

HOUSE OF REPRESENTATIVES*Friday, April 12, 2024*

The House met at 1.30 p.m.

PRAYERS[MR. DEPUTY SPEAKER *in the Chair*]**PAPERS LAID**

1. Year 2024 Report of the Elections and Boundaries Commission on the Review of Constituency Boundaries Pursuant to Section 72 of the Constitution of the Republic of Trinidad and Tobago. [*The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis)*]
2. Trinidad and Tobago Revenue Authority (Extension of Period) (No. 2) Order, 2024. [*The Minister of Finance (Hon. Colm Imbert)*]
3. Annual Report and the Audited Financial Statements of the Heritage and Stabilisation Fund (HSF) of the Republic of Trinidad and Tobago for the year ended September 30, 2023. [*Hon. C. Imbert*]
4. Annual Report and the Audited Financial Statements of the Central Bank of Trinidad and Tobago for the financial year ended September 30, 2023. [*Hon. C. Imbert*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the College of Science, Technology and Applied Arts of Trinidad and Tobago for the year ended September 30, 2009. [*Hon. C. Imbert*]
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the College of Science, Technology and Applied Arts of Trinidad and Tobago for the year ended September 30, 2010. [*Hon. C. Imbert*]

UNREVISED

7. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Proceeds of Crime Act, Chap 11:27 Seized Assets Fund Account for the year ended September 30, 2023. [*Hon. C. Imbert*]
8. Audited Financial Statements of the Water and Sewerage Authority for the year ended September 30, 2021. [*Hon. C. Imbert*]
9. Audited Financial Statements of the Water and Sewerage Authority for the year ended September 30, 2022. [*Hon. C. Imbert*]
Papers 3 to 9 to be referred to the Public Accounts Committee.
10. Annual Report and Audited Financial Statements of First Citizens Depository Services Limited (formerly First Citizens Asset Management Limited) for the financial year ended September 30, 2023. [*Hon. C. Imbert*]
Paper 10 to be referred to the Public Accounts [Enterprises] Committee.
11. Report on the Management of the Seized Assets Fund for the financial year ended September 30, 2023. [*Hon. C. Imbert*]
12. Public Procurement and Disposal of Public Property (Simplified Procurement) Regulations, 2024. [*Hon. C. Imbert*]
13. Annual Administrative Report of the National Maintenance Training and Security Company Limited for the year ended December 31, 2015. [*The Minister of Public Utilities (Hon. Marvin Gonzales)*]
14. Submission to the Competent Authority of ILO Convention No. 191 and ILO Recommendation No. 207 concerning Safe and Healthy Working Environment (Consequential Amendments) and ILO

Recommendation No. 208 concerning Quality Apprenticeships. [*The Minister of Labour (Hon. Stephen Mc Clashie)*]

15. Response of the Office of the Attorney General and Ministry of Legal Affairs to the First Report of the Joint Select Committee on National Security on An inquiry into the Criminal Justice System in Trinidad and Tobago to determine strategies to achieve greater efficiency and effectiveness. [*Hon. C. Robinson-Regis*]
16. Ministerial Response of the Ministry of Social Development and Family Services to the First Report of the Joint Select Committee on National Security on An inquiry into the Criminal Justice System in Trinidad and Tobago to determine strategies to achieve greater efficiency and effectiveness. [*Hon. C. Robinson-Regis*]

JOINT SELECT COMMITTEE

Representation of the People (Amdt.) (No.2) Bill, 2020

Presentation

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly once again, Mr. Deputy Speaker. I have the honour to present:

Interim Report of the Joint Select Committee appointed to consider and report on the Representation of the People (Amdt.) (No.2) Bill, 2020, Fourth Session (2023/2024), Twelfth Parliament.

Mr. Deputy Speaker: Member for Fyzabad.

Hon. Members: [*Desk thumping*]

URGENT QUESTIONS

Seven Neonatal ICU Deaths

(Status of Investigation)

UNREVISED

Dr. Lackram Bodoë (Fyzabad): Thank you very much, Madam Speaker. To the Minister of Health: In light of the unexpected deaths of seven babies during the period April 2-9, 2024, at the Neonatal Intensive Care Unit of the Port of Spain General Hospital, will the Minister provide the status of the investigation into these tragic neonatal deaths?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, it is my intention to make a fulsome statement in a short while and I ask that we treat with the matter then. Thank you.

Hon. Members: No, no, no. [*Crosstalk*]

Mr. Indarsingh: Question was approved.

Mr. Deputy Speaker: Okay. Hon. Members, hon. Members a question has been posed, the Minister of Health has given an answer, all right? And, Mr. Minister, I do not know if you care to add anything to what you have said?

Hon. T. Deyalsingh: Mr. Deputy Speaker, two minutes will not allow me to make a fulsome reply and I ask that I will be allowed to do so in a ministerial statement.

Mr. Deputy Speaker: All right, okay. So again, based on what the Member has said, we would go according to a supplemental. Proceed.

Dr. Moonilal: Thank you very much, Mr. Deputy Speaker.

Mr. Deputy Speaker: For the records, Oropouche East.

Dr. Moonilal: Thank you very much, Mr. Deputy Speaker. In light of the non-answer of the Minister on this critical tragedy—

Hon. Members: [*Desk thumping*]

Dr. Moonilal:—would the Minister indicate whether or not they have identified whichever institution or persons are to blame for this unparalleled tragedy that faces the nation at this time?

Mr. Deputy Speaker: Minister of Health.

Hon. T. Deyalsingh: Mr. Deputy Speaker, I will be making a fulsome statement in a very short while.

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: Second supplemental, Oropouche East, Member.

Dr. Moonilal: Yeah, of course.

Hon. Members: [*Desk thumping*]

Dr. Moonilal: In light of the Minister's non-answer, could the Minister indicate whether his resignation on this matter is forthcoming given the tragedy of seven babies dying?

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: Based on the question posed and the answers given I will not entertain at this time. Member for Princes Town.

Dr. Moonilal: He is a baby killer.

Mr. Deputy Speaker: No, no, Members, Members!

Hon. Members: [*Crosstalk*]

Mr. Hinds: What!

Hon. Members: [*Crosstalk*]

Mr. Deputy Speaker: Members. Again, Chaguanas West, you can have your seat, you can have your seat.

Hon. Members: [*Crosstalk*]

Mr. Deputy Speaker: Members. Okay, hon. Member it is 10 minutes into the session this afternoon, and again the Chair will ensure that the decorum

of this House will always be maintained. So, again, Members those statements, those added statements, it reaches the Chair, okay. So we are not going to tolerate it as we go forward. So I am only recognizing at this time the Member for Princes Town.

Hon. Members: [*Crosstalk*]

Mr. Deputy Speaker: Point of order.

Hon. Members: [*Continuous crosstalk*]

Mr. Padarath: Mr. Deputy Speaker. Mr. Deputy Speaker, question No. 2.

Mr. Deputy Speaker: Members, Princes Town. Point of—yeah, go ahead.

Mr. Hinds: Standing Order 46(6). Mr. Deputy Speaker—

Hon. Members: [*Crosstalk*]

Mr. Deputy Speaker: Members! Again, a point of order, proceed.

Mr. Hinds: Thank you very much. Mr. Deputy Speaker, I heard the Member for Oropouche East clearly make a highly derogatory comment about the Minister of Health and on that basis, under Standing Order 46—

Mr. Young: 48(6)

Mr. Hinds:—I insist that the matter—

Hon. Members: [*Crosstalk*]

Mr. Deputy Speaker: Fine. Member, thank you, thank you, thank you. All right, okay. Member for Princes Town, on the point of order raised—Member for Couva South, could you just withdraw the statement you made earlier on?

Mr. Young: Oropouche East.

Mr. Deputy Speaker: Oh, my apologies, Oropouche East, could you withdraw?

Dr. Moonilal: Could he indicate which statement I made that was

derogatory towards the Minister?

Mr. Deputy Speaker: Hold on.

Hon. Members: [*Crosstalk*]

Mr. Deputy Speaker: Okay, Members, Members, Members, as the Speaker—Members! As the Speaker, I heard the statement. Okay, so Member for Oropouche East I would just ask you to withdraw, please.

Dr. Moonilal: I withdraw—

Mr. Deputy Speaker: Thank you.

Dr. Moonilal:—the statement calling him a baby killer.

Mr. Deputy Speaker: Thank you, thank you. Member.

Hon. Members: [*Crosstalk*]

Mr. Deputy Speaker: Member, unreservedly I just ask you to withdraw, just withdraw.

Dr. Moonilal: I withdraw properly, I always do.

Mr. Deputy Speaker: Thank you, thank you. Again, Members, one second Member. Again, Members, it is very early in the session. I am hoping that we would not be here too long today, for the whole of the evening, so please let us ensure that the decorum is maintained, right. So the statement has been withdrawn and I now recognize Member for Princes Town.

Beheading of Four-Year-Old

(Support to Bereaved Family)

Mr. Barry Padarath (*Princes Town*): Thank you very much, Madam Speaker. To the Minister of Social Development and Family Services: Given the beheading of four-year-old Amarah Lallitte, will the Minister inform this House what support has been provided to assist the bereaved family of the said child?

Mr. Deputy Speaker: I will call on the Leader of the House.

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly, Mr. Deputy Speaker. It is clear that what the Member for Chaguanas West has issued is having all of them feeling very antsy—

Hon. Members: [*Crosstalk and desk banging*]

Hon. C. Robinson-Regis:—and clearly they have forgotten the decorum of the Parliament.

Hon. Member: 48(6)

Hon. C. Robinson-Regis: So you all need to reread—

Mr. Ratiram: Mr. Deputy Speaker, I stand on 48(1)—

Hon. C. Robinson-Regis:—what Chaguanas West said—Mr. Deputy Speaker, can you control—

Mr. Ratiram:—she is being totally irrelevant.

Hon. Members: [*Continuous crosstalk*]

Mr. Ratiram: I stand on 48(1), she is being totally irrelevant to what is—

Mr. Deputy Speaker: Okay, Member, both Members—Members, have your seat. Again, again—

Hon. Members: [*Crosstalk*]

Mr. Deputy Speaker: Okay, thank you, Members. Members, again, question posed, the Leader of the House is going to answer the question. Subject to whatever is the response, again, Members will have the idea for supplemental in order to entertain the supplemental and you all will be so guided. So again, Leader of the House.

Hon. C. Robinson-Regis: Thank you very much—

Mr. Ratiram: Mr. Deputy Speaker, I rise on Standing Order 48(1) on the

statement that has been made and I have not heard you make a ruling on that. I rise on 48(1), the irrelevant statement made by the hon. Member in response to the question asked by the Member for Princes Town. This is a serious issue.

Mr. Deputy Speaker: Thank you, thank you, Member.

Hon. Members: [*Crosstalk*]

1.45 p.m.

Mr. Deputy Speaker: And hold on, hold on. Again, the Speaker has called upon the Leader of the House to answer the question, all right? Whether it is you may find it irrelevant or not, the Speaker will have to determine accordingly. So again, overruled. Proceed.

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly, Mr. Deputy Speaker. In response to the question posed by the Member for Princes Town, I rise on behalf of the Minister of Social Development and Family Services, and I would like to indicate that the Ministry of Social Development and Family Services has undertaken the following activities: they have assigned a family services social worker to provide family case management for the mother of the child, Ms. Tricia Villaruel, and the family unit of the deceased child, Amarah Lallite. This was done on Tuesday, April 09, 2024.

Formal contact has been made with the Victim and Witness Support Officer, through the Ministry of Social Development and Family Services, to the Tunapuna branch and finalized arrangements for the conduct of an assessment by the family service social worker regarding the psychosocial needs of Tricia Villaruel and her family, and this was done today, Mr. Deputy Speaker.

Today, also, a team of four family social service workers conducted a home visit at a neighbour's house and met with Tricia Villaruel, where a psychosocial assessment was conducted and an intervention plan drafted to be implemented by social workers of the National Family Services Division in tandem with the crisis intervention strategies being implemented by the Victim and Witness Support Unit of the TTPS. Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Supplemental, Member for Princes Town.

Mr. Padarath: Thank you, Mr. Deputy Speaker. Could the Minister say whether the family applied for any assistance from the Ministry prior to the incident and was denied as indicated by Amarah's mother?

Mr. Deputy Speaker: Leader of the House.

Hon. C. Robinson-Regis: Mr. Deputy Speaker, I do not have that information.

Mr. Deputy Speaker: Supplemental, Member for Princes Town.

Mr. Padarath: Thank you, Mr. Deputy Speaker. In light of the issues raised by a member of the family of Amarah, could the Minister indicate, based on that information, whether the Government is actively looking at reforming the adoption process?

Mr. Deputy Speaker: Again, based on the initial question and based on the answer given the question will not be entertained. Leader of the House.

ANSWERS TO QUESTIONS

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly, Mr. Deputy Speaker. There are six questions for oral response. We will be answering four of these questions, and I am asking for a two-week deferral for Question No. 47 and

Question No. 50. There are two questions for written response and we will be answering both questions. Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Okay. Again, hon. Members, the Leader of the House has asked for a deferral for Question No. 47 and also, Question No. 50, and they will be deferred for two weeks according to the Standing Orders.

WRITTEN ANSWERS TO QUESTIONS

Prime Minister's Overseas Travel

(Details of)

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

Will the Prime Minister indicate:

- a) the number of times the Prime Minister has travelled overseas on official business, for the period September 20, 2020 to February 29, 2024;
- b) the cost of each trip inclusive of hotel accommodation, meals, ground transport for the Prime Minister and his entourage; and
- c) any other related costs incurred by the Government of Trinidad and Tobago?

Operations of TTPS Police Community Councils

(Written Constitution)

49. Dr. Lackram Bodoie (*Fyzabad*) asked the hon. Minister of National Security:

Will the Minister provide to this House, a copy of the written constitution that governs the operations of the Trinidad and Tobago Police Service police community councils?

Awaiting submission of written answers.

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper:

Siparia Community Swimming Pool

(Details of)

- 47.** With respect to the Siparia Community Swimming Pool, will the hon. Minister of Sport and Community Development state:
- a) when will this facility be reopened to the public;
 - b) how long has the pool been closed to the public; and
 - c) has there been a cost to the taxpayer during the closure of the pool? [*Dr. L. Bodoë*]

Commission of Enquiry 1990 Coup Report

(Government Action on)

- 50.** Will the hon. Prime Minister indicate whether the Government intends to act on the recommendations of the Report of the Commission of Enquiry into the events surrounding the attempted coup on July 27, 1990, and in particular, the recommendation which suggested that compensation be given to those who were held hostage, traumatised and injured during the attempted coup? [*Mr. R. Charles*]
- Questions, by leave, deferred.*

Trinidad and Tobago Fire Service

(OSHA Certification of Wooden Ladders)

- 43.** **Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of National Security:
- Will the Minister inform this House if the Occupational Safety and Health Agency has certified for workplace operations, the twenty (20)

wooden ladders commissioned by the Trinidad and Tobago Fire Service (TTFS) in March, 2022?

Mr. Deputy Speaker: Minister of National Security.

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you very warmly, Mr. Deputy Speaker. The Occupational Safety and Health Agency was not engaged in 2022 or indeed at any time to certify any wooden ladders commissioned by the Trinidad and Tobago Fire Service for workplace operations. Thank you.

Mr. Deputy Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Minister, taking into consideration these ladders are to be utilized by fire officers in the performance of their respective duties, would you consider that to be a breach of the Occupational Safety and Health Act?

Mr. Deputy Speaker: Minister of National Security.

Hon. F. Hinds: I think not, Mr. Deputy Speaker.

Mr. Deputy Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you very much, Mr. Deputy Speaker. Minister, are you aware that a contingent of divisional fire officers of the Fire Service of Trinidad and Tobago has advised the Chief Fire Officer that the wooden ladders that were acquired in March of 2022 should be returned to the manufacturer and not utilized for work operations in the fire service ?

Mr. Deputy Speaker: Minister of National Security.

Hon. F. Hinds: Given, Mr. Deputy Speaker, that nothing is discernibly and inherently wrong with the ladders, rendering them ineffective for use in fire management, I have no knowledge of any such proposition as put by my friend. It does not arise.

Mr. Deputy Speaker: Member for Couva South, next question.

TTPost Workers' Union
(Commencement of Negotiations)

44. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Public Utilities:

Will the Minister inform this House as follows:

- a) the reasons for the failure of TTPost to yet commence negotiations with the Trinidad and Tobago Postal Workers Union for the period 2014-2017, for Bargaining Units 1, 2 and 3; and
- b) when will the management of TTPost commence these negotiations?

The Minister of Public Utilities (Hon. Marvin Gonzales): Thank you very much, Mr. Deputy Speaker. The commencement of negotiations between TTPost and the Postal Workers Union for the period 2014—2017 for Bargaining Units 1, 2 and 3 was delayed pending the completion of a job evaluation for workers within these bargaining units as well as non-bargaining positions. The exercise was being facilitated by a joint TTPost management union committee, which was established to guide the work to allow for transparency, objectivity and fairness. There has been a delay in the finalization of the report on the job evaluation exercise as a result of serious anomalies identified by the Chief Personnel Officer relating to grading supervisors/subordinates, inappropriate placement of positions, and inappropriate comparators for the market survey.

Given the delay in finalizing the job evaluation report, a decision has been taken recently to proceed with the negotiations and recommendations that have been submitted to the Cabinet's Human Resource Advisory

Subcommittee in keeping with the established procedures. In this regard, Mr. Deputy Speaker, negotiations are expected to commence in this year 2024.

Mr. Deputy Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Mr. Deputy Speaker, given the Minister's track record in guiding the public as it relates to information from state enterprises, Minister, are you telling this House that the job evaluation survey that you just referred to has not been completed?

Mr. Deputy Speaker: Minister of Public Utilities.

Hon. M. Gonzales: Thank you very much, Mr. Deputy Speaker. At least I have a track record, and a track record that can stand tall.

Hon. Members: [*Desk thumping*]

Hon. M. Gonzales: It is a proud track record of public service, and the Member has no track record of public service in this country and he should be ashamed to talk about track records in this Parliament.

Hon. Members: [*Desk thumping*]

Hon. M. Gonzales: Mr. Deputy Speaker—

Hon. Members: [*Interruption*]

Hon. M. Gonzales: Mr. Deputy Speaker—

Mr. Deputy Speaker: Members, Members, Members, a question has been posed and the Member is answering. And again, as a result of the answer given, you all will have the additional supplemental. It is clear in the procedure. Listen, and Member for Naparima and Member for St Augustine, no assistance is needed, you know. None whatsoever. The Minister is answering. Proceed.

1.55 p.m.

Hon. M. Gonzales: Thank you very much. Mr. Deputy Speaker, the matter is before the Human Resource Advisory Committee and as I have indicated in my response, negotiations are expected to commence in fiscal 2024, and I am very proud of my PNM track record of public service in Trinidad and Tobago.

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Minister, can you inform this House whether you are aware that the job evaluation exercise between TTPost and the Trinidad and Tobago Postal Workers Union was signed off in 2010?

Mr. Deputy Speaker: What is the last thing, in 20—?

Mr. Indarsingh: 2010.

Mr. Deputy Speaker: 2010, okay. Again, Minister of Public Utilities.

Hon. M. Gonzales: Mr. Deputy Speaker, I cannot respond to this assertion by the Member for Couva South because of his lack of track record of public service in this country.

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: Supplemental.

Ms. Ameen: Mr. Deputy Speaker, I rise on point of order 48(1) and 48(6).

Mr. Indarsingh: Mr. Deputy Speaker—

Mr. Deputy Speaker: No, hold one second, hold one second. Again, Member, as the Speaker, the Chair will ascertain based on the comments made whether it is that the Standing Order has been breached. And Member for St Augustine, I am sorry to say I will have to stand it down. Proceed.

Ms. Ameen: “Yuh so biased.”

Hon. Members: “Ooooooh.”

Mr. Deputy Speaker: No, again, Member for St Augustine, take a five minutes please. Take a five minutes. I will appreciate, I will appreciate.

Hon. Members: *[Interruption]*

Mr. Deputy Speaker: Members, please.

Hon. Members: *[Continuous interruption]*

Mr. Deputy Speaker: Members! I have ruled. I have ruled. I have ruled. Oropouche West, I have ruled. Laventille West, I have ruled. I have ruled. Minister of Finance, I have ruled. Member for St Augustine.

Hon. Members: *[Interruption]*

Mr. Deputy Speaker: Member for St Augustine, it is now 1.57.20, can you vacate the Chamber for five minutes?

Ms. Ameen: Under what Standing Order, Mr. Deputy Speaker?

Mr. Deputy Speaker: Member, vacate the Chamber.

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

[Member for St Augustine remains seated]

Mr. Deputy Speaker: Member, could you leave the Chamber? Marshal, could you assist the Member?

[Marshal approaches the Member for Augustine]

Hon. Members: *[Continuous interruption]*

Ms. Ameen: Mr. Deputy Speaker, I am not being disrespectful to you in any way, I am simply asking to be guided by you—

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

Mr. Deputy Speaker:—under what Standing Order you are asking me to leave the Chamber.

Mr. Deputy Speaker: Hon. Members, I have ruled. Member for St. Augustine, it is now 1.58.10, five minutes please.

Mr. Ram: Under what Standing Order though? That is not an unreasonable demand.

Hon. Members: [*Continuous interruption*]

Mr. Ram: Yeah, what Standing Order? That is not unreasonable.

Hon. Members: [*Continuous interruption*]

Mr. Deputy Speaker: Chief Whip, please ensure that your Member vacates the Chamber as instructed.

Hon. Members: [*Continuous interruption*]

Mr. Imbert: “They asking what Standing Order.”

Mrs. Robinson-Regis: Mr. Deputy Speaker, I rise on Standing Order 55(3).

Ms. Ameen: Mr. Deputy Speaker, I am leaving the Chamber.

Mrs. Robinson-Regis: Mr. Deputy Speaker, I rise on Standing Order 55(3).

Ms. Ameen: I still await your guidance to advise me under what Standing Order. Thank you.

Hon. Members: [*Desk thumping*]

[*Member for St Augustine rises*]

Hon. Members: [*Interruption*]

Mr. Hinds: Obstructing the—

Mrs. Cudjoe-Lewis: [*Inaudible*]

Mr. Deputy Speaker: Member for Oropouche East, your back is towards the Speaker’s Chair and could you just kindly come forward so that the Member could vacate please? Come on, Members.

Mr. Charles: Mr. Deputy Speaker, [*Inaudible*] pushed me aside.

Hon. Members: [*Continuous interruption*]

Mr. Charles: That is elderly abuse. I am a seventy-five-year-old man.

Hon. Members: [*Continuous interruption*]

Mrs. Robinson-Regis: Mr. Deputy Speaker, I rise on Standing Order 55(3) and Standing Order 55(1).

[Member for St Augustine vacates Chamber at 2.00 p.m.]

Hon. Members: *[Continuous interruption]*

Mr. Deputy Speaker: Again, Members, Members, Members. Chief Whip, I trust that you would have taken note of what transpired accordingly.

Hon. Members, I will draw to your attention with regard to Standing Order 55, order in the House and its Committee, Standing Order 1 and also Standing Order 3 and we will move on. Supplemental. You have a supplemental, again, Member for Couva South?

Mr. Indarsingh: Yes.

Mr. Deputy Speaker: All right, proceed.

Mr. Indarsingh: Mr. Deputy Speaker, as I said given the fact that the Minister misled this House as it relates to the data breach at TSTT, is the Minister standing by his word that the job evaluation exercise between the TTPost, the management of TTPost and the Trinidad and Tobago Postal Workers Union has it been agreed to or has it not been signed off between both parties?

Mr. Deputy Speaker: Again, Minister of Public Utilities.

Mrs. Robinson-Regis: Mr. Deputy Speaker, I rise on Standing Order 48(6) in relation to what my colleague said about the Minister and the House, 48(6), imputing improper motives.

Mr. Indarsingh: I never—

Mrs. Robinson-Regis: It is not a fact.

Mr. Indarsingh: It is a fact. He misled the House.

Mr. Deputy Speaker: Members, Members.

Mr. Indarsingh: It is a fact, on TSTT.

Mr. Deputy Speaker: Again, Members, question asked, question answered. Based on the commentary that both Members have been making, based on the commentary that both Members have been making, the Speaker has allowed the question and answering to continue. Right. So based on your Standing Order, Madam, I will allow the proceedings to go on, so Minister of Public Utilities, a response.

Hon. M. Gonzales: Mr. Deputy Speaker, I have nothing else to respond to the original response that I have given to this House on this matter.

Mr. Deputy Speaker: Member for Couva South, Question No. 45.

Clean-Up Operations of Oil Spill

(Completion of)

45. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Energy and Energy Industries:

Will the Minister inform this House when clean-up operations of the February 07, 2024 oil spill be completed?

The Minister of Energy and Energy Industries (Hon. Stuart Young): Thank you very much, Mr. Deputy Speaker. Operations are currently underway with respect to the oil spill which tragically occurred from a capsized vessel carrying hydrocarbons which was discovered on the 7th of February 2024 just off of the coast of Cove Estate, Tobago. Due to the nature of the work being undertaken, the response to the question will be addressed in two parts. One, the onshore clean-up operation and two, the de-inventory and salvage of the capsized vessel.

In relation to item one, the onshore clean-up operations, the Ministry of Energy and Energy Industries engaged the State company, Heritage

Petroleum Company Limited on February 9th, 2024, to provide technical support in managing the incident. Heritage activated its Incident Management Business Support and Wildlife Rescue teams mobilizing a cadre of 47 persons and relevant equipment to support the oil spill response. Heritage focused on shoreline clean-up activities in eight areas from the Scarborough Waterfront to the Thompson River including wildlife search, rescue and rehabilitation.

Given that most of the mobile or free oil in the eight areas assigned to Heritage has been removed, Heritage has begun scaling down its on-site personnel and equipment as needed. A joint assessment of these areas to identify the endpoints is underway. The assessment will be to outline a standard to determine completeness of the clean-up activities and is being performed by a committee which includes representatives of TEMA, Ministry of Energy and Energy Industries, the International Tanker Owners Pollution Federation Limited, Oil Spill Response Limited and the All Tobago Fisherfolk Association. Site visits were conducted on the 28th and 29th of March with a guideline document expected to be finalized and presented in April at a technical meeting after which Heritage will provide estimated timelines for the end of this clean-up phase.

With respect to item 2, the Ministry of Energy and Energy Industries has retained TT Salvage Inc. in joint venture with QT Environmental Services Inc., two American entities with international expertise and experience to conduct survey and sampling activities, de-inventory of the capsized vehicle, on-water pollution management as well as re-floating of the wreck. As of April 8th, 2024, survey and sampling activities have been completed and operations to de-inventory the vessel are underway. These

operations include breaching the double hull to access the vessel's cargo tanks and setting up an onshore temporary storage facility to off-take the vessel's remaining inventory. These two activities are due to be completed by April 11th, 2024. Following this, pumping the vessel's inventory will follow and is expected to take approximately 30 days. The latest estimates are that a total of 34,000 barrels is still on board. At present, approximately 20,000 barrels have been confirmed—

Mr. Deputy Speaker: Member, your answer time has expired. Supplemental, Member for Couva South.

Mr. Indarsingh: Given the response from the Minister and taking into consideration, Mr. Deputy Speaker, that two months have elapsed since this oil spill, could the Minister inform this House if the Government has been able to identify the owners of the barge and the tugboat involved in this spill?

Mr. Deputy Speaker: Minister of Energy and Energy Industries.

Hon. S. Young: Mr. Deputy Speaker, that exercise in the confirmation of the owners continues to be pursued by the Ministry of Works and Transport in particular, the Maritime Division utilizing international resources, along with the Ministry of Foreign and CARICOM Affairs who has been writing to the various countries to ascertain and to obtain documentation to support the finding of the ownership of those vessels.

Mr. Deputy Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Minister, are you in a position to inform this House how much has been incurred by the central Government as it relates to the clean-up operations in this oil spill?

Mr. Deputy Speaker: Minister of Energy and Energy Industries.

Hon. S. Young: At this stage, the answer to that is no. It is an on-going operation and the expenses are being tabulated to then be taken to the Cabinet.

Mr. Deputy Speaker: MP for Fyzabad and we are at Question No. 48.

COVID-19 Cases Oct. '23 – Feb. '24

(Number of)

48. Dr. Lackram Bodoë (*Fyzabad*) asked the hon. Minister of Health:

With respect to COVID-19 cases for the period October 01, 2023 to February 29, 2024, will the Minister state the following:

- a) the number of confirmed COVID-19 cases; and
- b) the number of deaths from COVID-19?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Mr. Deputy Speaker. Part A of the question, the reply is for the period October 1st, 2023 to February 29th, 2024, there were 179—1-7-9—confirmed COVID-19 cases. Part B, for the said period in part A above, there were 31 deaths from COVID-19.

Mr. Deputy Speaker: Supplemental, Member for Fyzabad.

Dr. Bodoë: Thank you, Mr. Deputy Speaker. Can the Minister indicate without disclosing any confidential information of course, the medical and demographic profile of patients who continue to die from COVID-19?

Mr. Deputy Speaker: Minister of Health.

Hon. T. Deyalsingh: Thank you very much. Yes. Unfortunately, we follow the same pattern. The elderly, 26 persons were over 60, 16 were over 80 but more importantly, the co-morbidities.

2.10 p.m.

Diabetes was present in 42 per cent of the cases, hypertension in 55 per cent of the cases, and 39 per cent of the cases had both diabetes and hypertension. Other comorbidities, chronic kidney disease, cardiac failure, malignancy, stroke, Parkinson's disease. Mr. Deputy Speaker, I just want to quote briefly from a WHO report:

“Chronic diseases taking ‘immense and increasing toll on lives’...”

And health care leaders around the world are having increasing trouble trying to get their populations to adopt healthy lifestyles. Please allow me to quote from a WHO report:

“Alarming, the prevalence of obesity is rising with no immediate sign of reversal...”

And:

““The COVID-19 pandemic is an important reminder that progress is neither linear nor guaranteed...””

Mr. Deputy Speaker, this is why Ministers and health care policy makers around the world are now raising their voices even more, to advise the public that we need to make shifts in our lifestyles almost immediately. Especially when it comes to healthy eating, movement and exercise and getting our children to delink from screen time. These three things, if we do not get populations around the world to buy into it, the WHO is predicting that obesity is not going to go anywhere. So, I—

Mr. Deputy Speaker: Minister.

Hon. T. Deyalsingh: [*Inaudible*]

Mr. Deputy Speaker: Thank you. Supplemental, MP for Fyzabad.

Dr. Bodeo: Thank you, Mr. Deputy Speaker. Can the Minister indicate which public institutions are currently being used for the treatment of

COVID-19 patients?

Mr. Deputy Speaker: Minister of Health.

Hon. T. Deyalsingh: We are currently using the Couva facility and the San Fernando General Hospital, those two mainly.

Mr. Deputy Speaker: Supplemental? MP for Fyzabad.

Dr. Bodeo: Minister, are you in a position to say how many patients are currently housed at the Couva hospital?

Mr. Deputy Speaker: Minister of Health.

Hon. T. Deyalsingh: Across the system, I do not have the exact details per hospital, but I do know between Couva and San Fernando, it varies from around six to 10 at any one time. So, that is the numbers we are looking at.

Mr. Deputy Speaker: Supplemental, Member for Couva North.

Mr. Ratiram: Thank you most kindly, Mr. Deputy Speaker. To the hon. Minister. Minister, with respect to your first response on healthy lifestyle and eating healthy, can the Minister advise when this Government is going to reintroduce the green hampers for the underprivileged and vulnerable citizens of Trinidad and Tobago?

Mr. Deputy Speaker: Minister of Health.

Hon. T. Deyalsingh: That question, I think, Mr. Deputy Speaker, is best posed to another Minister and another Ministry. Thank you very much.

Hon. Members: [*Desk thumping*]

STATEMENT BY MINISTER

Seven Neonatal Deaths

(Investigation into Intensive Care Unit)

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Mr. Deputy Speaker.

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh: Mr. Deputy Speaker, I have been authorized by the Cabinet to make the following statement.

Mr. Deputy Speaker, with a heavy heart and on behalf of the Government and the people of Trinidad and Tobago, I stand before you today to confirm the sad news of the deaths of seven premature babies at the Neonatal Intensive Care Unit of the Port of Spain General Hospital between April 4th and April 7th. To the bereaved parents, please know that our thoughts are with you during this incredibly difficult time. We share in your grief and extend our deepest sympathies to you and your families.

Mr. Deputy Speaker, the North-West Regional Health Authority has always implemented stringent infection, prevention and control practices, which are standard in the (NICU) or Neonatal Intensive Care Unit. Immediately upon recognizing the seriousness of the situation, existing escalated protocols were initiated by the North-West Regional Health Authority. These included inter alia, rigorous sanitization and sterilization. Laboratory testing has revealed the presence of three different organisms known to pose significant risks to vulnerable neonates. Mr. Deputy Speaker, the North-West Regional Health Authority has taken steps to determine, through laboratory testing and risk source analysis, the origin of these organisms.

Additionally, as Minister of Health, I have requested that CARIRI and PAHO as relevant subject matter experts be engaged. I also wish to state that the Ministry of Health has commenced a separate investigation into this matter through the Office of the Chief Medical Officer. Mr. Deputy

Speaker, through you, I wish to advise this honourable House that as of April 7th, no new infections have been reported, and I am advised that new admissions have resumed as of Wednesday 10th April. Mr. Deputy Speaker, through you again, I want to reassure this honourable House that throughout this challenging situation, I am advised that senior doctors and nurses were present providing care to the neonates, and parents were regularly updated on their babies' conditions. We recognize the emotional toll this has taken on the families, and all parents have been offered bereavement counselling by the North-West Regional Health Authority.

Again, Mr. Deputy Speaker, on behalf of the Ministry of Health, I offer our sincerest condolences to the families who have experienced this loss. Thank you very much.

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: I will recognize MP for Fyzabad.

Dr. Lackram Bodeo (*Fyzabad*): Thank you, thank you very much.

Hon. Members: [*Desk thumping*]

Dr. Bodeo: Thank you very much, Mr. Deputy Speaker. Minister, can you indicate in view of this very tragic and urgent situation, and the obvious anxiety caused to the population of pregnant women, when the report commissioned through the CMO will be available?

Mr. Deputy Speaker: Minister of Health.

Hon. T. Deyalsingh: So, we are following our adverse events protocols, we have had two meetings between the Ministry of Health and the North-West Regional Health Authority. After those two meetings the CMO has already begun that investigation. As I said, we are engaging PAHO, CARIRI has

already been engaged, and CARIRI will be on site I am advised from tomorrow morning. As soon as we compile the data from these reports, we will have more to say on the matter. But we are actively, actively, engaged in this matter. Thank you very much, Mr. Deputy Speaker.

JOINT SELECT COMMITTEE

Representation of the People (Amdt.) (No. 2) Bill, 2020

(Extension of time)

Mr. Deputy Speaker: Leader of the House.

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly, Mr. Deputy Speaker. Mr. Deputy Speaker, having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Representation of the People (Amdt.) (No. 2) Bill, 2020, I beg to move that the Committee be allowed an extension to June 30, 2024, to complete its work and submit a final report.

Question put and agreed to.

Mr. Deputy Speaker: Leader of the House.

JOINT SELECT COMMITTEE

(APPOINTMENT TO)

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly, Mr. Deputy Speaker. Mr. Deputy Speaker, I beg to move the following Motion:

Be it resolved that the House agree to the following appointments to the following Joint Select Committees:

- 1) The Joint Select Committee on Finance and Legal Affairs, Mr.

Symon de Nobriga MP, in lieu of Mr. Terrence Deyalsingh MP;

- 2) The Joint Select Committee on Foreign Affairs, Mrs. Lisa Morris-Julian MP, in lieu of Mr. Terrence Deyalsingh MP.

Question put and agreed to.

RELATED MOTIONS

Mr. Deputy Speaker: Acting Prime Minister and Minister of Finance.

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): Thank you very much, Mr. Deputy Speaker.

Hon. Members: [*Desk thumping*]

Hon. C. Imbert: I beg to move Motion No. 1 standing in my name. Mr. Deputy Speaker, in moving this Motion, I seek the leave of the House in accordance with Standing Order 50(1) to debate along with this matter Motions No. 2 and 3 on the Order Paper which relate to the same subject.

Assent indicated.

Mr. Deputy Speaker: Proceed Acting Prime Minister and Minister of Finance.

Hon. Members: [*Desk thumping*]

TRINIDAD AND TOBAGO REVENUE AUTHORITY ACT

(Appointment of Director General - Mrs. Patsy Latchman-Atterbury)

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): Thank you very much. Mr. Deputy Speaker:

Whereas section 13(1) of the Trinidad and Tobago Revenue Authority Act, 2021 (Act No. 17 of 2021) provides, inter alia, that the Minister shall, by Notification subject to affirmative resolution of Parliament, appoint the Director General and such number of Deputy Directors General of the Authority as are required;

And whereas the Minister of Finance has, by Notification dated the 15th day of March, 2024, appointed Mrs. Patsy Latchman-Atterbury to the office of Director General of the Trinidad and Tobago Revenue Authority with effect from the date of her assumption of duty in that office;

And whereas it is expedient to approve the Notification:

Be it resolved that the Notification of the appointment of Mrs. Patsy Latchman-Atterbury to the office of Director General of the Trinidad and Tobago Revenue Authority be approved.

Mr. Deputy Speaker, if one goes into the records, one will see that the job description of the Director General of the Trinidad and Tobago Revenue Authority is as follows—the summary is as follows:

“The Director General (‘DG’) is...”—an—“...executive position on the structure of the”—Trinidad and Tobago Revenue Authority. “The incumbent shall be an ex officio member of the Board of...”—Directors. The”—Director General—“has the dual role of institution-building and strategic and operational leadership of the”—Trinidad and Tobago Revenue Authority. “This requires the incumbent to ensure the development and implementation of high-quality strategies and plans that are informed by government policy and the operating environment. The”—Director General—“must therefore ensure that the strategies and plans are aligned with short-term and long-term objectives.”

In terms of responsibility and accountability, the Director General is required to:

- “Provide strategic, proactive and effective leadership for the”—Trinidad and Tobago Revenue Authority’s—“operations.”
- Advise the Minister—“...on revenue implications, tax administration and aspects of policy changes relating to all taxes...referred to in the...Act (‘the Act’).”
- Advise the Minister—“...on any matter(s) that can affect public policy or public finances or...”—any other matters that the Minister considers that could—“improve the effectiveness or efficiency of the administration or enforcement of the revenue laws.”
- The Director General also—“Leads the implementation of a modern revenue and tax administration system.”
- Oversees and reports to the Board on the implementation of management policies.
- Ensures the implementation of and adherence to the code of conduct.
- “Oversees the management of the”—Trinidad and Tobago Revenue Authority —“funds, property and records.
- Oversees the execution of the”—Trinidad and Tobago’s—“multi-year strategic plan and...annual operational plan.”

And:

- Oversees the coordination and execution of programmes and projects.
- Prepares reports to the Minister on the performance of the Revenue Authority.

- “Establishes and develops strategic relationships, knowledge sharing, partnerships/collaboration between the”—revenue authority—“and relevant local, regional and international...bodies.”
- Represents the Government of Trinidad and Tobago as required in local, regional and international fora.
- Performs any additional duties and responsibilities appropriate to the position.

The minimum qualifications and experience are:

- “A Master’s Degree/Professional Qualifications or equivalent postgraduate qualifications in Accounting/Economics/Law/Business/ Public...”—matters—“...or...other relevant fields
- Extensive experience at a senior level, preferably in the financial, economics or business sector
- ...5 years’ of demonstrated experience in tax or customs administration, corporate management or accounting/economics/law/ business/public administration or other relevant fields”
- Demonstrated experience in driving strategic initiatives in large and complex organizations, and strong experience in institutional capacity thinking

And:

- “Regional or international exposure in working in other Revenue Authorities will be an asset”

With respect to Mrs. Patsy Latchman-Atterbury, the person who is being considered for appointment as Director General of the Revenue Authority, if one looks at her curriculum vitae, her CV, which has been circulated to Members, Mrs. Latchman-Atterbury is the holder of a Bachelor of Science, Upper Second Class Degree in Management Studies, that was awarded to her from the University of the West Indies in 1986.

After obtaining her Bachelor of Science Degree, Mrs. Latchman-Atterbury moved on to join Penta Paints Caribbean Limited in 1986, where she held the position of Sales Representative. She held this position for two years until 1988 when she moved on to Johnson & Johnson Trinidad Limited. In 1988, she was appointed as Brand Manager, Johnson & Johnson Trinidad Limited, a position she held for two years until 1990. In 1990, she moved on to hold the position of Brand Manager, Sterling Drug International Limited, which she held for two years. In 1992, Mrs. Latchman-Atterbury then moved to the post of Export Representative, Bermudez Biscuit Company, Trinidad. She held this position until 1996, making her time at the biscuit company, four years.

From 1996 to present, Mrs. Latchman-Atterbury has held executive positions in several companies, the first being the position of General Manager, Caribbean Brands Limited, from 1996 to 1999. During that period at this company, she was responsible for starting up and building the entity for the purpose of distribution of products manufactured by companies in the Bermudez Group. She established the company as a formidable competitor and leader of merchandising trends in Jamaica. She implemented a just-in-time logistic system to facilitate products for the consumer, and managed a

group of 90 persons and reported to the Chairman of the company.

She then moved to the position of General Manager, Jamaica Biscuit Company Limited, from 1999 to 2007, a period of eight years. As the General Manager of that company, Mrs. Latchman- led an executive management team to transform the company from the leading manufacturer of one of Jamaica's staples to a manufacturing and distribution entity, supplying both local and export markets. She also established an efficient distribution network in the local marketplace.

Significantly, Mrs. Latchman-Atterbury was instrumental in a culture shift from a bureaucratic machine to a work hard, play hard entity. She changed the focus from production driven to market and consumer driven, achieving US profits annually. During this period, Mrs. Latchman-Atterbury pursued her Masters of Business Administration at the University of the West Indies and was awarded the degree in 2006, with a distinction and top of the class.

Hon. Members: *[Interruption]*

Hon. C. Imbert: In 2007—not finished—Mrs. Latchman-Atterbury moved up the corporate ladder and was appointed Vice-President, Small and Medium Enterprises, the Bank of Nova Scotia of Jamaica Limited, for a period of seven years. When she worked with the bank, she was responsible for developing, planning and leading the design of strategic initiatives to grow the SME portfolio, and positively impact the Bank of Nova Scotia Group in Jamaica while transforming the SME sector in Jamaica.

She was also responsible for the establishment of the Scotiabank chair of entrepreneurship; the Scotiabank development programme, 2008;

Scotiabank's coaching and mentorship programme for SMEs. She contributed to heightened national attention on recordkeeping by SMEs, cultivated strategic alliances and finally, as Vice-President, she led the team in the establishment of CreditScotia, Jamaica, a microfinance entity.

In 2007, Mrs. Latchman-Atterbury was appointed as an Executive Vice-President of Retail Banking, the Bank of Nova Scotia Jamaica Limited, for a period of 10 years. During this period, she had direct responsibility for developing, planning and leading strategic initiatives to grow the retail banking share of wallet and ensure programmes to optimize customer satisfaction and retention. Her responsibilities included the retail branch network, small business banking, mortgages, non-branch sales, microfinance and customer service.

In 2017, Mrs. Latchman-Atterbury was appointed Chief Executive Officer, Tastee Jamaica Limited, a position she held until 2021. As CEO, she was responsible for the efficient and profitable manufacturing and distribution of the iconic "tastee patties" across a wide network. During this period, Mrs. Latchman-Atterbury commenced studies in a Doctorate of Business Administration with the University of the West Indies. She is currently pursuing these studies.

In 2022, Mrs. Latchman-Atterbury was appointed Managing Director, GK Capital Management Limited, a position she currently holds. In this position, she develops the company's strategies and oversees the company's financial performance, investments and other business ventures. Based on these qualifications and experience, I am of the view that Mrs. Latchman-Atterbury is highly qualified and suitable to lead in the position of Director

General, Trinidad and Tobago Revenue Authority.

TRINIDAD AND TOBAGO REVENUE AUTHORITY ACT
(APPOINTMENT OF DIRECTOR GENERAL – MRS. HELEN
THOMAS-BROWN)

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): Mr. Deputy Speaker, I beg to move Motion No. 2 standing in my name:

Whereas section 13(1) of the Trinidad and Tobago Revenue Authority Act, 2021 (Act No. 17 of 2021) provides, *inter alia*, that the Minister shall, by Notification subject to affirmative resolution of Parliament, appoint the Director General and such number of Deputy Directors General of the Authority as are required;

And whereas the Minister of Finance has, by Notification dated the 15th day of March, 2024, appointed Mrs. Helen Thomas-Brown to the office of Deputy Director General–Domestic Tax of the Trinidad and Tobago Revenue Authority with effect from the date of her assumption of duty in that office;

And whereas it is expedient to approve the Notification:

Be it resolved that the Notification of the appointment of Mrs. Helen Thomas-Brown to the office of Deputy Director General–Domestic Tax of the Trinidad and Tobago Revenue Authority be approved.

2:35 p.m.

Mr. Deputy Speaker, Mrs. Helen Thomas-Brown, is a career public servant, who entered the public service in 1982, in the position of Clerk I, Ministry of Labour, Social Security and Co-operatives. She held this

position for three years, until moving to the position of Clerk II, Ministry of Health. She held that position for eight years.

In 1993, Mrs. Helen Thomas-Brown, moved into the Inland Revenue Division, as a Field Auditor, for a period of nine years. During this time, Mrs. Thomas-Brown, performed extensive field audit examinations to determine tax liabilities in accordance with appropriate legislation, including the examination of accounting systems and records; performing analysis; sourcing third party information; communicating with representatives; advising in tax matters; and raising assessments; based on audit findings.

In 2002, Mrs. Helen Thomas-Brown held the position of Field Auditor II, which she remained in for a period of 5 years, at the Inland Revenue Division. During this time, she determined objections to VAT assessments and a review of audits, investigative and analytical work. She also liaised with legal representatives, attended to matters before the Tax Appeal Board, as well as lecturing at the Inland Revenue Division Training Centre.

In 2005, she moved to the position of Accountant IV, Inland Revenue Division. In this position, she performed duties of an accounting nature, including authorizing of payments; refunds; compiling reports of expenditure; revenue annual estimates; and supervising staff.

In 2007, she moved to the office of the Integrity Commission of Trinidad and Tobago, where she held the position of Investigating Analyst, Financial Investigator, for a period of seven years. During this period, she performed work of a highly confidential nature, in a highly confidential environment. She conducted reviews with respect to compliance within the statutory framework of the office of the Integrity Commission.

In 2014, she returned to the Inland Revenue Division, where she held the position of Field Auditor IV for a period of one year. In this position, she supervised group audits in Petroleum and Large Taxpayers Business Unit, in the energy sector. She was also responsible for advising, reviewing and approving audit cases.

Mrs. Helen Thomas-Brown, also has held the positions of Field Auditor V, and Assistant Commissioner, Inland Revenue Division from 2016 to 2022. During this time, she was responsible for the management of the Petroleum and Large Taxpayers Business Unit; planning, supervision, advisory, and administrative functions within that unit; training and development of staff; development of initiatives and strategies; compliance of audit assessments; research and interpretation of taxation laws; technical advice in respect of, internal and external matters; representation of the Board of Inland Revenue on external committees; provision of technical advice; and the review of objections to tax assessments; and collaboration with the legal unit in appeal matters.

She currently holds the position of Commissioner of Inland Revenue, from 2022 to the present time. She is currently responsible for leadership and strategic direction of the Inland Revenue Division's operations, in the administration of taxes. Ensuring the management of the legal department, objections, tax and administration improvement, and library functions of the Inland Revenue Division. She manages also the debt management district revenue services, and training functions. She also ensures the Division's representation at international tax organization events, and provides support to the Ministry of Finance and external stakeholders, prepares executive

performance reports.

Her educational background is as follows:

- She is a fellow of the Association of Chartered Certified Accountants;
- She has a Bachelor of Business Administration from Andrew's University in the United States;
- Diploma in Transfer Pricing from the Inter-American Centre of Tax Administration;
- Certificate in Institutional Governance, Virtual Training to Advanced Revenue Administration (VITARA) OECD, CIAT, IOTA, IMF;
- Certificate in Reform Management Fundamentals; setting up of a reform programme, Virtual Training to Advanced Revenue Administration from the same organization;
- Certificate in Reform Management. Again, from the same organization, OECD, CIAT, IOTA, IMF;
- Certificate in Strategic Management Module, for tax administrators from the same organization;
- Certification in income tax law and practice, advanced accounting and examination of the accounts, Inland Revenue Division;
- She also attended St. George's College, where she did her O' Levels and A' Levels.

I am therefore of the view that Mrs. Helen Thomas-Brown, is highly qualified, and suitable to lead in the position of Deputy Director General-Domestic Tax.

Trinidad and Tobago Revenue Authority**(Appointment of Deputy Director General-Customs and Excise)**

The Minister of Finance (Hon Colm Imbert): I beg to move Motion No. 3, standing in my name, Mr. Deputy Speaker:

Whereas, section 13(1) of the Trinidad and Tobago Revenue Authority Act 2021 (Act No17 of 2021) provides, *inter alia* that the Minister shall, by Notification subject to affirmative resolution of Parliament, appoint the Director General, and such number of Deputy Directors General of the Authority as are required;

And whereas, the Minister of Finance has by Notification dated the 15th of March, 2024, appointed Mr. Riad Juman, to the office of Deputy Director General-Customs and Excise of the Trinidad and Tobago Revenue Authority with effect from the date of his assumption of duty in that office;

And whereas it is expedient to approve the Notification:

Be it resolved that the Notification of the appointment of Mr. Riad Juman to the office of Deputy Director General-Customs and Excise of the Trinidad and Tobago Revenue Authority be approved.

Mr. Deputy Speaker, Mr. Riad Juman is another career public servant. He started his career as an Internal Auditor at the Ministry of Education in 1991. From there, he joined the Customs and Excise Division in 1996, as a Customs and Excise Officer I; and subsequently held the following positions:

- From January 2022—I am going in reverse order—to 2023, Assistant Comptroller of Customs;
- February 2018 to December 2021, Collector of Customs;

- September 2017 to January 2018, Supervisor, Preventative Branch;
- April 2017 to September 2017, officer in charge of Point Fortin and Brighton, La Brea Ports;
- March 2016 to March 2017, Supervisor of the Customs and Excise Division, Training School;
- July 2015 to March 2016, Supervisor, Customs and Excise Container Examinations Station, Point Lisas;
- July 2012 to July 2015, Supervisor of Marine Interdiction Unit;
- 2006 to July 2005, Officer in Charge of Vessel, Maintenance of Procurement;
- 2004 to present, Officer in Charge of Customs Marine Training Programme;
- 1998 to 2014, member of the Customs and Excise Firearm Training Team;
- 1996 to 2015, Customs Officer assigned to the Customs Marine Interdiction Unit, with the main duties were detection and combatting of smuggling of illicit drugs, arms and ammunition through border patrol and protection.

Mr. Juman is an appointed Deputy Comptroller of Customs and Excise, at present, and has acted as Comptroller of Customs and Excise. His educational background is as follows:

- From the Anglia Ruskin University, in 2018, a Master's Degree in Business Administration and Management with Honours.
- From the University of Leicester, Department of Criminology

in the UK, a degree in Security and Risk Management.

- He also attended St. Mary's College where he did his O' Levels.

Mr. Juman has undertaken numerous training courses.

Mrs. Robinson-Regis: Read them.

Hon. C. Imbert: I am seeing two pages here.

Hon. C. Imbert: In 2016, Instructor—

Mrs. Robinson-Regis: “Yuh readin it out?”

Hon. C. Imbert:—you told me to read it.

- Instructor Development Training, Bureau of Diplomatic Security, US Department of State, office of Anti-terrorism.
- 2016, Biosafety for Border Control Officers, UWI;
- 2014, International Border Interdiction Training, US Customs and Border Protection;
- 2014, Maritime Interdiction Operations, NDC, CICAD, OAS, SEFAD [*Inaudible*]

2.45 p.m.

- 2013, Environmental Management, Delaware National Guard and Trinidad and Tobago Defence Force;
- 2013, basic knowledge and awareness of radiation emergencies, ODPM;
- 2012, police investigation on cocaine trafficking by sea and drug trafficking by container, from COPOLAD;
- 2012, risk assessment and management in maritime security; OAS, SICT, US Coast Guard, Ministry of National Security of Trinidad and Tobago;

- 2012, combating the illicit trafficking in firearms, ammunition and explosives, UNLIREC;
- 2012 as well, Maritime and Port Security Counter-Terrorism, the Centre for Strategic Studies, Galilee International Management Institute;
- 2010, Train the Trainer, Arthur Lok Jack Graduate School;
- 2010, Carrier Liaison Programme training, U.S. Customs and Border Protection;
- 2009, Customs and Excise, Marine Interdiction Unit, Safe Boat Port Security, U.S. Customs and Border Protection;
- 2009, new development in terrorism and counter-terrorism, Special Anti-Crime Unit of Trinidad and Tobago, Institute for Security Studies;
- 2008, advanced operations in structure, U.S. Customs and Border Protection Advanced Training Center;
- 2008, Train the Trainers, Special Anti-Crime Unit of Trinidad and Tobago;
- 2008, firearms and tactics Instructor Training Programme, U.S. Customs and Border Protection Advanced Training Center;
- 2008, Designing and Implementing a Security Plan in the Workplace, School of Business and Computer Studies;
- 2007, Maritime, Port and Harbour Security Management, Anti-Terrorism Assistance, Bureau of Diplomatic Security, U.S. Department of State;
- 2006, Caribbean Border Enforcement Training, Canada Border

Services Agency and Royal Canadian Mounted Police;

- 2006, CCLEC RS 2000, Customs and Excise;
- 2004, Narcotics Investigation course, Caribbean Regional Drug Law Enforcement Training Centre;
- 2004, basic intelligence, U.S. Department of Justice, Drug Enforcement Administration;
- 2003, Advanced Boarding Officer Course, U.S. Coast Guard International Training Division;
- 2002, Airport Interdiction Training course, U.S. Customs Service;
- 2002, Maritime Interdiction training, U.S. Navy, Special Warfare Unit;
- 2001, monitoring and control of imports and exports of ozone depleting substances, Customs and Excise Division;
- 2001, combined task unit training, U.S. Navy, Special Boat Unit 20;
- 2000, counter-drug training support, Naval Special Warfare Unit;
- 1999, Outboard Motor Maintenance course, U.S. Coast Guard;
- 1999, basic marine law enforcement training, U.S. Customs Service;
- 1999, Boarding Officers Course, U.S. Coast Guard;
- 1998, Radar Communication and Navigation, Trinidad and Tobago Coast Guard;
- 1997, Port Security Course, U.S. Coast Guard;

- 1997, basic firearm training, Customs and Excise;
- 1997, basic marine training, Customs and Excise.

I think, Mr. Deputy Speaker, after that very lengthy list of training and experience, Mr. Riad Juman—

Hon. Member: [*Inaudible*]—summary.

Hon. C. Imbert: [*Laughter*]—summary, Mr. Riad Juman is highly qualified and suitable to lead in the position of Director General, Customs and Excise. I beg to move, Mr. Deputy Speaker.

Hon. Members: [*Desk thumping*]

Question proposed.

Mr. Deputy Speaker: Hon. Members, at this time you are reminded that leave has been granted for Motion Nos. 1, 2 and 3 to be debated together. So, again, Members entering the debate can speak on all three. Member for Barataria/San Juan.

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: Member, for the records, 30 minutes and your additional 15. Proceed.

Mr. Saddam Hosein (Barataria/San Juan): Thank you very much, Mr. Deputy Speaker, for recognizing me to enter into this debate. Mr. Deputy Speaker, this is a very historical debate, and I say that in the context, it is not every position comes to this Parliament for parliamentary approval. There are only a few positions that come here for the Parliament to approve its appointment, and we are very familiar with that of the Commissioner of Police and the Deputy Commissioner of Police procedure where names are submitted through the Police Service Commission to the President and then

to the Parliament. However, in this case, Mr. Deputy Speaker, it is a bit different, in that a recruitment exercise is taking—that the board of management of the Trinidad and Tobago Revenue Authority conducts and thereafter the Minister shall, by notification, according to section 13 of the TTRA Act, will bring those nominations to the Parliament for affirmative resolution, which means that there must be a debate and a vote on this particular matter, not only in this House but also in the other place.

Mr. Deputy Speaker, from the outset, the position of the Opposition has been very clear when it comes to the Trinidad and Tobago Revenue Authority. We have stood against the Trinidad and Tobago Revenue Authority.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: We are clear on that particular matter, Mr. Deputy Speaker, and there is no secret when we vote today. The rejection is not of the rejection of the candidates but it is a rejection of the Trinidad and Tobago Revenue Authority

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: So we have to be very clear with that particular position here, Mr. Deputy Speaker.

Mr. Deputy Speaker, when you look at the Trinidad and Tobago Revenue Authority Act, at section 13(2), it gives the statutory qualifications of the Director General and the Deputy Director General. It says that:

“The Director General and the Deputy Directors General shall be persons who have a minimum of five years’ demonstrated skill and experience in the area of tax or customs administration, corporate

management or areas such as accounting, economics, law, business, public administration or other relevant fields, and who have a capacity to manage and direct large and complex organisations and who have an understanding of the welfare of employees.”

Mr. Deputy Speaker, today employees are fighting outside of this Parliament to keep their jobs and here it is that the job description says that you must care about—what?—“the welfare of employees”. That is a qualification under this particular piece of law, Mr. Deputy Speaker, a qualification to be appointed Director General and Deputy Director General. Imagine that, and today employees are in the courthouse fighting to keep their jobs, Mr. Deputy Speaker, from this wicked Government.

Hon. Members: [*Desk thumping*]

Dr. Moonilal: Correct.

Mr. S. Hosein: Mr. Deputy Speaker, we must understand how did we reach here with respect to these particular three names, and the Minister did not give us that information, so I had to rely on some newspaper articles that were published in relation to this particular matter. The first one I want to rely on, Mr. Deputy Speaker, is a Trinidad *Guardian* article, dated the 24th of June, 2023, by Asha Javeed, entitled, “Government rejects ORTT awardee Frost as TTRA head”. It says, Mr. Deputy Speaker, when you look at the article, that the first recruitment procedure lasted four months, from December 2022 to March 2023, and cost the country \$119,965.

Mrs. Robinson-Regis: Mr. Deputy Speaker, Standing Order 48(1), please.

Mr. Deputy Speaker: Again, hon. Members, for all those speaking today on the particular topic, I think the Motions are all clear. Again, in the

opening comments by the Minister of Finance, again, he identified clearly in dealing with the resumes of the three persons that we have here today, and he would have just given a preamble in his opening statement with regard to the Revenue Authority. Member for Barataria/San Juan, I allowed you the same in order to give you a little preamble as to where you are getting here with regard to where you are going. Again, I am not too sure if I am going to tolerate it, so let me just hear you and then we will determine whether we will continue along that way or not.

Mr. S. Hosein: Mr. Deputy Speaker, I would not make your job difficult this evening. There was a recruitment exercise that took place, Mr. Deputy Speaker, for the head of the TTRA, that resume that we are debating here today, which is the resume of Mrs. Patsy Latchman-Atterbury. There were two recruitment exercises for this. The first was done in November 30, 2022, when Mr. Frost was rejected and they had to go out again for another advertisement, which was issued on the 25th of May—

Mr. Deputy Speaker: Okay. Member.

Mr. S. Hosein:—2023.

Mr. Deputy Speaker: Member, please, again, it is clear what we have to resolve today. All right? So, again, you would have made in your opening salvo with regard to quoting from the two other occasions, but I would not allow you in order to go into the preamble where you want to give us names and dates and times, and so on. Right? General statement that there were two recruitment exercises, and let us move on, please.

Mr. S. Hosein: Thank you very much, Mr. Deputy Speaker.

Mr. Deputy Speaker, I think, you know, the recruitment exercise is a

very important factor that we must take into consideration because we have to understand how these resumes got to our desk, but when you look at the resumes, and you look at the job description, if I read the first part of the job description, which the Minister referred to, of the Director General, it says the person has to be on contract. That is the first thing. So we have to look at tenure, Mr. Deputy Speaker, and you will see from the Act that these persons who are appointed on contract will have a maximum term of about five years. When you look at Mrs. Atterbury's resume, you will see, for example, Mrs. Atterbury, according to the Minister of Finance, and when you look at the resume, she possesses various degrees, Bachelor of Science, Upper Second Class, from the UWI St. Augustine Campus. Then she got the Masters of Business Administration at UWI Mona, Jamaica, and I think she is now pursuing a Doctorate of Business Administration also at Mona School of Business and Management, UWI.

Mrs. Latchman-Atterbury would have spent most of her working career not in Trinidad and Tobago but, perhaps, in Jamaica, from—since around the year 1996 in the Bermudez Group Limited, and then she moved on to the Bank of Nova Scotia Jamaica Limited, 2007 to 2017; Tastee Limited, Jamaica, December 2017 to December 2021, and now currently at GK Capital Management Limited, January 2022 to present, and the resume is dated June 2023. So Mrs. Latchman-Atterbury spent most of her career in Jamaica and one has to ask, Mr. Deputy Speaker, whether or not she would be resident here as the Director General for the TTRA, whether Mrs. Latchman-Atterbury will in fact dedicate the time because she has very substantial portfolios in Jamaica, whether she would be able to dedicate that time here in Trinidad and Tobago.

I happened to look throughout our investigations, Mr. Deputy Speaker, because we also conduct our investigations and we have not seen Mrs. Latchman-Atterbury's name on the voters list in this country, so we do not even know if she is registered in Trinidad and Tobago, and I think she is now going to be the first Director General of the Trinidad and Tobago Revenue Authority. So that is one issue I would want to raise. Again, I do not know the honourable lady; she is qualified, we again have no issue with the person, we have an issue with the Trinidad and Tobago Revenue Authority.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: I want to make that absolutely clear—absolutely clear.

When we looked here, Mr. Deputy Speaker, at the other resume, that of Mrs. Helen Thomas-Brown, and also of Mr. Riad Nigel Juman, because they are two of the persons who are going to be appointed as Deputy Director General, Mrs. Helen Thomas-Brown will be the Deputy Director General-Domestic Tax, and Mr. Riad Nigel Juman will be the Deputy Director General-Customs and Excise Division. So I looked again at the two job descriptions that was posted on the website of the Trinidad and Tobago Revenue Authority and I compared the both of the job specs and qualifications and experience side by side. In relation to the job spec of the Customs and Excise Division, Director General, it says that the educational requirements are an MSc. in Finance, Law, Economics or Management from a recognized institution.

3.00 p.m.

But when you look at the Deputy Director's qualifications for

domestic tax, it is MSc or equivalent professional certification in business management, accounting, audit or finance.

Now, Mr. Deputy Speaker, what I saw is that when it comes to Customs and Excise, the person must possess a master's. Mr. Juman has a master's from the Anglia Ruskin University, UK, 2018. He was a recipient of that particular master's degree. However, Mrs. Helen Thomas-Brown did not possess a similar master's when you look at the résumé. However, she seemed to have had the qualifications of the equivalent professional certification. There is a list of qualifications at page 5 of the résumé, please, Mr. Deputy Speaker.

So one has to wonder why one Deputy Director General must possess a master's degree alone, but the other position can have professional equivalent qualifications or a master's degree. It is a bit coincidental to me, Mr. Deputy Speaker, in that regard, that there are two practically equivalent positions of Deputy Director Generals but the qualifications for both are different, Mr. Deputy Speaker.

Mr. Deputy Speaker, when you look at these résumés, again, we have no issues. However, we believe that these persons, qualified as they are, we are sounding a warning that they ought not to be influenced by any political direction or directive, please, Mr. Deputy Speaker, because when you look at the make-up and the security of tenure of these particular individuals, the Executive—I am not blaming any particular Minister—but the Executive, has a stronghold over the independence of these persons, in terms of their terms and conditions. I think today the Government should have been transparent enough to tell us what are the terms and conditions of these

particular individuals.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: These are persons who are going to be holding very high, important, sensitive positions in Trinidad and Tobago and we do not know what are their terms and conditions. That ought to have been made transparent to us here, Mr. Deputy Speaker. That is a point I wish to raise. When you look at their tenure, they can be very easily removed by the board, the board is appointed by the Minister of Finance, and those are issues that we wish to raise in respect to the independence of these persons. Highly qualified individuals but, Mr. Deputy Speaker, we are warning them, do not become poisoned by the Balisier of the PNM.

Hon. Member: [*Desk thumping*]

Mr. S. Hosein: So these are the short remarks or comments I wish to make, Mr. Deputy Speaker, with respect to these particular résumés. Again, our position is clear, we do not support the Trinidad and Tobago Revenue Authority, and I thank you very much.

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Acting Prime Minister, Minister of Finance.

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): Thank you very much.

Hon. Member: [*Desk thumping*]

Mr. Deputy Speaker: Chief Whip, I recognize the Acting Prime Minister. Proceed, Minister of Finance.

Hon. C. Imbert: Thank you very much. Mr. Deputy Speaker, I have

listened to the Member for Barataria/San Juan, and with respect to the compensation package and terms and conditions of the individuals, that is not a matter for the Parliament at this point in time. The Revenue Authority has submitted its recommendations for the package for these positions. In this administration, as in the previous UNC administration, there is a ministerial sub-committee of Cabinet that oversees terms and conditions of employment, chaired by the Minister of Finance and the Cabinet. We call it the Human Resource Advisory Committee. The former administration just called it the ministerial committee.

We are currently reviewing the recommendations that have come from the Trinidad and Tobago Revenue Authority, but they have couched it in a particular way that there is a need to attract high-level people and therefore, the packages would be at a fairly high level. And I give an undertaking here now that if a question is asked in the usual manner, once the committee has finished its deliberations and the packages have been accepted by the various authorities, that I would provide the information, in terms of the compensation packages of the individuals.

Mr. Hosein: [*Inaudible*]

Hon. Imbert: Mr. Deputy Speaker, I “doh” mind answering a question, but if the Member would do it—

Mr. Hosein: [*Inaudible*]

Hon. C. Imbert: Yes, do “yuh” thing properly. You seem to—claim to know Standing Orders. Do it properly “nah”.

Mr. Hosein: Thank you very much, Minister.

Mr. Deputy Speaker: [*Inaudible*]

Mr. Hosein: He is giving way, yes.

Mr. Deputy Speaker: All right. Okay. Proceed, Member for Barataria/San Juan.

Mr. Hosein: Minister, because this is a new process that we are engaging in, it is the first time we are doing this, what you are confirming is that the compensation packages have not yet been settled. These persons, once they get the parliamentary approval today, it means that they are appointed. When will that package be ready? Because they will take up their appointments on the approval of the Parliament.

Hon. C. Imbert: Now, it is—

Mr. Deputy Speaker: Minister of Finance.

Hon. C. Imbert: Yes, it is not today. The law requires me to go to the Senate as well, just for your information. I expect we will complete all deliberations within the next week or two, so there is no issue. The TTRA was quite proactive and the matter is before the ministerial committee and the CPO would also advise us—the CPO is our advisor in that particular committee. With respect to the terms and conditions of the contract, it would be standard and it would be very, very difficult to remove these persons in any capricious or whimsical manner.

So I want to reiterate that when one looks at the persons involved, they are very, very qualified. I heard the Member for Barataria/San Juan raise a particular matter with respect to the qualifications of the person that is being recommended or being proposed to the House for the position of Deputy Director General, tax, and I made the point that that particular individual is a Fellow of the Association of Chartered Certified

Accountants. Now:

“Fellowship is the highest achievement awarded to ACCA members. It’s awarded after five years of continuous membership and Continuous Professional Development...It represents a member’s extensive experience and long-term commitment to professionalism and ethics.”

Now, in the accounting field, as I am sure the Member for Barataria/San Juan is aware, there are different routes to professional qualifications. You could go and get a degree in accounting, or you could go the professional route and you can get the highest professional qualification. This particular person, Mrs. Helen Thomas-Brown, as I indicated, is a Fellow of the Association of Chartered Certified Accountants. Now, to draw parallel to the legal profession, there are persons who have the rank of senior counsel, who have gone through the route of pupillage and the clerk route working with the firm, not going through the full academic route, and have risen through the profession and are now senior counsels.

I want to make the point that it is not just university education that defines a person’s competence. In law and also in accounting in particular, it is membership in one of the professional organizations. So I dare say that somebody who has achieved the rank of Fellow of the Association of Chartered Certified Accountants is certainly equivalent to somebody who has a postgraduate degree. I am willing to make that declaration and I believe it to be true. I will also think somebody who has attained the rank of senior counsel, not going through the academic route, but going through the professional route is also someone who has achieved a high level of

academic excellence. I just wanted to make that point, that accountants do not always go the university route, they go the route of professional development, and Mrs. Helen Thomas-Brown has gone that way.

And I think in answering the question as to why the person who is to hold the position of Deputy Director General, tax, is not required to have a master's degree in the field, it is because of the recognition that many persons who would be suitable for that position would have gone the professional development route, and that is why they say a master's degree or equivalent. And I think no one in this House will argue that Mrs. Thomas-Brown, with all of her qualifications, not only being a Fellow of the Association of Chartered Certified Accountants and a bachelor's degree, but also having a diploma from the Inter-American Center of Tax Administrations and numerous certificates in governance and so on from the OECD, and so on, would have equivalent qualifications to a master's degree. Because you could have somebody with less experience and less professional development with a master's degree who might also qualify for the position. So I hope that has satisfied that query.

With respect to Mrs. Patsy Latchman-Atterbury, I want to point out first that I have received proof that Mrs. Latchman-Atterbury—this was not raised but I thought it was important that I bring it to the Parliament. I have received proof, I have in front of me the passport page of Mrs. Latchman-Atterbury, and she is a citizen of Trinidad and Tobago. It was not raised, but I thought it was important for me to say that, right, and I actually asked for it. I asked to get a copy of the passport page because I wanted to know myself.

Mr. Indarsingh: [*Inaudible*]

Hon. C. Imbert: [*Laughter*] And because the lady has been abroad and working in Jamaica for so long, it would be highly unlikely that she will be registered with the Elections and Boundaries Commission. I am a little surprised that the Member for Barataria/San Juan, who professes to be a legal luminary, would think that someone who has been out of the country for so long would still be on the voters list.

Mr. Young: “Dat doh exist”.

Hon. C. Imbert: I am just making a point, Mr. Deputy Speaker—

Mrs. Robinson-Regis: Exactly.

Hon. C. Imbert:—that I am surprised that somebody who professes to be a legal luminary would think that someone who has been resident—

Hon. Members: [*Interruption*]

Hon. C. Imbert:—I read out —

Hon. Members: [*Interruption*]

Hon. C. Imbert: No, this is the Motion, this is the Motion, this is the Motion. Mr. Deputy Speaker, the Member for Member for Barataria/San Juan—

Hon. Member: [*Inaudible*]

Hon. C. Imbert: I do not know why the Member is shouting, but during his contribution—and I am responding to him. During his contribution, he said that he checked the voters list and Mrs. Latchman-Atterbury, as far as he could determine, was not on the voters list. That is what he said. And I am making the point, Mr. Deputy Speaker, that Mrs. Latchman-Atterbury has been out of Trinidad and Tobago since, at least, 1999. Okay? So that is 25

years. It will be very delinquent of the Elections and Boundaries Commission to keep somebody on the list who has been out of the country for 25 years.

Hon. Members: [*Desk thumping*]

Mrs. Robinson-Regis: Exactly.

Hon. Member: [*Inaudible*]

Hon. C. Imbert: [*Laughter*] So that the point is that it is a full-time position, to answer that as well, Mr. Deputy Speaker, the more relevant point. I mean the point about the EBC was frivolous, but the more important point and serious point was whether the person would be resident in Trinidad and Tobago. Of course, this is a full-time position. Of course, there may be some transition because the Parliament has to approve these positions, so there would be some time before Mrs. Latchman-Atterbury relocates from Jamaica. I would hope it will be very quick, but she will be here and it is full-time position.

So I hope I have answered all of the queries with respect to Mrs. Helen Thomas-Brown, with respect to Mrs. Patsy Latchman-Atterbury, and I think we have been very fortunate when one looks at the CV setting, all “ole talk” aside, Mr. Deputy Speaker, and political cut and thrust and jousting and so on.

3.15 p.m.

I think we as a country on paper—because one never knows how people will function until they are actually in the position—but on paper I think we are very fortunate as a country to get these three fine, highly-qualified, distinguished, highly-experienced people to fill these three

positions, and I beg to move.

Hon. Members: [*Desk thumping*]

Question put.

Hon. Members: Division.

Mr. Deputy Speaker: Proceed with the division. Members. Hold on. Hold on, Members. Again, for the records, Members who are in the precinct, one, if they enter the Chamber at the time of the voting process, they will be allowed to cast their votes. I think that is a tradition and that is a norm within the Parliament. So proceed.

The House divided: Ayes 18 Noes 14

AYES

Robinson-Regis, Hon. C.

Imbert, Hon. C.

Young, Hon. S.

Hinds, Hon. F.

Deyalsingh, Hon. T.

Al-Rawi, Hon. F.

Cudjoe-Lewis, Hon. S.

Gonzales, Hon. M.

Mc Clashie, Hon. S.

de Nobriga, Hon. S.

Leonce, Hon. A.

Manning, Hon. B.

Morris-Julian, Hon. L.

Scotland, K.

Richards, K.

Monroe, R.

Gadsby-Dolly, Hon. Dr. N.

Webster-Roy, Hon. A.

NOES

Lee, D.

Ameen, Ms. K.

Indarsingh, R.

Padarath, B.

Moonilal, Dr. R.

Hosein, S.

Ratiram, R.

Bodoe, Dr. L.

Ram, A.

Ragbir, Dr. R.

Tancoo, D.

Benjamin, Ms. M.

Mohit, Ms. V.

Seecheran, Dr. R.

Question agreed to.

Resolved:

That the Notification of the appointment of Mrs. Patsy Latchman-Atterbury to the office of Director General of the Trinidad and Tobago Revenue Authority be approved.

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: Acting Prime Minister. We will go through each

Motion in order to have the vote, so Motion No. 2, Acting Prime Minister.

DEPUTY DIRECTOR GENERAL

(APPOINTMENT OF MRS. HELEN THOMAS-BROWN)

The Minister of Finance and Acting Prime Minister (Hon. Colm Imbert): Mr. Deputy Speaker, I am sorry. Motion No. 2. Mr. Deputy Speaker, I beg to move Motion No. 2 standing in my name:

Whereas section 13(1) of the Trinidad and Tobago Revenue Authority Act, 2021 (Act No. 17 of 2021) provides, *inter alia*, that the Minister shall, by Notification subject to affirmative resolution of Parliament, appoint the Director General and such number of Deputy Directors General of the Authority as are required;

And whereas the Minister of Finance has, by Notification dated the 15th day of March, 2024, appointed Mrs. Helen Thomas-Brown to the office of Deputy Director General–Domestic Tax of the Trinidad and Tobago Revenue Authority with effect from the date of her assumption of duty in that office;

And whereas it is expedient to approve the Notification:

Be it resolved that the Notification of the appointment of Mrs. Helen Thomas-Brown to the office of Deputy Director General–Domestic Tax of the Trinidad and Tobago Revenue Authority be approved.

Question put.

Hon. Member: Division.

Mr. Deputy Speaker: Again, Members, proceed with the division and as normal protocol will entail. Proceed.

The House divided: Ayes 19 Noes 14

AYES

Robinson-Regis, Hon. C.

Imbert, Hon. C.

Young, Hon. S.

Hinds, Hon. F.

Deyalsingh, Hon. T.

Al-Rawi, Hon. F.

Webster-Roy, Mrs. A.

Cudjoe-Lewis, Hon. S.

Gadsby-Dolly, Hon. Dr. N.

Gonzales, Hon. M.

Mc Clashie, Hon. S.

de Nobriga, Hon. S.

Leonce, Hon. A.

Manning, Hon. B.

Morris-Julian, Hon. L.

Scotland, K.

Richards, K.

Monroe, R.

Cummings, Hon. F.

NOES

Lee, D.

Ameen, Ms. K.

Indarsingh, R.

Padarath, B.

Moonilal, Dr. R.

Hosein, S.

Ratiram, R.

Bodoe, Dr. L.

Ram, A.

Ragbir, Dr. R.

Tancoo, D.

Benjamin, Ms. M.

Mohit, Ms. V.

Seecheran, Dr. R.

Question agreed to.

Resolved:

That the Notification of the appointment of Mrs. Helen Thomas-Brown to the office of Deputy Director General–Domestic Tax of the Trinidad and Tobago Revenue Authority be approved.

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: Acting Prime Minister.

DEPUTY DIRECTOR GENERAL

(APPOINTMENT OF MR. RIAD JUMAN)

The Minister of Finance and Acting Prime Minister (Hon. Colm Imbert): Thank you very much, Mr. Deputy Speaker. I beg move Motion No. 3 standing in my name:

Whereas section 13(1) of the Trinidad and Tobago Revenue Authority Act, 2021 (Act No. 17 of 2021) provides, inter alia, that the Minister shall, by Notification subject to affirmative resolution of Parliament, appoint the Director General and such number of Deputy Directors General of the Authority as are required;

And whereas the Minister of Finance has, by Notification dated the 15th day of March, 2024, appointed Mr. Riad Juman to the office of Deputy Director General–Customs and Excise of the Trinidad and Tobago Revenue Authority with effect from the date of his assumption of duty in that office;

And whereas it is expedient to approve the Notification:

Be it resolved that the Notification of the appointment of Mr. Riad Juman to the office of Deputy Director General–Customs and Excise of the Trinidad and Tobago Revenue Authority be approved.

Question put.

Hon. Member: Division.

Mr. Deputy Speaker: Proceed with the division.

The House divided: Ayes 20 Noes 17

AYES

Robinson-Regis, Hon. C.

Imbert, Hon. C.

Young, Hon. S.

Hinds, Hon. F.

Deyalsingh, Hon. T.

Al-Rawi, Hon. F.

Webster-Roy, Mrs. A.

Cudjoe-Lewis, Hon. S.

Gadsby-Dolly, Hon. Dr. N.

Gonzales, Hon. M.

Mc Clashie, Hon. S.

Cummings, Hon. F.

de Nobriga, Hon. S.

Leonce, Hon. A.

Manning, Hon. B.

Morris-Julian, Hon. L.

Scotland, K.

Richards, K.

Monroe, R.

Beckles, Hon. P.

NOES

Lee, D.

Charles, R.

Ameen, Ms. K.

Indarsingh, R.

Padarath, B.

Moonilal, Dr. R.

Hosein, S.

Paray, R.

Ratiram, R.

Bodoe, Dr. L.

Rambally, D.

Ram, A.

Ragbir, Dr. R.

Tancoo, D.

Benjamin, Ms. M.

Mohit, Ms. V.

Seecheran, Dr. R.

Question agreed to.

Resolved:

That the Notification of the appointment of Mr. Riad Juman to the office of Deputy Director General–Customs and Excise of the Trinidad and Tobago Revenue Authority be approved.

Hon. Members: [*Desk thumping*]

3.30 p.m.

THE MISCELLANEOUS PROVISIONS (ADMINISTRATION OF JUSTICE) BILL, 2023

Mr. Deputy Speaker: The Attorney General.

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

That a Bill to amend the Supreme Court of Judicature Act, Chap. 4:01 and the Criminal Procedure Act, Chap. 12:02 in relation to the place and time for sittings of a court and to provide for related matters, be now read a second time.

Mr. Deputy Speaker, I am pleased this afternoon to pilot this important Bill. As this House is aware, the Government of Trinidad and Tobago has partnered with various criminal justice stakeholders to ensure a more efficient running of the criminal justice system, and this has led to the introduction over the years of amendments to various pieces of legislation, to ensure that the appropriate framework is available to ensure the smooth operation of criminal matters both at the district court and supreme courts levels.

We were fortunate during the COVID-19 Pandemic to experience

positively the introduction of significant online and virtual service delivery of services throughout this country. The Judiciary in particular broached that change with vigour, and saw the transformation of court hearings relative to their location and format. Court hearings moved to online platforms seeing virtual attendance of participants including judicial officers, witnesses, and accused persons. Since the pandemic, Mr. Deputy Speaker, many of these digitalized solutions have been kept in place, consistent with the Government's mandate to continue the drive towards full digitization of public services.

Most recently in December 2023, with the proclamation of the Administration of Justice (Indictable Proceedings) Act, AJIPA, significant procedural changes have been brought to bear on the manner in which hearings, court hearings are conducted, how matters are initiated and where those matters will be initiated. Against this background, Mr. Deputy Speaker, we have to acknowledge the existing legislation, which we are today seeking to amend, does not adequately cater to our changed circumstances and the challenges of the reality in which we now operate.

This Bill is therefore, rooted in pragmatism to ensure that the court resources are optimized. The Bill seeks to enhance the flexibility of court proceedings by incorporating both virtual and hybrid appearances, and designating very importantly more generalized regions within Trinidad and Tobago, rather than specific locations for filing complaints. Mr. Deputy Speaker, importantly where the specific location of an offence is unclear or where the utilization of discretion allows for judicial fairness, the Bill also grants to the Director of Public Prosecutions the authority to file indictments

at any designated registry of the Supreme Court, of the Criminal Court Division in north Trinidad, south Trinidad, and in Tobago. Mr. Deputy Speaker, the Bill is a short Bill, it contains four clauses only.

Clause 1 of the Bill, provides the short title of the Bill. Clause 2 provides for the commencement of the Bill to come into operation on a date fixed by the President, Proclamation of the Act. Clause 3 provides for amendments to the Supreme Court of Judicature Act. The proposed amendment to the Supreme Court of Judicature Act, Mr. Deputy Speaker, addresses the critical issue with the existing legislation which requires currently that all trials are to be held within the boundaries of San Fernando, Port of Spain, and Scarborough.

It goes without saying than in this current technological climate and with the heavy urbanization of those areas, this significantly confines and limits the available spaces that the Judiciary is permitted to use for any proposed court expansion and operation. Put simply, the existing legislation excludes court spaces outside of the respective city boundaries; that is not acceptable. This presents spatial challenges but it also presents security challenges, as we are all aware of the risks associated with the transportation of high-risk prisoners, if so required, into heavily urbanized areas for the court attendance.

Mr. Deputy Speaker, having regard to the urgent need for the Judiciary to utilize all resources at its disposal to deliver justice to the citizenry of this country, as well as supporting the convenience and safety of judges, judicial officers, staff, accused persons, juries, and witnesses, the proposed amendments are not only crucial but are necessary for the

Judiciary of Trinidad and Tobago to conduct and discharge its mandate.

Mr. Deputy Speaker, the proposed amendments are therefore in line with the procedural changes within the judiciary and are crucial for supporting and maintaining the administration of justice in this proud Republic. Permit me to expand somewhat, Mr. Deputy Speaker, on what the Bill proposes to establish.

Clause 3(a) of the Bill amends section 74(1) of the Supreme Court of Judicature Act, by replacing the phrases “Port of Spain, San Fernando, and Scarborough” with the broader terms “north Trinidad, south Trinidad, and Tobago.” Clause 3(b) of the Bill amends section 74 of the Supreme Court of Judicature Act, to clarify that north Trinidad, south Trinidad, and Tobago stated in the existing section 74(1), will now have the exact meaning as section 3 of the Criminal Procedure Act, which defines and identifies those zones according to the cities, the boroughs, and municipalities in Trinidad and the island of Tobago.

This is a seemingly small but much needed intervention. I turn next to clause 4, amendment of the Criminal Procedure Act. Clause 4 of the Bill, Mr. Deputy Speaker, seeks to amend section 2 of the Criminal Procedure Act by inserting indispensable definitions in line with those current initiatives and practices of the judiciary, for example, such as the establishment of the virtual access customer centres. Phrases such as “hybrid mode” and “virtual mode” are being introduced in clause 4(a) to reference the conduct of proceedings before a court in part virtual and electronic means.

Mr. Deputy Speaker, this inclusion was deemed necessary as the

existing outdated legislation failed to address the current measures taken by the Judiciary to digitize the courts. Clause 4(a) similarly, Mr. Deputy Speaker, introduces other phrases such as “in-person”, to distinguish:

“...conduct of a hearing...in a court building in the physical presence of the Judge, Master, District Court Judge or Registrar who is adjudicating;”—officer.

3.40 p.m.

Mr. Deputy Speaker, permit me also to mention that clause 4(a) additionally provides for the more clear definitions of north Trinidad, south Trinidad, and Tobago. Mr. Deputy Speaker, this pivotal inclusion takes the mischief of the confines of the existing legislation—tackles, I beg your pardon, the mischief of the confines of the existing legislation by designating more general regions rather than specific locations. North Trinidad has been defined to consist of the City of Port of Spain; the Boroughs of Arima, Chaguanas and Diego Martin; and the municipalities of San Juan/Laventille, Tunapuna/Piarco and Sangre Grande. South Trinidad will consist of the City of San Fernando; the Boroughs of Point Fortin and Siparia; the municipalities of Couva/Tabaquite/Talparo, Penal/Debe, Princes Town and Mayaro/Rio Claro. And lastly, Tobago will encompass the region of the island of Tobago.

Mr. Deputy Speaker, clause 4(b) of the Criminal Procedure Act, by repealing section 3 and substituting a new section 3, provides for changes to the law on the following: places, times and modes of trial in north Trinidad, south Trinidad, and Tobago; attendance of judges and judicial officers for the hearing of cases virtually, in person or in hybrid mode; the designation

of a place for a registry of the Criminal Division of the High Court, and practice directions for proceedings, documents or any media to be filed at the registry. This significant amendment, Mr. Deputy Speaker, will empower:

“...the Chief Justice to appoint places and times for trial by Order...”—providing—“...for an exception that a judge or judicial officer may hold sittings at times and places other than those appointed by Order of the Chief Justice where...”—deemed—“...necessary in the interest of justice...”

Clause 4(c), Mr. Deputy Speaker, repeals and replaces sections 4 and 5 of the Criminal Procedure Act. This clause provides where any written law reference is made to Port of Spain, San Fernando or Scarborough as the places where criminal trials are heard, they are deemed now to be a reference to north Trinidad, south Trinidad, or Tobago, respectively.

Mr. Deputy Speaker, it is clear that these amendments to their respective pieces of legislation are a response to an evolving societal needs and the unforeseen strictures of the existing legislation. It is necessary to remove those limitations with respect to the use of court spaces in Trinidad and Tobago so as to bring the courts to the people.

As mentioned previously, Mr. Deputy Speaker, the amendments are also pivotal to supporting the Judiciary in its mandate by furthering the principles of the efficient administration of justice and the ease of access to justice within Trinidad and Tobago. Significantly, the proposed amendments would address organizational and divisional needs of the Judiciary, support caseflow management and case management strategies.

Importantly, the Bill contemplates the change of caseload management as seen through the recently enacted Administration of Justice (Indictable Proceedings) (Amdt.) Bill, 2023. There is already, Mr. Deputy Speaker, an increased flow of matters, moving from the districts courts to the High Courts under the AJIPA. It is of critical importance that with the increase in filings, suitable accommodation across north, south Trinidad, and Tobago, we have permitted as well the utilization of virtual hearings.

I would like to assure the citizenry, Trinidad and Tobago and this honourable House that this Government is committed to furthering and bringing effective and necessary legislation to this Parliament to uphold the principles of the administration of justice, namely upholding access to justice, equality, fairness and integrity of all citizens of this country. And I think that coincidentally this is an appropriate day on which to bring this Bill when this morning, the Caribbean Court of Justice and the Supreme Court of Justice held a ceremonial sitting to celebrate the life of Mr. Justice Michael de la Bastide who pioneered on many of the changes which we are now bringing further to fruition. Mr. Deputy Speaker, I beg to move.

Hon. Members: [*Desk thumping*]

Question proposed.

Mr. Deputy Speaker: I recognize the Member for Barataria/San Juan.

Hon. Members: [*Desk thumping*]

Mr. Saddam Hosein (Barataria/San Juan): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, I am doing a double-shift here today. I thank you for the opportunity to rise in this particular debate which is a Bill, an Act to amend the Supreme Court of Judicature Act, Chap. 4:01 and

the Criminal procedure Act, Chap. 12:02 in relation to the place and time for sittings of a court and to provide for related matters.

And, Mr. Deputy Speaker, coming out of the COVID-19 pandemic, we had seen a transformation and a change with respect to the manner in which court sittings are being conducted, in that, there was the introduction of the virtual environment where both the civil courts and the criminal courts were sitting in a virtual space, having regard to where we had come as a country with respect to the COVID-19 pandemic. And this is not only unique to Trinidad and Tobago but all of the world, in terms of moving towards a virtual space, a virtual environment, and also enabling the electronic transmission and filing of certain documents in relation to court proceedings.

However, this Bill before us here today only deals with the criminal procedure aspect of it, in terms of the High Court proceedings. Recently, the Government in December would have proclaimed the AJIPA Act, that is the Administration of Justice (Indictable Proceedings) Act, with respect to now removing that procedure, what we call the preliminary enquiry, and now having the sufficiency hearings being done by the Masters of the High Court—the criminal Masters of the High Court. And what this Bill does, Mr. Deputy Speaker—and if you read the parent Act, that being the Criminal Procedure Act and also the Supreme Court of Judicature Act, you would realize that there is some antiquity in the language—they refer to the assizes, the Port of Spain, the San Fernando, and also the Tobago assizes, and those assizes, Mr. Deputy Speaker, they sit in sessions and they would be the physical building that the Chief Justice would appoint as the place in which

these courts will sit, and the times in which they will sit.

What this Bill attempts to do, Mr. Deputy Speaker, is create, one, a new division—well, not a new division, a new jurisdiction called the north Trinidad, and that is divided based on the municipal corporations where the north Trinidad will consist of the City of Port of Spain; the Boroughs of Arima, Chaguanas and Diego Martin; and the municipalities of San Juan/Laventille, Tunapuna/Piarco and Sangre Grande. Then you have the south Trinidad, which consists of the City of San Fernando; the Boroughs of Point Fortin and Siparia; and the municipalities of Couva/Tabaquite/Talparo, Penal/Debe, Princes Town and Mayaro/Rio Claro; and then you have Tobago, which consists of the island of Tobago. And what the Bill allows, Mr. Deputy Speaker, now, is really to create the legal backbone for these particular trials and for the filing of these indictments to be done at designated registries of the Supreme Court in terms of the Criminal Court Division.

One of the points that I wish to look at in particular is that there are—what the Bill is doing is that, firstly, there is a mandate that where the offence would have been committed in a particular jurisdiction, that will be the first port of call in which the indictment is filed. So, for example, the offence takes place in the City of Port of Spain, or in the Borough of Diego Martin, or one of those municipalities that is considered north of Trinidad, the first port of call will be to file the indictment in north Trinidad. Similarly, in San Fernando, the offence takes place in Penal/Debe, the City of San Fernando, the south Trinidad registry will be the first registry we go to, and well, Tobago, it speaks for itself with respect to that particular

matter.

But there are also provisions that allow trial judge a bit of discretion in terms of the transference of matters from north to south Trinidad, even Tobago to Trinidad, and that must be done in the interest of justice, and that is a very wide discretion. And I am somewhat elated to know that the discretion of the trial judge and his case management powers are preserved by virtues of the clauses of this Bill because we have seen in the past in Trinidad and Tobago, where certain special measures, certain special matters had to be taken into consideration to protect, one, the accused, and two, even the witnesses and also the sequestration of jury members. So that is a wide power that is preserved for the trial judge because the ultimate consideration when a trial judge sits in the criminal courts is the fairness of trial. That is the optimum or the paramount consideration that the court ought to take into consideration that the accused must have a fair trial, and that is a constitutionally guaranteed right on sections 4 and 5 of our Republican Constitution with respect to ensuring that that person has a particular fair trial.

There was one place where I saw the language of the Bill that was a bit inconsistent, and I do not know if it was deliberate, and maybe the Attorney General can provide some clarification. This deals, Mr. Deputy Speaker, through you, to the Attorney General—when we look at clause—this would be the clause that deals with the Criminal Procedure Rules, clause 4, in particularly subsection (16), where it reads:

“Notwithstanding sections (7) to (13) and without prejudice to subsection (4), the Court, on its own discretion or on an application of

the Director of Public Prosecutions or an accused, may transfer a matter for trial from one place designated under subsection (2) to another such designated place, wherever the court determines that—

(a) the ends of justice so require;”

Now, Attorney General, when you look at other provisions of the Bill, the term “interest of justice” is used. So is it that the terms “the ends of justice so require” and “the interest of justice” is one and the same? And that is something I would just want some further clarification on, or should we have the consistency of drafting with respect to the Bill? When you look at (b), it says that:

“having regard to all the circumstances it is desirable to do so in the interests of securing the more expeditious hearing and determination of cases...”

Now, I understand that we would want matters to be taking place expeditiously, but should we also include there, or it could be caught in sub (a) that it must also—the court must also take into consideration the fairness of the trial? Because it not only expedition we look at, the expeditious hearing of a matter, but we also must ensure that we preserve that right to a fair trial. Because, Mr. Deputy Speaker, when matters that are completed—if you look at various appeal judgements, those are various grounds that can be raised in appeals in terms of whether or not the accused was, in fact, afforded a fair trial.

And looking at the Bill, I had to look in the context of what—there might be some judicial pronouncements on this particular matter, and I was happy to see, Mr. Deputy Speaker—because this was sometimes a new idea

or a new phenomenon that was taking place with respect to the virtual courts. And there was a Privy Council decision coming out of Turks and Caicos—the *Attorney General of Turks and Caicos v Misick and others*, and that particular matter dealt with whether or not—it was a very interesting case—a judge who appears virtually in court but sits outside of the island, whether or not the court is properly constituted or he is sitting properly as a judge. This matter dealt with really the interpretation of whether or not that regulation that allowed the court to sit virtually meant that the court was still sitting although the judge was out of jurisdiction. But that is just the facts of the case. When you look at the judgement, there were some statements being made, and I think those statements are relevant because it relates to also the fairness of the matters. At paragraph 69 of that judgement, Mr. Deputy Speaker, it says this:

“...it cannot be said that it would be unfair for any part of the trial to be conducted...”—remotely.

Important, because this is what we are doing.

COVID-19 has necessarily required court procedures in many countries to be adapted so as to enable courts to continue sitting, and the use of audio-visual links has been of great assistance in enabling them to do so. In the UK, for example, many trials have been successfully conducted either wholly or mainly by video link. Now, I stick a pin there. When you look at the Bill, there are also hybrid hearings, and there is a definition being given for the hybrid hearings, in terms of whether or not the:

“(a)witness, a person charged...or a party appears in a court whether or not the Judge, Master...or attorneys are present in the same

physical space; or

- (b) jurors are in the courtroom, whether or not the Judge, attorneys or accused persons are present in the same...space;"

3.55 p.m.

So that is the meaning of hybrid in relation to the particular Bill.

So it goes on, Mr. Deputy Speaker:

“Whilst jury trials raise distinct issues”—in relation to the use of such links—“there is no intrinsic reason why video links cannot be used in criminal proceedings.”

And indeed in the UK video evidence has long been used for vulnerable and child witnesses in criminal procedures. So, Mr. Deputy Speaker, this is what the Privy Council had to say with respect to the use of video links in terms of the conduct of criminal trials.

Now, we must also look at it in the Trinidad and Tobago context. I have in particular, a submission being made by the Law Association to the Joint Select Committee on National Security in their enquiry into the criminal justice system in Trinidad and Tobago. And that particular submission, Mr. Deputy Speaker, the Law Association made some very interesting, worrying remarks and also some recommendations. And I think the Government ought to not take this as only criticism but take it in good faith, because we all have a common goal, especially us on this side, to ensure that we have a robust, functioning criminal justice system. Because we all know, Mr. Deputy Speaker, we are facing a crime epidemic in Trinidad and Tobago. It is a worsening, serious situation and I think if criminals know that there is a fully functioning criminal justice system

where they are assured that there will be a conviction in a swift manner and a serious penalty, they may be deterred from committing crimes. But when you have a system where criminals know that you have 10, 15 years to wait for a trial then there is no real effect of a deterrent in Trinidad and Tobago. So, again I tell the Government to take these submissions in good faith.

The Law Association made issues with respect to:

“26. Hearings are not public.”

Criminal matters are public hearings. And what they are saying, when we use the virtual platform, based on bandwidth and the availability of virtual platforms, it has posed, really, an issue with respect to having the hearings being conducted publicly which has:

“...resulted in witnesses who are victims or relatives of victims being unable to follow a case to its outcome or to understand why it may have been put off.”

That is what the Law Association is saying. It requires:

“27. ...attorneys or police officers to turn off their cameras so that the...”—AV—“quality of the hearing may be improved.”

Again that will go towards the bandwidth issues.

So these will deal with, Mr. Deputy Speaker, while we are creating the legal framework here we must also have, as my friend from San Fernando West says, that we must have the people and the machinery to back up the law, to back up the legal framework. And this is what the Law Association is saying, that we need to probably look in terms of the technology, look in terms of the equipment for the proper functioning of this particular system, because it is new to all of us.

“29. The virtual access centres are in high demand...”

Now these VAC centres are where the accused persons may appear virtually, where witnesses may attend virtually. And what the Law Association is saying is that those:

“...booths are quite small, and not built for a witness to be reasonably comfortable while testifying. There is competition for space.”

These comments are being made in the context of the District Court Judges but there are similar complaints and issues in relation to the High Court matters. Because there is no High Court VAC centre or a district court VAC centre, it is the same VAC centres for the both jurisdictions.

“31. Virtual courts do not easily allow courts to remind witnesses that their case are being dealt with...the first time a virtual complainant may be seeing a judicial officer will be on a screen. It is not a situation which encourages confidence or transparency.”

In relation to the accessibility of staff at the Judiciary those are concerns that they also raised, Mr. Deputy Speaker, and they also indicated that—which is a very concerning submission, is that they said that:

“35. Virtual hearings may have had an impact on the decision of accused persons to choose Judge alone trials. An accused is less likely to be trusting of a trial where all the major players are on a screen. An accused person who has been on remand for a long time, as unfortunately is sometimes the case, will be even less trusting.”

This again is the work of the Law Association. And one of the other points I

wish to also reiterate is that there has been a:

“51. Failure”—I am quoting again—“of the judiciary to maintain its plant and equipment is fundamental. The San Fernando High Court appears to have been allowed to become dilapidated so that it has become unusable...At the moment, San Fernando High Court jury trials are being heard at the Judicial Centre in Arima despite the fact that we have been out of a State of Emergency for quite some time.”

So these were the concerns, Mr. Deputy Speaker, of the Law Association and again I recommend that the Government and also the Judiciary take it in good faith because the Law Association really represents the voice of the Bar. And we are, Mr. Deputy Speaker, on this side, in terms of this particular Bill, there is just the concern with respect to the drafting and with respect to the actual plant and machinery to back up the legal framework. Those are the concerns that we wish to raise on this side, Mr. Deputy Speaker, and I thank you very much.

Hon. Members: [*Desk thumping*]

The Minister of Public Utilities (Hon. Marvin Gonzales): Thank you very much—

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

Hon. Members: [*Desk thumping*]

Hon. M. Gonzales: Thank you very much, Mr. Deputy Speaker. I apologize for that mix up. Mr. Deputy Speaker, I want to thank first the hon. Attorney General for again coming and introducing progressive legislation that will advance the administration of justice in Trinidad and Tobago. I

also wish to thank the hon. Chief Justice and the court administrators and the administration of the Judiciary of Trinidad and Tobago for having this close collaboration with the Ministry of the Attorney General and by extension, the Executive and the Legislature to work together to advance the administration of justice in Trinidad and Tobago for the benefit of the people of Trinidad and Tobago.

I also want to place on record, Mr. Deputy Speaker, the work of the former Attorney General of Trinidad and Tobago, because what we are seeing here is a continuation of the work done by the Government of Trinidad and Tobago from 2015 to 2020 and from 2020 to this time, that the Ministry of the Attorney General has been working and collaborating with the Judiciary to introduce a number of pieces of legislation that would improve the administration of justice in Trinidad and Tobago. We would have seen several amendments being made to the Summary Courts Act, the Indictable Proceedings Act and a number of pieces of legislation, all aimed, Mr. Deputy Speaker, to improve and to advance the administration of justice in Trinidad and Tobago.

I feel a sense of pride to be part of a government that would have expended and authorized the expenditure of millions of dollars in the Judiciary. We would have seen, and the last point made by my colleague for Barataria/San Juan with respect to concerns raised by the Law Association of Trinidad and Tobago with respect to certain court buildings in San Fernando, which of course is a legitimate concern, but we cannot deny the fact, Mr. Deputy Speaker, that under this Government millions of dollars were spent and authorized by this Parliament and the Government for the

Judiciary of Trinidad and Tobago to expand its infrastructure so that the people of Trinidad and Tobago can have access to justice.

We would have seen, even recently in 2023, the movement of the civil arena from the Hall of Justice to the Waterfront, costing the taxpayers millions of dollars to expand the civil arm of the Judiciary and to allow the Judiciary to expand the Criminal Division so that we can continue to have access to justice so that we can expedite the trials and reduce the case backlogs that we have endured for years.

Mr. Deputy Speaker, over and over again, we have come to this Parliament and we have debated several pieces of legislation all aimed at improving the administration of justice in Trinidad and Tobago. But before I go on, I must thank—and it appears as though the United National Congress, based on the tone set by the previous speaker, that they are in support of this legislation. I want to thank the hon. Member for Barataria/San Juan for setting that tone, because it is indeed good legislation. And there is nothing in the legislation that is objectionable and therefore we must continue to work with our friends in the Judiciary, the independent Judiciary, to improve the administration of justice because it is a fundamental right of every citizen of Trinidad and Tobago to a fair trial, an expeditious trial, Mr. Deputy Speaker.

But just harping on the point raised, the last point raised by my colleague from Barataria/San Juan—and it forced me to look at some of the publications by the Judiciary especially in the period 2018 to 2019, referring to allocations approved by this Parliament and this Government that would have enhanced the infrastructure, the court infrastructure that all led to the

improvement in the administration of justice in Trinidad and Tobago.

And just allow me, Mr. Deputy Speaker, to quote from the 2019 to 2020 publication from the Judiciary with respect to an allocation of \$612,998,000 which represented at that time, 2019 to 2020, a 15.2 increase from the previous fiscal year. And this is what the Judiciary noted with respect to that expenditure, and I quote. According to the annual report published for that period, the sums expended were used apart from recurrent expenditure of covering,

“...additional costs incurred to ensure the safety of all users accessing court locations during this COVID-19 period.

...facilitate realignment of operations at the Criminal Division and the District Criminal and Traffic Courts and to address improvements in the Judiciary operating environment, the provision of productivity, tools and infrastructure, as well as meeting general accommodation, technical, janitorial and security contractual obligations throughout the Judiciary.”

The third point very important, expanding:

“...the ICT infrastructure equipment and systems that support the delivery of Judiciary services, particularly the development of capacity for remote working arrangements, virtual court hearings and online court access during the COVID-19 period...

strengthening service delivery capacity at the courts of the Family and Children Division”—and facilitating—“improvement works to buildings, plant, equipment infrastructure at Supreme Court locations”—in—“Port of Spain, in San Fernando and Tobago and a

District Court location”—in—“Port of Spain, Point Fortin, Siparia, Princes Town, Couva and Chaguanas, with a focus on the comfort and ease of use by both the employees of the Judiciary and the external stakeholders of the court system.”

Another very important point, Mr. Deputy Speaker, is the continuing:

“...of the Video Conferencing Facility at the Golden Grove, Arouca...”—and constructing of judicial housing accommodation in Tobago.

So what the Judiciary has been saying and telling the country and reporting on an annual basis, Mr. Deputy Speaker, is that with the increase in budgetary allocations over the years, they continue to improve their infrastructure so that they can expand judicial services all over Trinidad and Tobago.

So to respond to my colleague from Barataria/San Juan, yes, there is an issue with respect to San Fernando, and the Judiciary has noted that and has been making tremendous efforts to address this particular problem. But that being said, millions of dollars continue to be spent all over this country to expand judicial services so that the people of San Fernando, the people of East Trinidad, the people of Chaguanas and the people of Tobago, the people of Siparia, Point Fortin, Mayaro, all over will have access to judicial services so that we can fulfill and respect the constitutional rights of citizens to have access to justice and to a fair trial.

4.10 p.m.

Mr. Deputy Speaker, the Bill before this Parliament today is one that is quite laudable and will continue to ensure that the issue that we have in

the delays in the criminal justice arena will be tackled in a very systematic way, to allow the Chief Justice and court administrators to undertake the necessary training, to invest in the necessary infrastructure, to ensure that our citizens have access to virtual court resources, to have access to hybrid court proceedings as we have successfully done during this COVID-19 pandemic.

As a matter of fact, based on some of the advancements and some of the legislation that we would have passed even the before the COVID-19 pandemic, I dare to say, Mr. Deputy Speaker, I think that the Judiciary of Trinidad and Tobago happened to be one of the key institutions in Trinidad and Tobago that was very prepared for the onslaught of the COVID-19 pandemic. And as a result of that, we would have seen that even during the pandemic the Judiciary was able to respond with a certain level of resilience to the extent that the people of Trinidad and Tobago were not deprived of their access to justice. We would have seen the court moving into the virtual space within record time.

Another fundamental policy decision that was implemented during that period, Mr. Deputy Speaker, was that video-conferencing facility in the Golden Grove Prison. Over the years, millions of dollars, if not hundreds of millions of dollars were spent by the Ministry of National Security—we would have recalled transporting prisoners throughout the East-West corridor from morning and evening time, taking prisoners from the Golden Grove Prison into Port of Spain to attend court, often times just to get an adjournment date. And this would have cost the citizens and the people of Trinidad hundreds of millions of dollars. But because of the advancements

that we would have made in the establishment of video-conferencing facility at the Golden Grove Prison, the people of Trinidad and Tobago are now saved from that expenditure and prisoners now make access to this facility that could prevent that expenditure.

Mr. Deputy Speaker, the amendments and the benefits of the amendments before us would certainly aid in determining locations best suited to address specific organizational and divisional needs based on available data and trends in filings as well as case-flow management and case management strategies suitable to ensure that case type that is managed by the Judiciary. And the first amendment as the hon. Attorney General would have read, is the whole idea of having courts based on a very restrictive definition of Port of Spain, San Fernando and Tobago.

As a result of that, it created its own administrative difficulties where suitable accommodation could not have been located in Port of Spain, in San Fernando and perhaps in Tobago. We had as an example where the court, in establishing the Children Division, could not have identified a suitable location in the City of San Fernando as defined in law, and because of that restricted definition, the Judiciary was unable to find suitable accommodation in San Fernando and had to locate the court outside of San Fernando.

With this amendment, Mr. Deputy Speaker, replacing the definition of Port of Spain—or expanding, rather, the definition of Port of Spain, San Fernando as well as Tobago, and replacing it with north Trinidad, south Trinidad, and Tobago, it will allow the Judiciary to utilize locations outside of Port of Spain, outside of San Fernando and perhaps Tobago, and to make

reasonable use of buildings that are suitable wherever they are located, be it in north, be it in south, in Tobago, to allow reasonable use of these resources and facilities so that we can have expanded access to justice.

And therefore, Mr Deputy Speaker, in accordance with the proposed amendments, north Trinidad consists of: the City of Port of Spain, the boroughs of Arima, Chaguanas and Diego Martin, the municipalities of San Juan, Laventille, Tunapuna, Piarcó and Sangre Grande according to the amendments before us. South Trinidad with an expanded definition as opposed to the City of Fernando, would consist of: the City of San Fernando, the boroughs of Point Fortin and Siparia, the municipalities of Couva, Tabaquite, Talparo, Penal, Debe, Princes Town and Rio Claro, and of course Tobago would consist of—not the ward of Tobago but the entire island of Tobago.

Another very important proposal that is before us is the fact that “virtual mode” was introduced in the definition before us—before this Bill. And “virtual mode” was given or defined, rather, as:

“...means the conduct of any proceeding by electronic means including
by teleconference, video-link, internet link, or any manner of instant communication between the Court and the parties, facilitated by the use
of technology under the management of the Judiciary of Trinidad and Tobago;”

Mr. Deputy Speaker, this amendment that is before us will allow court administrators, the judicial officers, the Chief Justice of Trinidad and

Tobago to make use of facilities wherever they are located in Trinidad and Tobago to assign cases wherever they are so as to aid and to improve and to expedite the administration of justice.

In addition to that, Mr. Deputy Speaker, we have challenges where in a number of high-profile cases, special arrangements would have to be made with respect to the protection of witnesses, with the transportation of judicial officers wherever they are, to allow Masters, court administrators, judges, registrars, et cetera, to manage their cases in such a way that would allow witnesses to appear via video-conferencing facilities in the virtual space, taking into consideration the highly sensitive nature of very serious criminal cases where witnesses may have to be protected. And therefore, with these amendments it allows our judges, our registrars to manage their cases in such a way that will allow our witnesses to appear if the situation demands, Mr. Deputy Speaker, to appear in virtual settings.

It makes for more convenient and altogether safer to facilitate specific types of matters such as serious criminal cases, at specialized facilities to reduce traffic in locations, in built-up areas and to reduce associated risk with transporting and accommodating judges, judicial officers, staff, accused persons, witnesses, where specific logistical arrangements must be made.

4.20 p.m.

It allows, Mr. Deputy Speaker, for the establishment of the Virtual Access Customer Centres, which was indeed a very innovative and initiative by the Judiciary of Trinidad and Tobago. These Virtual Access Customer Centres allow litigants to access court services and participate in proceedings without the need to appear at specific court locations. I am told

that the virtual court customer centres that have been established by the Judiciary have allowed witnesses who may have travelled, or who may have some physical disability, or who may have some illness to yet still appear and participate in proceedings before the court because of this very, very good initiative by the Judiciary where those persons can appear before the Virtual Access Customer Centres to participate in the judicial proceedings. Mr. Deputy Speaker, judges, judicial officers may order that litigants and witnesses appear at the virtual court centres where the interest of justice permit.

Another important piece of amendment that is before us, Mr. Deputy Speaker, is this amendment to the Criminal Procedure Act and in particular, the repeal of section 3 of the Criminal Procedure Act that speaks to the place, the time and the mode of the trial. It replaces a new subsection (3) to the Criminal Procedure Act and it stipulates that:

“The Chief Justice may by Order appoint places and times for trials and the attendance of Judges and judicial officers for the hearing of cases which the Court is competent to hear and determine.”

And the Chief Justice, under subsection (6), will have the power to make:

“...by Practice Direction direct the means by which proceedings, documents, or any other media are to be filed at a Registry of the Criminal Division of the High Court.”

It goes on to say that:

“In all matters in which a person is being charged indictably, if the offence was committed in south Trinidad, the complaint...”—will—

“...be filed in south...”

So essentially, the Act is saying—or the Bill that is before us is saying that if matters are committed or rather offences are committed in south Trinidad, the matters will be filed in the court registry in south Trinidad and the same way for north Trinidad and in Tobago. But it gives the Chief Justice, it gives the judge that discretion to allow for these matters to be transferred from north or south or Tobago depending on whether or not the interest of justice requires that. So as it is right now, it is very difficult to do so because the Act and the law requires that wherever an offence is committed, the matter will be tried in the court in that particular jurisdiction.

Oftentimes, it makes it very difficult to have matters tried in one jurisdiction because of various challenges that a judge in a particular jurisdiction may have. But in the proposed recommendation in the Bill before us, Mr. Deputy Speaker, it allows the Masters, the Registrars, the judges to manage their cases and to even transfer the cases from one area to another if the interest of justice requires. Therefore, it allows the court to manage and transfer matters as it sees fit towards the end of justice.

Mr. Deputy Speaker, there are many instances, for example, where matters or offences are committed in north Trinidad and there might be reasons why the matter cannot be tried in north Trinidad. The honourable Chief Justice, the Registrar, the magistrate or district judge might opt to utilize resources in another district to hear these matters and this is what the legislation or the Bill that is before us allows the Judiciary to do in the handling of matters before it.

Therefore, Mr. Deputy Speaker, in subsection (13), it stipulates that:

“In circumstances where an offence occurred virtually...”

—for example, it talks about virtual commission of offences. There are a number of cases, Mr. Deputy Speaker, where a lot of criminal offences are committed virtually by the use of computers, the use of phones, and because it might be very difficult to determine where those offences are committed, the Director of Public Prosecutions and the courts and the police might find challenges as to where these matters are to be filed. The Bill that is before us, it stipulates at subsection (13) that:

“In circumstances, where an offence occurred virtually, a specific physical location cannot be established for an offence or it is otherwise in the interest of justice, the Director of Public Prosecutions may exercise a discretion to file an indictment at a designated Registry of the Supreme Court for the Criminal Court Division in North Trinidad, South Trinidad and Tobago and in exercising the discretion, the Director of Public Prosecutions shall have regard to the following:

- (a) the place where the offence occurred; or
- (b) if the offence occurred virtually or a specific physical location cannot be established for the offence...”

The court, or the DPP rather will take into consideration:

- “(i) the residence of the accused;
- (ii) the residence of the alleged victim; or
- (iii) the convenience of the witnesses; and”

And rather, most importantly:

- “(c) the interest of justice.”

At subsection (14), Mr. Deputy Speaker, it gives the judge, again, that discretion to look at a—to determine whether a fair trial—in determining whether a matter can be tried in north Trinidad, in south or in Tobago, that the judge must have regard to whether or not it is satisfied that:

- “(a) a fair trial cannot be had at San Fernando or...
- (b) it is more convenient to the parties to hold the trial in North Trinidad; or
- (c) the interest of justice requires the matter to be held elsewhere.”

Looking at all the provisions—

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

Hon. M. Gonzales: I will avail myself, Mr. Deputy Speaker.

Mr. Deputy Speaker: Proceed.

Hon. M. Gonzales: Thank you very much.

Hon. Members: [*Desk thumping*]

Hon. M. Gonzales: So, Mr. Deputy Speaker, the Bill that is before us is a good Bill and it follows on a number of pieces of legislation that were passed in this Parliament to expand access to justice, to improve the administration of justice in Trinidad and Tobago, to ensure that the right of an accused to a fair trial is maintained and is protected. And by so doing, it allows the court to continue its investment in the virtual court hearing; expanding access to the court by the use of virtual hearings, hybrid hearings; allowing the court to ensure that persons who work within the judicial system, witnesses, et cetera, can either appear in persons, can either appear

using virtual platforms to participate in the administration of justice.

Therefore, Mr. Deputy Speaker, following upon the significant sums of money that was spent and expended in the Development Programme for the Judiciary to improve the court infrastructure all over Trinidad and Tobago, as recognized by the court in their annual publication, we are saying that this piece of legislation that is before us will continue to give support to the Judiciary to expand the administration of justice, the availability of justice to all communities wherever they are. Whether or not you are in Mayaro, whether or not you are in Siparia, whether or not you are in Matura or in Sangre Grande, one can have access to justice and not be deprived of gaining and getting access to our courts because of what we have done over the years in the administration of justice in Trinidad and Tobago. We have done quite a lot. We have worked together with the Judiciary and the Office of the Attorney General to pass the necessary legislation, as we are doing here today.

Mr. Deputy Speaker, I want to make a very important point that this Parliament would have approved millions of dollars to improve the administration of justice in Trinidad and Tobago. This Parliament would have expended time and energy to ensure that all of the necessary legislative frameworks are in place, to ensure the timely and expeditious access to justice in Trinidad and Tobago because it is necessary, especially as we continue to grappling with crime and criminality in Trinidad and Tobago. It affronts the society where 15 years matters are languishing before the courts and we hear of accused persons walking freely because witnesses are no longer available or the quality of evidence would have been impacted

because of the delays in our criminal justice system. It does not in any way protect the interest of the society when these things are allowed to continue.

The Judiciary of Trinidad and Tobago must be very grateful for the work and the collaboration of the Office of the Attorney General in ensuring that we pass a suite of legislation to support its work and in addition to that, the Government's support in providing the necessary financial resources, as we are doing here today, to ensure that we expand the administration of justice, we expand access to justice. We give the Chief Justice, we give judges the power to manage their cases, to manage their case flows to ensure that we have expedited justice in Trinidad and Tobago to protect the country and to protect the citizenry from the level of criminality that we continue to face in Trinidad and Tobago. We give the police the necessary resources and we expect the police to work together with all stakeholders to protect the citizens of Trinidad and Tobago. We give the Judiciary the necessary resources, the necessary legislative framework to ensure that the administration of justice is always maintained in a fair and transparent manner.

Mr. Deputy Speaker, it is incumbent upon all of us, whether we sit in the Parliament doing our work, whether we are law enforcement officers, whether we are judicial officers to do what we must do to protect the citizens of Trinidad and Tobago against the criminal elements that continue to threaten all of us. And therefore, the Judiciary in its pronouncements, in the way that it manages and imposes sentences and fines on persons appearing before it for serious criminal charges, it is important that that signal be sent to the criminal elements in the country that they too are working with the

legislative arm of the State with the Government and the Executive arm of the State in the fight against crime. We are providing the resources, we are providing the legislative framework for them to do their work and therefore, I am asking that the Judiciary do its part to send a clear and a very loud signal to the criminals in this country that they will do their part to protect the citizens of Trinidad and Tobago.

4.35 p.m.

Mr. Deputy Speaker, we can all say that we need more in whichever sphere we function in. Even the Parliament of Trinidad and Tobago, I am sure can do with more resources, the police I am sure will say they can do with more resources, the Judiciary can say that they can do with more resources in addition to, and notwithstanding, all the support that they would have received. But I think, Mr. Deputy Speaker, it is very important that as we continue to provide the necessary resources, be it from a legislative prospective, from a financial perspective and otherwise, it is very important that judicial officers do their part in sending a very clear and loud signal to the criminal elements, especially those who are charged with serious criminal offences. That they will do their part to protect the interest of the people of Trinidad and Tobago.

And, Mr. Deputy Speaker, we will continue as a Government, working with our colleagues in the Ministry of the Attorney General, following up on the work that was done over the last five years since 2015 to improve the administration of justice. We will continue to do our part to work with the hon. Chief Justice and all administrators within the judicial framework to improve access to justice, to ensure that the resources that are

necessary by our judicial officers, to expand access to justice, to expedite the administration of justice, and to hold those who are responsible for committing crimes and serious criminal conduct against the citizens of Trinidad and Tobago. We will give them what they need to protect us, but they also have a responsibility to send a very clear and a very loud signal by holding those who are found liable, and those who are found guilty, to send a very loud and clear signal that they will not, and their conduct will not be tolerated.

And therefore, Mr. Deputy Speaker, I wish to commend the hon. Chief Justice, the hon. Attorney General for collaborating on bringing this very important piece of legislation before us. And I anticipate that when this Bill receives the overwhelming support of this Parliament, that our colleagues in the Judiciary will do their part, and work with us to protect the citizens of Trinidad and Tobago. I thank you, Mr. Deputy Speaker, for this opportunity.

Hon. Members: [*Desk thumping*]

[*Hon. Al-Rawi and Mr. Ram raise their hands simultaneously*]

Mr. Deputy Speaker: Okay, hon. Members, again, the procedure is that we know left side, right side, so, right. So, again, Caroni Central. Member I recognize you.

Hon. Members: [*Desk thumping*]

Mr. Arnold Ram (Caroni Central): Thank you, thank you, Deputy Speaker for the recognition this afternoon to add my voice in this Bill entitled:

“An Act to amend the Supreme Court of Judicature Act, Chap. 4:01 and the Criminal Procedure Act, Chap. 12:02 in relation to the place

and time for sittings of a court and to provide for related matters”.

Mr. Deputy Speaker, from my reading of the provisions of this Bill, this short Bill which has four clauses, provides for a couple of things. One, it enhances the flexibility of the court proceedings by incorporating both a hybrid model of virtual and physical appearances, and general regions rather than specific locations for the filing of complaints. It also allows the Director of Public Prosecutions the authority to file indictments at designated criminal court registries, in cases where specific locations of an offense is unclear or when utilizing this discretion fosters judicial fairness. And it endows judges and judicial officers with the authority to transfer a trial from San Fernando to Tobago or to the north region, if they so determine it is more conducive to the interest of justice, fairness, and convenience to all. Mr. Deputy Speaker, with the coming of the pandemic, the COVID-19 pandemic, we have seen a shift in the way in which court proceedings are held in Trinidad and Tobago. And it is something that we must applaud the Judiciary for, for their swift action in facilitating the virtual court platform. And it allowed for quite a number of things, and one of the things that it allowed for, it allowed for additional courts to be added easily in the system in the Judiciary, Mr. Deputy Speaker. For example, I remember having a conversation with the former Attorney General, the Member for San Fernando West, very early on in my tenure as a Member of Parliament, in which I indicated to him that the Couva Magistrates' Court was outfitted in only one court. This was at the onset of the pandemic. But because of the virtual means by which court proceedings were being held, it allowed for a second court to be added to lift the burden on one magistrate at

the Couva Magistrates' Court. And it is something that again we must applaud Judiciary for, in quickly remodelling itself to allocate same.

Mr. Deputy Speaker, in December 2023, there was the passing of the Administration of Justice Indictable Proceedings Act, 2023. And this Bill together with that, is that, you know, it is a progression of what we will want the Judiciary to, you know—to have a functioning Judiciary, Mr. Deputy Speaker. One that—a criminal justice system in particular, Mr. Deputy Speaker. So, with the passing the proclamation in December 2023, and the hearings at the Master, where the Masters were hearing either-way offences or indictable offences, there was some confusion at first, Mr. Deputy Speaker. Because when you appeared first before the Master, the police prosecutors were unsure whether they can make the recommendation in an either-way offence.

And it caused some confusion, Mr. Deputy Speaker, at first, when that Bill was proclaimed, in that the prosecutors did not know—the police prosecutors that is—whether they had the authority to make recommendations for either way offences. Eventually it was worked out and it is something that is, I mean, working good at this point in time. But, Mr. Deputy Speaker, the point I want to make in respect of that is when matters which are indictable go before the Master, there are still training requirements still taking place up to today. A colleague of mine on my way here told me that he had to attend a training from one o'clock to two o'clock—

Hon. Al-Rawi: Mr. Deputy Speaker, I rise respectfully on Standing Order 48(1). It still has nothing to do with the content that the Member is offering.

Mr. Deputy Speaker: Member, I will give you some leeway, tie in your point quickly, please.

Mr. A. Ram: Thank you. And the purpose of this Bill, Mr. Deputy Speaker, is for us to, you know, as a Parliament to improve the criminal justice system. And the point I want to make is that when we pass these laws and these Bills in this Parliament, we have to ensure that the required training is passed on, at the level of the Judiciary and elsewhere for persons who will be using the system, Mr. Deputy Speaker.

So, Mr. Deputy Speaker, when you look at the Bill before us, there is one concern that I—something I want the Attorney General to consider, and it is at section 3 b:

“(b) by inserting after subsection (2), the following subsection:

‘(3) In this section, ‘North Trinidad’ ‘South Trinidad’ and ‘Tobago’ have the same meaning as section 3 of the Criminal Procedure Act.’”

So, in one instance, the Bill provides that the definitions of north Trinidad, south Trinidad and Tobago have the same meaning as section 3 of the Criminal Procedure Act. And yet, Mr. Deputy Speaker, if you look further on under definitions, each one of the jurisdictions or the areas are then defined. So, my concern is if there is a—and I have not checked it—if there is a conflict between the meanings in section 3 of the Criminal Procedure Act and the definitions here, which one will be resolved in favour of? I am not certain. So, that is something I will want some clarification from the Attorney General, in respect if he could provide some clarification on in his winding up please, Mr. Deputy Speaker.

Mr. Deputy Speaker, the Bill allows the Chief Justice and judicial officers to set and to fix the time and place of hearings. Mr. Deputy Speaker, my question to the hon. Attorney General, is whether this will also include night courts? Because it is something that was hinted on when the People's Partnership government was in office, for us to consider the imposition of night courts to deal with the backlog of cases that we have in this country, in terms of the length of time it takes for somebody to get justice. And Mr. Deputy Speaker, just this week I was reading in the newspaper where someone—it took and it is on *Trinidad Guardian*, on Wednesday 10th of April, 2024, where a man was freed of—on page 10 please—murder and the headline is:

“...Too easy to be charged with a crime in”—Trinidad and Tobago.”

Now, this gentleman spent 15 years on remand before he was freed, and what this article is saying, Mr. Deputy Speaker, it is too easy to charge someone and for them to have to wait 15 years to get their day in court. And that is something that, you know, we have been advocating on—this side—that whether we pass this Bill or any other Bill in support of the Government, whether it will really have an impact on your overall criminal justice system. Because it just does not depend on this Bill being passed alone, there must other moving parts, which are moving together, in tandem with the laws of Trinidad and Tobago for the criminal justice system to see a holistic change towards faster hearing of cases. Because, Mr. Deputy Speaker, as we know, something is almost of a cliché, ‘justice delayed is justice denied’.

So, Mr. Deputy Speaker, when we move on and there are other cases

as well, Mr. Deputy Speaker, in which there were cases which have been languishing over the court. I remember the case of Willard Mitchell, a case of October 2010, and he pleaded guilty and he was only convicted on the 27th of June 2023, 13 years after having pleaded guilty, for this entire process to go through, you know, so the matter could be concluded.

4.50 p.m.

Mr. Deputy Speaker, another point on the Bill has to do with the interest of justice which I want to phrase a catch-all test, and I think it is a bit too broad. The default position, Mr. Deputy Speaker, is that wherever a complaint or indictment is filed, it is filed where the offence is committed, and also the trials are held where the offence was committed. Under these amendments, there is an exception to this rule where indictments can be filed in another area and trials can be held in another area. Subsection (13) provides for the DPP with the discretion to file an indictment in either the north or south Trinidad where the offence occurred virtually, where the specific physical location cannot be established or where it is otherwise in the interest of justice. In so doing, Mr. Deputy Speaker, he is having regard to the following issues:

- “(a) the place where the offence occurred; or
- (b) if the offence occurred virtually or a specific physical location cannot be established for the offence—
 - (i) the residence of the accused;
 - (ii) the residence of the alleged victim; or
 - (iii) the convenience of the witnesses; and
- (c) the interest of justice.”

Respectfully, please, Mr. Deputy Speaker, the interest of justice test is a very broad one and this sort of catch-all phrase provision essentially gives the DPP a wide discretion to determine where the indictment can be filed. For example, an offence could have been committed in south Trinidad and the DPP could determine that in the interest of justice to file an indictment in north Trinidad. Under subsection (14), it says, the court can determine that the trial can take place in north Trinidad and the factor to consider is that a fair trial cannot be had at San Fernando or Tobago. It is more convenient to the parties to hold the trial in north Trinidad or the interest of justice requires the matter to be held elsewhere.

Now, Mr. Deputy Speaker, whilst in principle there is no opposition to that, it can be said that this leads to a degree of arbitrariness because it allows for this interest of justice to be used and it is too wide. There is no precise definition of what is the interest of justice. So, therefore, it gives some degree of arbitrariness to the person or the judge or the DPP who is making the decision. So the question is, what does the interest of justice actually mean, or what amounts to the interest of justice? It is vague and it is uncertain and really does not tell us anything further into what it is, you know, the interest of justice.

So, whilst these measures may sound good on paper, it will inevitably—it may lead to a degree of satellite litigation because when one may object to a matter being moved from one jurisdiction to another and therefore, it may lead to an appeal of some sort and then delay the litigation process or the justice system, and we are actually trying to hasten the pace of the criminal justice system. So, we have to be careful, you know, if we can

give some tightness or some level of accuracy to what is the interest of justice so that it leads to less uncertainty and less satellite litigation if the persons can so afford.

For example, Mr. Deputy Speaker, under subsection (16), the DPP or the accused can make an application to transfer a matter to one place or another. This subsection provides the criteria that must be satisfied. The point is, that these applications are to be made and heard therefore, this incurs cost and judicial time.

So therefore, by this same token, the application could be made by the Director of Public Prosecutions or it can be made by the accused, and that costs judicial time, Mr. Deputy Speaker, something we are trying to ensure that is very—what they say, judicial time is very scarce, is a very scarce resource and it is something that we must use in a most efficient manner. So, the judge on his own discretion can determine that the matter should be transferred and the question is whether this is open to appeal by either party. The real issue here, Mr. Deputy Speaker, is that our Judiciary, our judicial—criminal justice system is such that the cases go unresolved for many, many years. I have now indicated to you, that one of 15 years, takes a matter to be completed leaving individuals languishing in jail without due process, and leaving victims, survivors and families, and communities without closure when the matter takes this inordinate length of time.

This has a spiraling effect on our criminal justice system because the cases will pile up; citizens lose confidence in the judicial system when these cases take so long and witnesses disappear; witnesses get, you know, they get tired and bored of having to go to court or having to prepare themselves

and having to take a day off and time off from their schedule to attend court and having these matters adjourned and so forth, and the justice organizations falter even more under this burden of delays. So the real issue plaguing this country is a slow-moving criminal justice system, Mr. Deputy Speaker. Are these amendments really going to address the issue, and are they going to address this problem?

I have already pointed out and indicated to you, Mr. Deputy Speaker, that we are going to get a high degree of satellite litigation on applications to transfers and appeals, et cetera, and are these amendments really a window dressing? It is no secret that there is a backlog in our criminal justice system. Persons who are innocent have to wait an inordinate amount of time in jail awaiting trial, maybe in some worst cases, up to a decade. Those persons who cannot access bail, or cannot obtain bail for whatever reasons are sitting behind bars. This should not be the case. It is really a travesty of justice—

Mr. Deyalsingh: Mr. Deputy Speaker, respectfully, Standing Order 55(1)(b), please.

Mr. Imbert: Tedious repetition.

Mr. Deyalsingh: Tedious, tedious.

Mr. Rambally: “Doh worry.”

Mr. Deputy Speaker: Okay. Again, hon. Member. Again, stick within the parameters of the Bill. Right. Please. So we can move on.

Mr. A. Ram: Thank you, Mr. Deputy Speaker. So, I ask again, are these amendments really going to make a difference to our criminal justice system? We have heard a number of complaints over the years in respect of

the DPP and the short staff at the DPP, not enough prosecutors, and what is going on—what are we doing about this? That is the question, Mr. Deputy Speaker, because as I indicated before, we can pass the best laws here, but if the laws are not working for the citizens, then we are basically “spinning top in mud” in this Parliament. Because with the best laws, if they are not enacted in the proper manner—and the Member for Lopinot/Bon Air West indicated the amount of money spent by the various—over the years by this Parliament in improving the judiciary and improving the justice system. If we are not staffing the DPP, and the members at the DPP’s office, then how are we going to achieve a better criminal justice system, Mr. Deputy Speaker? And that is a point that must be underlined and stated, please. So, a lack of infrastructure in this regard—

Mr. Deyalsingh: Mr. Deputy Speaker, Standing Order 55(1)(b), every speaker spoke about these matters, and the Member is now repeating himself.

Mr. Deputy Speaker: Again, hon. Members, this is the third individual that has entered the debate, so again I have to give some leeway, hon. Members, okay? Proceed.

Mr. A. Ram: Thank you, Mr. Deputy Speaker, for your ruling. And I was just responding to the Member for Lopinot/Bon Air West—

Mr. Deputy Speaker: [*Inaudible*]

Mr. A. Ram: Yes. Thank you. And the question remains. All these parts must move in tandem. You cannot have one wheel going forward, and three wheels going backwards, and expect the vehicle to move forward. It just

does not work that way. All parts must move together for us to have an improved criminal justice system.

5.00 p.m.

We are not being told, Mr. Deputy Speaker, what is being done to improve the police service because the TTPS, they are an integral part of the good working of the criminal justice system. And all the money that Lopinot/Bon Air West indicated that we have spent, if the police service is not equipped to deal with issues in the criminal justice system then, again, we are just spinning top in mud. So the criminal justice system is not just a court house, but it is an entire system. It includes the very important aspects of detection rates, proper policing, proper gathering of evidence before a charge is laid.

We have been hearing, Mr. Deputy Speaker, again, about inefficiencies at the Forensic Science Centre for years. What is being done to improve the capability of the forensic science complex and—the Forensic Science Centre in the fight against crime? All these facets make up the whole. We cannot continue to have this piecemeal approach.

So, Mr. Deputy Speaker, in closing, in principle, we support the Bill before this honourable House today. However, it must not be a window dressing, it must not be a piecemeal approach. It must be a holistic approach towards dealing with the criminal justice system and the extraordinary slow pace at which the wheels of justice turn in this country. Are we going to see a more efficient justice system with these amendments? I hope so. It is not guaranteed, but I hope so. I am not certain if other stakeholders had an opportunity to comment on the piece of legislation before us, for example,

the Criminal Bar Association, the Judiciary and so forth, but I hope that they were consulted and provided the much needed feedback on this Bill before the honourable House this afternoon.

So, Mr. Deputy Speaker, before the Member for San Fernando West catches your eye, I want to thank you for the opportunity this afternoon. I know Mr.—San Fernando West will tell us about judge alone trials. I expect him to give us an account of what was done under his tenure in respect to the criminal justice system, something we have heard, but do not be anxious to also remind us this afternoon of what was achieved then.

So, Mr. Deputy Speaker, those are my comments, and I want to thank you immensely for the opportunity this afternoon. Thank you.

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: Hon. Members, before I call on the next Member to enter the debate, I would like to suspend this Sitting until 5.35.

5:05 p.m.: *Sitting suspended.*

5:35 p.m.: *Sitting resumed.*

Mr. Deputy Speaker: As we resume this Sitting, I recognize the Attorney General.

Hon. Members: [*Desk thumping*]

Dr. Moonilal: We would have liked to hear from the Member for San Fernando West.

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginal Armour SC): Thank you very much, Mr. Deputy Speaker.

Mr. Imbert: “You shoulda get up and talk”.

Sen. The Hon. R. Armour SC: Mr. Deputy Speaker, in summary, the Bill before this House supports virtual hearings, broader divisions, and districts for filing and court hearings. It illustrates this Government's commitment to supporting the Judiciary and very importantly, to ensuring that we maintain the balance in upholding the rights of an accused to a fair trial, while ensuring that matters can be advanced as seamlessly as possible.

If I may just briefly address some of the comments made by Members opposite. Some Members have raised concerns with respect to inconsistencies within the Bill. Respectfully, there is no conflict within clause 3, subsection (3), which speaks to the definition of north, south and Tobago as contained in the Supreme Court of Judicature Act, and clause 4, which goes on to further define those geographical locations under the Criminal Procedure Act. The simple reading of the Bill reveals that the definitions, as defined in clause 4, are contained in the amendment to the Criminal Procedure Act, which applies across to the Supreme Court of Judicature Act. So there is no inconsistency. The definitions are being expanded and are then detailed.

Mention is also being made, Mr. Deputy Speaker, of the Director of Public Prosecutions' powers contained in this Bill to transfer matters based on the exercise of his discretion in the interest of justice. This is not a new power that is being conferred by this Bill. The DPP has, in previous iterations of the Criminal Procedure Act, been similarly empowered to apply for a change to the place, time and mode of trial, as determined by the end of justice or in the interest of securing a more expeditious hearing of a matter.

What is new is the insertion of an offence occurring virtually and some considerations to guide the exercise of the discretion in that regard. The DPP is also a constitutionally empowered office. It is an office wherein the office-holder is no stranger to exercising discretion, and doing so in order to maintain the constitutionally enshrined freedoms and privileges. He holds the ultimate discretion and power when to charge someone for a criminal offence or to discontinue a matter. He is very well positioned, therefore, to rationally exercise any discretion conferred on him by this Bill.

Much has been said, Mr. Deputy Speaker, about the phrase “the interest of justice” but those of us who practise before the courts know of the language that has been used from time immemorial in this Parliament as a discretionary yardstick given to the exercise of judicial power, that it is a well-understood term and that judicial officers exercise their discretion in the interest of fairness, to do what their oaths of office mandate them to do, and that is to apply principles of fairness to all parties based on the circumstances before them, and if a judge gets it wrong in the interest of justice, there is always an appeal from irrational exercise of the interest of justice, but there is no magic about that term. The legislation, therefore, is simply to providing a meaning to this phrase in this context.

Mr. Deputy Speaker, in closing, I do not have much more to say. I wish to draw the attention of hon. Members to a minor amendment, which is being circulated. That minor amendment seeks to deal with a typographical error. It merely corrects a numbering reference in the Bill. Members will recall that Act No. 12 of 2023, which amended the Administration of Justice (Indictable Proceedings) Act, AJIPAA, effectively repealed the sections 3, 4,

and 5 of the Criminal Procedure Act, and replaced those sections with a new section 3 and section 4 respectively. The Bill, therefore, before us repeals and replaces the existing sections 3 and 4. And the amendments circulated, therefore, removes the erroneous reference to section 5 of the Criminal Procedure Act, which no longer exists. The substance of the provisions of the Bill essentially remains the same.

Mr. Deputy Speaker, I thank Members opposite for their contributions. I am anticipating that we will get support for this Bill, which is really to expedite and ensure the fair passage of justice. And with those few remarks, I beg to move.

Hon. Members: [*Desk thumping*]

5.45 p.m.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

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

Clause 4.

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

Mr. Chairman: Mr. AG, clause 4, we have an amendment circulated?

Sen. Armour SC: Yes. I have caused an amendment to be circulated, Mr. Chairman. It is simply to delete the words, “sections 4 and 5”, from clause 4(c), substitute with the words, “section 4”, and to delete the words, “5. Where”, and substitute the words, “4. Where”. As I sought to explain in my wind up, it is to take care of erroneous numbering in the Bill that is before

the Parliament.

Question put and agreed to.

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

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

House resumed.

Sen. The Hon. Armour SC: Thank you, Mr. Deputy Speaker. I wish to report that the Miscellaneous Provisions (Administration of Justice) Bill, 2023, was considered in committee of the whole and approved with amendments. I now beg to move that the House agree with the committee's report.

Question put and agreed to.

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

ADJOURNMENT

Mr. Deputy Speaker: Leader of the House.

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly, Mr. Deputy Speaker. Mr. Deputy Speaker, I beg to move that this House do now adjourn to Friday, the 19th day of April, 2024, at 1.30p.m. Mr. Deputy Speaker, on that day, we will do Motion No. 4 that is on the Order Paper today.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.52 p.m.