speaker, we ask the question, why did they take so long to come to this House?

Today we are here to discuss UN Security Council Resolution 2653 as elaborated by Her Excellency’s statement. UN Security Council Resolution 2653 was adopted at the United Nations on October 21, 2022. We are talking about urgency, we are talking about women getting raped, we are talking breakdown of total law and order, and we are talking about concern for our fellow Caricom state. Since October 21, 2022—it is now June 20, 2023; eight long months later and we are now discussing sanctions against Haiti. And we ask the question, why are we always so late? And it comes back to the point that this Government is proficient in wasting time. If they were a well-functioning Government, one that is ahead of themselves; one that is taking a radar and a view of all that is taking place in the global community, particularly affecting—

Hon. Members: [*Desk thumping*]

Mr. R. Charles:—Caricom and ourselves, we ask a well-functioning Government, one that is ahead of themselves, both Iran and Haiti would have been discussed in

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April, Madam Speaker. So the question we ask is, why did they take eight months before action was taken on this?

Hon. Members: [*Desk thumping*]

Mr. R. Charles: As stated in Her Excellency the President's statement, United Nations Security Council Resolution 2653:

“...requires countries to...”

And I want those opposite, and Trinidad and Tobago to listen to this. This is what the Security Council Resolution required of us:

“...to freeze without delay...”

“Without delay”, and I have that in caps here.

“...the funds or other assets of and to ensure that no funds and other assets are made available, directly or indirectly, to or for the benefit of any person or entity designated by, or under the authority of, the United Nation Security Council...”

So you have the United Nations Security Council looking at Caricom and seeing utter chaos, and telling the world that we must act immediately without pause. And my Government waits eight months to discuss what we are going to do with Haiti.

Madam Speaker, UN Security Council Resolution 2653 was unanimously adopted at the UN on October 21, 2022. So we are asking today, Madam Speaker, why the delay? Why did they take eight months before being brought to this House? Why did the Government not advise Her Excellency of UNSCR 2653 months ago?

Madam Speaker, UNSCR 2653 further mandates—

Mr. Imbert: Madam Speaker, point of order, 33(6).

Madam Speaker: Member, I think you are missing an opportunity to make a

contribution today, but you can. Member for Naparima.

Mr. R. Charles: If the Finance Minister would manage our HSF with the proficiency with which he disturbs—

Hon. Members: [*Desk thumping*]

Mr. Indarsingh: On the Standing Orders, invalid.

Mr. R. Charles:—with an irrelevant Standing Order—

Hon. Members: [*Crosstalk*]

Mr. Al-Rawi: Madam Speaker, I rise on Standing Order 48(1)

Mr. R. Charles:—we will be much better off.

Mr. Al-Rawi: I rise on Standing Order 48(1).

Madam Speaker: I am sure having regard to the little exchange, we could take a little humour to defuse it. And I am sure Naparima, having those important points to make, would not take us on a long stray. Continue, Member for Naparima.

Mr. R. Charles: I am hurt, Madam Speaker. Because if we study the history of Haiti and they had to pay France reparations, it is our people and we must help them.

Mr. Indarsingh: Yes.

Mr. R. Charles: We must help them.

Hon. Members: [*Desk thumping*]

Mr. R. Charles: “Doh” wait eight months. Madam Speaker, 2653 mandates, and I quote, for an initial period of one year from the date of adoption of this resolution:

“All...”—members—“...shall immediately...”

You know what the meaning of “immediately” means? It means now. Right now.

Hon. Members: [*Desk thumping*]

Mr. R. Charles:

Must—“...immediately take the necessary measures to prevent the direct and indirect supply, sale or transfer to, or for the benefit of...individuals...entities...”—designated by the committee—“...arms and related material...”—of all types. This means, Madam Speaker, that for the past eight months we in Trinidad and Tobago have failed to fulfil our international obligations because someone in the Government dropped the ball and did not notify Her President of this development in a timely manner.

But, Madam Speaker, Canada and the EU enacted resolutions, implementing United Nations resolution, Haiti, since November. Madam Speaker, why it is we are always behind the First World? Canada—“what Canada have that we eh have”?

Hon. Member: Madam Speaker, we are not—[*Inaudible*]

Hon. Members: [*Laughter*]

Mr. R. Charles: Madam Speaker, what—you know what Canada does not have? It does not have the PNM run by Balisier House.

Hon. Members: [*Desk thumping*]

Mr. R. Charles: But it is not only Canada. It is the EU that—the country that has us on a blacklist; that the Minister of Finance told us if we pass certain laws, we will get off the list. We ran quick and passed it and we are still on the blacklist. Dropping the ball.

Madam Speaker, but not only Canada, not only the EU, my learned friends, but the UK. The United Kingdom supported new UN sanctions in Haiti and enacted necessary regulations in December 2022 to give UNSCR 2653 effect. Why it is—and they always tell me that I compare myself and, “Go Barbados”, but

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I am a proud, dignified citizen of Trinidad and Tobago.

Hon. Members: [*Desk thumping*]

Mr. R. Charles: I do not—Madam Speaker, I studied in Canada and they are not better than me, anyone of us. Look, my friend has a son, just went to Canada, First Class Honours, beat all the Canadians.

Hon. Members: [*Desk thumping*]

Mr. R. Charles: But when we come in this Parliament, we have to deal with Laventille West.

Hon. Members: [*Crosstalk*]

5.55 p.m.

Mr. R. Charles: Madam Speaker, the Motion states—Madam Speaker, when I read this first paragraph of the Motion before us:

“*And whereas* there is grave concern...”

And I am quoting:

“...about the extremely high levels of gang violence and other criminal activities, including kidnappings, trafficking in persons and smuggling of migrants...”

“Where that sound like?” Right?

“...and homicides, and sexual and gender-based violence including rape and sexual slavery, as well as ongoing impunity...”—of the—“...perpetrators, corruption and recruitment of children by gangs and the implications of Haiti’s situation for the region;”

Madam Speaker, this Motion is so important that this is a learning lesson for the entire Cabinet and for the Minister of National Security and the Attorney General. It sounded erringly similar to the direction Trinidad and Tobago is taking under

this PNM administration.

Mr. Indarsingh: Retired Diplomat Reginald Dumas.

Mr. R. Charles: [*Laughter*] I will say no more on that, Madam Speaker. The Motion before us further states:

“*And whereas* it has become necessary to take measures to ensure compliance with our international obligations;”

Why has it only just become necessary? What has changed, or which international body alerted the Government to this misstep that resulted in them scuttling eight months later to rectify this thing?

When the Government exacted sanctions against Iran two months ago, Madam Speaker, they knew then, as they know now, that Haiti was on the radar. Iran came before Haiti, and I ask the question about priorities. How could you prioritize Iran, when you came earlier this year—how could you prioritize Iran in front of Haiti? Why did you not bring them simultaneously or successively as you did today? The UNSCR has also sanctions against entities in Liberia, the Democratic Republic of Congo, Somalia and others. Will the Government also be bringing those to the House? Do they even know the extent of our international obligations concerning the implementation of these sanctions, or do they need someone from FATF or the UN or the EU or the United States, State Department, in respect of the Tier 2 one-off opportunity, not to be downgraded to Tier 3?

Point three: Her Excellency’s statement listed a number of requirements under UNSCR 2653 of 2022. Trinidad and Tobago is required under UNSCR 2653, 2023—page 2 of the President’s statement:

To freeze assets of designated person or persons.

We are told today it is one person, some—what is his name? One person, I will get

his name shortly.

To ensure travel ban and arms embargo to be implemented on person responsible for threatening the peace, stability and security of the Republic of Haiti.

Ensure that all funds, financial assets, economic resources within Trinidad and Tobago are frozen if they are directly or indirectly connected in any way to the persons or entities listed in the annex of UNSCR 2653.

Now, Madam Speaker, so it was so important that, you know, the day this thing was ratified at the UN, we should have immediately been taking steps. He had eight months to hide his money, duck, run away because we are now doing it much later.

Her Excellency further stated on pages 4 and 5 of her statement that:

The Order makes provision for judicial oversight through the Attorney General applying to a High Court judge for a freezing order. It also makes provision for procedures to be place for a number of circumstances surrounding the freezing and unfreezing of funds.

The question therefore arises: Is everything in place for the immediate operationalization of this Order? Eight months late and we are doing it today, do we have to wait another eight months to get our act in order to deal with what is necessary to operationalize the laws?

Madam Speaker, one of the problems the EU has with us, as international institutions have with us, as the US State Department has with us is the inability to operationalize laws in our books.

Hon. Members: [*Desk thumping*]

Mr. R. Charles: Madam Speaker, they tell us—the United States tells that laws

that were passed relating to human trafficking, not one person—more than five, six, seven, eight years ago—has been convicted; not one and “we hear the Attorney General coming with ah suite ah legislation, ah pass this, ah pass that, ah do this, ah do that and you eh arresting nobody and you eh locking nobody, ah set ah talk”. This is talk because we asking you, for heaven’s sake, forget the talk, act, freeze. If the man has anything in Trinidad, the person you talked about, “is one man” so it should not be hard for you to find out.

In fact, the Minister should have been telling us today that over the eight months, while you were slothful in coming with things to Parliament, we were doing the necessary work and we know that he has assets in Republic Bank, in Rodney Charles’ bank, in the Finance Minister’s bank, and we have taken steps through the High Court yesterday, “as soon as we pass this today, we going tomorrow to seize a, b, c and d”, not at all. They just come here, gallery, talk, pass law, go home and sleep. [*Laughter*] It hurts, you know, it hurts.

Now, Madam Speaker, I have some other points but I would not state it. All I will ask we support, for heaven’s sake, do something.

Hon. Members: [*Desk thumping*]

Mr. R. Charles: Lock up somebody, stop some asset, you know. Talk to the banks and find out, do a scan of all of the banks, find out if this individual has money and lock him up, because he is wreaking untold damage on a fellow Caricom state. I thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

Mr. Keith Scotland (*Port of Spain South*): Madam Speaker, when I saw the antics of the hon. Member for Naparima, I thought he was auditioning for either All Stars or Despers the way how he was moving, or he was doing the parachute,

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because his antics, Madam Speaker, it was legendary.

Hon. Members: [*Interruption*]

Mr. K. Scotland: Now, the hon. Member for Naparima has quoted an article from *The Guardian*—I supposed it is UK, he will not read the Trinidad *Guardian*.

Hon. Members: [*Laughter*]

Mr. K. Scotland: He will read the UK Guardian. But I want to commend to him some erudite reading from CLR James called *The Black Jacobins*, Sir.

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

Mr. K. Scotland: Because his contribution belies a certain—I want to be neutral and kind—a deficit of intellectual memory.

Hon. Members: [*Desk thumping*]

Mr. K. Scotland: And he says he is a student but he is not a student of history because the Haiti problem, Madam Speaker, is not a problem that developed over the last eight months, if he had read *The Black Jacobins*—

Hon. Members: [*Interruption*]

Mr. K. Scotland:—if he had read *The Black Jacobins*. And the Haiti problem, Madam Speaker, is not one that can be cured and solved in eight months. It takes a Government of reflection, a Government that undertakes that it knows what it is about, and I hope in his other aspects of endeavours, the hon. Member for Naparima is not as premature as he was today, I hope he takes his time.

Mr. Hinds: [*Interruption*]

Mr. K. Scotland: Premature. So the background of this Motion that we are debating today stems from the numerous challenges, including political and social turmoil, economic hardship and the lack of stability that have categorized Haiti for over 100 years, and the United Nations Security Council Resolution 2653 of 2022

has recognized that. The submission by the hon. Member on the other side as well, you took eight months to do it but now that you are doing it, “yuh not locking up anybody”. No, that again is counterintuitive. The Government takes its time because as a former Member of Parliament used to say, “Hurry dog does eat raw meat”, I remember that.

And, Madam Speaker, in response to the situation in Haiti, the international community has imposed economic sanctions to exert pressure on an individual and cohorts of that individual involved in activity that undermines Haiti’s stability and hinders its progress.

Madam Speaker, as a matter of record and as we debate this Motion, I want the public to understand what we are about here today and we are not about “ah talk shop” and we are not about gallery and making jokes. At least four Haitian Presidents have been assassinated whilst in office in Haiti. The politics have become now, not just unstable, but is in a putrid state of affairs where there is really no sitting government but there is the rule of the thug. And although it is like that, we must remember that these are our neighbours. Now, the favourite part of the song by David Michael Rudder that they like to quote is, “Haiti I’m Sorry”, but Madam Speaker, my favourite part is, “When will we turn our heads and look inside thee?” And that is what this Government is doing today.

Hon. Members: [*Desk thumping*]

Mr. K. Scotland: We are turning our heads, we are looking at UN sanctions and we are looking inside Haiti, and we are about serious business, about trying to assist in the way that we can.

The key elements of this Motion and the sanctions are as follows in order to bring this examination into focus: there is an asset-freezing element, there is a

travel ban element, there is also an arms embargo element and a trade restriction. What that will do, and the implications and relevance of this are as follows: it will promote stability and security because of the nature of the sanctions which will curtail the activity and the resources; the ability to gain resources of the individual who is undermining the very basis of Haitian society. It will encourage accountability in the sense that, Madam Speaker, the economic sanctions serve as a means to promote accountability for those who are responsible for human rights violation. It will support democratic governance because it will remove the rule of the gun and try to encourage the reinstatement of a democratic government and a democratic state called Haiti. It involves international cooperation. And what the hon. Member for Naparima has not stated is that this effort is an international effort where member states are cooperating with respect to Haiti to bring them out of the situation that Haiti has found itself.

Madam Speaker, the sanctions regime, apart from aiming to do these things, this acknowledges that Haiti is part of our Caribbean brotherhood, and Trinidad and Tobago has a commitment to the stability of Haiti. We have a commitment to ensure that we have returned to Haiti and to the people. In all of that—in all of that submission, what about the people? Because the people in Haiti, they are suffering. Madam Speaker, famine affects people, disease affects people.

And what is not being said, when the rule of the thug and the rule of the gun is in place, aid that is going to Haiti that is supposed to reach the people who are most vulnerable, who needs it the most, is not reached. It is taken and it is peddled on the black market. It means, therefore, that Haiti will never come out of the situation that it has found itself in and it is not something that has developed overnight. It is something, Madam Speaker, if Toussaint L'Ouverture could speak

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from his grave, he would speak too; if Dessalines can speak from his grave, he will speak too; if Henri Christophe can speak, he will speak too. So I will commend to the Members on the other side the reading of *The Black Jacobins*. I have two copies—

Hon. Members: [*Interruption*]

Mr. K. Scotland: And it is relevant even now, you see. Madam Speaker, you try, you know. You lead the horse to water but you can never make it drink.

Hon. Members: [*Desk thumping*]

6:10 p.m.

So he prefers to read something on Google than to read CLR James, I am not surprised. So, Madam Speaker, in concluding, we wish to say on this side that the Economic Sanctions (Implementation of the United Nation Security Council Resolution (2653) 2022 on the Republic of Haiti) Order, 2023, represents a collective effort by the international community to address the challenges faced by Haiti, including political instability, security concerns, human rights violation and corruption. These sanctions aim to promote a democratic government whilst discouraging activities that hinder the progress of Haiti.

The issue of Haiti is a troubling—it is troubling. Madam Speaker, when the crisis came in Ukraine, there was a drive—I will not—in one of the schools attended by a teenage daughter of mine. I said, “Well, you to make”—there was a drive to make a donation. And she said to me, “What about Haiti? Yuh have me donating to Ukraine, give me money for Haiti”. And I had to double dip because Haiti is always on our minds and it would be remiss of me, in closing, not to say, Madam Speaker, that this Government, in honouring its commitment to one of its Caricom siblings, is taking positive activity to alleviate a situation that has existed

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for over 200 years. But time, Madam Speaker, is longer than twine. I thank you.

Hon. Members: [*Desk thumping*]

Madam Speaker: Minister of Rural Development and Local Government.

Hon. Members: [*Desk thumping*]

The Acting Attorney General and Minister of Legal Affairs and Minister of Rural Development and Local Government: Thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: Madam Speaker, we are ad idem. We agree that this is a very important resolution requested of this House. Naparima has stood in usual fashion to chastise the Government, theatrics and antics. Young people will say he look like he was “bogling”, dancehall in “de” House, Madam Speaker. He cried, “What has this Government done?” He accused us of being slothful, Madam Speaker. “Why did it take them so long between October to now, Madam Speaker”? Madam Speaker, for the record, while the Member for Naparima was wining and dining in the United Nations at the expense of the people of Trinidad and Tobago, the pursuit of happiness for Naparima then appeared to be to persuade Marie Le Pen—

Mr. Hinds: [*Inaudible*]

Hon. F. Al-Rawi:—a far-right nationalist of the French government with an anti-African policy—

Mr. Hinds: Oh yes. Oh yes.

Hon. F. Al-Rawi:—to accept the aid and succour of the Member for Naparima.

Mr. Hinds: Yeah, dine with her.

Hon. F. Al-Rawi: Madam Speaker, that is the track record of the Member for Naparima.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: That track record did not find itself in agitating then Prime Minister, Kamla Persad-Bissessar—

Mr. Hinds: [*Inaudible*]

Hon. F. Al-Rawi:—to accept the resolutions of the United Nations. Madam Speaker, the Economic Sanctions Act, into which this statement pours, is one of the mechanisms for targeted financial sanctions. The hon. Member had nothing to say for five years and three months, because perhaps he was being polite, you do not speak with your mouth full—

Mr. Hinds: Yes, yes.

Hon. F. Al-Rawi:—eating the food of the people of Trinidad and Tobago, Madam Speaker.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: At least the hon. Member surely learned that, because not a single listing happened for five years—

Mr. Hinds: While Haiti was suffering.

Hon. F. Al-Rawi:—and three months in relation to ISIS—

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi:—in relation to terrorism, in relation to any of the United Nations Security Council resolutions; none.

Mr. Charles: [*Inaudible*]

Hon. F. Al-Rawi: And what happened, Madam Speaker? Nationals from this country found themselves leaving our shores to go and participate in an exercise in the caliphate of ISIS. And this hon. Member wants to come and tell us about dereliction of duty, Madam Speaker? We take no advice.

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Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: No advice from Marie Le Pen, aid and succour Naparima—

Mr. Hinds: Yes.

Hon. F. Al-Rawi:—eating from the plates of the people of Trinidad and Tobago as he did, Madam Speaker.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: No advice from that hon. Member because he will be judged by his track record, Madam Speaker. Imagine the hon. Member was positioned by the Member for Siparia in the United Nations, where all of the United Nations Security Council resolutions on terrorism were being disseminated month after month, week after week, and that hon. Member could not be bothered to stop “eating ah food” to tell the hon. Prime Minister then to do something about it.

Hon. Members: [*Desk thumping*]

Dr. Seecheran: Madam Speaker—

Hon. Members: [*Desk thumping*]

Dr. Seecheran: Madam Speaker, Standing Order 48(8). This Motion is not about the Opposition, and it is not about MP Charles.

Mr. Tancoo: 48(1), please.

Madam Speaker: Overruled.

Hon. F. Al-Rawi: Thank you, Madam Speaker. Yes, Madam Speaker, so Trinidad and Tobago needs to understand on this occasion who is telling us the story bogle-style and all, dancehall tripping and all, Madam Speaker, because the Member for Naparima is not the example that the Government takes.

Now, Madam Speaker, it is a matter of record that on February 23, 2023, the Cabinet secretary indicated that Cabinet had accepted the recommendations of the

hon. Attorney General. And the note to Cabinet, February 22, 2023, was for the adoption of the economic sanctions. Madam Speaker, let us get the correct timeline.

Trinidad and Tobago, coming out of a pandemic, insistent upon the region operating for food security, the region operating for energy security, the region leveraging its collective power for vaccines and public health, the regional approach to Haiti was critical. The Note to Cabinet is February 22, 2023. This is exactly 12 days after Caricom issued its collective statement, and we stand behind the hon. Dr. Keith Christopher Rowley, the Prime Minister of this country—

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi:—in ensuring that Caricom moves first.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: You see, Madam Speaker, that encouragement of Caricom moving as one, for the record today, we in Trinidad and Tobago are the first Caricom country to take action behind the United States—

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi:—and England and the European Union. We are the first Caricom country. In the Prime Minister of this country saying, “Caricom brothers and sisters, let us move as one, let us stand united”, the 22nd of February is 12 days after February 10th, Madam Speaker. We did not have the odium of a Prime Minister telling the rest of the Caricom, “We are not an ATM, we are not your bank, go from here”, Madam Speaker. We did not have the odium of a political leader who did not turn up to Caricom meetings, Madam Speaker, and took no part and parcel of it.

Instead, Madam Speaker, Trinidad and Tobago, taking the first step under

the economic sanctions order, as we do today, is demonstrative of the Prime Minister of this country taking this issue seriously, by our Cabinet, since February, approving these economic sanctions, Madam Speaker; of our Prime Minister ensuring that Trinidad and Tobago moved together with the rest of Caricom, Madam Speaker. And we were not “eating ah food” with Marie Le Pen, borrowing far-right policies of exclusion of people of colour, and different skin tones, Madam Speaker.

Mr. Hinds: Yes.

Hon. F. Al-Rawi: We were not involved with that, Madam Speaker. That is for the likes of people like Naparima, Madam Speaker. That is for the likes of people like Naparima, Madam Speaker.

Mr. Ratiram: Madam Speaker, Madam Speaker, I rise on Stand Order 48(6), the only person “eating ah food” is the person who is receiving rent.

Hon. Member: Rent?

Hon. Members: [*Desk thumping*]

Madam Speaker: Please continue.

Hon. F. Al-Rawi: Thank you, Madam Speaker. Madam Speaker, the legitimacy of the aim of this Bill to organize strength in numbers in the Caricom region, where today Caricom moves in a way that it never has before—my colleague, the hon. Stuart Young, is now in Suriname treating with energy issues for Caricom, Madam Speaker.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: The hon. Dr. Amery Brown is one of the most respected Ministers of Foreign and CARICOM Affairs in the Caribbean, Madam Speaker.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: The hon. Dr. Keith Christopher Rowley, the Member for Diego Martin West, is one of the most respected Prime Ministers, Madam Speaker.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: Let me tell you why I make these statements; not out of grandeur self-aggrandizement, Madam Speaker, but rather because the world of the United Nations bothered to elect into the highest office for this year a representative from the Republic of Trinidad and Tobago. Unanimously, Madam Speaker.

Hon. Members: [*Desk thumping*]

6.20 p.m.

Hon. F. Al-Rawi: And no jack in the box could ever stand in the Republic of Trinidad and Tobago—

Hon. Members: [*Crosstalk*]

Madam Speaker: Just now. Just now. In terms of the—

Mr. Hinds: [*Inaudible*]

Madam Speaker: Member, you know some things are unparliamentary even if they are said in jest. Okay? So the innuendo has not escaped me. Please find another way to say that. All right? The defence—I do not think the defence of the Member for Laventille West helps.

Hon. F. Al-Rawi: No defence required, Madam Speaker. Madam Speaker, the bobbings, the weavings, the intellectual dishonesty, Madam Speaker, is not something that we associate ourselves with, Madam Speaker. We leave that to others.

But, Madam Speaker, February 22, 2023, 12 days after the Caricom's unified position to treat with this issue, today the Republic of Trinidad and Tobago in its

Parliament, taking the lead in Caricom as we do, Madam Speaker, that is what you call putting action into effect, words into action, Madam Speaker. One thing I am absolutely confident about, the international arena, contrary to what Naparima has said on the record today, did not and has never chastised Trinidad and Tobago for not implementing laws under this Government. It in fact blacklisted us for operational failure under the UNC. And that was by way of a fourth round mutual evaluation conducted in January 2015, when Trinidad and Tobago completely failed its Financial Action Task Force review, Madam Speaker; just as the failure by Global Forum started under Sen. Larry Howai—

Mr. Lee: Madam Speaker—

Hon. F. Al-Rawi: I am responding—

Mr. Lee: —Standing Order 48(1). The Member is all over the place now.

Madam Speaker: Pointe-a-Pierre, is it 48(1) you raised? Overruled.

Hon. F. Al-Rawi: Yes, Madam Speaker. And in wrapping up, as I do, and in answering the direct statements from Naparima, I am saying there is no odium that this Government has not done what it has. In fact, Madam Speaker, under this Government, we received full passing grades from the Financial Action Task Force. Under this Minister of Finance, we had to re-engineer the cycles for review of the Global Forum because commitments were not met by the last government.

I will say in relation to this Motion, this resolution before us, Madam Speaker, that we are proud to stand in the gap for the people of Haiti, Madam Speaker. And with those words, I beg to move.

Hon. Members: [*Desk thumping*]

Question put and agreed to.

Resolved:

That the Statement of Her Excellency the President, pursuant to section 4(4) of the Economic Sanctions Act, Chap. 81:05, setting out the specific grounds on which the decision to make the Economic Sanctions (Implementation of United Nations Security Council Resolution 2653(2022) on the Republic of Haiti) Order, 2023 was based, be approved.

Madam Speaker: Leader of the House.

PAPER LAID

Statement of Her Excellency, the President, on the Economic Sanctions (Implementation of United Nations Security Council Resolution 2653(2022) on the Republic of Haiti) Order, 2023. [*The Minister of Health (Hon. Terrence Deyalsingh)*]

Mr. Charles: This was debated and it is now being laid?

TRINIDAD AND TOBAGO NETBALL ASSOCIATION (INC'N) (AMDT.) BILL, 2023

Order for second reading read.

Question put and agreed to: That a Bill to amend the Trinidad and Tobago Netball Association (Incorporation) Act, 1979, be now read a second time.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

Madam Speaker: This Bill has two clauses and a preamble.

House in committee.

Madam Chairman: Is it agreed that we can take the two clauses together and then we would do the preamble?

Mr. Deyalsingh: Yes.

Clauses 1 and 2 ordered to stand part of the Bill.

Preamble approved.

Question put and agreed to: That the Bill be reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

PENTECOSTAL ASSEMBLIES OF THE WEST INDIES

(INC'N) (AMDT.) BILL, 2023

Order for second reading read.

Question put and agreed to: That a Bill to amend the Pentecostal Assemblies of the West Indies Incorporation Act, 1965, be now read a second time.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

Madam Speaker: This Bill has two clauses and a preamble.

House in committee.

[Madam Chairman confers with the Leader of the House]

Madam Chairman: Yes?

Mr. Deyalsingh: Yes.

Clauses 1 and 2 ordered to stand part of the Bill.

Preamble approved.

Question put and agreed to: That the Bill be reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

TRINIDAD AND TOBAGO NATIONAL COUNCIL

ON ALCOHOLISM (INC'N) (AMDT.) BILL, 2023

Order for second reading read.

Question put and agreed to: That a Bill to amend the Trinidad and Tobago National Council on Alcoholism (Incorporation) Act, 1977, be now read a second time.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

Madam Speaker: This Bill has two clauses and a preamble.

House in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Preamble approved.

Question put and agreed to: That the Bill be reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

Madam Speaker: Leader of the House.

ADJOURNMENT

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. Madam Speaker, I beg to move this House do now adjourn to Friday, 23 June, 2023, at 1.30 p.m. Madam Speaker, on that day it is Private Members’ Day, and if my colleague could indicate which of his Motions he intends to do.

Mr. Lee: Thank you, Madam Speaker. On Friday, we will be debating Motion No. 1, which is on today’s Order Paper under Private Members’ Business, Motion No. 1.

6.35 p.m.

CONDOLENCES

(MR. ROOPNARINE RAMBACHAN)

Madam Speaker: Hon. Members, there is the matter of the tribute to be paid to a

former parliamentarian, and there are also four matters that qualify to be raised on the Motion for the adjournment. I have been informed that we would be only proceeding with Motion No. 2 and Motion No. 4. I am correct? Yes. So before I put the question, I will call upon Members to pay their respective tributes. Member for Diego Martin Central.

Hon. Members: [*Desk thumping*]

The Minister in the Office of the Prime Minister (Hon. Symon de Nobriga):

Thank you very much, Madam Speaker, and colleagues. Madam Speaker, it is my honour, sad as it may be, to offer a short tribute to Mr. Roopnarine Rambachan, former Member of Parliament for the constituency of Siparia, who departed this life on the 25 April, 2023, just two months shy of his 95th birthday.

Madam Speaker, Roopnarine Rambachan undoubtedly lived a life of service; service to his country as a Member of Parliament in the Second Independent Parliament, entering as a young vibrant 38-year-old in November 1966 until April 1971. And during his time as the Member of Parliament, the record will show that he never shirked his duty to his constituents or his party, the DLP, serving on multiple committees contributing to several debates on Bills and Motions. His life of service was not restricted only to his role as an MP. Roopnarine Rambachan, a lawyer by training, was called to the bar in Trinidad and Tobago, in January 1959, as a 30-year-old. He also operated his own law chambers in Siparia. And in 2009, I believe, he was honoured by the Law Association for having achieved 50 years of service at the bar. In 2010, his service was recognized by the State as he was awarded the Public Service Medal of Merit, silver.

And, Madam Speaker, if a life of service is a life well and truly lived, then Roopnarine Rambachan undoubtedly well and truly lived, and his memory will

live on through his works and the people he impacted. So, on behalf of the Government, I extended heartfelt condolences to his family, his friends and his loved ones.

Madam Speaker: Member for Fyzabad.

Dr. Lackram Bodoë (*Fyzabad*): Thank you, Madam Speaker. Madam Speaker, it is my honour and privilege to pay tribute to the late Mr. Roopnarine Rambachan, former Member of Parliament for Siparia, who died on Tuesday, 25 April, 2023. I bring condolences—actually I did know him personally. I bring condolences on behalf of the Leader of the Opposition and current Member of Parliament for Siparia, and my colleagues on this side.

Madam Speaker, although he served as a Member of Parliament for Siparia, Roopnarine Rambachan was well known to the people of the neighbouring constituency of Fyzabad where he had deep family roots. He served as the Member of Parliament for Siparia from 1966 to 1971, as a member of the Democratic Labour Party, with contemporaries like John Bharath, Rudranath Capildeo, Vernon Jamadar and Alloy Lequay on the Opposition Bench in the Second Independent Parliament of Trinidad and Tobago.

Madam Speaker, born on the 25 June, 1928, he would have been 95 in a few days. He was married to Indra Rambachan, née Maharaj, who in fact was the sister of the former Member of Parliament, Ramesh Lawrence Maharaj. He was admitted to the honourable Society of Lincoln's Inn in 1956 and called to the bar of Trinidad and Tobago on the 06 January, 1959. Madam Speaker, he practised as a lawyer for some 62 years, perhaps one of the longest serving practising lawyers in Trinidad and Tobago. And, of course, his professional career encompasses roles as attorney-at-law, barrister-at-law, notary public.

Madam Speaker, he served in the Parliament of Trinidad and Tobago from

1966 to 1971, during which time he was a member of four committees in this House, he participated in the debate on some 19 Bills, and he also participated in the debate on some 18 Motions, Madam Speaker.

Madam Speaker, without going into all of these Motions, I just want to select a few of the Motions which I know at that point in time would have been relevant to the people he served in the Siparia and surrounding areas. And some of these Motions included agricultural lands, with respect to oil pollution. Madam Speaker, at that time in the community of Fyzabad and Siparia and so on, the issue of oil pollution and oil spills was indeed a big issue that affected residents. The issue—a Motion on land acquisition; a Motion on the Siparia recreation ground, which would have been relevant because he would have spent a large time of his practice in Siparia; and, of course, of note, he participated in a Motion on cremation regulations. Being a Hindu himself, this would have been of particular interest and relevance to his own religious beliefs.

Madam Speaker, if I may quote former Member of Parliament, Surujrattan Rambachan, who is his nephew, and he has described his deceased uncle as:

The one who inspired him to enter politics and provided mentorship at critical points in his career as a whole.

And I quote again here, Madam Speaker:

He was my uncle, but a father also.

What is known about him is his generosity towards people, particularly those who needed representation in the courts. He was a lawyer who settled matters out of court by bringing parties together, perhaps practising alternative dispute resolution, ADR as we now call it, long before it became institutionalized. He understood the culture of the people he served and used it to resolve many difficult family issues in the community he served. Indeed, Madam Speaker, he

was the recipient of the Public Service Medal of Merit in 2010.

Madam Speaker, he was also known as the “Siparia Magistrate”, and in fact he would have been sitting in that chair, he would have been a spirit and a sense of deterrence for the young men in the area who would think twice before committing any crime and appearing before him. So he kept the younger boys out of trouble in Siparia and Fyzabad.

I had the privilege of knowing Mr. Rambachan personally. In fact, my last meeting with him was just a few years ago when he attended the 70th birthday of his nephew, Dr. Surujrattan Rambachan. And I recall him at the age of 91 still being physically active and quite articulate at that age.

He was a humble man who served his people and community with pride and distinction. Madam Speaker, he provided the inspiration and stepping stone for others from his very small community of Avocat, Fyzabad; Siparia, and for those who wanted to serve at the level of the Parliament, including his own nephew, former Member of Parliament Surujrattan Rambachan; former Member of Parliament, Chandresh Sharma; and myself to some extent, Madam Speaker, all around the same area that we grew up. He was a man who always found time to listen to others and on many an occasion would meet members of the community at his own home to try to resolve issues in the old-fashioned way of arbitration.

Madam Speaker, he leaves to mourn his son Rajendra, himself a sitting senior magistrate and his two grandchildren. On behalf of the Leader of the Opposition, on behalf of my colleagues on this side, and on behalf of myself, Madam Speaker, I extend deepest condolences to his loved ones and pray that his soul may rest in peace. Thank you.

Madam Speaker: Hon. Members, I too wish to pay tribute to Mr. Roopnarine Rambachan. Mr. Rambachan served as an Opposition Member under the

Democratic Labour Party in the Second Independent Parliament, November 1966 to April 1971. He was the Member of Parliament for the constituency of Siparia. During his parliamentary term, the late Mr. Rambachan contributed to numerous Bills and Motions at the Parliament. Some of these Bills included the Industrial Stabilisation (Amdt.) (No. 2) Bill, the Cocoa Industry Rehabilitation Bill, the Municipal Corporations (Amdt.) Bill, National Insurance Registration Bill, and Unemployment Levy Bill, among others. He also contributed to Motions on some clearance and housing temporary provisions, rent restriction exclusion order, cremation regulations, taxi and taxi drivers' restrictions, and many others.

Hon. Members, in addition to being known for his service to his constituency, in the arena of politics, Mr. Rambachan's penchant for service was grounded in his dedication to his profession, law. I am informed that he has been described by his contemporaries as an, and I quote:

Influencer par excellence in law.

The late Mr. Rambachan was admitted to the Honourable Society of Lincoln's Inn on 15 October, 1956, and called to the degree of utter barrister on 25 November, 1958. Shortly thereafter, he returned to Trinidad and Tobago, and on the 06 January, 1959 he was called to the bar of Trinidad and Tobago.

I am further informed that Mr. Rambachan's life was centred around his work, and that his desk and library were his favourite places. His devotion to his profession was such that this was recognized nationally when he was awarded the Public Service Medal of Merit, silver, for law in 2010.

I take this opportunity to express my deepest condolences to the Rambachan family during this time of mourning. I pray that the Almighty grants them peace and consolation during their 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 his soul rest in peace. Hon. Members, an appropriate letter will be sent to convey our condolences to the family of the late Mr. Roopnarine Rambachan.

So, Member for St. Augustine, Motion No. 2.

Hon. Members: [*Desk thumping*]

**Crime in the Train line, Freeman Road Extension, St. Augustine South
(Government's failure to deal with)**

Ms. Khadijah Ameen (*St. Augustine*): Thank you very much, Madam Speaker. Madam Speaker, my Motion which was filed on the 23rd May, just close to a month ago, has to deal with the failure of the Government to deal with the escalating crime in the train line, Freeman Road Extension, St. Augustine South, which falls in the constituency of St. Augustine. And it is really a plea from me, on behalf of the constituents, a plea to the Government to intervene in a meaningful way to reduce and put a stop to the murders on the train line and protect the law-abiding citizens in that area.

Madam Speaker, it takes a village to raise a child, but if young people do not feel as if they are part of the village, they will burn it down to feel its warmth. That is an adaptation of an African proverb used by Craig Pinkney on a TED Talk that I found so interesting. But it speaks to the collaboration with community and how important getting the community involved is in crime fighting and in reducing crime.

Madam Speaker, at the very beginning of the year, on the 24th of January, 16-year-old student, Darshan Ramnath, was gunned down. Another gentleman by the name of Mr. Shah was also killed on that day. The trauma in the community did not end there. In fact, not long after, on the 3rd of March, a young 26-year-old

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mother, Aneesa Ramkissoon, who was a mother of three, and her last child was just one month old, was also gunned down in her home on the train line. On the 6th of April, Daniel Riley, aged 21, was gunned down and his girlfriend who was shot, their unborn baby died as well. On the 26th April, Dillon Joseph, aged 30, was killed at the roundabout in Caroni. A couple days after that, in the wake of Dillon Joseph, Chris Pooran was killed. Chris Pooran, aged 24, was killed in the wake.

A couple weeks after Roger Maraj, aged 42, was killed. And you see these killings happening back to back, but in the midst of that as well, several houses were burned down, and a vehicle was also burnt. So you had this murder, arson, and complete lawlessness, and residents living in absolute fear.

6.50 p.m.

As the Member of Parliament, I have written several letters I have sent emails to the TTPS, to the Commissioner of Police, to the Minister of National Security. I have made numerous public appeals to those in authority because people are living in absolute fear. Some persons have moved out of the area. There is now a total disruption in the services in that area. For instance, goods vehicles that normally visit the parlours are afraid to go. NGOs and charitable organizations that do good humanitarian work in the train line and other places are very concerned about going into those areas. You have government agencies as well, for instance, when constituents apply for grants from the National Commission for Self Help, when they apply for social welfare assistance and so on, officers of those Ministries and agencies are required to visit the homes. And these persons are very much in need, they are not involved in the crime in any way,

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but because of that fear now there is a disruption in terms of the services coming to them.

The train line has now become a place, where once they see your address, the stigmatization. I have experienced parents who applied for their children to go to certain primary schools, and they were turned down and they feel it is because they live in the train line, because the school is so skeptical about the violence and the criminal involvement of those who live in the train line. And the same applies for people who are seeking jobs—and jobs are already so difficult to find, but now with that stigmatization, some of them are finding it additionally difficult.

As a Member of Parliament, I have been advised that it is dangerous, you should not go there. But even before I became the Member of Parliament for St. Augustine, I was the Councillor for the St. Augustine South area. And I have known that area as a peaceful area, where even if residents have a dispute, you know, they might quarrel with each other, they might pull a cutlass, but we did not have the violence and the guns and so on. And I believe in the law-abiding citizens who live there, and I believe—and that is why I have committed myself to stand with the law-abiding citizens of the train line.

Mr. Indarsingh: Oh yes.

Hon. Member: Yeah.

Hon. Members: [*Desk thumping*]

Ms. K. Ameen: So, Madam Speaker, I, as a Member of Parliament in St. Augustine, I do these, what I call, MP home visits. I have conducted MP home visits to every home on the train line. I have had walkabouts to treat with specific complaints, not necessarily to do with crime, but other issues, other complaints in

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the area. I have held career guidance days in the nearby community centre. We have had distribution of cooked meals. We have had medical clinics in collaboration with religious organizations.

Mr. Indarsingh: Talk to the Minister of—*[Inaudible]*

Ms. K. Ameen: We have had social services clinics in the community centre as well, with a specific outreach to the people of the neighbouring train line and so on. I have attended meetings at the St. Joseph Police Station and I have asked for them to collaborate with my office in terms of community outreach. I have also reached out to the head of the Police Youth Club, of that division, I think it is called the Northern Division. I have sought permission from the St. Augustine South Community Centre, which is on Freeman Road, closer to the highway just north of the train line, for them to accommodate the Police Youth Club. And even though it will be an inconvenience to the rest of the community, in terms of use of the community centre, we feel that it is worthwhile to accommodate the Police Youth Club there because there may not be any other suitable facility in the community unless the Ministry approves a building that could be used as a Police Youth Club. And I want to make that request here that a piece of land could be identified in the St. Augustine South area to host a Police Youth Club because you have the train line, you have the Dookiesingh Extension, which is a registered squatting area and so on, and you have many at-risk young people and a Police Youth Club will be very, very worthwhile there.

Mr. Indarsingh: Yeah.

Hon. Members: *[Desk thumping]*

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Ms. K. Ameen: Now, as I indicated, Madam Speaker, this Motion was filed on the 23rd of May, which is just about a month ago. And since then I have seen an increase in the police presence, and for that the residents are very grateful. But my question is—we must put sustainable measures in place. So you will have police patrols, but what happens after? Certainly you will not be able to have an indefinite police presence in that area every day. And so, what I am asking for is to see the situation—let us deal with the root of the situation and let us bring healing to this community because there are many people who have lost their loved ones.

There are people who have witnessed traumatic murders, they have seen people gunned down in front of them. There are those who were hiding from the bullets, and the homes in the train line are mostly wooden homes and some galvanized and galvanized fences which were penetrated by the bullets. So there were people who were in their house, but bullets would have penetrated.

So the trauma around those murders, the houses that were burnt down, and so on, there is a real healing that has to take place. And, of course, what happens as well, very often when you have this type of criminal activity, is the tendency to have revenge killings, and this could cause things to spiral out of control if the victims and their relatives feel that justice will not be done. And we have seen the slow pace of justice in Trinidad and Tobago. We have seen a lack of confidence in the police. We have seen a lack of confidence in the Judiciary and many victims feel hurt and they feel that—and that hurt is not processed, they feel forgotten and because of that creating that sense of injustice, people tend to take matters into their own hands. So I am appealing for us to bring some healing to this community.

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It is important for us to not just speculate, but I am calling on the Minister to collaborate with the agencies necessary to gather data and ascertain the needs and issues and the root causes of the criminal activities in this area. Let us not just make presumptions. We must have public education and training, including sensitization, whether it is through lectures, workshops and so on, on the social issues impacting families in this area. We must network and collaborate with local and regional and even international agencies to promote functioning families in those areas. There are numerous agencies of the State—

Madam Speaker: Member, your time is now spent.

Hon. Members: [*Desk thumping*]

Madam Speaker: Minister of National Security.

Hon. Members: [*Desk thumping*]

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you very much, Madam Speaker. Madam Speaker, I want to begin by establishing that this problem of crime around Trinidad and Tobago, including the train line, Freeman street area, is of deep and serious concern to law enforcement, particularly the police, certainly the Government of Trinidad and Tobago. It is quite serious. People, citizens are deeply affected by it and as a consequence, the Government is doing what a government must in order to ensure that we get on top of that.

Insofar as the police is concerned and in that specific area—and this is replicated across the country wherever we have this gang problem and these problems manifesting themselves. The Trinidad and Tobago Police Service, I can assure you, remains steadfast in its approaches and initiatives aimed at counteracting and suppressing that kind of crime and criminal activity.

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Gang units have been established in every one of the 10 police divisions across Trinidad and Tobago; staffed, trained, equipped, motivated and directed at the job. Particular focus is being paid in that area in particular to a gang known to the police and operating in that area. The prolific offenders, the leaders, the very busy activists in that criminal enterprise, are being targeted as prolific offenders by the police, to the extent that recently five major players from the gang operating in there have been arrested and charged by the police for gang-related and other offences.

The police is focused, as a major plank of its policy, on gun retrieval. And for those who take time to observe what is happening in the papers and for those in the know, like me as Minister, on a daily basis the police are pursuing and finding guns. In fact, up to last weekend, the long weekend, they found a UNC potential—a candidate for the UNC—well, a prospective candidate—nomination “eh” reach yet—with a gun. He was arrested and charged. I am sure the Member for St. Augustine will know about it and that. But I must report that to you, Madam Speaker. The Member knows very well.

And, Madam Speaker, as well, we understand—because the Government has announced that we will take violence and the crime that flows from that violence as a public health concern. So we have been—and I will demonstrate that promptly. But we are now more focused on the issues around dealing with violence as a public health concern, the way we treated with COVID; before the baby is born, the kind of family environment it grows in, the nurturing, the education, the home and all of the things, nutrition to deal with mental health issues of the human person, of communities. Hence the reason why, we have stepped up our housing

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programme to build family life in the houses we have been providing in this country since 1961. So when you hear me say, Madam Speaker, we have always been doing it and we are now accentuating it, this is what we are talking about, a health system, seamless.

I got a call from someone from St. Augustine who told me that he was in the hospital at the time of the call about to experience, to enjoy the benefits of a surgery that otherwise he would not have been able to pay for. That is an understanding by the Government as to dealing with the issues, the social issues that the Member for St. Augustine just spoke about.

The Ministry of Social Development and Family Services: the Member spoke about the self help programme, which you will find in the Ministry of community development, but in the Ministry of Social Development and Family Services, there are a whole host of programmes and benefits for people who need the support of the State in order to live.

The Ministry of Education: doing all that it is doing, providing an opportunity for formal education and technical training and so on. Well “doh” talk for the Ministry of Youth Development and National Service, dedicated to young people, including those from Freeman Road and from the train line in St. Augustine, who can all benefit. The Member spoke here today about the 97 Police Youth Clubs and would like to have one operating in that area. I am sure the police will continue to collaborate with her and—but the Member must understand, as a parliamentarian, we all have a duty as citizens to support the Government in the Parliament here when we bring appropriate legislation to push back crime, to push back the criminals. The Member must understand that that is part of the fight

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and she must support the measures when we bring them here—and when I say “she”, I mean the Member for St. Augustine and her Opposition, obstructionists sometimes.

Madam Speaker, the other thing is citizens are expected to assist the police with information, support the police in dealing with it. Citizens should not be calling inmates in the jail before an election and inviting them to favours for political support.

Mrs. Beckles: Who did that?

Hon. Member: Oh my!

Hon. F. Hinds: Citizens must not do that, and certainly not Members of Parliament. And if Members of Parliament, the Member for St. Augustine, knows anyone in that area who carries around a gun, it is the duty of the Member to protect—

Hon. Members: [*Desk thumping*]

Hon. F. Hinds: —in terms of protecting her constituents on the train line, to report it to the police, so that the police in their very massive gun retrieval exercise will go in there with clinical and professional expertise and take the gun to make the community safer.

Hon. Members: [*Desk thumping*]

Hon. F. Hinds: All of these things I want to commend to the Member for St. Augustine, who pleaded with us here today, and I would like to plead with her that she must give genuine support to the officers, to our efforts as a Government; the GRACE programme—the Gang Reduction and Community Empowerment

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programme, a national programme designed to make communities like train line more resistant and more resilient to the advances of gangs.

One mother told me some time ago that she was frightened for her 10-year-old son because adult criminals in the community were actively recruiting these children, and I am sure it is happening in Freeman Road as well. And therefore, we support the GRACE programme and these are some of the measures that we are taking to push back crime and criminal activity.

7.05 p.m.

So, in conclusion, I have outlined the actual application of good, solid policing in that area, leading to the arrest and charge of five gang members within recent times. And I was happy to hear the Member for St. Augustine tell us that that since she filed this Motion, a month and a half or so ago, she would have seen and she would have been hearing from her constituents about more regular and persistent police patrols. I can assure the Member that police officers, led by ACP Mystar out there in the Northern Division, led by Senior Superintendent Ramphal, led by Senior Superintendent—what is my young—[*Inaudible*]
—who was—

Mr. Al-Rawi: [*Inaudible*]

Hon. F. Hinds: No, no, no. A Senior Superintendent, Northern Division, or a top-level professional. I could see him now, he is an attorney at law, he worked with you in the AG's Office. His name just would not come. But when I tell you, a top-level professional police, leading Northern Division as it was. Because recently, because of the size and the manageability issues around it, we separated the Northern Division into North Central and Northern Division. He leads the Northern Division, responding to the problems there, getting the children off the

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streets so that they would not mangle on their way home from school.

And that is the kind of activity, I can tell you, Madam Speaker, that is being carried out by the police in those divisions and supported by a Government that is now treating violence as a public health issue with all of its implications. All that is missing is the parliamentary support and the emotional support of our friends on the other side who have a track record, it appears to me, speaking frankly, as protecting and supporting persons what are not inclined to good, civilized social behaviour—

Hon. Members: [*Desk thumping*]

Hon. F. Hinds:—sometimes, Madam Speaker, even in the jail.

So, Madam Speaker, with those few words, I give the Member for St. Augustine the assurance that anyone found by the police in that area in possession of a gun or carrying out criminal activity, UNC candidate or not, known to the Member or not, the police will act to bring safety and security to her constituents in that neighbourhood. I thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Barataria/San Juan.

Observers for the Local Government Elections

(Government's Need to Invite)

Mr. Saddam Hosein (*Barataria/San Juan*): Thank you very much, Madam Speaker—

Hon. Members: [*Desk thumping*]

Mr. S. Hosein:—for giving me the opportunity to raise a very important matter involving—

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Hon. Members: [*Crosstalk*]

Madam Speaker: Members, I am now recognizing the Member for Barataria/San Juan to raise his Motion.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: Thank you again, Madam Speaker. Madam Speaker, thank you for giving me opportunity to raise a matter touching and concerning the democracy of Trinidad and Tobago. We are on the eve of a local government election that will be held on August 14, 2023. And this Motion surrounds the fact that we are asking, we are begging, we are pleading from this Government to invite observers—

Hon. Member: Yeah.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein:—for this local government election. This, Madam Speaker, is to ensure fairness, it is to ensure transparency, it is to ensure integrity and trust in the electoral process.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: Madam Speaker, when the Leader of the Opposition, the Member for Siparia, echoed this call in the public, it was immediately met with rejection and objection by the Member for Diego Martin West, the Prime Minister, and immediately that raised several red flags, Madam Speaker. The fact that we are calling for increased transparency, increased accountability and fairness in the electoral process, and then the ruling Government says, “No, we are not going to invite international observers for this election”, Madam Speaker, that raises red flags in this entire process. But I am not here to discredit any organization, I am not here to discredit any person. What I am here to do today, Madam Speaker, is to

ask this Government to add an extra layer of transparency in the electoral process—

Hon. Members: [*Desk thumping*]

Mr. S. Hosein:—on August 14th.

Madam Speaker, there are several reasons that I have premised this particular Motion on because this is no ordinary election. There is a lot at stake in this particular election. And a lot is at stake because this election would not have been called if it was not for a decision of the Privy Council—

Hon. Members: [*Desk thumping*]

Mr. S. Hosein:—where there was a challenge in terms of the application of a particular law to extend illegally the terms of councillors and aldermen, and the terms of councils of the local government system.

This Government fought tooth and nail, Madam Speaker. They fought in the High Court, they fought in the Court of Appeal, they fought in the Privy Council, they even came to the Parliament and fought, and they lost at all stages.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: And then they now come to say that they are not inviting observers for this election, Madam Speaker. Madam Speaker, that is entirely undemocratic, as we see it on this side, Madam Speaker. It does not matter which side of the House that we stand on. If any particular person, party or group calls for increased accountability in the electoral process, I can see no good reason for the Government refusing that. I can see no good reason, Madam Speaker.

If I go into the history—and again, I say I cast no aspersions on any institution, but there have been declarations by our own courts, Madam Speaker, where the EBC has been declared to have acted unlawfully and illegally in 2015,

when the extension of the one hour for the period of voting—when that was done.

Madam Speaker, there are other reasons in which the Opposition Leader would have raised. The Member for Diego Martin North/East also in the past would have raised several concerns involving the electoral process with dead persons being allowed to vote. And that Member was very vocal in the past, Madam Speaker, that it lead to a commission of enquiry into the Elections and Boundaries Commission. So, Madam Speaker, we are not casting aspersions, but the fact is we are calling for accountability and transparency, fairness—

Hon. Members: [*Desk thumping*]

Mr. S. Hosein:—in the electoral process.

The fact that this Government has unlawfully tried, attempted to postpone this local government election is another reason why we should have observers, Madam Speaker. Madam Speaker, as an attorney-at-law, we have learnt the test of bias—and I am not accusing any person of bias. The test is very clear on something called apparent bias. Recently, it was raised in the—I saw it was raised in the House of Commons where there is a decision in Pinochet, where Lord Hoffman at that time indicated, and the test was settled, that if—the person does not have to be biased but if there is a perception, if here is an apparent bias—

Hon. Members: [*Desk thumping*]

Mr. S. Hosein:—that person ought to recuse themselves. And, Madam Speaker, I raise this in the context of, currently, a senior official in charge of the entire electoral process is the family member of a senior official of the People's National Movement.

Hon. Members: Not true.

Mr. S. Hosein: Madam Speaker, they will have an opportunity to respond to the

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facts that I have placed on the record, Madam Speaker. And, Madam Speaker, that is a test of apparent bias. The fact—

Hon. Members: [*Interruption*]

Mr. S. Hosein:—that—

Hon. Members: [*Interruption*]

Mr. S. Hosein: The fact speaks of—

Madam Speaker: Right. So, Members, I am sure somebody from the Government will have an opportunity to respond to this Motion. I would like to hear the Member for Barataria/San Juan. Continue.

7.15 p.m.

Mr. S. Hosein: Thank you very much, Madam Speaker. Madam Speaker, again I say, I cast no aspersions but the facts speak for themselves. The facts speak for themselves in this particular matter.

Madam Speaker, we are here at crossroads. This election—as I said, there is a lot at stake in this election on August 14th and I can see, as I said before, there is no good reason for this Government to not invite observers. The election is about two, over two months away, Madam Speaker, there is enough time. When we had asked for election observers in the 2020 general election, again, there were no election observers in that particular election. But I want to take back the Government to the past. I have an article in my hand here dated the 3rd of June, 2015, and it is a Trinidad *Guardian* article which says the:

“PNM issues SOS for election observers”.

So today, Madam Speaker, we are now issuing an SOS for election observers.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: And then Opposition Leader, Dr. Rowley, in a letter dated May

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29th he wrote, he wrote to an international body, the secretariat—Commonwealth Association Secretariat asking—making a clarion call for electoral observers, asking for an entire mission to be in Trinidad and Tobago to observe that 2015 election. And I hear the Prime Minister like to say, “We like to write too much letters all over the world”. But here is the Prime Minister writing letters in 2015 asking for election observers—

Hon. Members: [*Desk thumping*]

Mr. S. Hosein:—issuing an SOS, save our souls, Madam Speaker. But, Madam Speaker, I know the right-thinking people of Trinidad and Tobago will hear our SOS, save our souls from the PNM. Save it.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: But in order to that, Madam Speaker, we must have a secured, we a must have a fair and we must transparent electoral process. And I thank you very much, Madam Speaker, for allowing me this opportunity to raise this issue on behalf of every citizen of Trinidad in this local government election.

Madam Speaker: Minister of Rural Development and Local Government.

The Acting Attorney General and Minister of Legal Affairs and Minister of Rural Development and Local Government (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, my learned friend, the hon. Member for Barataria/San Juan, has said that there is an SOS to be called in relation to the local government elections. And then the hon. Member says, “No aspersions cast, it is okay”, and then holds up a trump card to say, “Somebody in the PNM related to somebody in the EBC”. Madam Speaker, this is not the first time we have heard the Members opposite make that allegation. And on every occasion that it was made, first in relation to Maxie Cuffie being related to another Cuffie spelt

differently, Madam Speaker, not an ounce of it turned out to be true.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: And, Madam Speaker, I say that without fear of contradiction because Trinidad and Tobago—if it is one thing the UNC does, is that it runs to court on every occasion. And in running to court on every occasion, 90 per cent of the time losing the matters, Madam Speaker, one thing that happens is that it has been proven that our courts are transparent.

Now, Madam Speaker, let us deal with the mischief that the hon. Member raises. The hon. Member seeks to compare the then Leader of the Opposition, now Prime Minister Dr. Rowley's call for an SOS in a general election. Holds up—Barataria/San Juan holds up the supposed relationship of undisclosed and unknown people, just makes it up and compares that to Project ICON's Gregory Bissessar and Cambridge Analytica, now proven by the world to be true in the 2015 general election, and seeks to draw a comparison that Prime Minister Rowley's call as Leader of the Opposition is an SOS of similar nature to what they say now.

Hon. Members: [*Interruption*]

Hon. F. Al-Rawi: Madam Speaker, the Elections and Boundaries Commission, which has the role and function of supervising the local government structure pursuant to the law, Madam Speaker, which is Chap. 25:50, the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, triggers the Elections and Boundaries Commission to produce reports. The Elections and Boundaries Commission is a creature of the Constitution. Sections 70, 71 and 72 of the Constitution see the Elections and Boundaries Commission, and they are deeply entrenched provisions pursuant to section 54. Section 54 of the Constitution sets up that to amend any aspect of section 70 you need a two-

thirds majority of the Parliament. To amend any aspect of sections 71 and 72, dealing with the EBC, you need a three-quarters majority.

And the independence of the EBC of this country is so excellent, Madam Speaker, so world renowned, Madam Speaker, that notwithstanding all of the allegations made here today—if you go to the EBC's website, Madam Speaker, and you pull up “Publications & Reports”, you will see, “Report of the Elections and Boundaries Commission on the Local Government Bye-Election District of Debe South; Report of the Elections and Boundaries Commission on the Tobago House of Assembly”; “Thirteenth Report of the Elections and Boundaries Commission on the Boundaries of the Electoral Area of Tobago”; report of the Election and Boundaries Commission, THA again; “Report of Elections and Boundaries Commission on the Local Government Bye-Elections in the District of Morne Coco/Alyce Glen”; “Report of Elections and Boundaries Commission on the Local Government Bye-Elections in the Electoral District of Hollywood”; “Report of the Elections and Boundaries Commission on the Local Government Bye-Elections in the Electoral District of Hindustan/St. Mary's”, similarly for districts—

Mr. Charles: 48(1), observers or no observers?

Madam Speaker: Member. Just—Member. Member for Naparima.

Hon. Members: [*Crosstalk*]

Madam Speaker: Member for Naparima, having regard to your seniority, I am sure you know rules and you understand the rules. Okay? So you know how you make an interjection. If your friend does not allow you, then you know what to do. You cannot just stand up and override his speaking. Your training and your manners, of which you speak of here all the time, demands so much more of you.

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Hon. F. Al-Rawi: Madam Speaker, as I press on, Madam Speaker, the attempt being—

Mr. Charles: [*Inaudible*]

Hon. F. Al-Rawi: I am not giving way, Naparima.

Hon. Members: [*Desk thumping*]

Madam Speaker: All right. All right. All right. So—

Mr. Charles: Standing Order 48(1), Madam Speaker.

Madam Speaker: And overruled.

Mr. Charles: All right.

Hon. F. Al-Rawi: Madam Speaker, all of these EBC reports, notwithstanding the attempt to burn time by interruptions, demonstrate umpteen reports; report after report of our EBC, with not an ounce of complication, be they local government elections, THA elections or general elections, Madam Speaker, since 1962 Constitution, '76 Constitution, Madam Speaker. And even if you were take the argument of Barataria/San Juan at its highest, dealing with the election rules that came for analysis during the 2015 election, it demonstrates the transparency of our electoral process, that our courts were able to make determinations in relation to election rules and still have free and fair elections, Madam Speaker, to the point where the UNC has millions of dollars in legal costs to pay the PNM in relation to those failed election petitions, Madam Speaker.

Now, Madam Speaker, should anyone just capitulate and receive election observers simply because the UNC says so, the argument that my friend opposite brings is that this Government was not calling elections unless the court said so. Madam Speaker, there was no determination by any court anywhere that the law on reform was illegal. There was an interpretation that the law did not apply to

incumbents. That is what the Privy Council's decision, which reversed the Court of Appeal and High Court, said. The election on the interpretation—the interpretation on the election was that it did not apply to incumbents, Madam Speaker. Madam Speaker, our EBC is transparent. Our EBC has an uninterrupted record.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: But what my friend does here is that—the Member is pouring scorn on the entire media corp in Trinidad and Tobago, the Fourth Estate of Trinidad and Tobago. In our structure of governance, in Trinidad, Madam Speaker, in a local government election, we have so much transparency and so much coverage that the hon. Member is pouring scorn on the media. But, Madam Speaker, if you read any one of the EBC reports and you look at the statistical information available from 1962, onward, you will see the number of votes, the distribution of parties, the registered electors. Madam Speaker, the statistical spread is so significant and so deep and so well analyzed that any untoward result would easily be detected if there was an election gone wrong.

Madam Speaker, the Opposition—we understand their call for election observers, you know, because that is what they want in the UNC internal elections. They “doh” really need it in a local election, Madam Speaker. We are not a party that is open innitency in warfare with itself. We understand that the attempt is to distract the population from the defections and difficulties that they are facing, where their own party is cannibalizing their issues with their political leader who is not even here, Madam Speaker.

Mr. Hosein: Madam Speaker—

Hon. F. Al-Rawi: And, Madam Speaker—

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Mr. Hosein: Madam Speaker, I rise on Standing Order—

Hon. Members: [*Interruption*]

Mr. Hosein: I respectfully rise on Standing Order 48(1). This is for the local government elections, not the UNC internal elections.

Madam Speaker: Please proceed.

Hon. F. Al-Rawi: Yes, Madam Speaker.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: So as you look to the confusion—you see, Madam Speaker, when you are in a state of panic—

Ms. Ameen: He have nothing to hide.

Hon. F. Al-Rawi: Who “ain’t cross floor, looking to get lock up”, Madam Speaker.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: When you are looking at the difficulties opposite, their attempt is, unfortunately, to come and sully the reputation of one of the most excellent entities, constitutionally entrenched—the Elections and Boundaries Commission of Trinidad and Tobago is such an excellent body, Madam Speaker, that we have the historical record of our Elections and Boundaries Commission finding itself in Africa, in newly independent Africa—

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi:—to set up other EBCs of the same type, Madam Speaker. Madam Speaker—

Hon. Member: Newly independent.

Hon. Member: That is performance.

Hon. F. Al-Rawi:—we have faith—

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Hon. Members: [*Crosstalk*]

Madam Speaker: Member for Naparima, I think sometimes you really, in your exuberance, forget where you are. And Member for Port of Spain South.

Hon. F. Al-Rawi: Madam Speaker, we have faith in the independent body that is the Elections and Boundaries Commission. If there was a scintilla of truth or veracity in the statements of the Member for Barataria/San Juan—

Mr. Ratiram: Madam Speaker, I rise on Standing Order—

Hon. F. Al-Rawi:—that there was—

Mr. Ratiram: Madam Speaker, I rise on Standing Order 48(1). It is either they are going to provide independent observers or not. He is dancing all over and not—

Hon. Members: [*Desk thumping*]

Madam Speaker: Member, your time is now spent.

Hon. Members: Ohhh!

Hon. Members: [*Desk thumping*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.27 p.m.