

HOUSE OF REPRESENTATIVES

Friday, June 14, 2024

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

**PAPERS LAID**

1. Annual Report of First Citizens Group Financial Holdings Limited and its Subsidiaries for the financial year ended September 30, 2023. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Public Procurement and Disposal of Public Property (Review Board) Regulations, 2024. [*Hon. C. Imbert*]

JOINT SELECT COMMITTEE REPORTS

(Presentation)

Finance and Legal Affairs**State's Strategy for Implementing Unproclaimed Legislation****Electronic Transactions Act, Chapter 22:05**

The Minister in the Office of the Prime Minister- Communications (Hon. Symon de Nobriga): Thank you, Madam Speaker. Madam Speaker, I have the honour to lay the following report:

Eighth Report of the Joint Select Committee on Finance and Legal Affairs, Third Session (2022/2023), Twelfth Parliament, on an Inquiry into the State's strategy for implementing unproclaimed legislation passed by Parliament during the last 20 years (Part II) with specific focus on the Electronic Transactions Act, Chapter 22:05.

UNREVISED

State's Strategy for Implementing Unproclaimed Legislation**Dog Control Act, Chapter 67:56**

Mr. Saddam Hosein (*Barataria/San Juan*): Madam Speaker, I have the honour to lay the following report:

Ninth Report of the Joint Select Committee on Finance and Legal Affairs, Third Session (2022/2023), Twelfth Parliament, on an Inquiry into the State's strategy for implementing unproclaimed legislation passed by Parliament during the last 20 years (Part II) with specific focus on the Dog Control Act, Chapter 67:56.

PRIME MINISTER'S QUESTIONS**2024 AgriExpo****(Postponement of)**

Mr. Ravi Ratiram (*Couva North*): Welcome back, Mr. Prime Minister. Considering the Prime Minister's emphasis on the importance of the AgriExpo in 2022 and its role in fostering regional collaboration for food security, will the Prime Minister provide insight into the reasons behind the postponement of the 2023 AgriExpo?

Madam Speaker: Prime Minister.

Hon. Members: [*Desk thumping*]

The Prime Minister (Hon. Dr. Keith Rowley): Thank you very much for your welcome. At least you noticed I was absent, right? But now that I am back, I have no chance of being one of your clients.

Hon. Members: "Oh good".

Hon. Dr. K. Rowley: I am just the Prime Minister, number one. Madam Speaker, we did, as a CARICOM effort in 2022, host a major expo in the Queen's Park

Savannah, and I dare say, Madam Speaker, that it was extremely successful, supported by the entire CARICOM region.

However, the Government took a decision that we would want to not confine ourselves to using the Queen's Park Savannah for this event, but to take it around the country. And as we came out of COVID, we have then tried to—we looked at San Fernando. Our second choice was San Fernando, and we made some preliminary arrangements to use Skinner Park, as it became available. But upon detailed examination and looking at the logistics, we could not have used Skinner Park because of the difficulty in protecting the field, which was a newly laid ground, and other logistical constraints. So we have decided not to try to use Skinner Park.

Then we tried to look at the Brian Lara Cricket Academy's car park, and there is a compound and it—again, that would have been useful for that purpose and that—but the timing—we ran into some scheduling problems because the academy was being used for some other things, cricket and so on, and we were not able to get a slot for this event. Because while the event is a two-day event, preparations would last over a couple weeks, or so, at least. So we will need the venue for three weeks, or so, to prepare for this two-day event. So we took a decision, Madam Speaker, that we would not have it in 2023.

But now that Members have seen that we are having it in 2024, and we have begun to advertise this big event that is coming up in August 2024, this question has been placed so as to give us some advertisement. I thank you very much for your advertisement, indicating that we are having this expo. We invite the entire farming community, agricultural community, and while we will not be in the Queen's Park Savannah, we are looking forward to a bumper event in San Fernando. And we would ask Members on the other side, at least on this occasion,

please support something good in this country. The last time you were quite silent on it, took no part.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: But this is an agricultural incentive to farmers and to consumers of fresh produce and so on, and your presence, as Members of Parliament, will encourage the farming community and encourage the local population to be interested in agricultural output. Support something for once in Trinidad and Tobago.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Couva North.

1.40 p.m.

Extensive Review of the SSA

(Details of)

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker. Prime Minister: Given that the Cabinet met and advised the Acting President to terminate the appointment of Retired Major Roger Best as the Director of the Strategic Services Agency (SSA), as well as several other employees, will the Prime Minister inform this House whether an extensive review and audit of all personnel, equipment and processes within the SSA has been completed?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the audit and review as described in the question is ongoing but it has been in very many phases, and while it is still going on we expect it to go on for quite some time because of the scale and scope of the exercise.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Prime Minister, could you advise this House, when this exercise

is completed will the findings be shared with the Joint Select Committee on National Security?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, we have a joint select committee going on, on the OAS matter that my colleagues on the other side have no interest in and do not come to the meeting hoping that we get no quorum, so I am surprised to hear him asking about the Joint Select Committee for National Security matters. I am giving you no undertaking on a report I have not seen because it is a matter of National Security, and I would only bring to the Parliament appropriate, serious information that can be brought and made public in the Parliament.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Given that the Prime Minister still seems to be in the dark, based on the power outage yesterday at the Office of the Prime Minister, could the Prime Minister inform this House how many employees have been terminated at the SSA so far?

Madam Speaker: So, Member, I think having regard to the questions and the responses, this question is out of order according to the Standing Order.

Impact of Crime on the Tourism Sector in Tobago

(Evaluation of)

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker. Prime Minister: Given that, at this point in time when this question was filed, Tobago has registered its tenth homicide for the year, will the Prime Minister inform this House whether the central government has undertaken an evaluation in collaboration with the THA, Ministry of Tourism, Culture and the Arts, and other stakeholders, to assess the impact of crime on the tourism sector on the island?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the ACP, Tobago and Eastern Division, Mr. Collis Hazel, and his team, along with other agencies and the Ministry of National Security met with the Chief Secretary and his team and held discussions focused on tackling the crime situation on the island. Areas discussed included the borders and the prevalence of firearms in Tobago. The issue of additional boots on the ground also arose as a solution and an initial response to this upsurge in violent crime. Meetings were also held with the Tobago Business Chamber where a number of initiatives were discussed, some agreed upon and some already effected. The police has since increased its visibility with patrols and exercises targeting drug blocks and priority offenders.

The police adopted a zero-tolerance approach and also are now focused on raids and searches aimed at recovering illegal firearms. So far two illegal pistols have been recovered. As recently as yesterday, Madam Speaker, the Trinidad and Tobago Police Service conducted walkabouts in several areas known as “hot spots”, Scarborough and Whim, and in our public awareness campaign in Tobago. The Trinidad and Tobago Police Service continues engaging our tourism and business stakeholders with a view to having further discussions about managing and treating with crime on the island. Additionally, the Minister of National Security himself met with the Chief Secretary and continued discussions on the subject matter. Thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Prime Minister, given what you have just—the information that you have just provided to this House in your capacity as Prime Minister and the head of the National Security Council, are you willing to give this House a

commitment that you are prepared to meet and treat with the Chief Secretary on the issue of crime?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I am not in the business of politicizing the issue of crime. I am in the business of leading a Cabinet and being responsible for the Ministers in the Cabinet, and the Government's responsibility is discharged and is to be discharged by the Government of Trinidad and Tobago which I lead.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Prime Minister, could you inform this House if the Cabinet has given due consideration to the proposal by the Chief Secretary of the Tobago House of Assembly within the legal parameters at it relates to the establishment of a Tobago police force?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, if the Member was paying attention to public business as he pretends, he would have seen that as Prime Minister, I have answered that question, providing support—

Madam Speaker: [*Desk thumping*]

Mr. Indarsingh: I “doh” spend my time watching you.

Hon. Members: [*Desk thumping*]

Extension of Mrs. Erla Haywood-Christopher as COP

(Performance Appraisal)

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker. Will the Prime Minister advise if the recent extension of Mrs. Erla Haywood-Christopher in the Office of Commissioner of Police was based on her positive performance appraisal by the Police Service Commission (PSC)?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the Cabinet has taken into account all relevant matters and information pertinent to the appointment and reappointment of extension of the Commission of Police.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Madam Speaker, I am just seeking clarification, did the Cabinet take into consideration in the reappointment the performance appraisal conducted by the Police Service Commission? It is simple as that.

Madam Speaker: Member, that is the exact question that was asked and it has been answered.

Mr. Indarsingh: Madam Speaker, I just want to put on record, I am not satisfied with the answer.

Hon. Members: [*Desk thumping*]

Construction of the Cricket Academy

(Commencement of)

Mr. Rudranath Indarsingh (Couva South): Madam Speaker, will the Prime Minister indicate when construction of the cricket academy funded by the Reliance Group of India will commence?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I am hoping and I am still hoping that the Reliance Group will continue to be interested in Trinidad and Tobago, notwithstanding the advice coming from the other side to the Reliance Group not to have anything to do with the Government and people of Trinidad and Tobago. So to come here today and asking when the Reliance Group will do what it has to do, you have not yet succeeded in chasing them away. They are—

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: The project that we mentioned, Madam Speaker, is a project which involves the Government cooperating with the Reliance Group and we are expecting that out of it will come the infrastructure for cricket. The Government has already taken decisions with respect to their allocation of land. The surveys are underway—would also be underway and the access to the site is there. We expect that it being a private sector project that as soon as the Reliance Group is ready and available, they will proceed on their own commitment. Thank you, Madam Speaker.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Madam Speaker, I want to assure the Prime Minister that the actions of the Opposition—the actions of the Government may chase the Reliance Group out of Trinidad.

Madam Speaker: Question? You have 15 seconds, do you have a question?

Mr. Indarsingh: Yes. Could the Prime Minister inform this House whether the piece of land earmarked for this academy will be gifted or leased, or purchased by the Reliance Group?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, there is a lease to be executed and that is normal with respect to the management of state land.

Hon. Members: [*Desk thumping*]

Mrs. Erla Harewood Christopher as COP

(Criteria for Extension)

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. Can the Prime Minister state what measurable performance criteria were used to inform Cabinet's decision to extend by one year Mrs. Erla Harewood Christopher's position as

COP?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, with all due respect, insofar as the question placed to me, I think I have answered that question in Question No. 2. Which one is this?

Mr. Young: Number 6.

Hon. Dr. K. Rowley: Number 6?

Mr. Young: Yeah.

Madam Speaker: Member for Naparima.

Mr. Charles: Question, could he tell us whether the murder statistics and performance factored into those criteria?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Sorry, Madam Speaker, I want to clarify that, Question No. 4 and Question No. 6, as far as I am concerned, they are the same question and the answer is the same. So if you want to repeat what you just asked, I will try to help you if I can.

Madam Speaker: Member for Naparima.

Mr. Charles: Did the Prime Minister factor into the criteria, the question of the murder rates under the watch of the present Commissioner of Police?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, the consideration takes everything into account with respect to the Commissioner of Police discharging her responsibility as Commissioner of Police.

Madam Speaker: Member for Naparima.

Mr. Charles: Prime Minister, do you not think it inadequate in the—do you not at this stage suggest that there be a need for very transparent criteria in the selection

of an important position as the Commissioner of Police?

Madam Speaker: Member, I will not allow that question under the existing Standing Orders. It is out of order.

Upheavals in the SSA

(Compromise of Intelligence Gathering)

Mr. Rodney Charles (*Naparima*): Thank you. Can the PM indicate whether the recent upheavals in the SSA has compromised the intelligence gathering capability of the TTPS resulting in current unacceptable levels of kidnappings, home invasions, and murders?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): No.

Madam Speaker: Member for Naparima.

Mr. Charles: Does the Prime Minister not feel embarrassed as the leader of the Government that a foreign blogger could come to Trinidad and Tobago and tell us where the gangs are—

Madam Speaker: Member—

Mr. Charles:—which is the responsibility of the SSA—

Madam Speaker: Member—Member, you know that question is out of order having regard to the Standing Orders. Member for Naparima.

Mr. Charles: Could the Prime Minister, therefore, tell us why the SSA was not able to identify the gangs in Trinidad and Tobago and a foreign blogger could do so after one week in the country?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I know my colleague for Naparima is desperate to raise his profile among his colleagues, but he is in no position to say what the SSA tells the police and what the police knows and what the SSA knows

and shares with the police.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Naparima.

Mr. Charles: Thank you very much. Mr. Prime Minister, on this side, we have raised the question of the—

Madam Speaker: Member—[*Inaudible*]

Mr. Charles: It is a question.

Madam Speaker: [*Inaudible*]—statements. Yes, hurry up, the question in 15 seconds. Okay?

Mr. Charles: Would the Prime Minister agree that had the Government did not adhere to a position raised by this side about the non-performance of the SSA?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, the only non-performance that we have observed coming from that side is Members criticizing their leader.

Hon. Members: [*Desk thumping*]

Prime Minister's Travels to Ghana

(Expected Well-Paying Jobs)

Mr. Rodney Charles (Naparima): Can the Prime Minister state how many well-paying jobs our country can expect, and in what time frame, based on his recent travels to Ghana?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, Ghana is the gateway to West Africa, which has a population of approximately 448 million persons. Trinidad and Tobago's recent engagement with Ghana is aimed at expanding opportunities that exist in that market and also set the foundation for the country to boost its trade linkage to the wider African continent, particularly West

Africa. This is evidenced by the recent Trinidad and Tobago Trade Mission to Ghana in March 2024, which comprised a delegation of 50 representatives, inclusive of 23 private sector companies from the food and beverage, chemicals, printing and packaging, textiles, banking, information and communication, financial services sectors.

This endeavour was fruitful as it resulted in 177 business-to-business engagements focusing on the exportation of Trinidad and Tobago's finished goods and services to Ghana and the possibility of sourcing inputs for manufacturing from Ghana, contract manufacturing and foreign direct investment.

1 55 p.m.

Subsequent to the recent visit by me as Prime Minister in May, Trinidad and Tobago has received two missions from Ghana, both at the highest technical levels. These visits have been related to the energy sector. There is one ongoing now, as I speak. To support these new opportunities, the Government of Trinidad and Tobago concluded the negotiation of mutually agreed techs with Ghana on May 2024, in an agreement for a reciprocal promotion and protection of investments, an ARPPI. The agreement provides the necessary investment framework to support and protect new investments between Trinidad and Tobago and Ghana. It enables investors from both countries to engage in investment activities with confidence.

Madam Speaker, clearly the potential is there. We are not at this time willing to engage in any speculation of spurious accuracy to give you a figure. However, if we are to be guided by the \$950 million that the UNC gave away on the last working day before the September 2015 election, and divide that by an approximate 150,000 per each low-cost house, that would have resulted in 6,300 housing units and 64,000 jobs being created, Madam Speaker. The potential employment generated by these engagements is dependent on how effectively the

private sector utilizes these new pathways beings forged by the Government—

Dr. Moonilal: [*Interruption*]

Hon. Dr. K. Rowley: Madam Speaker, I would like you to ask the Member for Oropouche East—

Dr. Moonilal: Madam Speaker, could you guide me please—

Hon. Dr. K. Rowley: To protect me from him—

Dr. Moonilal: I do not take instructions from the Prime Minister.

Madam Speaker: No, no, no. Member for Oropouche East, you know better than that. So, as a gracious, hon. Member, if it is that your discussion is disturbing another Member who is speaking, you know what is the proper protocol, okay.

Dr. Moonilal: I accept your guidance.

Madam Speaker: Thank you very much. Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, the potential employment generated by these engagements is dependent on how effectively the private sector utilizes these new pathways being forged by the Government, and the results of government-to-government arrangements. Our business sector has tremendous expertise, and will benefit from both export and investment opportunities that exist in Ghana, thus, contributing to and driving Trinidad and Tobago's continued economic growth and diversification. Thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Naparima.

Mr. Charles: Mr. Prime Minister, given the last trip to Accra, you indicated that there would be a surfeit of yams arising from that trip and nothing has resulted. How can we have confidence that anything will materialise from this recent visit?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, since the Member for Naparima is

interested in yams, I can give him my own personal experience. I planted one Ghanaian yam in my backyard in St. Ann's. It bore 20 lbs of yams. How many did you plant? What did you produce for the year?

Hon. Member: None.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Naparima.

Mr. Charles: Mr. Prime Minister, again, I have to ask the question. You have gone to Ghana. Would it not have been better to go to Suriname or Barbados? We would have had better results from that trip and more cost effectively.

Ms. Ameen: What is the benefit to the country?

Hon. Dr. K. Rowley: What do you know about yams, "eh"? What do you know about yams? That does not improve your position over there. You will eventually be thrown out way down there.

Hon. Members: [*Crosstalk*]

Hon. Dr. K. Rowley: The quality and species of yams that we are interested in can only be had from Cape Coast in Ghana. We are, in fact, at this at this moment, at this moment, taking steps to import significant planting material.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: And we now have growing at testing spots around the country cassava varieties that have come in from Ghana because we are looking for particular species, and we trust that you will use it when it is available in the marketplace. Grow what you eat and eat what you grow.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: That is our statement.

Madam Speaker: Member for Naparima.

Mr. Charles: Mr. Prime Minister, could you tell this honourable House how

much was spent on that trip and the benefits to be derived from it?

Hon. Dr. K. Rowley: Madam Speaker, if notice was given I could do that. But what I can tell you is that the \$12 million trip that you and your friends made to—

Hon. Members: India.

Hon. Dr. K. Rowley:—India did not produce an ochro far less, yam.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: \$12.5 million across the State; not a single initiative is visible.

Hon. Members: [*Crosstalk*]

Hon. Dr. K. Rowley: Right, so if you want to discuss expenditure and outcome, you are talking to the right man. Just give me the notice.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Thank you very much.

Hon. Members: [*Desk thumping*]

Madam Speaker: Question No. 9, in light of the response to question No. 2, are you still proceeding with question No.9?

Dr. Moonilal: No. In substance, it was asked already.

Madam Speaker: Thank you very much.

ANSWERS TO QUESTIONS

Madam Speaker: Leader of the House.

Hon. C. Robinson-Regis: Thank you very much, Madam Speaker. Madam speaker there are three questions for oral response, we will be answering all three.

Madam Speaker: Member for Couva North.

ORAL ANSWERS TO QUESTIONS

Chase Village Triangle Traffic Congestion

(Plans to Alleviate)

76. Mr. Ravi Ratiram (*Couva North*) asked the hon. Minister of Works and Transport:

Will the Minister state what are the Ministry's plans to alleviate the traffic congestion in the vicinity of the Chase Village Triangle along the Southern Main Road, Chase Village?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):

Thank you, thank you, Madam Speaker. Madam Speaker, preliminary design options for various measures to aid in the traffic congestion at the Chase Village Triangle along the Southern Main Road are being considered by the Ministry at this time. These options include replacement of the triangle with roundabout, which, if implemented, must be done together with other measures such as another roundabout on the eastern side of the highway overpass, as well as lane widening work to connect the road to the overpasses. Land acquisition may also be necessary, so this has to be carefully managed since that is an expensive and sometimes challenging undertaking. When the final design has been settled, further details will be available. Thank you.

Madam Speaker: Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker. To the hon. Minister. Minister, can you provide an estimated timeline where a solution can be brought forward by the Ministry?

Madam Speaker: Minister of Works and Transport.

Sen The Hon. R. Sinanan: Madam Speaker, as I said, the Ministry is working on designs and different options. Once that is completed, then we have to look in terms of the land acquisition. Land acquisition has not been completed. I cannot put a timeline on it.

Madam Speaker: Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker. Madam Speaker, to the hon. Minister. Minister, can you provide us with what kind of immediate steps that the Ministry is looking to put in place to alleviate the traffic congestion at the Chase Village triangle?

Madam Speaker: Minister of Works and Transport.

Sen The Hon. R. Sinanan: Madam Speaker, the Ministry is constantly looking at measures to reduce traffic. However, I must indicate, traffic congestion must be looked at in terms of the economy and because we have such a vibrant economy, it is almost impossible to eliminate traffic around the country. The Chase Village area is an area bustling with activities. So, yes, we are looking at it but we have a very vibrant economy and traffic is a part of that buoyancy as we go forward. Thank you.

Madam Speaker: Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker. Madam Speaker, question number 77 was filed to the Minister of Rural Development and Local Government. However, it is on the Order Paper here to the Minister of Works and Transport. I am just seeking clarification if it was an error, a typo or—

Madam Speaker: Member, I think in any event you can still ask the question. The relevant Minister will get up and respond.

Mr. Ratiram: Guided accordingly, Madam Speaker.

Bailey Bridge at Roopsingh Road, Carapichaima

(Replacement of)

77. **Mr. Ravi Ratiram**(*Couva North*) asked the hon. Minister of Works and Transport:

When will construction commence on the permanent bridge to replace the Bailey Bridge at Roopsingh Road, Carapichaima?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):

Thank you again Madam Speaker. Madam Speaker, the Roopsingh rope bridge falls under the purview of the Couva/Tabaquite-Talparo Regional Corporation. As the Member is well aware, it is not the responsibility of the Ministry of Works and Transport. However, despite this fact, the Minister of Works and Transport has provided technical assistance to the corporation on two occasions. Firstly, on the assembly of the current Bailey Bridge in or around 2020 and subsequently, when the Bailey Bridge was extended. The Ministry will continue to provide technical assistance to the corporation as and when required. Thank you.

Madam Speaker: Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker. Madam Speaker to the hon. Minister. Minister taking into consideration that the Ministry is fully aware that the Minister of Works and Transport's support is needed to have this temporary bridge replaced, are there any plans within the Ministry to provide that assistance in an urgent time frame?

2.05 p.m.

Sen. The Hon. R. Sinanan: Madam Speaker, there is a process when assistance is required. Firstly, the regional corporation will go to their line Minister, the Ministry of Rural Development and Local Government, and the Ministry of Rural Development and Local Government will then channel the reconstruction in a prescribed manner. Thank you.

Madam Speaker: Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker. Madam Speaker, taking into consideration that the Ministry also is responsible now for the Secondary

Roads Rehabilitation, and the approach and exit off of this bridge is almost fully compromised because it has deteriorated from the installation to now, can the Minister advise if the Ministry is taking any steps to ensure that motorists using this bridge are going to be safe in approach and exit on this bridge?

Madam Speaker: Minister.

Sen. The Hon. R. Sinanan: Madam Speaker, I think the responsibility for the bridge lies in the regional corporation. If the regional corporation needs any assistance, the Ministry is there to give assistance. However, regional corporations report to the Ministry called the Ministry of Rural Development and Local Government, so if they need any assistance that they cannot handle, they can channel it through the Ministry of Rural Development and Local Government. The Ministry of Rural Development and Local Government will then make requests from the Ministry of Works and Transport based on availability of funding. Thank you.

Madam Speaker: Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker. Madam Speaker, Question No. 77 to the hon. Minister of Education.

Madam Speaker: No. 78, you mean. Yes?

Mr. Ratiram: No. 78.

Madam Speaker: Minister of Education, No. 78.

Waterloo ECCE Centre

(Outstanding Works and Cost of Completion)

78. Mr. Ravi Ratiram (*Couva North*) asked the hon. Minister of Education:

With regard to the Waterloo ECCE Centre, will the Minister indicate the following:

- a) the outstanding works to be completed; and

b) the estimated cost for its completion?

The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker. Madam Speaker, this project, unfortunately, is one of the many incomplete school construction projects that was recklessly commenced before the 2015 general election without a plan or a source of funds, leaving a cost for completion of these projects in excess of \$3 billion, together with claims for contractors for non-payment by the former Government for work done on these schools, prior to that election, in the hundreds of millions of dollars. Let me repeat that, the funds for completion were in excess of \$3 billion, there was no funding plan and the contractors were owed hundreds of millions of dollars.

To date, construction work at the Waterloo ECCE Centre, those construction works are 85 per cent complete. Minor works are to be conducted on the superstructure, while outstanding external works include completion of electrical work, installation of tank farms, completion and commissioning of the sewer system, completion of the ceiling, installation of doors, construction of gates and fencing, site clearance and sanitization, and the painting of walls.

It is estimated that the cost of completion for the Waterloo ECCE Centre is \$6.9 million, inclusive of contingency, VAT and project management fees.

Madam Speaker: Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker. Madam Speaker, to the hon. Minister: Minister, in 2015, this ECCE Centre was 100 per cent completed by URP and handed over to the Ministry of Education. It was just to open this ECCE Centre. Can you advise us if any work from 2015 to now has actually taken place on this building?

Madam Speaker: Minister.

Hon. Dr. N. Gadsby-Dolly: Thank you, Madam Speaker. Madam Speaker, I

previously detailed the works that are to be completed on this centre. The centre is not 100 per cent completed. These works are to be completed and the cost for that is in the vicinity of \$7 million.

Madam Speaker: Member for Couva North.

Mr. Ratiram: Hon. Minister, I pleaded with you in 2020 to address this ECCE Centre in Waterloo. You gave a commitment in 2020 that you would look into it—

Madam Speaker: Member, the question. You have 15 seconds.

Mr. Ratiram: Minister, seeing that your Ministry has not done any work on this ECCE Centre from since 2015 to now, I am pleading with you, can you provide us with some kind of timeline when this work will be addressed to assist the children of Waterloo, please?

Madam Speaker: Minister.

Hon. Dr. N. Gadsby-Dolly: Thank you, Madam Speaker. Madam Speaker, what I can provide the Member with are the figures that it took the Government so far to complete some of the schools that were so irresponsibly half built—

Hon. Members: [*Desk thumping*]

Hon. Dr. N. Gadsby-Dolly:—quarter built. So far, the Government has spent over \$800 million to complete 15 of the schools that have been left.

The Waterloo ECCE, we have all the intentions to complete but, Member, this responsible Government has to find the funding to be able to apply to the schools that were left unfinished.

Hon. Members: [*Desk thumping*]

Hon. Dr. N. Gadsby-Dolly: What happened there, Madam Speaker, we, on this side, would not have engaged in such a reckless type of project, and you know what is worse, Madam Speaker? It left so many communities in a state of angst

wondering why their schools could not be completed, but it is because there was no money put aside to do that. And so we also want to deliver this school to you, and I could commit to you that we have been working to complete schools. We have completed over 15 schools. The cost, so far, has been over \$600 million, we have some more that are being completed and as soon as we are finished with this second phase, we are going to embark on some more.

Finding funding—the Ministry of Finance has been very useful to us help to find funding to be able to complete these schools. We want to complete these schools but we must do it in a responsible manner, and that is exactly what we are set about to do.

Hon. Members: [*Desk thumping*]

Madam Speaker: The Prime Minister.

Hon. Members: [*Desk thumping*]

WHISTLEBLOWER PROTECTION BILL, 2022

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I beg to move:

That a Bill to combat corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sector, to protect persons making those disclosures from detrimental action, to regulate the receiving, investigating or otherwise dealing with disclosures of improper conduct and to provide for other matters connected therewith, be now read a second time.

Madam Speaker, during the campaign of 2015, one of the major components of the narrative of that election of 2015, coming at the end of a term of a government that came in, in 2010, was the huge amount of instances of either known or inferred corruption that took place during the period of 2010 to 2015. As a result of that, corruption in the country, particularly in the public sector,

associated with significant involvement of persons in the private sector, called out for the country to put itself in a position to hold people accountable for the actions that were in the common narrative of the election campaign of 2015.

Madam Speaker, I can point out now that it was not just election “ole talk” that people were responding to as they went to the polls in 2015. It was a period of many decades of either knowing or having reason to believe that there was just too much corrupt practice in Trinidad and Tobago. But when it was made official, and sanctioned, and encouraged by the Government of the day, in the way that it was being done during that period, Madam Speaker, people had a right to see it as probably the number one issue in the election campaign. It was during that campaign, Madam Speaker, that we as a Government, or as an Opposition then, saying to the country, when we get into government, one of the things that we would do, to be able to have the country in a position to the treat with corrupt practice of whatever ilk, from whatever source, is to make it easier for persons who know and have information about that kind of corruption, to be able to make it known to persons who can take action and hold people accountable.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: We made that commitment, Madam Speaker. And as we came into government, we, very early in our tenure, had this Bill drafted and it was laid in the Parliament, and not wanting to make it a partisan issue, we had this Bill sent to reside in a joint select committee of the Parliament because we believe that all of us as parliamentarians, this side, that side, this House, the other House, all of us ought to want to know that the country is putting itself in a position where these allegations of corruption or the actual instances of corruption can be dealt with by information.

Madam Speaker, the election campaign had a lot of stories and reports of

some information, but the frightening part about it is that when we came into government, we were able, in many situations and many instances, to provide the proof of the corruption that so disturbed the country. As a matter of fact, we had information about the numbers in dollars and cents, in some instances, and the persons involved. Suffice it to say, Madam Speaker, that some of those investigations involved Members of the House, some of whom are in the House today and may take part in the debate.

But the bottom line is, Madam Speaker, corruption in Trinidad and Tobago is not just “ole talk”. The concerns about corruption are not just “ole talk”. Allegations of corruption are not just allegations. In many instances, they are supported by serious, disturbing pools of facts. And that is why, Madam Speaker, we know that there are a lot of people who know what is going on in, virtually, every instance. You will hear people say, “Everybody know what is going on, but police does not know.” But somewhere, Madam Speaker, there are people who have information that could assist the nation in creating a better climate of honesty and high integrity.

Madam Speaker, I have seen it said recently in an issue that is before the country today on the question of the Auditor. People quite correctly refer to the role of auditors in the public sector and the private sector as essential officers, because they are guardians against the kinds of things that I am alluding to here. But I was surprised, Madam Speaker, in a recent bit of research to find that it has been determined that notwithstanding the billions, and billions, and billions of dollars spent in the auditing exercise by the famous companies around the world, many of which are household names in Trinidad and Tobago—we have companies like Ernst & Young, PriceWaterhouseCoopers, Deloitte & Touche—all of these are companies that are huge buddies of personnel and technology doing auditing for

governments and for the private sector.

But what I did discover, Madam Speaker, is that with all of that, that work by itself has only been able to identify, in some people's view, experts' view, about 15 per cent of the actual corruption and wrongdoing that is going on. That, to me, Madam Speaker, was a very disturbing finding because it tells me that when we are taking comfort that these annual audits are, in fact, protecting us from what we think might be going on, we have no idea because those audits are only able to unearth a minuscule fraction of the matters of the concern.

Then it said, if we go down the route of encouraging people who know, to be able to say what they know in the circumstances as outlined in this legislation, we will not only increase the number of instances that are identified, but we will be in a much better position to respond to them and to hold people accountable.

2.20 p.m.

That is why, Madam Speaker, we are here today to put Trinidad and Tobago in a position to encourage people who know, who have information, information that is useful in helping the population at large, whether it is in the public or private sector to be able to treat with wrongdoing, as it says here:

“disclosures of improper conduct”—whatever that might be, Madam Speaker.

“improper conduct...detrimental action”—which we as parliamentarians would not want to take root, to fester and to grow in the nation.

I have been in public life now, Madam Speaker, for 40-odd years and I can tell you, the one that I am alarmed about and I feel sometimes that we are not in a position to the even scratch the surface of the problem, it is the pervasive nature of corruption across Trinidad and Tobago.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: It does not apply to any particular location, any particular

category of persons, any particular station of persons in the society, Madam Speaker, instances of corruption or indications of corrupt practice service from every layer and every facet of Trinidad and Tobago even the clergy.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: There was one Member in this House, Madam Speaker, who served a term in this House when I got to know him I discovered that he was thrown out of a church for mishandling church money.

Hon. Member: [*Interruption*]

Hon. Dr. K. Rowley: Yeah.

Hon. Member: Maxi taxi.

Mr. Hinds: Yeah. Yeah. Yeah.

Hon. Dr. K. Rowley: A Member of Parliament here, honourable we called him, but if you got to know him well and to know his record well, you will find out that he had to be removed from the church.

Madam Speaker, when I went to university in Mona, right next door I was in Irvine Hall and right next door to us was the Aquinas Newman Centre where they train priests, and one of the first instances of a problem we had, I was there for about a week, was a man coming over to complain that somebody in Aquinas stole his sneakers, in the place where they were training priests. That kinda shook me up because I said, I mean, that might have happened in Irvine Hall, I never knew it happened in Irvine Hall, but it is happening in Aquinas?—and he is going to be a priest and maybe a Bishop sometime? Madam Speaker, it is everywhere and everybody, human beings, the frailty of human beings where people want to get more than they are allowed, to get benefits that they are not entitled to and, of course, to get an advantage in many instances over other people. So, we will be fooling ourselves, Madam Speaker, if we take a position that we do not know that

there is need for this legislation in this country.

I am disappointed to hear and to see my colleagues on the other side even before the debate is concluded, holding on to the position that they took in the Joint Select Committee that they are not going to support this legislation. Madam Speaker, our colleagues can take the position that they are only going to support good law, but that is a cop out because they could say that about anything we bring here. But I would ask them, if there is a problem, a particular problem with a particular clause and you identify it, then we will be prepared to look at it and to modify it, if that is reasonable. But just to take a position that you are not going to support it, is telling that they are supporting something else because this is meant to support the country's ability to treat with wrongdoing.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker, in clause 8 it would specify the conditions that would need to be complied with if a disclosure is to be made regarding the protection of disclosure.

“Clause 9 would make it clear that the proposed Act does not authorise the disclosure of information protected by legal professional privilege and the disclosure of such information will not be a protected disclosure if it is made by a person to whom the information has been disclosed in the course of obtaining legal advice.”

Clause 10 would say that:

“...an anonymous disclosure would not be a protected disclosure. However, if the identity of the person making an anonymous disclosure becomes known, the disclosure shall be deemed to be protected disclosure as if it had not been made anonymously.”

These three clauses, Madam Speaker, take into account the need to have

protection for circumstances that will develop, but it tells you that, Madam Speaker, that we are aware that what we are doing, there are consequences and they are required then to manage them in a particular way. That is why the drafting of this legislation would have been so careful, and that is why we sent to a Joint Select Committee so that all Members of the Houses could have a look at it and determine if there is any nuance there or if there is need for any further refinement there.

Madam Speaker, in Part II of the Bill there is provision for internal disclosures. Clause 11 talks about requiring:

“...an employer to appoint whistleblowing reporting officers who would be responsible for receiving and processing internal disclosures of improper conduct within the employer’s organisation, and for determining whether an internal disclosure should be referred for further investigation to a designated authority...”

Carefully laid out, careful guidance, careful codification of law so that we can get good behaviour under a legislative guideline.

“Clause 13 would require a whistleblowing officer to notify whistleblowers of the status of their respective disclosures...”

Because you see, Madam Speaker, a citizen could take the decision that I am going to be the informant on this batch of wrongdoing or this incident because it is in the public interest and in my own interest that this be dealt with and you make a report. The worse thing that could happen, Madam Speaker, is that the report is made and you are standing by waiting to seek action or some reasonable response and nothing happens, nobody talks to you. That could be just as painful as knowing what has happened and keeping it a secret without being able to talk to anybody about it.

So the law makes provision that if you have made a complaint and you want to know what has happened with your complaint, that the receiver should be able to give you a response. Madam Speaker, that is only reasonable.

“A whistleblowing reporting officer will be prohibited from revealing the identity of a whistleblower without his prior consent in writing.”

So it creates an environment where a citizen, having valuable information, could make it available in the areas as I had described earlier on of a complaint. And that person who receives it, has to handle it in a responsible way by not revealing the identity of the whistleblower, and the person cannot just come out and say, “Well you told me that I could talk about it”. No. No. No. That is not good enough. You have to—if you want to disclose the identity of the whistleblower, you have to get the prior consent in writing. There has to be a record that you were authorized to expose the whistleblower. That is protection.

Madam Speaker, as we go through the clause 28, there are 29 clauses, the last clause says that:

“...the Minister will make regulations subject to affirmative resolution of Parliament, to carry the proposed Act into effect.”

Now, I know that there are many Members of my colleagues in this House and maybe elsewhere who have a problem with ministerial authority, because every time we come to the Parliament to enact law and we give any authority to the Minister, that is like a red flag to a bull. Madam Speaker, the authority for doing things lie with ministerial authority in section 75 of the Constitution, and Ministers must not be reviewed as interferers or unreliable persons. They must be held accountable for their portfolios, held accountable, but they must be given the authority in this House to do things that they were elected to do.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: I have seen, Madam Speaker, where Members of House have no problem in giving deep and far-reaching authority to unknown people, some of them nameless, some of them faceless officers, qualified or unqualified, but they have a problem in putting authority in the hands of the elected representatives of the people. The answer is not to bypass ministerial authority. The answer is to hold Ministers accountable. That is what I am asking for, and this Bill asks for that. The regulations, once we pass the law, would be the Minister's responsibility, and if there are adjustments to be made, the Minister will advise the House as required by law.

Part IV of the Bill will provide certain offences, because I have heard, Madam Speaker, of instances where what appears in the eyes of the layman to be a crime or that must be a crime because it looks and feels and sounds so wrong, but then somebody in the authority gets up and says to you, "There is no offence which describes an action"—we do not want that to happen in the information or in the circumstances where we acquire information about detrimental conduct where somebody says, there is no offence being identified or which had been codified by law. So in section 27 it talks about—no.

"Part IV of the Bill will provide certain offences in clause 23 and for secrecy and confidentiality with respect to disclosures in clause 24. Clause 25 would prohibit the obstructing of whistleblowing reporting personnel in the performance of their duties."

Now that is important because I have known in some societies those who drafted the Bill know too, where there are people who are willing and able and want to give information, but another party would attempt to take action to obstruct that from happening because they do not want that to happen. The law understands that and makes provision to prohibit that kind of behaviour. So no person may decide

to take action to prevent a whistleblower from making information available.

Section 20, however, talks about immunity would not:

“...apply if the whistleblower was the perpetrator of, or an accomplice in, the improper conduct disclosed.”

So you cannot be a whistleblower if, in fact, you think that you will get immunity by reporting your criminal conduct. Madam Speaker, it also talks about:

“A designated authority would, however, be able to share information about its investigation with its whistleblowing reports unit for the unit to determine whether it has any information relevant to an investigation.”

Madam Speaker, clause 22 provides:

“...civil remedies where detrimental action is taken against the whistleblower.”

Now again we have to expect that. Not everybody would be happy that a whistleblower has blown the whistle on their misconduct and may want to retaliate against the whistleblower. The law makes provision for preventing that, and if it is done that it can be penalized and not encouraged.

Madam Speaker, this piece of legislation would have far-reaching effects on the general national behaviour in Trinidad and Tobago especially insofar as it has to do with the conduct of public business, but it will go further upon the conduct of private business especially where private business interacts with public business as part of the general interaction between the State and the non-state entities.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker, I remember going to a function at one of the Chambers a few years ago after the budget, and there were a lot of items in the budget that were of interest the day after the budget, and it was discussed on the floor among the gathering. There was one particular businessman who wanted to

participate and he got up and he asked the following question: What is the Government doing about corruption in the Government of Trinidad and Tobago?—because everybody knows that the Government of Trinidad and Tobago is corrupt.

2.35 p.m.

I responded immediately saying to the person, whatever the Government is going to do or is doing about that, is going to have to be done to the private sector as well, because 99.9 per cent of the corruption in the public sector involves somebody from the private sector.

Hon. Member: That is right.

Hon. Dr. K. Rowley: That was received with loud applause, and the question ended there, and the issue ended right there. I am thinking—because many people know what goes on in this country and many people pretend not to know what goes on in this country. Madam Speaker, I will give you one example that I still have difficulty believing, that I will tell you what was told today, so you could say is hearsay. I was in a function, one of my fundraisers in Diego Martin at one time. A personal friend of mine came to me and said, see that guy over there, who is his friend, he just told me something that I think I must tell you. He said to me, he is a businessman. He told him he owed \$13 million in taxes, he paid \$600,000 to a public officer and the public officer assisted him in settling that bill for \$1 million. Madam Speaker, I am just giving it to you, I am making no profit. I am giving it to you, and also to me. But then soon after that, a Canadian person who came to Trinidad and Tobago to assist us with our BIR matters, and sought me out in this building to tell me about an instance where, in coming to provide the Canadian assistance to us, interacting with a public official who had a business card that he gave to the Canadian. The business card was printed on both sides. One side was the office that the public officer held, and the other side was the office of a

business in Chaguanas that dealt with the matter that the public officer does for the Government. The Canadian was absolutely shocked and horrified that, that could be happening. Madam Speaker, I tell you these two things, not that I am wanting to scare you, but just to let you know that those are the kind of things that can happen or are happening in our society and somebody knows.

Hon. Member: [*Desk thumping*]

Hon. Dr. K. Rowley: What this Bill is trying to do is to say to those people who know about these things, that you can tell the rest of us through the authorities protected by this law, and put us in a better position to hold all these people accountable in the instances that I have just mentioned, and similar instances, and probably worse. Madam Speaker, this Bill passed into law, would not be a panacea but will contribute significantly to a serious attempt by the society of Trinidad and Tobago to not just crash the surface and treating with corruption, but creating an environment where corruption will not be encouraged and will not flourish.

Hon. Member: [*Desk thumping*]

Hon. Dr. K. Rowley: I know we have disagreed on many things in this House. My colleagues on the other side, my colleagues before and after, but I would like to believe, Madam Speaker, that there are some things that we really will not disagree on and that we hold common ground on, and that is the desire to make Trinidad and Tobago a better place. And for that to happen, Madam Speaker, there are certain tools that we have to use to slacken certain nuts, to remove certain bolts. There are certain standards we have to aspire to, there are certain people we have to protect, and certain people we have to expose. I would like to believe that that is where we are as parliamentarians if we are worthy of the title of “honourable”.

Having said that, Madam Speaker, this Bill came to the House before. Six

of my colleagues and myself spoke on it at length then on *Hansard*. They said a whole lot more than I am saying now. I do not want to detain the House on this. I hope, Madam Speaker, that we as a House can see the importance of this, and having failed to have consensus or encouragement at committee stage, now that we are meeting of the whole, that we can today, take a decision that we will pass into law in Trinidad and Tobago.

2.40 p.m.

I have heard it said from my colleagues on the other side that they will not support because it requires a special majority. They will not support because it requires a special majority. I think that might be a non sequitur. The reason why you are not going to support it is not because it requires a special majority, because the special majority is with you. I do not agree, I am not a lawyer, but I have been advised that it does not require a special majority, but if it does and you are able to give it that special majority, you will only be doing your duty. You do not support it because it requires a special majority, it is because you are part of the country's governance, why you are required to use your vote to allow it to pass into law.

If it turns out, Madam Speaker—upon closer examination, having come out of committee without consensus, if it turns out that it requires a special majority and our colleagues on the other side would not support it, I will ask the Attorney General to make the necessary adjustment and we will pass what we can pass with the majority that we have.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: And that may not be the strongest position. That may not be the strongest position, but it will be a much stronger position than where we are at the moment.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: But I am asking my colleagues on the other side to use their majority, our majority, our total majority to pass the strongest and most carefully laid out piece of legislation on this subject so all of us can benefit.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: It will not benefit us, if just for the sake of you not supporting it, that we do not get the strongest. But, Madam Speaker, on this legislation, half a loaf is far better than no bread. Once I am advised that it does not require a special majority, I will still appeal to my colleagues on the other side to pass it with your vote as well. Let the population see that you too want this done.

But, Madam Speaker, there is nothing to be gained as a nation for this Bill not to be passed. I have given the commitment to the nation that we are going to pass this legislation before the end of the term. Somebody is asking, why now? Why now? Because we have a lot of other things—we have an agenda, which we—as a matter of fact, we are about to in a couple weeks, we will have very few Sittings left. We have some deadlines to meet and so, and I really do not want, and the Government does not want to go into recess with this legislation not being passed.

Therefore, we will move to get it done and we trust, Madam Speaker, that our colleagues on the other side would see the benefits to be had, the improvements to be gained, the changes for the better to come. If people in this country, many of whom know what they know, would like to share that information with an authority, either within their company, their department, their Ministry, wherever, so that something can be corrected, we will do ourselves great harm if we let what is happening now continues for no good reason.

Madam Speaker, I beg to move.

Hon. Members: [*Desk thumping*]

Question proposed.

Madam Speaker: Member for Oropouche East.

Hon. Members: [*Desk thumping*]

Dr. Roodal Moonilal (*Oropouche East*): Thank you. Thank you very much, Madam Speaker. Madam Speaker, I rise to speak on a matter that has been before the Parliament over a period of time in one or two incarnations, but within recent time, in one form, a matter that arose, I believe, about nine years ago or so.

Madam Speaker, because the Bill before us is an exact replica of the Bill we debated before and, in fact, the Bill circulated to us, interestingly, is Bill No. 2 of 2022, which we are now debating in 2024, June, I was almost tempted to just reread my contribution of the 2nd of the fourth, 2022, and place my views then on the record. Because the Bill substantially has not changed and therefore, my views have not changed on this matter, and there is a temptation to read all 45 pages of my contribution on the last occasion, but I will return to my previous contribution if only to reference some of the issues before us.

Madam Speaker, the Prime Minister led this debate and piloted this Bill before us, presumably because the Prime Minister wants to impress upon the nation that the head of Government will pilot what is portrayed to be a critical piece of legislation to deal with serious issue of white-collar crime in particular, and corruption across the private and public sectors. It is not the Attorney General that will pilot this Bill, and the Prime Minister correctly indicated that he is not a lawyer, but I believe that the Prime Minister would choose to pilot this to emphasize the importance of this matter to the Government.

And, Madam Speaker, the Prime Minister spoke a bit about history, and the history not only of the Bill, but the history of issues of corruption in Trinidad and

Tobago. The Prime Minister did not go as far back as the McDonnell Douglas scandal, did not go far back as other matters under the Eric Williams administrations of the 1960s and 1970s, the Lock-Joint scandal. Many of my colleagues opposite may not have been born during the scandals that took this country by storm, including former Ministers of the party that they now proudly represent, and, Madam Speaker, I will not really regurgitate that. Those are matters really in history books and newspapers and so on. But the point being made is that across the board, there have always been allegations of corruption in this country, in the wider Caribbean and in the wider world. That is absolutely not new.

The Prime Minister made one point, which I just want to touch on here, in that allegations of corruption—and where we have had concrete examples as in the McDonnell Douglas scandal and so on, as in matters pertaining to contract administration and tendering and so on—one matter that the Prime Minister touched on, which I want to return to, is this matter of private sector involvement with public sector corruption, and that has a certain emphasis for us because the influence of the private sector on the public servant is a critical influence.

I believe even now, Madam Speaker, there is a matter pertaining to the Cooperative Republic of Guyana, involving individuals there and, of course, these are allegations, but they are serious allegations that have been the focus of attention by the United States Department of the Treasury. And involved in that as well, not surprisingly, in terms of an allegation, is a public servant, a permanent secretary, I believe. So that, that issue is really a live wire issue of the notion of the private sector involvement with the public servant to create these wrongdoings—allegations of wrongdoing.

Now, Madam Speaker, I just wanted to say that I am not really, at this

moment, going to be very passionate and loud and so on, on these matters. I recall that the Prime Minister, on a previous occasion, was much more passionate than today. I do not know if the Prime Minister was unprepared today or his mind was on some other matter, but he was not as passionate and dramatic as the last time he spoke on this matter.

What I recall, Madam Speaker, is that in the history of the evolution of governments and governance in this country, the approach to dealing with corruption has been to build and strengthen institutions. And if we just go back—I do not want to take people too far back, at least to when they were in short pants or plaid dresses—the first major attempt to deal with this matter was in the administration of ANR Robinson as Prime Minister under the NAR Government, when we had, at that time, a major piece of legislation, the Prevention of Corruption Act, 1987. The Member for Diego Martin West was on the compound at that time, I believe, in another place, but may have been involved in that debate, Prevention of Corruption.

Another attempt to deal with this is from the position of legislation, institution building, change of culture through legislation, because we can change our behaviour and our culture by virtue of legislating, that is clear. It is the Proceeds of Crime Act, 2000. So 1987, under the NAR, 2000, under the Basdeo Panday administration, to give greater transparency in the conduct of public affairs, and reduced corruption and allegations, we have had the freedom of information legislation. We have had the judicial review legislation, all done under the Panday administration. The procurement legislation was done under the administration of Mrs. Persad-Bissessar—sorry, the Member for Siparia. Unless I am mistaken, and I really ask my friends to correct me, I am not clear we have had one major piece of legislation to address institutionalized corruption under the administration of the

current regime.

Mr. Al-Rawi: [*Inaudible*]

Dr. R. Moonilal: The Member for San Fernando West is hurling something at me and in due course, I am sure he will intervene and place on record that what he is speaking about. But I am just looking at the evolution of dealing with this problem from the perspective of legislation.

Now, the Prime Minister is also a fan of asking an important question in the public domain. We have heard it outside, we have heard it inside. The Prime Minister goes to his press conferences, his platforms and so on, including in the House, and is constantly asking a question, with monotonous frequency, “Somebody knows but nobody is telling whether it is murder in a hot spot. Somebody knows, nobody wants to say. Guns somewhere, people know, they do not want to say. Family members know but they will not say.” In the public service, surely today and elsewhere, the Prime Minister has a mantra, “Somebody knows but nobody talking,” as if he does not understand why nobody is talking. Why? If it is that people know—and I am not disputing that persons know whether it is crime, murder, criminal activity, whether it is the white-collar crime. The Prime Minister keeps asking, every time he see a microphone, “Why nobody talking? Why?”

But today, the Prime Minister is an example of what he is speaking about, because he came to the Parliament today and said, “I know but I did not say anything.” But why did you not say anything when someone told you that a business person, presumably, had \$30 million to pay in tax, they bribed a public officer—that is what he was saying, the allegation—\$600,000, paid \$1 million? But you are the example of what you condemn. Why did you not take it upon yourself to report and investigate and make something happen?

If you did, well, you did not tell us that at all. If the Prime Minister did, the Prime Minister did not tell us what action was taken in that matter, and this is just one example. But the Prime Minister is not going further, and I would have thought, after nine years in Government, the Prime Minister and Ministers, senior, would discover that the reason people say nothing, the reason citizens say nothing, the reason the mother says nothing, the reason the witness says nothing, the reason the person in the corporate sector says nothing is because they have no confidence in public institutions. They have no confidence.

2.55 p.m.

Whether it is the police, whether it is an institution in the Government, they have no confidence. And your first task is to build or rebuild confidence, that someone in a Ministry—let us just use the normal, okay, let me use the usual suspects, the licence department, the immigration, the customs, they call them the usual suspects really. The reason you will not get the citizens speaking is because they have no confidence, they lack confidence in those institutions, that somebody will discover who they are, they will be exposed to criminal conduct, they will be exposed to victimization, they will be exposed to harassment and eventually they have to pack up and migrate. It is a point I made on the last occasion. That is the point.

So that we cannot bouff up the mother of the alleged criminal killed somewhere because the mother knew something and said nothing. The policy approach is not to bouff, it is to understand the lack of confidence in the police or any other public institution and work to build and rebuild. That is the issue. And this is why we have, on this side of the divide, spoken on the public platform and in the Parliament about building confidence in the law enforcement institutions. You just have to. And why people have no confidence? Madam Speaker, it could

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be the smallest matter, disrespect by a public officer. There are people in public service, whether, I am not limiting this to the hospital or the police station or something, you go to them with a problem, you go to them as a citizen and the first thing they do is that they disrespect you, they bouff you up, you are always wrong, they are right. “Why yuh disturbing me for?” “Yuh have nothing better to do?” How you know this?

If you can work to build confidence in public institutions, including, law enforcement agencies, you are going a long way to get citizens to tell you what you want to hear, meaning allegations or evidence and so on, Madam Speaker. That is a critical point. Otherwise, I have said it before and I do not want to go and read at length from my speech in the last occasion, it is in the public record, all you are doing is creating a bureaucracy in corporate sector and public sector to create jobs, unpaid jobs I believe, unpaid jobs as whistleblowing officer, whistleblowing unit, whistleblowing authority, whistleblowing this, whistleblowing that, you are creating these unpaid jobs where persons will say, I volunteer to do this, I volunteer to do that, and in the work—I spoke from an employment perspective as well.

In the work place culture; we have a work place culture that is antagonistic to reporting. Workers and work cultures develop where people protect each other. If they see wrong they say that is not my business, you know, that is your business. I have five years to go before I get pension and nobody getting me to go and say anything, I lose my pension, I lose my gratuity, I have my family to take care of. Our work place culture, I am not going so far back to say is based on colonial work place culture and so on, is to protect each other at the place of work, not to sell out each other. That is the rare occasion to speak out, because the working people have been culturally one as opposed to the employer and capitalists and so on. So

you are trying to break that but you have to break that culture with confidence in public institutions.

Now, I will give a very recent example because, Madam Speaker, I always like to update the files when I speak even on the same matter. Quite recently, Madam Speaker, a matter came to the public domain, and I am talking about just June 13th. What today is?

Mr. Hosein: Today is the 14th.

Dr. R. Moonilal: The 14th, “oh”, yesterday, how up-to-date could I be? A newspaper article headline, the *Express*, June 13th, 2024:

“Like an outside child”

And, Madam Speaker, it is the most amazing and bewildering and befuddling matter, where a public officer, the Chief Executive Officer of the Secondary Roads Rehabilitation Improvement Company is saying that that company:

“...is like an ‘outside child’ of the”—Ministry of—“Works and Transport...starved for resources...

...not...given the priority”—of the—“treatment.”

It is like the Ministry’s outside child or whatever. And he said that:

“...the company was established, it received a \$100million injection...”—provision of resources—“...it has not received...”—this money.

Where the money gone? Where the \$100 million gone that Parliament approved for this? He was speaking at a Public Administration and Appropriation Committee meeting just a couple days ago, I believe.

Madam Speaker, this CEO is the whistleblower. The members of the Board there in attendance, I believe, were the whistleblowers. Madam Speaker, and

yesterday Cabinet meeting they fired all the whistleblowers. But you have no moral authority to bring whistleblowing legislation. You fired the Board yesterday. Did you not fire the Board yesterday? Yes or no? I am hearing St. Augustine, I hearing Couva South, I am hearing Barataria/San Juan. I am not hearing any friend on the other side. Madam Speaker, as a whistleblower myself I get information as well, I get information as well as one of the most well-known whistleblowers in Trinidad and Tobago, the Member for Oropouche East.

Hon. Members: [*Desk thumping*]

Dr. R. Moonilal: All of them there, look, look, all the usual suspects, they fired yesterday, about eight whistleblowers, yesterday, fresh. And at the press conference I believe the Prime Minister would have said that had it not been for that power outage. I think he was about to announce that they fired the Board and there was a power outage. And I was not shocked today that they were thinking that somebody in the UNC went and pull the plug at White Hall or something like that. So, Madam Speaker—

Hon. Member: [*Crosstalk*]

Dr. R. Moonilal:—yeah, yeah, yeah, I have heard that as well, they reached there already. And by the end of today, it might be the Auditor General who did that.

So, Madam Speaker, you had whistleblowers telling you what is happening and I link this, Madam Speaker, we are onto whistleblowing. I have in my hand a letter dated 21st September, 2023, addressed to one, Beverly Khan, Procurement Regulator Chairman, Office of Procurement Regulation. And it is, Madam Speaker, a whistleblower speaking about the secondary roads company and speaking about what is happening at that company. And you know they talked about EMBDC because that is their treasured example, that is their celebrity example, you know. That is their road map, you know the EMBDC. I am coming

to that too you know, I am coming to that to. But in this letter it speaks about the Ministry of Works and Transport handling the secondary roads company. It speaks about bid-rigging—

Mr. Hosein: What!

Dr. R. Moonilal: Bid-rigging—

Mr. Hosein: In secondary roads?

Dr. R. Moonilal:—tender price conspiracy, kickback payments of 15 per cent and so on, to presumably employees of the company and so on. It speaks, Madam Speaker, to favoured contractors, many of whom they know as friends. They regularly have convivial beverages on the east coast. That is not in the book, I am just reading this, I am just saying that, that is not in the letter. But I know of that too.

Mr. Hosein: [*Laughter*]

Dr. R. Moonilal: And, Madam Speaker, the Member for Diego Martin West and others are aware of that, they have personal knowledge of those meetings.

Madam Speaker, this speaks of massive corruption in the Government Ministry of Works and Transport, and Ministry of Rural Development and Local Government as the responsible Ministries. This letter speaks to mismanagement in this company by way of involvement in extremely serious allegations of corruption involving several companies, 13 companies. When the matter came before the Parliament's committee, you know what is important from a governance point of view, the members of the Board and the CEO came to a Joint Select Committee, Committee took evidence and the Committee said, we will see you back in two weeks, tell us more, these are serious matters. They lost their job yesterday in Cabinet. So there is no more, there is no more. They cannot say anymore, because they gone, they gone.

Madam Speaker, the Government must explain why, when the CEO and the Board members of this company came and there are serious allegations before them, instead of dealing with allegations of corruption, they fired all of them and kept it a secret until today I expose this. They kept it a secret. Why would you do that? This is a company that they announced with fanfare, secondary roads, \$100million. Where the \$100 million gone, because I will tell you something—

Mr. Indarsingh: \$200 million.

Dr. R. Moonilal:—\$200 million? But the dollars must go somewhere. When it is budgeted for a company, presumably that is for the company, if for one reason or another the money will not use it the must goes elsewhere. Where did it go? I mean, where did the money go? That is all. We ask no other question on this matter. And why did you fire a Board, why did you fire a Board in the middle of a joint select committee interrogation and examination. This is unprecedented, unprecedented. In my years in Parliament, I have never come across this where people are giving evidence before a joint select committee and fired mid-way, midstream—

Mr. Hosein: Before they return.

Dr. R. Moonilal:—before they return. How will you confirm those Minutes by the way, now? This is a serious matter that the Minister with responsibility should answer. Why could you not have left them for two weeks and say go back to the Joint Select Committee and finish your examination? Do you think any member of that Board fired yesterday would have confidence in the whistleblowing legislation? You think anybody has confidence? And this is what I come back to, confidence. Madam Speaker, this is a Government where there is a complete lack of confidence in the Government in handling matters like this. A former Commissioner of Police told us that he got money from the Government but only

to investigate selected and identifiable Members of the Opposition, no more, no other person.

Hon. Members: [*Desk thumping*]

Dr. R. Moonilal: That was the instruction, \$45 million were gone, gone, because there were targets on the Opposition Bench and that money was to be used only to go after targets. In fact, on the documents Members of the Opposition actually were referred to as targets. That is the term used, targets. And a government Minister went to England, sat in a hotel lobby to discuss with the investigators what they have to come to Trinidad and Tobago to do and be paid by the TTPS. Shocking, eh? Shocking.

Now, how do you build confidence in matters like this? How do you build the confidence? And when they get up to talk, they will talk about allegations against everyone on this side, who have allegations and who this. I want to tell you, Madam Speaker, I want to tell the Prime Minister and Members of the Government if you ever see me around, right, and you see blue lights around me it is in front helping me with an escort and so, it is not behind me, it is not behind me. Likely it would be in front of me. And when the police come by my house, they come to collect some help or something that they may need some, you know, paper and ink and so on. That is what they are going for. In fact “ah doh” like police by my house at all, eh, but when the police approach me is because they need help, because the Minister of National Security, they believe, is incompetent and is inefficient.

Hon. Members: [*Desk thumping*]

Dr. R. Moonilal: When they meet us they speak, they speak.

Mr. Hinds: Why did you dodge them when they were following you?

Dr. R. Moonilal: Madam Speaker, I want to tell you something—

Hon. Members: [*Crosstalk*]

Dr. R. Moonilal: Madam Speaker, I want to tell you something, I never bounce down the dog, eh.

Mr. Hosein: [*Laughter*]

Dr. R. Moonilal: I am not in the business of bouncing down “dog and ting”. Madam Speaker, I am a pet lover, most people know that. I am a pet lover. So I come back to the point, this is the central point I am making really here, is that citizens do not have confidence when governments undertake witch hunts on political opponents, on trade union leaders, on civil society leaders, you do not build confidence. So when you bring legislation like this people will actually laugh at you. They will say, but who you are trying to fool, who you are trying to fool with legislation like whistleblowing, when you fired everybody.

Madam Speaker, let me remind you, this is public record. When the Government changed in 2015, I made certain comments about the conduct of CEPEP, because I was the Minister with the responsibility for CEPEP and I had information about the conduct of CEPEP. “You know what CEPEP do? They sue me.” First time in the history of this country, a state enterprise sue a Member of Parliament in defamation. I bad talk the whole company, not the manager, not an officer, I was bad talking the entire the company. Who did it?

Madam Speaker, today a Minister of Government, I think he is a prominent Member of the party, the PNM, he is suing the Attorney General, he has no confidence in the Attorney General and the Government.

Hon. Members: [*Desk thumping*]

Dr. R. Moonilal: And they bring whistleblowing legislation and they are suing, and I think he also sued a whistleblower as well. That is what they are doing. So why are you, Madam Speaker, bringing this? All I ask the Government is listen,

who are you really trying to fool? Is it because election is 12 months away, you want to put a tick in your book? When you go on the platform, because the Prime Minister is right, he went on a platform recently and he says in the coming days I have to speak about the achievements of the Government because he believes, quite rightly, that the population believes that the Government has not performed, has achieved nothing. So he wants a little tick in a box so when you go on the platform you announce whistleblower legislation, passed by simple majority.

Mr. Hosein: And it means nothing.

Dr. R. Moonilal: And it means nothing.

3.10 p.m.

Madam Speaker, all this ole talk will mean nothing. They gutted the Procurement Act. All the blunders in all these years. They adjourned this matter. Look, this matter came up in 2022, they adjourned, Madam Speaker. In fact, strange enough, unless I am mistaken, the Prime Minister was winding up this debate, you know, and they adjourned on him. It was the first time a Prime Minister became a night watchman because they adjourned on him. You call it in Parliament when you adjourn a speaker he is the night watchman. He is meant to bat another day. They adjourned on him. They did not go through with it, and today, Madam Speaker, they come back because they are before an election and they want to prove that there is some good to come out of their governance and so on.

Madam Speaker, the issue of the Prime Minister raising the issue of the constitutional majority and simple majoring, that is fine. The lawyers will chip in on that, the well-learned constitutional lawyers. I believe they had evidence already, they had opinions already. They had senior counsel opinion that this requires a constitutional majority from a public officer. You know what they may be scared

of? The same public officer who gave them that advice. He might be a whistleblower too on this matter.

Madam Speaker, the Opposition in this country—I just want to remind Members of the Government and members of the national community. The national community would never have known that there was a collapse of the central block project with Shanghai unless the Opposition did not raise it in Parliament. The Prime Minister stood in the cage one day and when asked if he was aware—well you know what I mean, during the COVID. In the glass enclosure. He stood in the glass enclosure and when asked if he was aware that the contract collapsed with Shanghai, he said, “I have no information on that. I have none.” This Opposition blow the whistle on the Mosquito crack. Up to this day we do not have a report on what caused the Mosquito crack. We are told \$65 million went up in the air, a part of a contract. You know the Prime Minister today, I must respond to him, Madam Speaker—

Madam Speaker: Hon. Member, you have two more minutes of original speaking time left. You are entitled to 15 more minutes to complete your contribution. Okay, please proceed.

Dr. R. Moonilal: Thank you. Madam Speaker, the Prime Minister is fond now of announcing with fanfare a joint select committee on the construction of the Point Fortin—what you call the highway?—San Fernando to Point Fortin Highway. Madam Speaker, we on this side are proud that the people of Trinidad and Tobago can drive from Wrightson Road today without a traffic light on one road to Debe, because when you come to Debe, if you continue, you will fall in the Gucharon River. There is no highway to Point Fortin. The highway is in four parts. It is a puzzle. In fact, it could be a good tourist puzzle. There are tourists who like to do that, adventure on a safari or some kind.

Listen, when you reach Debe—I ask anyone of them if they could have a Google, or Waze, or whatever, when you reach Debe, how do you reach Point Fortin from Debe? Anybody know? “Whey yuh going?” You go down by a friend of the Prime Minister in that place somewhere down there, there are four pieces of highway. I can describe it now but it will take too much time to tell you how to reach to Point Fortin, but the point I am making is the Prime Minister speaks of a joint select committee. In nine years—and I will say this only once. Listen carefully, I will say this only once. In nine years—they have had nine years to investigate; report to police; allow police to investigate highway, byway, subway. To this day, not one police investigation has led to even questioning anyone in the former administration on that highway.

On the EMBD for all its worth, on HDC, on everything that they talk, they will continue to talk about that whole day today you know. Madam Speaker, if you give them a chance until 12 o’clock tonight they in the EMBD, and HDC, and highway and so on. Ask them if one police officer ever questioned anybody on that in nine years, and they will say, “They do not know. No. Not at all.” And they put a PNM joint select committee to interview PNM people to do a PNM report, while it was the PNM that hire OAS. Election is Monday in 2010, May 24th. Friday they announced the preferred bidder. Imagine, Friday they announced a preferred bidder; OAS is the preferred bidder. When we reach there, they say that is the preferred bidder. I say, “All right.” You see that. And they are talking, Madam Speaker, about corruption and corruption, but again I come back to my central point you know. All the evidence you have, all the information you have, why did you not take it to the police, and in nine years tell the police to investigate, bring those persons to book? Why? Why you do that?

Mr. Hinds: Take it to the court.

Dr. R. Moonilal: Madam Speaker, they speak about court and defence. The case is a PNM case in the Civil Court. There is no criminal action anywhere.

Hon. Members: [*Desk thumping*]

Dr. R. Moonilal: That is a PNM case. Madam Speaker, when I go to put in my defence the judge say, “Doh waste yuh time here, you know, that case might fall apart and you waste all yuh time with defence you know.” That is a fact.

Madam Speaker, they talk about defence, defence. They talk about defence as if police prosecuting somebody. That is PNM case, and I tell the world—when I go outside I say, “That is the PNM.” All of them day and night writing affidavit and so on—all of them opposite. That is what they were doing. That is why the country is in this state today. They spend all their time on political witch-hunts—they did not catch any witch—and that is why the infrastructure deteriorate, that is why crime reach where it reach, that is why we do not have water, that is why the hospital system collapsed, that is why the health sector collapsed because they spend all their time on political witch-hunt and that is a fact.

So I come back again to the Bill before us. A better option government would have been to strengthen the existing institutions that can investigate and ensure they are independent. Another major crisis this country faces is the political undermining and political influence of public institutions. When a Prime Minister go the President House, beat his chest and announce, “It was me. They were going to give a recommendation to the Mr. President on a commissioner of police and I snatched it and run.” Could you imagine a Prime Minister announced that he snatched and run with a recommendation from the Police Service Commission to the President?

Mr. Hosein: Choke and rag.

Dr. R. Moonilal: No. we have heard of choke and rag—

Mr. Hosein: In Guyana.

Dr. R. Moonilal:—in another Caricom territory. This is snatch and run. When you do things like that you undermine the public institutions. You know the approach of the NAR and UNC was different. They built institutions to deal with corruption.

Hon. Member: What the UNC did?

Dr. R. Moonilal: The UNC is responsible for judicial review, freedom of information, proceeds of crime—

Mr. Hosein: Integrity in public life.

Dr. R. Moonilal:—integrity in public life. All you do is break integrity in public life. That is what you did.

So, Madam Speaker, this point I am making, if you want to deal with white-collar crime, which is a serious issue—which is really serious—what you have to do is strengthen the existing institution and ensure that the police is independent—

Hon. Members: [*Desk thumping*]

Dr. R. Moonilal:—so you cannot interfere with the police. There is a matter somewhere—now I do not know what is the stage of the matter—where a citizen of this country was abducted and brought back to Trinidad under very suspicious circumstances, unlawful, and the police who did it was promoted. What do you think happens to the police service? There is a lack of morale, there is a breakdown in confidence, there is a lethargic approach of the police officers when these things happen, and you are expecting them now to go and investigate corruption. That is what you are expecting. Nobody will take a government seriously when they interfere and undermine from the commissioner go down.

Madam Speaker, at the heart of that SSA matter is this issue of using surveillance equipment to spy on political opponents and having their favoured son

at a unit in Special Branch conducts surveillance. When the mark bust they talk about church, and cult, and all of that, when at the heart of that was that matter of surveillance equipment in the hands of persons who were reporting to the political directorate. Everyone knows there is a unit in the police service that reports to the political directorate and they ought not to be in charge of surveillance. It should be a unit established by statute, by law, and that has compromised intelligence gathering. Now to deal with white-collar crime corruption whistleblower, instead of going—this is a workplace model. Let me put it in a—I know the time is limited.

Madam Speaker, let me put this Bill in the context of the workplace. This is creating a parallel workplace model like the OSHA—in fact, the OSHA and this Bill have a similarity somewhere there—in that, the OSHA creates a workplace-based machinery to deal with health and safety. This is creating a workplace-based machinery to deal with allegations of corruption, records and so on—so it is something like that—but this cannot deal with corruption. This cannot with the serious issues of white-collar crime when there is no confidence in public institutions. It cannot. All you are doing is creating a job where somebody call themselves a whistleblower, and knowing—I mean, I do not want go offhand here with the culture, but knowing the culture here you could imagine the rank of a whistleblowing officer in a company? Could you imagine the rank of this whistleblower when he looks at the workplace and see 80 people working under him and he is the whistleblower designate? Well then you will have more complaints about the whistleblower than you will have about employees, and managers, and commitment.

Madam Speaker, I know in the few minutes I just want to—because I want to make proposals as well, not just to criticize the Bill necessarily. In this country,

over years of experience has taught us, many of us have been around for some time, there are key institutions in this country where if you want to look at white-collar crime. Clearly it is government of course, but it is also institutions like Licensing Authority, Customs and Excise Division, Immigration in some case because of the challenges we face now, TTPS of course, police, why do you not get a model that looks at these institutions and build a legal framework around it to deal with corruption? As it is now, a Backbencher in the Opposition declares everything to the Integrity Commission.

If you have 10 bank accounts and five credit cards, and three years ago you sold a car and the dot was not in the right place, and you put in a figure this year and next year the figure change by \$10, you get a big, big long email, you have to go in and sit down and explain—a Backbencher in the Opposition. But senior members of critical institutions in this country who are susceptible—and I say with respect because I am not speaking about anyone—to bribe, to inducement, they do not have anything like the Integrity Commission around them. They do not have that. If you have a report you make to the police to can investigate.

So it not surprising, Madam Speaker, that you hear that when senior officials in some institutions retire, it is the house in Barbados, property in Grenada, beach house here, all this type of thing you hear about, and those persons were never Ministers you know. They were never Ministers of Government, Members of Parliament. They were persons in high positions, and executive authority in agencies. But you track down every Member of Parliament so we have to write the same email five times explaining two dots and comma and so on, Madam Speaker. While that is important and we must do it, it is the law, we are required to do it, we need to put an institution in place to deal with those agencies of government that really come face to face with the opportunity for inducement, conspiracy,

corruption, bribery, and so on. I think that point is made, Madam Speaker.

So, Madam Speaker, my colleagues surely will speak to the Bill in more detail, in a much more forensic manner than I did, but I just wanted to place on record that the Opposition position is very clear. In fact, the Opposition has not changed its position at all. We are not minded to support this Government.

Hon. Members: [*Desk thumping*]

Dr. R. Moonilal: They are in their last days. They are on the way out. They no longer command the majority of citizens' support in Trinidad, or in Tobago, and they ought not to be posturing at this time dealing with matters like this when clearly they have no mandate, when clearly they have no moral authority.

Hon. Members: [*Desk thumping*]

Dr. R. Moonilal: An incoming government of the United National Congress will address not just whistleblower legislation, but will also address the other issues relating to white-collar crime as we have done before. You all must concentrate on PNM business. I know you all do nothing since.

Hon. Members: [*Desk thumping*]

Dr. R. Moonilal: It “ha” no PNM business around, but try to concentrate on—and, Madam Speaker, an incoming UNC government will have a good eye to look at the financing of Balisier House which is a next serious matter—

Hon. Members: [*Desk thumping*]

Dr. R. Moonilal:—as to how you could sell toolum, pholourie and channa and build a \$16 million building—

Mr. Hosein: And raffle ticket.

Dr. R. Moonilal:—and raffle tickets. I think they raffle what? A motor car?

Mr. Hosein: Yes

Dr. R. Moonilal: A motor car.

3.25 p.m.

So that is also a question. To this day, as a responsible Government, promoting whistleblower legislation, no Member of Government or senior member of the party has disclosed where they would have gotten millions of dollars from—

Hon. Members: [*Desk thumping*]

Dr. R. Moonilal:—and which contractors in return, for getting payment owed by the Government, had to give construction materials for the construction of Balisier House. I want to tell you, as the whistleblower number one, I have the data. I have the information. I have the names, where if you wanted payment by this Government for money they genuinely owe you, legitimately owe you, you had to make a deal to supply brick, and cement, and steel for the construction of a party headquarters. That is something that will require an investigation. That is required.

Hon. Members: [*Desk thumping*]

Dr. R. Moonilal: Interestingly, the very contractors that they put in courthouse for every act of corruption under the sun, is the very same contractors they gave all the contracts; all, all, all, all, nobody new. So if those people were so corrupt, why did you not blacklist them? Why did your Cabinet not take a decision that, look, you are before the courts on very serious matters of corruption and you ought not to be given hundreds of millions of dollars in contracts?

So, you see, they speak with the two sides of their mouth. They accuse everybody of corruption, big contractors, corruption on this, corruption on that, and when they go behind closed doors, the same people you accuse, you give them the biggest contracts; the biggest.

Mr. Hosein: I think they give them materials.

Dr. R. Moonilal: And then they get materials for the Balisier House. This is what

is happening, you know. So, Madam Speaker, they are aware that this will not help. Yes, you can put a structure in place and appoint people, call them whistleblower one level, two level, the authority, the this, the that, in essence, this will not change.

What they are doing, in fact—and I say it with—

Mr. Hosein: Great love and admiration.

Dr. R. Moonilal:—I say it without meaning contempt, what they are doing is legislating “maco” behaviour. Because all that will happen is, people would start writing notes because somebody at the workplace is having an improper relationship with a relation, and they will start writing down, “Well, this is corruption. I see this. Five tin of paint missing. This happened. This happened this day. I saw that.” That is what will happen at this level that they are trying at. Because at a workplace level, it is not where the multi-hundred million-dollar corruption will take place. It will take place, Madam Speaker, at UDeCOTT. It will take place at the big, big, big items—the big-ticket items.

You remember Mr. Calder Hart, when asked if he knew a company that got a contract for \$365 million under him? That company had an interest, I think, of his sister-in-law or brother-in-law, his sarubhai. His brother—two sisters’ husbands, something like that. And when after he knew about it he said, “No, no. I did not know.” He did not know anything about a \$365 million contract to his sarubhai.

Dr. R. Moonilal: You understand the point? And today, you are saying, you are tackling corruption at the what?—the grass root level and at the shop floor level, when it is the big organizations you have to put the spotlight on.

As I say, in closing Madam Speaker, feel free, put the spotlight on Ministers of Government, put the spotlight on Members of Parliament. Nothing is wrong

with that, but you must build confidence in institutions to investigate. Do not undermined them and then nine years later, you have absolute nothing to show and the police themselves laugh at you when they hear matters. When you talk about corruption, the police laugh at you because you have undermined the work of the police.

On another occasion, I will come to this House with concrete examples, date, time, place of worship and other places where this Government has been undermining investigations into allegations of serious corruptions. And that affects me, Madam Speaker, because the police, the white-collar crime unit, and every unit, will lack confidence in investigating if they think that the politicians—you know how much time the police talked to me and they said, every time they hear about corruption, they say, “That is a political thing, man. That is politics, you know, politics. Why is it is that law enforcement people believe that every allegation you make is politics? Why? Why do they not take it seriously? Because they see expressions of this political witch-hunt, and, Madam Speaker, I thank you for the opportunity.

Madam Speaker: Attorney General.

Hon. Members: [*Desk thumping*]

3.30 p.m.

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Madam Speaker, for the opportunity to speak to the 2022 whistleblower Bill. I had intended, Madam Speaker, when I got to the close of the few remarks I wish to make this afternoon to spend a little time speaking to the obstructionist policy and disposition of the United National Congress Opposition. And it had been my intention in closing to ask your leave to read into the record a certain document because that document is important to this

Government to demonstrate the concerted efforts that it has been making to get this Opposition meaningfully to engage in the business of legislators in order to pass legislation for the welfare of the citizenry of the people of this country. Because that is why we are here.

We are here in the trust of the persons who have elected the Government, and the Opposition, that their interest will be legitimately served by the parliamentarians who represent them in this honourable House. And we on this side, Madam Speaker, we take that responsibility solemnly and very seriously.

But I ask your leave to put at the opening as opposed to the close the document that I was going to read. A letter on the letterhead of the Prime Minister of Republic of Trinidad and Tobago dated the 12th of October 2023. This was when we were trying to get the Opposition to do their job responsibly to meet with the Government, out of the glare of cameras, when we could not resist, the Opposition cannot resist the “gallerying” and the playing to the public and the spectacle of distraction and worse yet, which I have witnessed in this House this evening, the spectacle of abusing the privileges of this House to rise to one’s own defence in matters that are before the court.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC: We wrote, the hon. Prime Minister wrote to the Leader of the Opposition a letter dated the 12th of October, 2023 and I will read with your leave certain parts of that letter, Madam Speaker.

“Dear Mrs. Persad-Bissessar,

I refer to my letter to you dated to September 16, 2023 to which you responded in part by yours of September 26, 2023.

I write now to propose the Government’s Parliamentary Team and subject list for discussion, to address the safety and security of the population of the

Republic of Trinidad and Tobago.

The hon. Prime Minister then set out the names of five Members of Parliament who would consist of the Government team and he says:

“I invite you to name your Team of four Parliamentarians to join with Government to enable the work to commence, immediately after the Budget Debate.”

And this is the very relevant part of the letter, which is germane to the business that we are about today.

“The Government proposes to prioritize the following for discussion, which I emphasise is not exhaustive”

Let me pause there, with the Prime Minister’s leave, to interpret that.

“...which I emphasise is not exhaustive”

In other words, what I list next is not the complete list because we will invite you to add and we may have others to add as well but we are inviting you to meet with us to discuss the following:

- “(i) Firearms Control Bill, 2023;
- (ii) Bail;
- (iii) Interception of Communications;
- (iv) Anti-Gang;
- (v) Whistleblower Protection;”

The very Bill that we are discussing here today and the Prime Minister continued down to (xii). That many other matters.

“The Government proposes that the Team will have the option (on a majority vote) to co-opt the...”—right—“of citizens by way of memoranda and/or consultation.

I look forward to your timely response.

UNREVISED

Yours sincerely,

Keith Christopher Rowley (PhD), M.P.”

That was the letter written by the hon. Prime Minister to the Leader of the Opposition inviting the Opposition to engage in a sane, mature discussion to avoid the travesty that we have just witnessed in this House on precisely one of those subjects.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC: And why do I say travesty which we have just witnessed? The hon. Member for Oropouche East who has taken his leave, [*Laughter*] who has taken his leave—

Mr. Young: He gone to draft his defence.

Dr. Rowley: [*Inaudible*] with his lawyer.

Sen. The Hon. R. Armour SC:—spoke for 40 minutes or thereabouts on a number of things, much of which demonstrated the need for whistleblower protection—

Hon. Member: [*Desk thumping*]

Sen. The Hon. R. Armour SC:—because he was speaking about the fact that people would need protection, people would be nervous, et cetera. That is the very point that we are here about.

But he said something very interesting. He said:

I am going to speak on the EMBD matter.

And I was astounded. He went on to say that:

He anticipated that he would be under flashing blue lights—
 —which was even more remarkable and then proceeded to provide this House, by way of an abuse of privilege, with his personal defence in the very matter.

Hon. Members: [*Interruption*]

Sen. The Hon. R. Armour SC: Madam Speaker, I am going to read and I am doing this in response to the Member because it is not correct that our privileges in this House should be so abused. I am going to read one paragraph out of a judgment of Mr. Justice James Aboud. It is the EMBD case, paragraph three, judgment dated the 6th of August 2020.

Mr. Hinds: And a live on-going matter.

Sen. The Hon. R. Armour SC:

“It is EMBD’s case that the three claimants in the Consolidated Action (being contracting companies...)—

Mr. Indarsingh: Madam Speaker, I rise. Standing Order 49(1).

Hon. Members: [*Interruption*]

Mr. Indarsingh: Is this an ongoing matter in the courts of Trinidad and Tobago?

Madam Speaker: Are you asking or you are saying?

Mr. Indarsingh: I am seeking clarification.

Madam Speaker: But if you are rising on that, are you saying it is?

Mr. Indarsingh: Madam Speaker, I rise on 49(1).

Madam Speaker: So Attorney General, you are aware if it is a matter that is sub judice.

Sen. The Hon. R. Armour SC: I am aware of what the Member for Oropouche East spoke about and I am replying to the Member because I think it is right and correct that the proper context and the record should be accurately stated in this House.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC: And not by way of an abuse of privilege because the Member spoke to the fact, he said—

Mr. Indarsingh: Madam Speaker, I rise on 49 again. The Attorney General

cannot determine an abuse of privileges in this House. That is your responsibility.

Hon. Members: [*Desk thumping*]

Madam Speaker: All right, so AG—

Sen. The Hon. R. Armour SC: Madam?

Madam Speaker:—again, if the matter is sub judice, you know the rule. Okay. No one before mentioned that. If the Member is saying it is sub judice, then be guided by what Standing Order 49(1) says. Okay.

Sen. The Hon. R. Armour SC: Madam, I respond to the Member through you and in relation to what you have just said to make three points. First, and I was very deliberate to identify the fact that the Member for Oropouche East spoke to a matter, he raised it and he has referred to the EBMD case. Secondly, there is no jury involved in this that could be influenced by anything that I am about to say.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC: And thirdly, I think it is appropriate for this House as a matter of record to allow the record to be stated correctly so that what has been put on the record unanswered does not influence the listening public into thinking that the EMBD case is some PNM case. And I wish, therefore, to reply.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC: I am not going to comment other than to read one passage out of the judgment. Beyond that, I do not comment.

Madam Speaker: Okay. So I will cautiously listen and determine if you need to be stopped. Go ahead.

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

“It is EMBD’s case that the three claimants in the Consolidated Action (being contracted companies who won lucrative awards in the run-up to the 2015 General Election) and all the defendants in the Related Action (three of

whom are similarly circumstanced contracting companies, one of whom is a former Minister of Government, and three of whom are former senior officers of EMBD) are guilty of a number of very serious acts of dishonesty. EMBD intends to prove at the trial that these parties were knowingly involved in a number of tortious acts...”

Mr. Hosein: Madam Speaker, I rise on Standing Orders 49, 48(6) and 48(8) please. This is in relation to the conduct of a particular Member that the Attorney General is referring to and also this matter is sub judice.

Madam Speaker: So again, on the ruling with respect to sub judice, that point was raised just now. I am saying I am going to hear what the Attorney General says. Not because the matter is in court means you cannot refer to it but it is whether it is going into any substance, whether it is before a jury, whether it can prejudice the outcome. I have not heard anything as yet that offends that. And again, this is in response to something that was said. And you said the other thing is what, 48(6)? Again, this is one imputing improper motives, I will rule against that. Please continue.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC: Thank you, Madam Speaker. So if I were to continue reading where I was:

“EMBD intends to prove at the trial that these parties were knowingly involved in a number of tortious acts, including unlawful means conspiracy, bribery, and dishonest assistance. EMBD also claims relief in contract law, for example, declarations that the contracts are void for illegality.”

That is paragraph two of the judgment of Mr. Justice James Aboud dated the 6th of August 2020 and one of the named defendants in this matter is a gentleman, the first named defendant, Roodal Moonilal.

Mr. Hinds: Ohhh!

Sen. The Hon. R. Armour SC: I say no more. I say no more, Madam Speaker, on that subject. Other than to say that I was truly saddened by the fact that the Member for Oropouche East used the opportunity of this debate on the Whistleblower Protection Bill under parliamentary privilege to speak to a matter which he is personally involved and thereby abused the privileges of this House.

Madam Speaker, this Bill has been in different manifestations before this Parliament for some time and I will speak in some detail to that in due course but if I may be allowed to speak to the matter at hand. This is a piece of legislation and indeed, the very remarks of the Member for Oropouche East demonstrated the necessity for it, that is intended to provide for a climate of transparency, accountability and integrity to prevent organizational corruption within the public and the private sectors.

Madam Speaker, it is the Government's intention through this piece of legislation and that piece of legislation has been before this House for some time now to provide a sound legislative framework to encourage the reporting of misconduct, fraud and corruption, well-thought through legislation to protect the persons who make such reports so that they cannot be easily subject to acts of retaliation. The risk of corruption increases in this society exponentially, Madam Speaker, where reporting is not facilitated, not protected and in the absence of legislative safeguards that can dissuade witnesses to corruption from stepping forward.

Madam Speaker, relevant to the Government's continuing drive to raise the bar of ethical conduct in the public and private sector of this country, only on Monday of this week, the Office of the Attorney General and Ministry of Legal Affairs, of which I am privileged to lead, in collaboration with the World Bank

Group co-hosted a pivotally important Anti-Money Laundering/Countering Financing Terrorism National Risk Assessment Workshop.

3.45 p.m.

In delivering the opening remarks of that workshop, this is what I said, among other things. That was on Monday of this week.

The challenges posed by money laundering and the financing of terrorism represent real threats to our national security, economic and financial stability, and maintaining the rule of law. As guardians of justice and the stewards of public trust, it is incumbent upon all of us to confront these threats with unwavering resolve and collective action to protect the financial system and the broader economy from the threats of illicit finance. Illicit finance fuels serious crime, including corruption and bribery, fraud and forgery, drug trafficking, human trafficking, tax evasion and cyber-crime, including, online child sex exploitation, terrorism, and gang-related activities.

I end my quotation. It is about all of that, Madam Speaker, that this legislation is seeking to create a protected legislative environment in which persons can feel confident to call the relevant agencies within the framework of this legislation, make reports and have those reports received, considered seriously, and have the confidence of knowing that they will be protected from retaliation and reprisal. We have been in this Government, Madam Speaker, continuing in a suite of legislative activity to address precisely this area of financial corruption, precisely this area of corruption, precisely in order to create an environment and a society that encourages transparency.

And this piece of legislation, which we come before this House with in 2024, which this Government has brought to this Parliament now over a

considerable period of time, is being argued and debated in an attempt to persuade the Opposition that they must support efforts to strengthen the legitimate pillars of integrity, transparency, and accountability in this society.

And, to listen to Member for Oropouche East, I found it painful, I found it painful to understand that a Member of that Member's experience, pretending to be part of a legitimate exercise to further the interests of the citizens of this country, who will need the protection of the legislative framework that we are asking this House to pass. I was truly saddened by the trivialization of everything that was said over those 40 minutes, in addition to his defending himself in his old case.

Madam Speaker, whistleblowing has been acknowledged in conventions, of which Trinidad and Tobago is part. We have signed onto them. We have ratified them, the two main international conventions. The Organization of American States, the Inter-American Convention against corruption, which I would refer to as the OAS Convention and the United Nations Convention against corruption, the UN Convention. Those two conventions, Madam Speaker, encourage state parties to consider incorporating international legislations and appropriate measures to provide protection to persons who report in good faith, and that is language in the legislation and on reasonable grounds, any facts concerning offences established in accordance with these conventions. And that is why we are back here today, Madam Speaker.

This Bill seeks to enhance and make more comprehensive earlier legislative attempts to meet our obligations. And they include other pieces of legislation, which we have attempted piecemeal to do this, but by this piece of legislation, we are seeking to give a holistic, comprehensive endorsement of the protection that persons who have information to provide will be afforded. The other previous bits of legislation are the, IntegrityinPublicLifeAct, the Data Protection Act, and the

Public Procurement and Disposal of Public Property Act, among others. We seek to make that more encompassing, and very briefly, Madam Speaker, because the history is important to things that I will speak to later. I will briefly outline some of the attempts that were made to enact this legislation.

We have had the principles outlined in the Bill taken from the Organization for Economic Co-operation and Development in their study on whistleblower protection. We had a comprehensive law reform research exercise done by the Law Reform Commission of Trinidad and Tobago, which has informed the policy behind the Bill that was accepted by the Cabinet and led to the draft which we have brought here with the efforts of Chief Parliamentary Counsel.

The Whistleblower Protection Bill, 2015, started in the House of Representatives, on November 13th, 2015. It was then referred to a Joint Select Committee for evaluation and reporting. Five interim reports were produced following stakeholder consultation. The Whistleblower Protection Bill, 2018 was then introduced on April 9th, 2018, at the House of Representatives with the requirement that it be passed with a special majority; and I will come to that in due course. That Bill was defeated on the 6th of May, 2019 and introduced again in 2019, this time as a Senate Bill. However, that Bill lapsed, and we have brought now the Whistleblower Protection Bill, 2022, subsequently introduced in the House on the 14th of January, 2022 by operation of the Standing Orders.

This Bill, like the others proceeding it, Madam Speaker, aims to combat corruption and other wrongdoings by encouraging and facilitating disclosure of improper conduct in the public and private sectors. The Bill also seeks to protect persons from making disclosures from detrimental action and to regulate the receiving investigating, or otherwise dealing with disclosures of improper conduct.

Madam Speaker, the honourable Prime Minister has gone through at some length the particular provisions of the Bill, so I am not going to repeat all of that. I will highlight, really, some of those which I consider to be of particular importance, particularly having regard to what I will say later in my remarks on the need, or not, for a special majority.

So we have in the Bill, in the definition section, the scope of disclosure as a term of art and improper conduct. Disclosure is defined in the Bill as:

“disclosure of information by a person which shows or potentially shows that improper conduct has occurred, is occurring, or is likely to occur.”

The Bill does not seek to narrowly define or itemise the types of conduct which a whistleblower can report. Instead, it utilises the term improper conduct, which is also defined in the interpretation section. And “improper conduct” means:

- a) “criminal offense;
- b) failure to carry out legal obligation;
- c) conduct that is likely to result in the miscarriage of justice;
- d) conduct that is likely to threaten the health or safety of a person;
- e) conduct that is likely to threaten or damage the environment;
- f) conduct that shows gross mismanagement impropriety or misconduct in the carrying out of any activity that involves the use of public funds;
- g) acts of reappraisal against, or victimization of a whistleblower, or persons related to, or, are associated with a whistleblower;
- h) conduct that tends to show unfair discrimination on the basis of gender, race, place of origin, social class, colour, religion or political opinion, or;

- i) wilful concealment of any act described in the proceeding paragraphs.”

Madam Speaker, Part 2 of the Bill deals with disclosure of improper conduct. So we have clause 7 enabling:

“an employee of an organisation to make disclosure of improper conduct”—within the organisation—“to a whistleblower reporting officer or whistleblowing reports unit...”—of a designated authority.

So we have within the structure of the Bill, the creation of organisations within entities that will responsibly receive, analyse and act upon information that comes to them from a whistle blower. The clause provides that:

“A disclosure...may be made”—either—“orally or in writing”—and must be based on an employee having—“reasonable grounds to believe that improper conduct has occurred, is occurring or is likely to occur in the organization.”

And it should be noted that oral disclosures must be:

“reduce”—into writing—“...immediately in the presence of the person making the disclosure; and
 read...to the person who made it”

An employee can disclose improper conduct in circumstances where the person to which the disclosure relates can not be identified. The conduct had occurred prior to this act coming into force. The information came to his or her knowledge while being an employee, or the information relates to the improper conduct of someone who was employed by the organization.

3.55 p.m.

Clause 8 of the Bill, Madam Speaker, specifies the six conditions that must be complied with for any disclosure to be protected. These conditions include:

“(a) It is made in accordance with”—the proceeding clause to which I

have just referred—“section 7;

(b) it is made in good faith;”

And:

(c) at the time of making the disclosure, the whistleblower reasonably believes...”—that—“...the information he”—or she—“has at the time...”—is:

“(i)...substantially true; and

(ii) shows...his employer or...person...”—working for—“...his employer’s behalf...engaging”—in—“or...preparing to engage in improper conduct;”

And a principle requirement in most whistleblower protection across the world, which we have adopted, accepted and repeated in this Bill, is that the disclosure must be made in good faith.

And I emphasize that because there is a balance that the Bill accepts must be applied, and which balance will be assessed by the reporting units and the reporting officers to whom this information is being disclosed in order that it can then be acted on. In other words, it is intended to prevent the airing of vexatious, harassing or frivolous disclosures. I emphasize that because I will come later on to talk to two terms of art, legitimate aim and proportionality. And those two terms of art have to do with a June 2022 decision of the Privy Council, which is very relevant to the question that will have to be determined by this House on submissions that will be made in due course as to whether this Bill requires a three-fifths majority or a simple majority.

Madam Speaker, moving on—and I am not going to, as I said, deal with all of the clauses. Clause 11 mandates employers to appoint whistleblowing reporting officers to receive and process internal disclosures of improper conduct within a

company or organization. And whistleblowing reporting officers would also determine—

“whether an internal disclosure should be referred...to a designated authority”—or—“through its whistleblowing reports unit...”—for further investigations.

So, again, we strike the responsible role of the responsible officers, conducting a proper sifting and balancing exercise of that which comes to them from whistleblowers.

Clause 12: It is imperative that the implementation of whistleblower protection legislation is supported awareness-raising communication, training and periodic evaluation of the effectiveness of the framework of protection. So the Bill is ensuring that those persons and organizations involved in the exercise of enabling and protecting whistleblowers get continuous training, in order that they can continue to function rationally, responsibly and according to law. And clause 12 requires:

“...an employer to establish and publish...”—operational—“...internal procedures for dealing with disclosures.”

And these internal procedures must identify the whistleblowing reporting officer.

Clause 13 provides for that:

“...whistleblowing reporting officer...within thirty days after receiving an internal disclosure...”—to—“...notify the whistleblower of the status of the disclosure...”

Clause 14 provides for the setting up of a whistleblowing reports unit in designated authorities.

Clause 16 provides that:

“Where a whistleblowing reports unit to whom a...disclosure is made

considers that the disclosure can be better processed by another whistleblowing reports unit...”—that disclosure can be referred to that other unit.

Clauses 18 and 19 provide for the protection of whistleblowers, Madam Speaker, and this is important in the context of the very trivial remarks made by the Member for Oropouche East in which he sought to dismiss the quality of this draft legislation here before this Parliament by way of a Bill, in order to give protection to persons who, with some trepidation, undertake the revealing of information that has come to their knowledge, which troubles them as offending the law, or in anticipation of an offence being committed.

So clause 18 of the Bill safeguards a whistleblower from any detrimental action after making a protected disclosure:

“...despite”—the existence —“any prohibition...or restriction on, the disclosure of information under any written law, rule of law, contract, oath or practice...”

And following from that, clause 19 grants to that whistleblower who has made a protected disclosure, immunity from all criminal, civil and disciplinary proceedings. And this immunity shall not be prejudiced where in good faith:

- “(a) the whistleblower was...mistaken about the importance of the disclosure;
- (b) any perceived threat to the public interest...has not materialised; or
- (c) the whistleblower has not...respected the procedural requirements of this Act or...”—its—“...regulations...”

Clause 20: Whilst immunity is provided for in clause 19, by clause 20, however, a whistleblower, who is himself or herself the perpetrator or accomplice to the improper conduct to which she or he is disclosing information, shall have criminal

proceedings—

Madam Speaker: Attorney General, your original speaking time is now spent. You are entitled to 15 more minutes to complete your winding up, if you so wish.

Sen. The Hon. R. Armour SC: Thank you.

Madam Speaker: Yes, you may, please proceed.

Sen. The Hon. R. Armour SC: I would appreciate those further minutes. Thank you very much, Madam Speaker.

Madam Speaker: Please proceed.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC:—and the court in considering mitigating factors, shall consider the disclosure and its value to the investigation.

The whistleblower can be subject to civil or criminal proceedings for conduct not related to the protected disclosure. In civil proceedings, the whistleblower who has acted as a perpetrator or accomplice to improper conduct, and has been found liable for his conduct, shall pay only part of the damage caused by him. And a whistleblower who is the perpetrator or accomplice, and is employed by a public body should not be dismissed and should have his punishment mitigated following disciplinary proceedings.

So different layers of protection are being provided for by this piece of legislation. Anticipating the legitimate fear and trepidation of someone who finds themselves privy to information which they recognized either amounts to or has the potential to amount to the potential of something awry taking place, an offence being committed, and fears reprisal, if they were to disclose that information, to hold the person or the body to account, this legislation seeks to give them multilayered areas of protection.

And I could continue in much detail. There are offences found in Part IV of

the Bill. Clause 23 lists five offences, Madam Speaker. Under clause 24, the offence of disclosing the identity and statement, or information of a whistleblower by a whistleblower officer or unit carries a penalty on summary conviction of a fine of \$600,000 and imprisonment for two years. And there are other fines under. Clause 25: The offense of obstructing a whistleblowing reporting officer, carrying a penalty of \$15,000 and imprisonment for two years.

Let me turn, Madam Speaker, to the special majority requirement. This Bill was introduced in January 2022, before the decision of Dominic Suraj, and states itself as requiring a special three-fifths majority because—and I am quoting from the Bill. The Bill—

“...abrogate...or authorise the abrogation...of...”

“(c) the right of the individual to respect for his private and family life...”

—in as much as the Bill allows for:

- a. the otherwise unlawful acquisition of personal or confidential information, et cetera;
- b. the disclosure of such information to whistleblowing reporting officers, et cetera;
- c. the collection, processing and sharing of such information; and
- d. the immunity of a person who unlawfully acquires personal or confidential information.

Madam Speaker, the decision in Dominic Suraj refers to and relies on the earlier Surat decision, and poses two questions by which this Bill would have to be examined: Does the limitation, such as it is on the fundamental right, pursue a legitimate aim, and secondly, is that limitation proportionate to that aim? And when we look across the globe at all of the material that has been produced on the need for whistleblowing protection, we are confident—and it is my intention to so

advise—that there is a legitimate aim of this legislation to protect the body, the fabric of our society, from the scourge of corruption that has been the subject of corruption indices for Trinidad and Tobago, and other countries, that rank this country at a relatively high level of corruption. And we know from our personal experience, the pervasive nature of corruption, such as it is, because it takes place undercover, under the bushels, away from the light and the sunlight of an illuminating sun, and it is eating away at the fabric of this society.

So it will be my intention to advise the Government, which I am proud and privileged to be part of, that this Bill carries with it a sound, legitimate aim. And then is that limitation proportionate to that aim? And when we look at the privacy rights and we ask ourselves the question, “Is that proportionate?”? When we look at the mechanisms that are built into the legislation, it will be my advice that the limitations are proportionate.

May I just say this, Madam Speaker, to read briefly a passage from the judgment of the Suraj decision—the \$14.6 million judgment, which came after 51 attempts by the United National Congress, to stop this Government from keeping the citizens of this country safe during the pandemic. Paragraph 68 of the judgment says:

“A very large part of ordinary legislation, passed by Parliament for good reasons of the public interest, must inevitably interfere with or operate as restrictions on those rights. In the Board’s view it is not plausible to suppose that the framers of the 1962 Constitution and the current Constitution intended to disable Parliament from taking ordinary legislative action in the public interest. The natural solution to accommodate the inevitable friction which always exists between individual fundamental rights and democratic decision-making in a constitutional liberal democracy

like Trinidad and Tobago is that conventionally adopted so often in such states, namely to require that interference with such rights should be permitted in the public interest, but only if the interference is proportionate to a legitimate aim.”

And it is my confident advice, Madam Speaker, that we will be able to pass that test.

It would be a disservice on my part if I did not also acknowledge the judgment, which was approved by Suraj, of Mr. Justice of Appeal Bereaux in the case of *Francis v the Attorney General*, on the same subject, when he says:

“It is...long...”

—Justice of Appeal Bereaux, paragraph 205 in that judgment:

“It is also long accepted that, because of the competing interests of a democracy, the rights conferred under sections 4 and 5 of the Constitution are not absolute and, to the extent that they existed prior to the Independence Constitution of 1962, never were. They must, for the most part, yield to the public interest...”

—the public interest—I pause there to interpolate—of keeping this society safe from the ravages of undisclosed corruption, giving to the members of the public the protection of the legislation, so that they may disclose corruption which comes to them in the normal course of their lives from day to day. Continuing Justice Bereaux:

“Thus, not every limitation on a fundamental right by the legislature or the executive will necessarily amount to an infringement for the purposes of section 14(1) of the Constitution. Consequently, it is not every restriction of a fundamental right which may require a section 13 majority.”

There are other cases, Madam Speaker, but I am not going to belabour the

point, and we will, of course, look at the statistics that demonstrate the legitimacy of the aim and the proportionality of the exercise that is being undertaken by this Government, as it comes to this honourable House, to ask that this House pass this legislation in due course by a simple majority on the advice that I intend to give, in due course. And with those few words, Madam Speaker, thank you very much.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Barataria/San Juan.

Hon. Members: [*Desk thumping*]

Mr. Saddam Hosein (*Barataria /San Juan*): Thank you very much, Madam Speaker. Madam Speaker. I am happy to join this debate, I would say for the second time, because previously, I contributed on this exact same Bill in 2022. And, Madam Speaker, I was tempted, like my colleague for Oropouche East, to just circulate my *Hansard* in writing. But we are in this place because we are two years after this Bill has been debated, and if the Government was really serious about passing this legislation, Madam Speaker, they would have made a more genuine attempt towards passage of this legislation. And I make the point because there is now some level of urgency two years later.

4.10 p.m.

This Bill was almost on the verge of taking a vote. The Prime Minister was on his legs winding up the debate. All that was left was for this Bill to be committed to a committee of the whole, and whatever amendments, and then a vote would have been taken by the Members of this House. But the Government has constantly used this particular Bill as a political football, and this has been happening since they have taken the reins of government in 2015. The first form or version of this Bill came in 2015, which was committed to a joint select committee and the Prime Minister made reference to that joint select committee.

And what the Prime Minister did not tell us is, Madam Speaker, is that that joint select committee never reported. In fact, there is no final report of that joint select committee. The Bill was taken out of that joint select committee prematurely. The last report of that joint select committee was a fifth interim report and asked for additional time to consider the Bill because that committee did not yet properly consider and approve any whistleblowing legislation.

And then the other version of the Bill came in 2018. And I have the Fifth Interim Report with me and that report was signed by the Chairman at the time, the Member for San Fernando West. And the recommendations of that last report of the Committee was that:

Your committee therefore humbly requests an extension to submit its final and comprehensive report to the Parliament by September 22nd, 2016,

Respectfully submitted,

Faris Al-Rawi, MP,

Chairman.

So that joint select committee never completed its work. The Bill was taken out. It was a simple majority legislation, Madam Speaker, at the time. Then, during the deliberations of that committee, it was recommended by the members of the committee, and also a legal opinion was requested from the CPC, the Chief Parliamentary Counsel, to give an advice or an opinion on that particular piece of legislation. And the advice that was given to the Government, Madam Speaker, was that this Bill required a special majority. And the special majority requirement was in clear terms indicated in that particular legal opinion. And in that legal opinion, the CPC is also confirming that even if the legislation is passed with a special majority, it can still be struck down by the court.

Now the Attorney General gave the example or he applied the jurisprudence

of the Privy Council in the Suraj case. But Suraj is not new law. In fact, Suraj, would have upheld the case of Suratt, at that decision indicated that the Suratt decision was a correct decision. It is nothing new. Legitimate aim and proportionality was always the law even at the time of the earlier version of this particular legislation. So there is absolutely no change in the law with respect to the legislative aim and the proportionality requirements in this law.

So even if the Government gets a special majority because the Bill already clearly defines and declares that it is inconsistent with sections 4 and 5 of the Constitution. Even if they get that, Madam Speaker, they have to across the section 13 threshold which is the proportionality. So, if the Government passes the Bill, it still can be struck down notwithstanding it has the required three-fifths majority. And the CPC says that in his legal opinion. I am going to read at page 5:

“The Bill, therefore, needs to be passed with a special majority in accordance with section 13(2) of the Constitution. It is arguable, however, that even if the Bill is passed with such a special majority, it may still be unconstitutional under section 13(1) of the Constitution, on the grounds that it is not reasonably justifiable in a society that has proper respect for the rights and freedoms of the individual. As explained above, the Bill permits personal and confidential information to be obtained in contravention of the criminal law and protects persons who obtain and disclose such information from criminal liability. This means, for example, that the Bill protects a person who unlawfully obtains personal information by hacking an individual’s computer system or email account, and discloses such information and cannot be prosecuted. It is questionable whether such disrespect for the private and family life of the individual, which tolerates the commission of the criminal offences is proportionate to the desirability,

in the public interest, of combating corruption and other wrongdoings, and is therefore reasonably justifiable in a society that has proper respect for the rights and freedoms of the individual. It is submitted that in this regard, the Bill fails the proportionality test and is not reasonably justifiable in a democratic society.”

Madam Speaker, these are not my words. These are the words of Ian Macintyre, Senior Counsel, Chief Parliamentary Counsel. These are not my words.

So the CPC has advised the Government, while Suratt was the law which was upheld by Suraj, that the Bill does not meet constitutional muster. So I was quite taken aback and surprised by both the Prime Minister and the hon. Attorney General indicating that there may be some amendment to this legislation, which we have not seen as yet. The Government will use their majority to pass the Bill.

But Madam Speaker, through you I want to also caution the hon. Prime Minister because this may be in direct contravention to his colleague's position. And I want to quote from the *Hansard* of the 4th of February, 2022, and this is contribution of the Member for San Fernando West, the then Attorney General. And what he said at that time, Madam Speaker, is this, he said:

“Madam Speaker, we seek to address four issues of constitutional consideration in the 2022 Bill.”—which is before us—“Madam Speaker, we tried. As Attorney General, I tried my very best in the period 2018-2022. When it became apparent that the UNC would not support the whistleblowing legislation, I was instructed to go back to the drawing board to see whether a simple majority law could be crafted which would be useful for the people of Trinidad and Tobago. Unfortunately, there is no way to provide whistleblowing protection in the form that makes satisfaction of the OECD standards, and the international standards of Transparency

International, and the crying need for whistleblowing protection other than to treat with the rights of property under contract, the rights of excluding criminal and civil actions against persons who breach confidentiality in a court of law, or to treat with effect delivery without treating the right to private life as it exists in our Constitution in the way we do now.”

So, in 2022, one Attorney General has advised the Government that they require a special majority based on the advice that that then Attorney General would have gotten from the CPC. Fast forward to 2024, the new Attorney General is telling the Government now that you do not need a special majority, and there has been no fundamental shift or change in the law. The law remains the same from the period 2022-2024. As I said, Suratt was still proper and good law as indicated to us through the Privy Council, which is our apex court, the highest court of Trinidad and Tobago.

So that is a very important point that I wish to raise in this debate and place on the public's record because you have the CPC, a former Attorney General, telling the Government, “You cannot do that.” But today we are hearing that in fact, the Government may in fact remove the special majority requirement and the Government uses their in-built majority in the Parliament

Now, I want to ask the Government if they really wanted meaningful discussion on this Bill. Because it is the exact same Bill that we debated in 2022. Why not circulate those amendments you want to consider for us to see it? Let us see what changes you are going to make in the legislation. What additional protections you are going to give to individuals whose rights will be breached as declared by the Bill, and tell us exactly what you are going to change? Instead, what they will do, is hijack at the committee stage and present the amendments on the floor and there is a limited period for any debate in that particular stage of the

Bill, Madam Speaker.

So if the Government really was interested in doing this, one, they would have come earlier. They adjourned the debate two years ago and came two years later to now pass that legislation thinking somewhat that they have a political tool in their hand to embarrass the Opposition. But Madam Speaker, we on this side indicated our position in no uncertain terms that we are not ready to support this legislation in its present form.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: We had said that. So today this debate makes no difference because there is no difference in our position in 2022, and there is no difference in our position in 2024. All they want to come and say, Madam Speaker, is “Look, they doh want to support us.” But if the Government decides to raise that argument in this debate, Madam Speaker, I have a list of all of the legislation that the Opposition has supported—

Hon. Members: [*Desk thumping*]

Mr. S. Hosein:—with respect to crime, with respect to other matters in terms of governance. So that narrative, which the Government uses, is a false narrative, Madam Speaker, it is a false narrative. And I will provide the list to my parliamentary colleagues who decide to join the debate if the Government decides that they want to raise that argument because we have prepared the research on this side of the House, Madam Speaker, with dealing with that issue.

In terms of the letter that the Attorney General raised, which the hon. Prime Minister would have written to the hon. Leader of the Opposition, Madam Speaker, in that particular discussion that the Government wanted to have with the Opposition, and that letter that the Prime Minister would have sent was only in relation to legislative matters. When the Opposition Leader responded, she said,

“Law alone cannot deal with the crime situation.” All of us agree with that. We have laws, Madam Speaker, endless laws on the law books but what the problem boils down to is the enforcement of the law.

It deals with the management of the various actors and players within the criminal justice system, that if everyone does their part or commits to their role, we may have something functioning. We have a higher detection rate; we have a faster disposition rate in the criminal justice system. There are strides being made in terms of various transformations to the Judiciary. The introduction of virtual court, we have some of the matters that are now in the Summary and—we no longer have Magistrates’ Court but we have the District Courts, Madam Speaker. Those are some attempts.

But we are on this side saying that this particular piece of legislation is not going to deal with that. Because inbuilt within this law is a procedure where someone has to go to the court if they believe that they are wronged by a whistleblower, and they may have to go through two to three years of a civil trial before they get some level of justice, compensation, Madam Speaker. And we are suggesting that that cannot at all be proportionate to the legislative aim behind this particular piece of legislation.

So I want to just correct that part of the record. The Opposition Leader said that, “Laws alone cannot fix the crime situation, you need a full discussion on almost every single sector such as education, social services, community development, culture.” So it is not only law, Madam Speaker.

And I want also look at particular provisions of this Bill because there are issues we have with respect to this Bill may in fact be colliding with the Rule of Law. There is a level of vagueness in the drafting and ambiguity in the drafting of the legislation. In our Constitution, the Constitution being the supreme law of the

land, Trinidad and Tobago being declared a sovereign democratic State. And we have had decisions of the Privy Council and our local courts that would have interpreted what those particular provisions of the Constitution mean. And then built in it we have learnt that it also includes the doctrine of separation of powers and the rule of law. And there is the case of *Solomon Marin Jr v The Queen*, a CCJ decision 2021, CCJ 6, and it held that the court should always endeavour to place a premium on affording citizens full and effective access to the courts for the purposes of vindicating contraventions of their fundamental rights, and to do generously, and may be legitimately permissible under the Constitution and the law.

So, in this legislation, Madam Speaker, there are provisions which grant a whistleblower various immunities. And when you look at the clauses that grant immunity, it deals with clause 19 of the Bill. And clause 19 of the Bill says that:

“Notwithstanding any other law, but subject to section 20(1), a whistleblower who makes a protected disclosure is not liable to any criminal, civil or disciplinary proceedings for having made such a disclosure.”

It simply means that this person, if acting in good faith, or what he believes to be good faith, it will effectively deny a person access to court because this person has been granted an immunity for someone he may have given information upon.

4.25 p.m.

It will be for that person now, Madam Speaker, to determine that the whistleblower did not give such information in good faith in order to lift that veil of immunity. So we are suggesting on this side, Madam Speaker, that that particular issue with respect to the hindrance and the access to court is a fundamental right which is being breached by this particular piece of legislation

and directly collides with the doctrine of the rule of law. There are other cases, Madam Speaker, that speaks to all of these matters in terms of access to court and the prevention of access to court, Madam Speaker. We have suggested also that this particular piece of law and I want to be clear on this. The application of this law is that it binds the State.

[MR. DEPUTY SPEAKER IN THE CHAIR]

Mr. Deputy Speaker, I welcome you. This law binds the State but it binds also private sector companies, organizations and individuals. So how the law works is this, that a company, the State, is now required to set up or appoint a whistle-blowing officer or whistle-blowing unit. Within the legislation, Mr. Deputy Speaker, included in the Schedule, are designated entities that are deemed to be whistleblowing entities or units. So the legislation purports to give protection to a whistleblower who gives information in good faith. Okay, all is well and fine with that. Now the person who they are giving the information to, what is the qualification of that person? Who appoints that person? When that person can be removed? So the boss man who hires the whistleblowing officer now is the victim or the subject of information being provided. So the whistleblower provides information about the boss man, who appoints the whistleblowing officer. What do you think is going to happen there, Mr. Deputy Speaker? They will have to go for what, an external disclosure? Because an internal disclosure may not be effective?

So we have issues with respect to the all of these matters in relation to qualifications, appointments of the whistle-blowing officers and the whistle-blowing units. Those are matters that are very important in terms of the legislation when you look at it on the whole. Because those offices hold very important value and important duties and responsibilities within the proposed

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legislation that is before us. Because not only do they have to maintain the records of the information, but they are also charged with powers of investigation. They are also charged with powers to ensure that they are keeping proper and accurate records of the information. Because a person, according to the proposed legislation, can provide information in writing and if they decide to provide the information orally, they will be required to take down the information in writing and have it certified.

That particular part of the law we have to look at in more and in greater detail in terms of the recording. But more importantly is that that person now has to keep confidential the identity of the whistleblower. The Prime Minister emphasized on that point, in terms of the confidentiality and the identity of the whistleblower. This legislation is being proposed in an environment where we have a Data Protection Act that is still not yet proclaimed fully. We do not have the information commissioner appointed. So you are asking persons to give information, serious information, about corruption and wrongdoing, but you do not have data protection laws that are enforced in order to protect the storage and the transmission of that information.

I think it is very important that that particular piece of law work hand in hand with any single version of whistleblowing legislation. In these times that we live in, you must afford protection to these persons. They are blowing whistles on corruption and I would imagine it is persons who are in high office, persons who have some level of power, persons who have some level of influence. So yes, we understand that those persons must be protected, but we are on this side proposing that this Bill, and submitting that this Bill does not offer the protection for those persons who have deemed it fit to come forward and make disclosures with respect to wrongdoing.

Mr. Deputy Speaker, I want to move on with some other points in terms of the retroactivity section of the law. When you look at clause 5 of the Bill—and this can be found at page 6. At clause 5 of the Bill, I want to read clause 5 into the record. It says that:

“This Act applies to any disclosure made after the coming into force of this Act, irrespective of whether or not the conduct or the improper conduct to which the disclosure relates occurred before or after the coming into force of this Act.”

Now when legislation is passed, there is a presumption that you go forward, you do not go backward. With respect to clause 5 of the Bill, this is allowing disclosure of information before the coming into force of this Act. The Act has a proclamation clause, so it will take effect whenever it is proclaimed. So a person can give information and be protected for blowing a whistle with respect to matters that are before. That also can affect the legitimacy and the constitutionality of this particular piece of legislation, Mr. Deputy Speaker, with the issue of retroactivity of the law.

I want to go on to another issue, which I touched on briefly with respect to the separation of powers. My colleague, whoever decides to stand up after I conclude my contribution, I want to in particular, bring your attention to clause 20 and 22 of the Bill. Clause 20 and 22 of the Bill; I will start with clause 22. While clause 22 determines or is drafted in such a manner to allow a person some relief before the High Court, it seems as though that the Legislature, in the manner in which it is drafted, is giving the High Court an instruction or a direction on how it should consider or rule on a particular matter. Now the courts of law in the Trinidad and Tobago, and this is settled laws were coming out from *Hinds v The Queen*, that Privy Council's decision that talks about the doctrine of separation of

powers that every person basically must stay in their lane.

The Legislature legislates the courts. The Judiciary is responsible for the interpretation of the law and the Executive is responsible for the administration of the affairs of the people in accordance with the Constitution. So, each various Arm of the Government has its own role and they must be kept separately, in terms of the separation of powers. But, it seems as though that this is giving some sort of a direction or an instruction to the High Court and this might be an offending provision. Also, there is another matter which deals with the sentencing of a person with respect to whistle-blowing and if the person is an accomplice, the legislation is now directing the court of mitigating circumstances it should consider.

Now sentencing is something that is treasured and that is a function of the courts and the Judiciary. So, the Legislature ought not to be telling the courts what to do or what to consider with respect to sentencing. Just like bail, bail is a judicial function. Sentencing is also a judicial function. All this Parliament could set is a maximum sentence with respect to various offences and this is what it says:

“In any criminal proceedings instituted against a whistleblower based on the fact that the whistleblower was the perpetrator of, or an accomplice in, the improper conduct disclosed by the whistleblower, the court shall, in giving its judgment or decision, take into due account—

- (a) the fact that the disclosure was made by the whistleblower; and
- (b) whether the whistleblower has assisted the police to apprehend any other person involved in the commission of an offence,

and the punishment of the whistleblower may be mitigated or remitted, as the court thinks fit, and the court shall expressly refer to this subsection in its judgment or decision.”

4.35 p.m.

So basically, the Legislature is directing the court on matters of mitigation and sentencing. It is actually telling the court that you must refer to this decision—sorry, this subsection whenever you are giving a judgment or a decision on the matter. So I welcome and I hope to hear the views of my colleagues with respect to that particular provision at clause 20, because I know the Government said that they are going to amend the legislation, so that is something we could probably look at in terms of further amendments.

Also, I just want to touch back on the issue of the application of the law. The application of the law is in such a way that it is not only for those persons who are paid by a private company. It also, according to the definition, defines “employee” as:

“(a) any person who—

- (i) works or worked for another person; and
- (ii) receives, received, or is entitled to receive, any remuneration for was done;”

So we clear, regular contract of employment, I offer my services and I am paid, and vice versa.

But this is where it gets interesting. In the definition it says:

“(b) any person who, in any manner, assists or assisted in the carrying on, or conducts the business of an employer, without any entitlement to receive remuneration or reward...”

That means that this person is not being paid. So an employee who is not being paid is considered to be a volunteer. He is a volunteer. This is volunteerism. And this will now also then apparently extend to those enterprises, like non-profit

organizations, with respect to its application, because it also covers an employee who is not paid. So, again, it should be really a volunteer as being defined.

Also, it extends, Mr. Deputy Speaker, to:

“(c) any person who is, or was, engaged or contracted under contract for services to do work for another person, or any agent of the person;”

It simply means that if a person believes he has been wrongfully terminated—wrongfully dismissed, he can now be a whistleblower for what took place in the company while he was there. So you will have issues of malice that can develop with respect to how persons now provide information and then that person is prima facie granted some level of immunity.

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

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

Mr. Deputy Speaker: Proceed.

Mr. S. Hosein: And that person, Mr. Deputy Speaker, can, in fact, provide information through malice, as I mentioned before, and prima facie he gets immunity. It will only be for someone to now challenge to say that the information was not given in good faith. We have to wait for the court to decide whether or not the information is given in good faith before that person can receive some compensation for whatever wrong or loss he may have suffered.

With respect to improper conduct, in terms of the legislation, “improper conduct is now defined as:

“...any—

(a) criminal offence;”

There are some very trivial summary offences that are criminal offences. So why not properly refine and define “criminal offences”? Obscene language is a criminal offence. Insulting and annoying language is a criminal offence under the Summary Offences Act. So that scope of the legislation is extremely wide and that brings me back to the point of the rule of law argument that I had submitted earlier in the beginning of my presentation.

With respect to the retaliatory action—and this was a very fundamental change that was in the initial legislation, that was not brought over or carried over into the 2022 version. So the 2015 version had in it, Mr. Deputy Speaker, a definition of “detrimental action”, which included “dismissed” and “suspended”. So let us go to the beginning of this thing.

Detrimental action: Whistleblower decides to provide information about somebody in a company in the public sector, and that person, somehow, is instituted with some disciplinary action. That person now, somehow, is the subject of an investigation just because he provided the information, and that is a real risk that could happen. So the legislation now wants to address that particular matter, in terms of retaliatory action. And the legislation gave a definition or gave instances with respect to what is detrimental action, but one particular category was removed that was in the 2015 version, and that was if the person is dismissed and suspended. So that is no longer considered to be detrimental action, which I think is the first thing somebody may do if they want to victimize the whistleblower. So I am asking, why was that removed? Because “detrimental action” now only is:

- “(a) unfairly subject to disciplinary action;
- (b) demoted;
- (c) harassed, intimidated...victimised;

(d) transferred...

(e)...refused transfer..."

—and a whole other host of other categories, but “dismissed” and “suspended”, which was previously there, was, in fact, removed. And that person, if he is suspended or dismissed, is not falling within the definition of the law, in terms of retaliatory action, based on the Bill as currently drafted in its form. So those are some of the issues I raise with respect to drafting some inconsistencies in the legislation.

But I also look at some recommendations that other jurisdictions have considered to encourage whistleblowing. And there are two jurisdictions that have whistleblowing legislation, and that is the jurisdiction of Jamaica and also, the United States of America, and also, Australia. In those other jurisdictions, what they do is offer rewards—offer rewards for whistleblowing so persons may come forward. It is like 800-TIPS. You offer \$100,000, come forward, say what you hear. So in this case, what they are saying is that if you provide information on wrongdoing or corruption, you will be given some compensation with it. So these are some of the other recommendations, some of the other inbuilt incentives, as we could call it, within the Bill, public awareness and campaign training—and we have to look at really the operationalization of this entire structure.

Before the procurement law—and I give the example in this regard. The public procurement law requires a procurement officer to be appointed in every single department of government that is in charge of procuring goods and services for government agencies. In this Bill, it requires now a whistleblowing unit or officer to now be appointed, hired, established within those public bodies and private sectors. So it will, in fact, take time for the operationalization for this, and what is the enforcement or supervisory body for all of this? There is none. There

is an absence of a supervisory, or body for all of these disclosures, and all of these officers and units. And what the Bill also proposes is—as I mentioned earlier, gives a definition or a list in its Schedule of the designated authorities that can be designed or communicated as designated authorities for persons to provide information.

Mr. Deputy Speaker, what time do I end?

Mr. Deputy Speaker: You end at 4.54 p.m., so you just have about 11 minutes.

Mr. S. Hosein: Thank you very much. And I want to go through the list of the designated authorities: The Auditor General, the Board of Inland Revenue—and that is an issue on its own with respect to secrecy provisions and staff there, because under section 4 of the Income Tax Act, they are sworn to secrecy, there is a declaration of secrecy with respect to officers of the Board of Inland Revenue. So how are they going to know apply this whistleblowing protection law to that particular secrecy provision within the Income Tax Act? You have the Bureau of Standards, the Central Bank of Trinidad and Tobago, the Children's Authority, Customs and Excise. But interestingly, there is now the Elections and Boundaries Commission. Why is the Elections and Boundaries Commission declared as a designated entity for whistleblowing?

Now, I understand the other authorities have a quasi-investigative jurisdiction, where they could look at investigating to particular matters within their remit. But why the EBC? Why is it EBC considered as a designated entity under this law? Is it that if we have a problem with the Parliament, we go to the EBC and report it if the Parliament does not have a whistleblowing unit? You also have the EMA, Equal Opportunities Commission, the Fair Trading Commission, the FIU, the Integrity Commission, and I pause there.

The Integrity Commission laid its annual report in this Parliament, and the Integrity Commission has complained that they have been starved of resources by the Ministry of Finance. They have complained that they cannot hire staff. They cannot hire external counsel. They cannot function. They are working at bare minimum. They are working as a skeleton, Mr. Deputy Speaker. And now the Integrity Commission is going to get an added responsibility as now being declared as a designated entity under this piece of legislation. You also have the OSHA—the Agency and the Authority—the Office of Procurement Regulation, the Office of the DPP, Ombudsman, the RIC, the TTPS, and the Securities and Exchange Commission. So these are the 21 designated entities, under the law, that can receive, based on the drafting, information of persons who are interested in providing matters or information of wrongdoing and/or corruption.

So, Mr. Deputy Speaker, these are issues we which to raise on this particular side. We have raised concerns with respect to the constitutionality of the Bill, in terms of the requirement for a special majority, issues in relation to separation of powers, the rule of law, the retroactive application of the law. We have identified various drafting issues and we have asked some questions that we hope that we could get some clarification on with respect to this matter.

So with these few words, Mr. Deputy Speaker, I thank you very much.

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Member for Port of Spain North/St. Ann's West.

Hon. Members: [*Desk thumping*]

The Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, it was not my intention to spend very much time

this afternoon introducing law and legal debate into this afternoon's proceedings, but seeing that my friend from Barataria/San Juan decided to go down that road, I will do some tidying up and hopefully, some educating and correcting of the law, and I hope my friend stays here to get a bit of a tutorial on what Suraj and Surratt really do say. But it is important that the population, on every occasion, are provided with the truth and provided with honest interpretation and application of the law.

Having said that, how I would like to start my contribution is by the history of what we have in front of us here today. We heard the hon. Prime Minister, the Member for Diego Martin West, say that in the 2015 election campaign, which I was a part of, when we were interacting with the population, one of the real concerns of the population at the time, and it was a very live consideration—in fact, I can say here on the *Hansard* today, as the elected Member of Parliament for Port of Spain North/St. Ann's West, the reason why I answered the call of the then Leader of the Opposition, the Member for Diego Martin West, to consider contributing via this route—contributing to the country via this route, that is politics, was because I, as a citizen of Trinidad and Tobago, had a very serious concern by 2012, after two years of a UNC Government, at the prevalence of allegations of corruption.

In fact, I recall vividly from that period of 2012 to 2015, almost on a weekly basis, being provided via the media with serious allegations of corruption. And that concerned me, as a young citizen and as a member of the Bar at that time, who is also in the court system, defending a number of frivolous actions that were brought by a disgraced Attorney General, who had to be fired from office prior to the extinguishing of his term via natural causes.

Mr. Hosein: [*Inaudible*]

Hon. S. Young: It was not the effluxion of time. The population voted you all out. What happened, in 2014, is Dr. Rowley had begun putting together certain, what he saw as, critical pieces of legislation to fight corruption, and one of them was, he said he needed whistleblowing legislation.

4.50 p.m.

In fact, at that time, he had sent Members of the PNM party on a number of international conferences to look at what aspects of legislation could be brought to deal with this scourge of corruption, and this Bill was one part. Fast forward to September 2015, when the PNM Government won the election. The first task that I was given by the now Prime Minister, the Member for Diego Martin West, was to look at whistleblowing legislation.

So, I came into this, concerned about country with a background as a lawyer and Dr. Rowley, the Member for Diego Martin West, provided me with a file that he had compiled from a number of lawyers, of legislation from around the world and a number of jurisdictions, all centered on whistleblowing legislation. And I recall looking at that file over a weekend to do what I was tasked to do; assist in the drafting of the whistleblowing legislation.

I looked at Malaysian legislation, Jamaican legislation—if I remember correctly at the time, there was also Canadian legislation, and legislation from New Zealand. All Acts that were whistleblowing Acts, from those specific jurisdictions. And not one of them, not a single one of those pieces of legislation had any requirement of a constitutional majority. Not one of those pieces of legislation that I can say, we then imported into the current legislation before us, at any requirement whatsoever, necessitating a special majority of a constitution. In those jurisdictions of course, that required for example, like Jamaica, I believe Malaysia had similar constitutional provisions at the time. And it was a Bill that was then

taken through the process at the Attorney General's office, to the CPC that then made its way eventually to a Bill of December 2015, as we heard recounted by the former speaker and by the Attorney General.

The first piece of legislation, or one of the first pieces of legislation of that then government, was in fact the whistleblowing legislation. And that shows—so I debunk, and I reject the very desperate submission that was made by the previous speaker, that this is a political football from this side. I accept that all that happens when it comes to important pieces of legislation, and any piece of legislation that is meant to deal with criminality and the fight against criminality, or corruption and a piece of legislation that is an important pillar in an anti-corruption drive, is always made a political football by those on the other side.

And I asked the population to take note. I asked the population—because you have heard enough speakers here this afternoon, prior to me say “What is the importance of this legislation?”—even the two prior speakers on the other side. This legislation is all about providing a safe is space via legislation, and protection in a safe space for persons who have information of wrong doing to come forward and to provide that information. And it is not that this piece of legislation does not accept that in an anonymous matter. It also puts in place, as I will say, and as I would point to it in a short while, specific provisions that protect against mischief makers.

So, you would notice that in the prior contributions of those on the other side, not one of them has made a suggestion as to amendments that would make it better law, or with respect to the principles that we are seeking to solidify here today legislatively, which is to provide a safe space for whistleblowers to provide information to combat corruption.

4.55 p.m.

I would like at that point, through you, Mr. Deputy Speaker, to refer to two very useful articles that were authored globally for the population that provide you with some proper appreciation of what this legislation is meant to do. The first is actually something called *The Whistlelink Blog*. So this is a blog that is put out for whistleblowing legislation across the world. It says why it is important, et cetera, and it instructs me in reading this. It is “Whistleblowing laws around the world”, dated the 12th of September, 2022, and it talks about:

“...whistleblower laws in the world’s largest English-speaking countries.”

This is nothing abnormal. That is the first point to be made.

This legislation is not abnormal. This legislation is legislation that I state here is necessary in Trinidad and Tobago if we are going to grow as a society and we are going to grow as a country that is serious about addressing issues of corruption that we all know are prevalent here in our country. I join with the hon. Attorney General; I sat here astounded at the start of this debate to hear one of the previous speakers, the Member for Oropouche East, do nothing less than spend his whole contribution defending himself in allegations that have been made in the courts and putting on the *Hansard* record, whereas he should be putting it on a court document in court, his defence.

So whistleblowing legislation:

“Whistleblowing is when a person (often an employee) reveals information about an organisation, usually reporting that something illegal or unsafe is happening. Typically, for a claim to be categorised as whistleblowing, the matter needs to be in the public interest. This means that it affects more people than just those in the company or sector. Most whistleblowers reveal

their findings internally within the company. The ones we hear about most often, however, are those who have shared their stories with the media.”

—and I pause there. That is a critical point that I wanted to put on the record here today. Fortunately, and specifically in that period of 2012 to 2015, it was whistleblowers going to the media that alerted us, the citizens, of the wrongdoings going on a daily basis by the then Government, a UNC Government.

What we are seeking to do today—because, you see, when you go to the media, your source, you can give the media documentation, you can give the media information that the media then has a responsibility to do some verification on, apply the tenets of responsible journalism to and then publish it for the public consumption. But as I have told members of the media, whilst that is an extremely important fabric of our society that is fighting corruption, we in Government need to go further and that is what we are seeking to do here.

It saddens me as a legislator for the last 10 years that it is now the third time we are coming here. I want to put on the record of the *Hansard* and for the population to know, it is through no incompetence of the Government on this side since 2015, it is through no incompetence of a PNM Government, because we have taken—and you have heard the record that one of the first pieces of legislation to come to the Parliament under the Member for Diego Martin West Government was this.

It is solely those on the other side—and you have heard them again today say, without the least bit of shame, and even prior to us coming into Parliament today, a certain Member, the Member for Oropouche East, is on the public record in the media, I think, said it on a platform, they will not be supporting this. I ask the population today, ask yourself why. I have just described to you what whistleblowing legislation is about. We want to codify in statute, in legislation,

protection for whistleblowers in Trinidad and Tobago. Whistleblowers have an important part to play, not only in the public sector, also in the private sector and we are seeking to protect you.

We are seeking to protect you when you have information of wrongdoing that you can go forward in a very structured manner protected by legislation to give your information. We are also protecting the people who may be subject of allegations because, as I will come to in a short while, the legislation says you cannot do it anonymously, identify yourself, and you sign a statement that you must stand by. We have also provided protection to make sure that you have to cross a certain threshold before you come forward as a whistleblower.

You have to be—and I will get into it—knowingly or you have to have reasonable suspicion. That is not the exact language, which I will come to, but there are protections built into this. But the main first point is this legislation is necessary in a society that is serious about fighting corruption and it is those on the other side, Trinidad and Tobago, who are standing in the way of this protection for whistleblowers, and I asked myself why in 2014. I asked myself why in 2015 when we brought the legislation.

I was on that joint select committee. It was one of the first joint select committees in this Parliament I was appointed to, and I sat there. The Attorney General at the time was the Member for San Fernando West and we went to every meeting, and we sat there and we went through legislation from around the world, most of which—In fact, I cannot recall a single one of them requiring any constitutional special majority.

Mr. Al-Rawi: Not one.

Hon. S. Young: Not one. You come here today and you hold up a piece of advice—I want to tell people “eh”, because I am a lawyer, and you would not have

disputes in court and you would not have cases being heard in court if every single lawyer had the same interpretation of law and every single lawyer had the same opinion on a subject. So to say there is an opinion that says something, fine, but it is one opinion.

Another point to be noted is that CPC's opinion was dated—AG, when was it?—2018, I believe.

Sen. Armour SC: Yeah.

Hon. S. Young: So the opinion that has been referred to by the Member for Barataria/San Juan was an opinion given by the Chief Parliamentary Counsel, who is a learned person. The opinion is dated—it is dated in my recollection because I was on the joint select committee, it was around 2015 or 2016 because it was before that first joint select committee. So let us say 2016, and the dishonesty of the prior speaker, the law developed since then.

I am going to get into now the Suraj/Suratt twisting that we just heard, because we have been completely misled by the previous speaker. He has a responsibility as a lawyer and he has the responsibility of an elected Member of Parliament not to intentionally mislead anyone. March 18, 2016, the Suraj decision that is now the law of Trinidad and Tobago is dated June 20, 2022. So CPC gives an opinion in 2018, the law has moved on from that in fairness to the CPC, and the previous speaker knows that. What Suraj and—another proposition made by him is that Suraj is the same thing as Suratt. I sat here in complete shock to hear such a submission from a member of the Bar. I mean, I am astounded.

I ask the Member for Barataria/San Juan, do not let those around you mislead you. Do not take the medicine that some on the other side have taken and they cannot return from. You are a young practitioner, you have a responsibility to the Bar and to the country not to mislead people intentionally on the law.

Population, through you, Mr. Deputy Speaker, what Suraj did is there was a lot of dispute going on of that previous Privy Council decision called Suratt. Suratt really says that our rights in sections 4 and 5 of the Constitution, the entrenched rights, absolute rights—and our Bench in Trinidad and Tobago, even at the level of the Court of Appeal were holding different views.

So you had two members of the Court of Appeal, including the hon. Chief Justice, holding a certain view, saying that section 4 and section 5 rights of the Constitution are absolute and they had to be. They could only be changed—anything affecting those rights could only be changed in accordance with a three-fifths majority as per section 13 of the Constitution. But then you had three Court of Appeal judges on the other side, so a three-to-two decision saying, “Aye, the law has to evolve. Rights are not absolute, they have to be proportionate”. So, in other words, the Legislature, us the Parliament, can pass law once it is in the public interest and it is proportionate in its infringement of the rights of sections 4 and 5.

I promised my colleague and friend, the Member for Diego Martin North/East who is not here, who is quickly doing what he does, one of the things he does best, researching and providing me with information on how Suraj evolved, Suratt, et cetera, that I will acknowledge his research. He likes to tell us how many masters in law he has, but he still is not called to the Bar. But I acknowledge his research, and the good research that he was able to do in literally five minutes as a non-practitioner, a non-practising attorney, to show what Suraj did was it actually solidified the legal principles that not all sections 4 and 5 rights are absolute.

Legislation can be passed with a simple majority where the legislation infringes on those rights once it is in the public interest and once it is

proportionate, and that is what this legislation does. So to come here and again attempt to insult the hon. Attorney General and insult the Prime Minister of this country by suggesting that it cannot be a simple majority—and the AG is looking at that, and if he has amendments to make, he will make those amendments to make it a simple majority. But the point that is being avoided, and understandably so by those on other side because they are petrified of this law, is that this legislation may not require a special majority, and I put that to rest there. Because ultimately, when the legislation is passed, because as a Government we intend to pass it, to stand up here and to hear the hypocrisy and the suggestions that we are using this as a political football, when it was one of the first pieces of legislation we came here to pass and it has been prevented by only one thing, the withholding of the support of those on the other side.

So, population, understand in those circumstances we will do what we are advised to do in law and I am laying the submission now that this legislation may not, and in my humble view, does not require a special majority. It needs to be subject to fulfilling the principles of Suraj, which it does, because every jurisdiction in the world that is a law-abiding jurisdiction that wants to fight corruption, this is one of the pillars you must have. You have to protect those who want to provide information that they have from victimization, et cetera. This is the third time we are here.

I also want to put on record, because I listened carefully, the Member for Oropouche East, rather skillfully, when he was being asked, “Well, what is the amendment you are putting forward? What are your problems with the legislation?”, but he could not answer those because he had come here to put forward his defence and to make all sorts of spurious allegations about proceedings before the High Court. Those are serious proceedings. Those are not PNM

proceedings.

I was the junior counsel in a number of matters brought by the then Attorney General Anand Ramlogan, attacking members of our society who gave time to contribute to growing Trinidad and Tobago. Matters against outstanding members, some of whom have ORTT, in cases where they attack them on frivolous matters using the State money “eh” to pay people like Vincent Nelson who then went on to make serious allegations. I want to put that on the record here today as well. So they attack UTT. They attack eTecK. They attack all sorts—and I was in those matters and I know that we need to protect those who want to come forward and do good and do what is right for Trinidad and Tobago.

So when we ask, “What are the amendments?” None by the Member for Oropouche East. He talks about, “You must build institutions instead of passing this law”. In the Schedule—I want the population to understand, in the Schedule to this Act we have identified a number of institutions that the institutions whistleblowers can go to, 21 of them. We do not need more institutions. Designated authorities: the Auditor General’s Department, the Board of Inland Revenue, the Trinidad and Tobago Bureau of Standards, Central Bank of Trinidad and Tobago, Children’s Authority of Trinidad and Tobago, Customs and Excise Division, Elections and Boundaries Commission, the EMA, the Equal Opportunity Commission, the Fair Trading Commission, the FIU, the Integrity Commission. Et cetera, et cetera, et cetera, till 21.

5:10 p.m.

But in a typical shift, duck and hide, and bob and weave, the submission was, let us have another rebuild institutions and build institutions. This legislation is to rebuild institutions. This legislation is for institutions to have a safe space and a legislative process for people to come forward with information.

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So on every previous occasion, the Opposition has not supported this legislation and we have heard their two previous speakers say today, once again, in Parliament—because one of them was screaming it at the top of his voice outside of Parliament, that they are not going to support it. But they have not ever said what is objectionable. I heard the Member for Barataria/San Juan, to his credit, try—he tried to say what was objectionable but I listened carefully, and not one of those submissions made sense, nor have they proposed any amendments; not a single amendment and not a single proper submission as to why this is objectionable. So people of Trinidad and Tobago, we stand here again, and on this occasion, you have the commitment of the Government that we will pass legislation to protect whistleblowers in Trinidad and Tobago. And I want to use the opportunity—because you see, not all of the public would have the access to what this Bill is, or have the ability to go and see it.

Let me tell the population, through you, Mr. Deputy Speaker, the preamble of the Bill could spell it out no better for me. This is:

“An Act to combat corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sector, to protect persons making those disclosures from detrimental action, to regulate the receiving, investigating or otherwise dealing with disclosures of improper conduct and to provide for other matters connected therewith”.

That is the preamble and the purpose of this legislation. Which decent, law-abiding citizen would have a problem with that? Look at the first few words of it:

“An Act to combat corruption...”

You could stop there for me. As a citizen of Trinidad and Tobago, you can stop right there for me. You are passing legislation to combat corruption? That is the reason I got involved in politics in the first place, with my naive self.

Hon. Members: [*Laughter*]

Hon. S. Young: And then, it is:

“An Act to combat...wrongdoings”

And I want the population—once again, we stand here and see who is objecting to an Act to combat corruption, who is objecting to an Act to combat wrongdoing. Unfortunately, it is those on the other side, those who spirited off \$17 billion in cash from NGC; \$17 billion in cash. Have we as a population become numb? Do we not understand what that means? That is one state enterprise. And we are here today saying, in instances like that, before it reaches \$17 billion, maybe at \$1 billion or \$500 million, provide for whistleblowers to come forward and tell the authorities, “Hey, something wrong going on there.”

Hon. Members: [*Desk thumping*]

Hon. S. Young: And you want to object to that? Why? So you could give SIS and Beetham Wastewater Treatment Plant \$1 billion dollars in cash on your way out of office?

Look at the next one—I want the population to understand, we are trying to protect every right-thinking, law-abiding, civic-minded citizen of this country who wants to prevent corruption and wrongdoing. We are trying to provide you with a legislative avenue to, one, make your complaint, and two, we will protect you after you make your complaints so the authorities could investigate it. And there is objection to that? On the last day—last working day before an election, the Friday before an election, that party and Government on the other side went and took out a clause of a FIDIC contract. FIDIC—the whole reasoning for FIDIC, which is an international body that provides for construction contracts, is that there is certainty of terms, so X, Y and Z do not have different terms, confusing everybody. No, this is the body—this is the book, and all of the terms are the same. You can have

appendices at the back where you change it.

One of the easiest ways to terminate a contractor is if he or she, or it, or they become bankrupt and have financial problems, because otherwise it is a dispute, “he say, she say, they say, it say, everybody say”. So FIDIC provides that if a company is bankrupt or in judicial proceedings, you can terminate it, so let them go sort out their business, give the employer the opportunity to give the contract to somebody else and get the work done. On the Friday before an election, they on that side went and took that out of a contract with OAS that was in bankruptcy proceedings in Brazil since March of that year. So in March 2015, they are in judicial proceedings in Brazil for financial difficulties, and in September—the election was on September 5th, the Sunday was the 6th, the Saturday was the 5th. So on September 04, 2015, they took that out and almost cost the taxpayers a billion dollars. If we had whistleblowing—

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

Hon. S. Young: Please.

Mr. Deputy Speaker: Proceed.

Hon. S. Young: Thank you.

Hon. Members: [*Desk thumping*]

Hon. S. Young: If we had a whistleblower and you had whistleblowing legislation, there was an opportunity there for the person to raise a red flag. Another deal that comes to mind in that same timing is the one single energy contract those on the other side negotiated. I will keep repeating it because, population, this is what we have to know, and that was negotiated. It was on the Friday, the same 4th of September, that they were pushing hard for the Attorney

General to give what is an AG's opinion to close off the whole deal. The public servants at NGC had written to the Minister of Finance and the Minister of Energy, and told them, "Do not do this deal." They pressed ahead. You know what saved this country? Red ink on a file on Monday, 07 September, 2015, the day of elections, people in the polls, voting them out of office, and the public servants had to protect Trinidad and Tobago, in red ink, telling the then Attorney General, "Do not sign the AG's opinion for these reasons."

I have been a Minister now for nine years and I have never seen the public servants, on a single file before me, put in cautionary language, "Do not do this." That is as big a red flag as "yuh" could get. But again, if there was whistleblowing legislation, it may not have even reached there. Because you see, the Schedule I just read out would have provided for a whistleblower at NGC, a whistleblower in the AG's Office, a whistleblower at the Ministry of Finance, to go to some safe body here, not controlled by the corrupt, and to raise a red flag, and we are hearing objection that here today? Stop holding my country, Trinidad and Tobago, back from fighting corruption.

Hon. Members: [*Desk thumping*]

Hon. S. Young: And you know, we know why, you know. They are objecting because we had to be subjected to 40-plus minutes by a previous speaker, as he made his personal plea and defence. It was the most astounding thing. Talk about a conflict of interest. Came out here and talk about PNM litigation and a PNM case. Well, if it is PNM litigation and case, go and put that in your defence, because the judge is not a PNM judge. So go and put that in your defence. Why have you avoided—2018, it was filed; 2019, 2020, 2021, 2022, 2023, 2024, for six years "you cyah put in ah defence"? If you make an allegation against me, "ah sue yuh". If you make an allegation against me and you have me as a defendant, "ah

putting in meh defence” because I want my day in court to tell the truth and to show what you have said is not true. But if you have something to hide, that is a different question. You duck, you hide, you bob, you weave, and that is the behaviour you are seeing.

5.20 p.m.

I remember in 2009, receiving a call from one of the largest multinational companies in Trinidad and Tobago asking me, “Mr. Young, would you be prepared to sit on an investigating panel of two?” I said, “Sure, for what?” They said, “Into our company. Certain allegations have been made into our whistleblowing pipeline.” And that is where I first experienced the benefits of a proper whistleblowing structure. So, I was retained by this huge corporation, they flew down a lawyer from the United States and the two of us sat on a panel in accordance with their whistleblowing structure policy and procedures.

We heard, we determined, we called witnesses, we listened, we did what needed to be done and then we put in our report again into the structure that is similar to what this Act is seeking to do—and you know what it provided? It provided a safe space for workers in a private environment because it was anonymous, to a point. You then met two external investigators who came in and did what needed to be done.

So population, “doh” listen to what you are hearing on the other side, you know, because all they do is fear monger and mislead. I have participated in whistleblower procedures and structures that work and that is what this legislation is seeking to do. We heard a whole set of “hurrah” about a company, the Secondary Roads Company, and feeling “yuh bussin’ ah mark,” what I wanted to tell the Member for Oropouche East is obviously a whistleblower came to him, does he have the protection?

I think I have dealt with the legal opinion of the CPC, that is in the domain of the hon. Attorney General, he will deal with that. But the points to be taken away from it, and my submission is, that opinion was in 2018, it is the opinion of one attorney—

Mr. Imbert: [*Inaudible*]

Hon. S. Young:—sorry 2016.

Mr. Imbert: March 18th.

Hon. S. Young: March 18th, 2016. Suraj was June 20th 2022 and that is where the law is and it is a very progressive law. And if you read the Suraj decision, of the Privy Council they actually say the time has come for them to clarify what the legal position is. And they actually say Suratt and all of the discourse around Suratt needs to be clarified, and this is what the law is, and there is no absolute right. And I have read this Bill, from the Preamble down to the 21st entity listed in the Schedule, and see nothing there that is disproportionate and this fulfils public interest, as you have heard all on this side speak about.

The Member for Diego Martin North/East is here so in his presence, I thank him for the research he did.

Hon. Members: [*Laughter*]

Mr. Imbert: Not just the research, the learning.

Hon. S. Young: Improper conduct. In my last few minutes, I want to tell the population what is the improper conduct we are seeking to protect. A whistleblower, and this is the conduct that a whistleblower can bring information on:

- “(a) criminal offence;
- (b) failure to carry out a legal obligation;
- (c) conduct that is likely to result in a miscarriage of

justice;”

It is a long list, I do not want to go through all—

“(g) act of reprisal against, or victimisation of, a whistleblower or person related to or associated with a whistleblower;”

Those are just four examples of what improper conduct is and immediately any layperson, any member of the population can see what it is we are trying to stop and the acts of corruption we are attacking. I heard reference to clause 5 of the Bill:

“This Act applies to...”

And this was the whole retroactivity point and it was wrong again, clause 5 says:

“This Act applies to any disclosure made after the coming into force of this Act, irrespective of whether or not the conduct or the improper conduct to which the disclosure relates occurred before or after the coming into...”—
the—“...Act.”

So this is not providing protection for whistleblowers prior to Act that is where retroactivity will come into. This is, the Act is passed, the Bill is passed, it is an Act, it is proclaimed into law and now you can go and provide information of acts of corruption that took place before. If this Government had anything to be afraid of, or any corruption that we were worried about, then we would not come with this. We have wanted this legislation since 2015. It is those on the other side who have prevented it from becoming law. The Act binds the State, clause 5:

“...disclosure of improper conduct...”

Clause 7, and this struck me clause:

“7. (2) A disclosure under subsection (1) may be made—
(b) although the improper conduct occurred
before the coming into force of this Act;

- (c) in respect of information acquired by the employee while he was employed in the organisation...”

So it is providing protection for them to come forward.

“A disclosure made in relation to a member of Parliament shall not amount to a breach of privilege.”

Clause 8:

“A disclosure is a protected disclosure if—”

And this is where you provide protection and you try to weed out mischief makers.

So, clause:

“8. A disclosure is a protected disclosure if—

- (b) it is made in good faith;”

So, you have to make your disclosure in good faith. If you know you are making your disclosure in bad faith because you “vex” with this one, and you say, “You know what, I go send the authorities on him or her.” That is in bad faith.

“(c) at the time of making the disclosure, the whistleblower reasonably believes, based on the information he has at that time, that—

- (i) the information disclosed, and any allegation contained in it, are substantially true...”

So, that is what I was referring to when I said “reasonable suspicion.” The law is really, you must reasonably believe that the information you have that you want to disclose is substantially true, and the allegations contained are substantial. If not, you are in trouble and you are in breach of the Act. So, this weeds out the mischief.

- “(ii) the information disclosed tends to show that his employer, another employee of his employer or a person acting on his

employer's behalf has engaged, is engaging or is preparing to engage in improper conduct;"

[MADAM SPEAKER *in the Chair*]

Thank you, Madam Speaker. That is what I was referring to before, it is these types of things we could prevent in the NGC matter, in the energy deal, the only energy deal they negotiated between '10 and '15 matter. If you think wrongdoing is about to happen and you are making it in good faith and you have reasonable belief that it is true, the information you have, you could stop it. Why would we want to prevent someone from having that protection? And look at what it says at:

"8. (2) A disclosure is not a protected disclosure if the whistleblower discloses information which he knows, or ought reasonably to have known, is false."

So, you cannot even make an argument that you are going to provide a pathway for mischief makers, because that deals with it. And one in particular that I looked at, thought about, and generally agree with:

"10. (1) Subject to subsection (4), disclosure made anonymously is not a protected disclosure."

And the policy behind that is, again, to avoid mischief and you heard the speakers previous on the other side "yuh kno" basically sending a signal what I call a "dog whistle" to potential whistleblowers, "Boy in this climate, you have to be careful who you say what to, et cetera." In other words, threatening people. Well, this legislation is to prevent you from being victimized. This legislation is to make it a criminal offence, if I blow the whistle, and you come and victimize me or threaten me, that can be a criminal offence. So, we are adding protection that does not exist to persons who want to do what is right. This is for citizens who want a better

Trinidad and Tobago, this is for people who want to fight corruption. So, anybody who opposes it, my submission is, the only reason you would oppose whistleblowing legislation is because you do not want to fight corruption.

Hon. Members: [*Desk thumping*]

Hon. S. Young: I was going to say you participate in it, but I will refrain from that. There is no reasonable reason whatsoever to not support this legislation. It fulfils Suraj, because it is in the public's interest and it is more than proportionate. Madam Speaker, how much more time do I have?

Madam Speaker: You end at 5.32 p.m. So you have a little under 3 minutes. You have like two and a half minutes.

Hon. S. Young: Thank you. A lot could be said in that time, Madam Speaker. Part III of this Bill, adds for:

“Protection on Whistleblowers”

Then you go to what the previous speaker for Barataria/San Juan was referring to clause 20, immunity:

- “20. (1) Subject to subsection (3), nothing in this Part shall prevent the institution of criminal proceedings against a whistleblower, where the whistleblower was the perpetrator of, or an accomplice in, any improper conduct—
- (a) to which the disclosure relates; and
 - (b) which constitutes a criminal offence.”

He then went on to make another amazing submission, and not amazing in a good way, saying that what this is doing now is breaching the separation of powers when we are telling the Judiciary, you must give consideration to a whistleblower who has provided information in criminal prosecution as to how you sentence him or her. It is trite law that the Legislature, us here, are allowed to give guidance via

legislation to the Judiciary. In fact, Suraj as well, I believe, touches on some of that. There is nothing wrong with legislation because it is not mandatory legislation. It is saying these are the things that need to be considered when you are dealing with—so it goes to say at:

“20. (3) In any criminal proceedings instituted against a whistleblower...”

So remember the whole purpose of this legislation is to provide for whistleblowers to come forward in a safe space. But it also says, if you the whistleblower—as happened in the EMBD matter—are also involved in the wrongdoing, you are not going to get full immunity, but we encourage you to come forward. There is plea bargaining legislation that deals with things like that. We all know—I did not practice extensively criminal law, but we all know, some of the most successful criminal cases are in conspiracy cases when one of the co-accused gives evidence. So, this is saying to whistleblowers who participated in the wrongdoing but gave the evidence or the information that led to others being charged for the wrongdoing is telling the judge:

“In any criminal proceedings instituted against a whistleblower based on the fact that the whistleblower was the perpetrator of, or an accomplice in, the improper conduct disclosed by the whistleblower, the court shall, in giving its judgment or decision, take into due account—”

So consider these matters:

- “(a) the fact that the disclosure was made by the whistleblower; and
- (b) whether the whistleblower has assisted the police to apprehend any other person involved... and the punishment of the whistleblower may be mitigated or remitted...”

So, there is no breach of separation of powers, unlike what was said by my friend

prior. So, Madam Speaker, in closing, I tell the population with no fear of contradiction. This legislation is something that was promised in 2015, we will pass it, and this legislation is to fight corruption as it says in its Preamble and misconduct and with those words, I thank you for the opportunity to contribute.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Caroni Central.

Mr. Arnold Ram (*Caroni Central*): Thank you, Madam Speaker, once again for the opportunity to contribute in this august Chamber and with respect to this Whistleblower Protection Bill, 2022. Madam Speaker, I was at pains to hear the previous Member speaking in respect of this legislation saying that there were no recommendations coming forward from Members, the two previous speakers on this side. I say, that is absolute nonsense, Madam Speaker. I have sat here almost for the entirety of this debate and I have heard at least four or five recommendations coming from this side of the house. But, Madam Speaker, before I go there, I would like to, you know, to show that—to convince you, Madam Speaker, and the population that this Bill before this honourable House today is all but a political football. Because when you look at the disposition of Members on the other side and the things that they done have whilst in office since September 7th 2015, it says otherwise.

5.35 p.m.

To do so, Madam Speaker, I would like to look at the chronology of this Whistleblower Protection Bill that is before us. This Bill was first laid and introduced in this House on the 13th of November, 2015. It was then immediately sent—

Mr. Young: Madam Speaker, 55(1). This is now the fourth speaker to take us down that road.

Madam Speaker: So, hon. Member, I think if you are going to develop that point, if you could move on. The Member just beat me in standing to tell you that I think amounts to tedious repetition. So if you can move on.

Mr. A. Ram: Thank you, Madam Speaker.

Madam Speaker: Thank you.

Mr. A. Ram: It is just to show, Madam Speaker, that this Bill was first introduced in 2015. It was then introduced again in 2018.

Madam Speaker: Member, I have ruled that the historical journey of the Bill almost every speaker who has stood up so far gave us the historical contents. I have ruled in favour of the Member. Okay? So his objection to the Standing Order is upheld and therefore, I invite you to go on to another point rather than the chronology.

Mr. A. Ram: Yes. Madam Speaker, thank you for your ruling. This is the fifth occasion that this Bill is before this House. I say that. I say that to indicate that it is the Government's intention to use this piece of legislation as a political football.

Madam Speaker, if the Government if they were interested, Madam Speaker, or the Attorney General was interested in passing this piece of legislation before this honourable House, all the hon. Attorney General had to do was to look at the recommendations made, that I have made in the 20—

Madam Speaker: So, Member, that is the point. They all relate to the same original point. All of those things have been said already, and I call it the chronology or call it the rationale if you want and therefore, I have asked you to move on to another substantial point then, maybe that might resonate.

Mr. A. Ram: So, Madam Speaker, thank you again for your ruling. I would say if this Government, Madam Speaker, was interested in what this Bill seeks to do and it says:

“An Act to combat corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sector, to protect persons making those disclosures from detrimental action, to regulate receiving, investigating or otherwise dealing with disclosures of improper conduct and to provide for other matters connected therewith.”

Madam Speaker, when you look at the history of this Government and the disposition of the head of the Cabinet, Madam Speaker, who said this, not in this Parliament, but in a public meeting. The hon. Prime Minister indicated a code, a Mafiosi code, we keep each other's secret. It is only when you break ranks you go out there and expose us, and for that we are going to kill you politically. It is the code of the La Cosa Nostra. As long as we stay together we will survive together and we agree not to breach the code of secrecy.

That is the disposition, Madam Speaker, of what was said by the Member for Diego Martin West, in a public meeting. It is about protecting each other, not about combating corruption and other wrongdoings.

Mr. de Nobriga: Madam Speaker, 48(6).

Madam Speaker: Okay. What I will ask you to do is you are relating something happened somewhere else, I will ask you to tie that quickly to this Bill. I am not ruling on 48(6) as yet. Tie it very quickly to what you are talking about.

Mr. A. Ram: So, Madam Speaker, thank you. When you—and it is very clear. The Members on the other side do not want to hear the truth about their actions which they have conducted themselves and the manner in which they have conducted themselves in relation to corruption and others wrongdoings in the public domain. Madam Speaker, I will soon give you some examples, examples which have not been given this evening and it deals with, Madam Speaker, for example, the Malcolm Jones issue. Who withdrew the Malcolm Jones issue?

Madam Speaker: So, Member, while you know, I think it is the flipside of this Bill, I am going to give you a little leeway, but I think, to me, you are bordering on 48(1). Alright? You have read what this Bill is about, and it is really about the flipside of where you are going. So I will give you a little leeway, but I am cautioning you on 48(1).

Mr. A. Ram: Madam Speaker, I am dealing with and I am contributing with respect to the combating of corruption and wrongdoing in the public domain, Madam Speaker, which this Bill deals with. It deals with whistleblower legislation, Madam Speaker, and it deals with the long title which is to combat corruption and wrongdoing. I am asking, who was the Government that withdrew the Malcolm Jones case before the civil courts? It was not Members on this side. Who were the Members who withdrew the Ken Julien case before the High Court of Trinidad and Tobago? It was not Members on this side. When you look at other wrongdoings, Madam Speaker, you had a board, a board of directors of NGC coming to the Government to receive an indemnity unheard prior. In any other government in our relatively short history as an independent nation, this is the first time, Madam Speaker, that the board had to be indemnified against an action which they were required to take. That is whistleblowing and that is some of the things that this Government has done whilst in office.

Madam Speaker, I refer to another example for you. The Darryl Smith issue. There was a whistleblower at the Ministry of Sport and Community Development who indicated was on a witch-hunt against the hon. Minister, and they were trying to ascertain the leaked documents that revealed that taxpayers had to pay \$150,000 to a former employee who was fired after making a report of alleged sexual harassment.

Madam Speaker: So, Member for Caroni Central, again I caution you on the

same thing. I am finding difficulty in relating a litany of things that you are relating to what we are doing here which is intended to reverse things like that. So, I am really at a loss with going down the road with this litany. So, I am giving you one last opportunity to turn that into what we are debating here or else I will ask you again to move on to another point.

Mr. A. Ram: Madam Speaker, this Government does not have a good track record of dealing with corruption issues, and that is why I made the first point, that this is being used as a political football. I leave that there and I will make my second point now.

This Bill, Madam Speaker, gives us no assurance, and based on their track record, which I was trying to point out, that they are serious about combating corruption and other wrongdoings, Madam Speaker. When you look at the Bill, Madam Speaker, it contains quite a number of clauses, and one of the clauses under the definition here is “detrimental action”. Madam Speaker, I think that there are some things in this Bill, when you look at the definition of “detrimental action”, which will create a parallel system because with things under the definition here are conduct which can be dealt with, there are present configurations and/or processes to deal with what we call “detrimental action”, and you look at:

“(a) unfairly subject to disciplinary action;”

Somebody who has been:

“(b) ...demoted;”

Somebody who has been:

“(c) harassed, intimidated or victimised;

(d) transferred against his will;”

There are provisions currently either in any form of employment that will deal with

all these actions which this “detrimental action” refers to.

“(e) unfairly refused transfer or promotion;”

Most of these organizations, or some organizations, there is some form of HR procedure, human resource procedure, which will cater for these actions which are deemed detrimental action.

“(f) subject to a term or condition of employment or retirement from employment, that is altered to his disadvantage;”

Madam Speaker, many of these things can be addressed via a union or via the Industrial Court. When you are:

“(g) provided with an adverse reference or refused a reference;”

Well that is something which I would like to elaborate more on because this Government, it was the same Minister of Finance who wrote an adverse reference against Jwala Rambarran. There was no whistleblower legislation in place, but he was able, Jwala Rambarran that is, Madam Speaker, was able to access the court, Madam Speaker, and was able to get redress.

Hon. Member: No Central Bank Governor.

Hon. Members: [*Desk thumping*]

Mr. A. Ram: He was a former Central Bank Governor.

“(h) unfairly denied in appointment to any employment, profession or office;”

Again, HR procedures in the Industrial Court.

“(i) threatened with any actions specified in...(a) to (h);

(j) otherwise adversely affected in respect of his employment, profession, office...

(k) otherwise suffering injury, loss or damage in relation to his employment, family life, career profession, trade or business;”

There are two institutions that will deal with that, Madam Speaker, or two that I can relate to which is the Factory Inspectorate and/or the OSH authority. Those are institutions which will deal with those types of detrimental action.

So, Madam Speaker, what I am saying, the point is, Madam Speaker, all these actions which are deemed detrimental, there are existing positions in place for the protection of the rights of citizens and redress at the courts, Madam Speaker.

Madam Speaker, when you look at this Bill it requires the appointment of someone called, Madam Speaker, the “whistleblowing reporting officer”. Again, Madam Speaker, I must underscore, there is nothing in this Bill that speaks to qualifications of the whistleblower reporting officer. I say that, Madam Speaker, when you look at the variety of improper conduct, somebody has to be properly trained and/or have sufficient experience to deal with the litany of offences of improper conduct which they will be required to rule upon. One in particular jumped out at me, Madam Speaker, and that deals with, Madam Speaker, where that reporting officer has to determine whether an action or a report is defamatory or not. That here, Madam Speaker, is at section—I am just having now—one minute here to find that, Madam Speaker. It is, Madam Speaker, section 10(3) and it says:

“Where a whistleblowing reporting officer or whistleblowing reports unit, after having taken into account all the relevant circumstances, considers...information in an anonymous disclosure is likely to be defamatory or libellous, the officer or unit shall reject the information but keep a record of it in the event that the person who discloses the information becomes known and liable to criminal or civil proceedings.”

They are required to determine whether something is libellous or not, Madam

Speaker. What is their training? What they are doing, Madam Speaker, is actually making the whistleblowing reporting officer soft targets, because employees now, let us say there is an officer in an organization and that officer either becomes a target or he can become a hero, and in our society given the nature of the state of this country, I will say, they will become a target more than a hero, Madam Speaker. Because when you look at, for example, our Witness Protection Programme, that has collapsed; that has collapsed. So there is no guarantee that this whistleblowing reporting officer will not be subject to the same type of treatment and/or fate. There is no safe house for this whistleblowing reporting officer.

Madam Speaker, and it is important that we quote, you know, for example, something that was said by a Member, Mr. Prakash Ramadhar, on the 10th of January, 2018, at the Joint Select Committee on National Security who said:

“It may surprise many to have learnt that the Witness Protection Programme there are persons who were given the benefit of witness protection and they have been in that system for more than 11 and 12 years.”

What we had done was meet and speak with the Chief Justice and the Director of Public Prosecutions to try and fast track those cases that have involved people under protection because we had so many people that needed to be kept in protective custody.

5.50 p.m.

So when they are being kept in protective custody, Madam Speaker, that is at the expense of the State. We are now adding another category of persons, and mind you, in my respective view, to be in protective custody, and those persons are the whistleblowing reporting officers.

Madam Speaker, in respect of the Bill, if you look at clause—this is clause

8:

“(1) A disclosure is a protected... if— ”

And they give quite a number of reasons:

“(a) it is made in accordance with section 7;

(b) it is made in good faith; ”

—no definition of what “good faith” is, but we know what good faith is in regular terms.

“(c) at the time of making the disclosure, the whistleblower reasonably believes, based on the information he has at that time, that—

(i) the information disclosed, and any allegation contained in it, are substantially true; and

(ii) the information disclosed tends to show that his employer, another employee of his employer or a person acting on his employer’s behalf has engaged, is engaging or is preparing to engage in improper conduct;

(d) the disclosure is not made for purposes of personal gain;”

Madam Speaker, how can a whistleblowing reporting officer determine whether this was done in good faith, whether all these criteria has been satisfied, before taking on an investigating report made by a whistleblower. We will be trapped in many companies in the domain of investigation. This whistleblowing unit might be consumed, given the nature of this Bill before us, with only investigation.

And I ask, Madam Speaker, most of these companies—most of the public companies, they have audit departments. What is the position now of the audit department? Is that we have a parallel system, or is that the audit department will

now come to nothing, and the whistleblower protection unit or the whistleblowing officer will be the centre of all investigation? Because all public institution that I am aware of, they have an audit department that will take complaints and will also have an investigation power, without there being a whistleblowing unit. So what is the purpose now—Madam Speaker, I am asking if the Government can clarify this, what is the purpose now of the audit departments in many of these state institutions? Will it be replaced by the Whistleblower Protection Unit, or will it be replaced by the Whistleblowing Reporting Officer? I do not know and I do not have the answer for that. I hope someone can address that.

Madam Speaker, when you look at subclause—just give me one minute so I can have some water, please. [*Member drinks water*] When you look at some of the things traversed by the two previous speakers on this side in respect of the recommendations, one, we had traversed—and I just mention it. I know that they will soon rise on their feet. I am—just for completeness, Madam Speaker, I am about to let you know that the issue of the retroactivity of the Bill is something that we have raised previously and has not been addressed two years after.

The issue of recommendations—I sat here and heard the hon. Member for Barataria/San Juan indicate that there is a reward system in Jamaica, the United States and other jurisdictions, but the previous Member indicated there were no recommendations coming for this side. I would like to just traverse that issue a little bit because in the Jamaican system—which has been tried and tested because they had, what you call, their Protected Disclosures Act since 2021. It is an opportunity for us to learn from their “mistakes” or their “shortcomings”. It is that—they have learnt that in whistleblowing legislation, it is more encouraging for whistleblowers if there is a reward system in place, including monetary rewards.

5.55 p.m.

The same applies to, Madam Speaker, the United States of America, the same applies to South Korea and other jurisdiction, according to my research. And it says:

“Legislation that offers financial incentives to persons who disclose corrupt practices in comparison to legislations like Jamaica which seeks merely to avoid retaliation against whistleblowers as noticeable positive results.”

So if we are looking for positive results, Madam Speaker, in this jurisdiction or in Trinidad and Tobago with respect to whistleblowing and to combating crime and wrongdoing we should offer some form of incentive for those whistleblowers, because all whistleblowers, again, Madam Speaker, is just not the whistleblowers, it is also, I said, the whistleblower reporting officers, they will be subject to attack and being targets, the whistleblower themselves would be another layer of persons which become soft target for their job that they are doing.

So, Madam Speaker, when you look at this Bill as a whole, if the Government was serious about having this matter and this Bill passed, and not being used as a political football they would have at least looked at our contribution or read our contribution from the *Hansard* from 2022. They would have come and sat with us, made recommendations, or listened to our recommendations. They would have at least taken note and made amendments before coming and laying this Bill again in the same format and with the same words, without amendments before this honourable House. Madam Speaker, so in those circumstances, I want to indicate again that this Bill is nothing more than a political football used by the Government—

Mr. Deyalsingh: Madam Speaker, Standing Order 55(1)(b). The amount of times he has said political football. All right. Oh gosh. It is cricket season.

Hon. Member: *[Interruption]*

Mr. Hosein: World Cup coming up.

Madam Speaker: So Members if we could have a “lil” order I believe the Member for Caroni Central is just summing up to come to his conclusion. Member for Caroni Central.

Mr. A. Ram: Yes. Thank you, Madam Speaker. The Member for St. Joseph was not here for most of the contribution so I do forgive him for his shortcomings, Madam Speaker. But, Madam Speaker, as I wrap up, this Government refuses to listen. The last time I debated in this House I told the Government about—and that was with respect to the ICC World Cup taking place in some parts of Trinidad and Tobago, I told the Government with respect to traffic management issues at the Brian Lara Stadium—

[Madam Speaker rises]

Mr. A. Ram: I know this Bill is not about that.

Madam Speaker: No, no, no.

Hon. Members: *[Desk thumping]*

Madam Speaker: While it might be the “topic-er”, it does not relate to this topic, and all we are here on is this topic, so please move on. Thank you.

Mr. A. Ram: Yes, thank you, Madam Speaker—

Hon. Member: You are blowing the whistle.

Mr. A. Ram: Madam Speaker, I am just blowing the whistle on what took place on the game on Wednesday, which I attended as well, but it was poorly planned. So what I all saying, Madam Speaker—

Madam Speaker: Member, apparently when I rise and I, unless maybe I say “and I so rule”, maybe you do not appreciate. Okay? But I think you have left that

point so I expect that you will move on.

Mr. A. Ram: Madam Speaker, that is just one example of why this Government continues to fail in respect of this whistle—

Madam Speaker: Every time I say something and you go back. Move on, please!

Hon. Members: [*Laughter*]

Mr. A. Ram: But, Madam Speaker, if the Government listens to those of us on this side—

Mr. Young: This is not the ICC.

Hon. Member: Listen. Listen.

Mr. A. Ram:—and listen to our recommendations, and they are serious about passing this piece of legislation, we will not have some of the calamities we are having in this country. I thank you.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for St. Joseph.

Hon. Members: [*Desk thumping*]

The Minister of Health (Hon. Terrence Deyalsingh): “Ooh”. Madam Speaker, “whoo”. Thank you very much for allowing me to make a contribution, and for the sake of the *Hansard*, and representing the constituents of St. Joseph, I need to put on the record what the Bill is about.

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh: “An Act to combat corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sector, to protect persons making those disclosures from detrimental action, to regulate the receiving, investigating or otherwise dealing with disclosures of improper conduct and to provide for other matters connected therewith”.

Madam Speaker, it is incumbent upon me to once again thank the people of St. Joseph for having me here, and to recognize the hon. Prime Minister for his erudite piloting of this piece of legislation which was born out of over 30 years of experience in this Parliament. He was able to contextualize the issues. I also want to recognize the hon. Attorney General who spoke second, for explaining the law, and then I want to recognize the hon. Minister of Energy and Energy Industries for talking about how the law has evolved, and how the Member for Barataria/San Juan is stuck in the past.

Hon. Members: [*Crosstalk*]

Hon. T. Deyalsingh: Madam Speaker, according to the UNC, do nothing, say nothing, see nothing, leave it as it is. That is called “the definition of madness”, doing the same thing over and over and over and expecting a different result. Madam Speaker, after Caroni Central I can only say, listening to that contribution was like having a root canal with a Hilti.

Hon. Member: “Oh gosh, ah what?”

Hon. T. Deyalsingh: It was painful.

Mr. de Nobriga: Yeah.

Hon. T. Deyalsingh: And a root canal with a Hilti with no anaesthetic. It was really, really painful.

Mr. Ram: That was like your COVID questions for press conferences.

Hon. T. Deyalsingh: But when the—when he had to be looked at—

Madam Speaker: The hon. Member.

Hon. T. Deyalsingh: The hon. Member—several times on the Standing Order, I could only say that ALTA classes are free, and they are online, and/or/ in person.

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh: Please attend an ALTA class.

Mr. Indarsingh: Madam Speaker—

Mr. Young: “She eh hearing yuh”.

Mr. Indarsingh:—my point is 48(4). I say no more.

Madam Speaker: So Member for St. Joseph, I think we could be a little more parliamentary than that, and the hon. Member that I know you to be, I do not think we have to go into that area at all.

Hon. T. Deyalsingh: I fully agree and I withdraw it.

Madam Speaker: Thank you.

Hon. T. Deyalsingh: But speaking about whistleblowing and corruption, the hon. Member should be reminded of an incident at TSTT, and I will say no more on that. Madam Speaker, Oropouche West—Oropouche East, sorry, made some astounding revelations here today and he spoke about strengthening institutions, and we should strengthen institutions, and I want to respond to that, because it is Oropouche West and the UNC—

Hon. Member: East.

Hon. T. Deyalsingh: Oropouche East and the UNC that is weakening institutions in Trinidad and Tobago. Madam Speaker, I have been a parliamentarian since October, 2010, and all of us should be proud to be parliamentarians. I am now in this Parliament from 2010 to 2024, that is over 11 years, and to hear Oropouche East talk about a PNM joint select committee—

Madam Speaker: The hon. Member.

Hon. T. Deyalsingh: Sorry, the hon. Member for Oropouche East, talked about a PNM joint select committee, that statement for the benefit of the public cannot go unanswered. Because you see when you weaken the Parliament like that, then the public has no respect for us, so with your leave, Madam Speaker, I want to defend the Parliament and explain to the Parliament that there is no such thing as a PNM

joint select committee.

We are here because of the Constitution of Trinidad and Tobago. We are here performing our constitutional duty. We are here under the Standing Orders of this country, and Standing Order 97 speaks about the establishment of a joint select committee. And this is what the hon. Prime Minister was speaking about when he piloted that the Opposition Members are not coming to a joint select, and this is what the hon. Member for Oropouche East spoke about, a PNM joint select committee. For the benefit of members of the public, Standing Order 97 of the Parliament of Trinidad and Tobago, this green book—[*Hold up document*]*—*that we should hold sacred, section 1:

“A quorum of a Joint Select Committee shall be such fixed number of Members as specified by the Order of the Houses or in the absence of such Order, as the Committee may decide; such quorum may only require that each House be represented.”

It did not say the PNM, the Government, or the UNC. It just says “each House”. So if the House is represented, you have a joint select committee that is functional and that is legal. If the Joint Select Committee on Infrastructure into the Point Fortin Highway, which is a matter of grave concern for the country where whistleblowers have come forward about the land acquisition. And the hon. Member for Siparia tells her Members not to attend the Joint Select Committee, so that under this whistleblower legislation, evidence could be heard, how is that a PNM joint select committee? How on earth does the UNC and the hon. Member for Oropouche East denigrate this Parliament like that? We should all be ashamed that a parliamentarian could do that to this honourable Chamber.

Hon. Member: [*Desk thumping*]

Hon. T. Deyalsingh: And those words get carried throughout the Commonwealth.

We are a proud member of a commonwealth of nations. There is no such thing as a UNC joint select committee or a PNM joint select committee. There is a joint select committee. And if you do not want to participate that is your business, because you have things to hide. So that is the first point I want to make about institutional weakening and who is weakening the institution that is the Parliament of Trinidad and Tobago.

The second point I want to make is about institutional weakening, and about corruption, and about whistleblowing, and about the avoidance of responsibility for \$280 million. It was when we were in Opposition, we were in the Towers and there was a Motion to discuss an issue with FCB for \$280 million alone to some developers by then Chairman or CEO of First Citizens Bank, Larry Howai, who then became Minister of Finance. And when that matter came to the Parliament, a speaker of this House said we cannot discuss it because it is sub judice. It was a total fabrication.

Mr. Hosein: Madam Speaker, I just want to rise on 48(1). I do not believe this forms part of this debate.

Hon. Member: What!

Madam Speaker: Overruled.

Hon. T. Deyalsingh: This is so relevant to white-collar crime it is not funny. So no wonder on February 2022, and I quote from Loop News:

“Opposition Leader, Kamla Persad-Bissessar”—the hon. Member for Siparia—“is of the view that the Whistleblower Protection Bill is a ‘legal nightmare’ for citizens.”—and will not support it.

The link between that and the refusal of a then speaker to allow a debate in the Parliament to weaken the Parliament so that Larry Howai could get a free pass of \$280 million is something that the public should be reminded about every day

and every night. So do not come here and play Pontius Pilate. Do not do that! Your history of four, five short years of corruption is well known. Well known.

Hon. Members: [*Desk thumping*]

6.10 p.m.

Hon. T. Deyalsingh: Madam Speaker, we are discussing this Bill only in the context so far of white collar crime. But as a Member of Parliament I attended, and I attend very often, as much as I could, police town hall meetings. Last night I had the pleasure of attending a police town hall meeting for the St. Joseph Police Station in the Curepe Community Centre. There were close to about, if I had to guess, 60/80 people there. It was very well attended. Residents from Curepe, East Grove, across the Main Road where the constituency of St. Augustine is. So you had people from St. Augustine, you had people from as far as up to the hon. Member for Tunapuna, because he is up in the Maracas side, Elizabeth Gardens. So it is a wide cross-section of people, and the issue is crime, the issue is car stealing. And, under clause 4 of this Bill, a designated authority is the TTPS.

Why would you not want to support the TTPS with this legislation to go after the rings that steal cars and that cause distress to constituents, day in, day out? Why would you not give the TTPS the power, the authority, to receive tips from whistleblowers, because people in East Grove mentioned that? Why would you continue to hamstring the TTPS by not agreeing on anti-gang legislation so a whistleblower could come forward and say there is a gang there, whether it is resistance gang, seven, eight, nine, 10, whatever? Why would you not do that?

So I want to support the TTPS as a designated authority for receiving tips from whistleblowers. Because as I started to say, the definition of madness is doing the same thing over and over and over, the and the UNC's position is, "leave it so" but then they will go and complain that the Government "ent" doing nothing.

You know what? With the type of political discussion that goes around globally now, you say something that is untrue often enough and people start to believe it. I cannot use the “L” word here, but let us just say the big untruth. There are proponents of the big untruth globally. You just say it over and over and over and the unsuspecting man in the street start to say, well, you know what, if they are saying it so often there must be some truth.

So the Government is always accused of doing nothing, but when we try to come here to speak to our colleagues opposite to do something, all we hear is no, no, no, bring the statistics, bring the data. Well let me tell you something. I did a walk through Champ Fleurs two Sundays ago. I met a statistic, I met a statistic who was chopped. I met a statistic as a result of home invasion. I met a statistic whose car was stolen. Those are statistics. But our friends opposite revel in crime. It is a cause célèbre, and I leave that there.

Mr. Hosein: Madam Speaker, I have to rise on 48(6). The Member has made an improper statement against Members of this House.

Madam Speaker: Okay, so Member I will just ask you to find another way to say—withdraw that and find another way to say what you want.

Hon. T. Deyalsingh: My friends opposite take—

Hon. Member: Withdraw it.

Hon. T. Deyalsingh: I withdraw. My friends opposite have no problem with seeing this country in the grips of crime and when we come here to ask them for their support they do nothing. That is it.

Madam Speaker, the Member for Oropouche, and the Member for Caroni Central, they went back in history about this and that. The only thing they did not go back to was probably World War I. But I want—

Hon. Member: [*Inaudible*]

Hon. T. Deyalsingh:—you see, but I want to put on the *Hansard* today what is probably the biggest corruption in this country perpetrated upon the taxpayers of this country, and I will link it directly to the provisions of the Bill. So, what does the Bill speak about when one looks at the different clauses? We have the Interpretation section, Disclosure of Improper Conduct. That is my first jump off point, Disclosure of Improper Conduct.

There was a time in this country when a particular Minister of Works and Transport, and I will call his name because he is no longer here, Jack Warner, wanted to build a highway. The circumstances of those contracts are well-known, but I would not go there for now. Because you see, when you label the joint select committee and speak about institutional weakening what should have happened in that joint select committee is to bring back before that joint select committee the then Minister of Finance, who should explain to this country why he was threatened when the loan financing, which was non-existent for that highway, had to be built, and the Minister of Finance, then Minister of Finance, had to find \$3 billion from the Consolidated Fund to start the highway. We need to know that. So it is not a PNM joint select committee as the hon. Member for Oropouche said, it is the people's joint select committee that wanted to hear why the then Minister of Finance agreed to being blackmailed, bullied—

Madam Speaker: Maybe you should—

Hon. T. Deyalsingh: Sure, yes. Why the then Minister of Finance was being forced to go to the Consolidated Fund and not go with loan financing. Because you see there is an article here in June, forgot the year:

“Works and Transport Minister Jack Warner says ‘money is not a problem’ to complete the extension of the Solomon Hochoy Highway...”

Money is not the problem. But money was the problem, because you went

into your savings. It was the problem.

So we need to know the details, and that is why we want people like then Minister Carson Charles to come before the joint select committee, the people's joint select committee, to explain what happened with that highway. Because you see clause 4 of this Bill, Information Protected by Legal Professional Privilege does not apply. But what you would like to hear is anonymous disclosures, anonymous disclosures. Because we see, Madam Speaker, in July 2015, and I have to quote the article:

“Jack...”—the headline does not say the hon. Member, it just said—

“Moonilal begged OAS for millions”

Madam Speaker: I am sorry Member. Remember when you are quoting you are adopting—

Hon. T. Deyalsingh: Yes, sure.

Madam Speaker: Yes.

Hon. T. Deyalsingh: So the hon. Member:

“Moonilal begged OAS for millions”

Madam Speaker: Here we refer to either constituency—

Hon. T. Deyalsingh: Sure.

Madam Speaker:—or office, okay.

Hon. T. Deyalsingh: So the hon. Member for Oropouche East—begged OAS for millions and I quote.

“On the political front, corruption-accused Jack Warner claims that a top UNC official went to OAS, the Brazilian construction company, begging for money to finance the party's election campaign. O-A-S is the contractor responsible for the controversial Point Fortin highway and has long been reported to be linked to Warner's former mentor and ex-FIFA President,

Joao Havelange.”

“Yuh talking about corruption?” FIFA.

Mr. Hosein: Who is Joao?

Hon. T. Deyalsingh: You want to know who is Joao? Let us go. Chuck Blazer, a former FIFA executive cooperative with the US Federal Bureau of Investigation as part of their enquiries into corruption at FIFA, admitted to the FBI that he and FIFA executives accepted bribes in return for voting for South Africa to host the 2010 FIFA World Cup. It was at that World Cup that the deal with OAS was consummated in a hotel room with then Minister Jack Warner.

Madam Speaker: So I ask you to tie that quickly into the Bill. Thank you.

Hon. T. Deyalsingh: Sure. Good. Tie it in, then we go to the section that deals with internal procedures for receiving and dealing with disclosures, and I will read the clause. I believe it is clause 4. It speaks about detrimental action.

“‘detrimental action’ means any act or omission that results in a person being—

(f) subject to a term or condition...”

Treated unfairly. Disclosure means what is defined as a revelation of information by a person. This is revelation of information. Square within the four corners of this Bill.

So, Madam Speaker, the UNC has absolutely no moral authority to lecture anybody especially on this side about corruption.

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh: There is no Member on this side, no Member that is under investigation by the police. I have been in this Parliament since October 2010, many of my Members—“oh” sorry, many of the other Members have been here for 30 years, but in five years the stain of this country, between 2010 and 2015, is

something that the world will not forget and should not forget.

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh: We will never go back to those dark days. Madam Speaker, designated authority, clause 13, and this is within the four corners of the Bill, clause 13, the National Physical Planning Authority of Trinidad and Tobago is a designated authority. Let the population understand that. The National Physical Planning Authority, into this same highway corruption scandal, a committee by James Armstrong, former Independent Senator and I quote, under “Land Tenure and Acquisitions”, and the country needs to know this. This is a public document. It is a report of an Independent Review Committee:

“Various observations were made with respect to property acquisition practices related to the project. It has been reported that entry on to property for executing the project might have been made without Section 4 authority as required by legislation...”

This is why you need whistleblower legislation to bring these dark hidden secrets to light.

“It must be stressed that improper land acquisition procedures are the cause of substantial delays.”

That is why the joint select committee was set up for this specific purpose. But the UNC will not participate in the joint select committee and we refer to it, Madam Speaker, I am not bringing you into the debate, but these are your joint select committees.

“It must be stressed that improper land acquisition procedures are the cause of substantial delays.”

This is where the corruption comes in. This is why we need people to come in that joint select committee. The last line says:

“The policy and arrangements for ‘ex-gratia’ awards in many cases appear to be unsatisfactory.”

That is nice diplomatic language to say bobol; that is nice diplomatic language to say corruption; that is nice diplomatic language to say people get money that they did not deserve; that is nice diplomatic language to say the taxpayer was taken for a ride.

6.25 p.m.

So if you are so concerned about transparency, if the UNC is so concerned about accountability, why not take part in joint select committee and refute all these allegations? Why not? What is there to hide? What is it that the hon. Member for Siparia does not want to come the light? Ex gratia awards, what is that in the context of paying people inflated prices for lands? But you know what is so funny about this? It is the same Jack Warner, who was Minister, who brought this corruption scandal to Trinidad and Tobago, who, when he became Minister of National Security, you know what his first act was as Minister of National Security? To go down there and “mash up de camp”. That was his first action, “mash up de camp, break up de people religious artefacts”. Could you imagine that? Anything is possible with the UNC. And you know what is so amusing? The people today, who speak against this Government, are the same people, and I quote:

Oilfield Workers’ Trade Union President General, Ancel Roget, and Leader of the Movement for Social Justice, David Abdulah, who visited the site, condemned the action and call for Warner’s removal as National Security Minister.

It is these same two gentlemen today who are lockstep with the hon. Member for Siparia and those opposite. According to former Prime Minister Mr. Basdeo

Panday, politics really does have a morality of its own. But it is UNC politics, eh, not PNM politics.

Madam Speaker, we in this country cannot go on doing the same thing over and over. The hon. Member for Oropouche East spoke about workplace culture, that workplace culture—and those were his words, I took notes—does not allow for people to adopt whistleblowing legislation or units. Again, according to the UNC and the hon. Member for Oropouche East, do nothing, say nothing—

Madam Speaker: Hon. Member for St. Joseph, you have one minute left of original time. You are entitled to 15 more minutes to wind up your contribution if you need it.

Hon. T. Deyalsingh: Thank you.

Madam Speaker: Okay. Please proceed.

Hon. T. Deyalsingh: So according the hon. Member for Oropouche East, the hon. Roodal Moonilal, “Leave it so. Leave it so. Do not bring anti-gang legislation, leave it so. Do not bring bail amendment, leave it so. Go to the court and get bail for murderers, leave it so.” And you know what is galling about that lawyer who goes to the court so often? The amount of free advertising he gets on TV every single night. Every single night, free advertising. Man, he could not—that is manna from heaven with his name—company’s name. Against all—anyhow, he is not paying for it, so let the Law Association deal with that, but I doubt it very much. Leave it so. But then when things happen, “What de Government doing?” But when we come here to do something, all we get is no, *nyet*, *nein*—

Mr. Hosein: What language—[*Inaudible*]

Hon. T. Deyalsingh:—no. That is Russian, German—*non*, French. Right? I could give you the whole thing. It is just no, after no, after no, after no, and then “What de Government doing?” And this is the big untruth because people on the

ground start to believe it, “de Government ain’t doing nothing”.

So, Madam Speaker, I want to give one more example about a designated authority and why we cannot trust anybody there opposite. One of the designated authorities is the Board of Inland Revenue. Now, I want to recommend that all the legislation the former Attorney General passed, follow your money, the NPOs, the real estate, everything that we tried to do, when we came to this House to tackle the issue of corruption with property by having people pay their little pittance of property tax, the Opposition objected. But the real reason is not property tax, you know. The real reason is people who are hiding their corrupt practices by buying properties and putting them in trusts, and putting them in businesses, and shell companies, that will now be revealed. That is what this legislation is about, by giving the Board of Inland Revenue the authority to be call a designated authority.

So every time we come here in an attempt to uncover and unmask corruption, they always come up with some straw man, with some figment of their imagination, that some members of the public are believing why we cannot collect—it is not about property tax. It is about unmasking the billions of dollars that people have in property that they cannot explain, that they cannot account for. So our tax base is eroded.

Another way that we want to deal with corruption is the Trinidad and Tobago Revenue Authority, so that taxes due legitimately to the poor people of Trinidad and Tobago to pay old age pension, to buy medicine for the hospital—we are not taxing people more than they are taxed, you know. We want to collect the tax that is legally due to the public of Trinidad and Tobago; legally due.

Hon Members: [*Desk thumping*]

Hon. T. Deyalsingh: There was a headline in the *Express* recently—I will not call their names—one company, \$94 million; another one, \$37 million. That is moneys

under the BIR—

Mr. Hosein: [*Inaudible*]

Hon. T. Deyalsingh: Clause 4(b), hon. Member for Barataria/San Juan. That is the clause I am referring to. You are asking, sotto voce, what clause? “Interpretation”, clause 4 of the Bill defines terms used in the Bill included “designated authority”, which is defined as your:

“...office or body listed in the Schedule”

The 21 bodies listed in the Schedule are as follows—so I will call out all for you now:

- “1. Auditor General’s Department
2. Board of Inland Revenue
3. Bureau of standards of Trinidad and Tobago
4. Central Bank of Trinidad and Tobago
5. Children’s Authority of Trinidad and Tobago
6. Customs and Excise Division
7. Elections and Boundaries Commission
8. Environmental Management Authority
9. Equal Opportunity Commission
10. Fair Trading Commission”

One that they are afraid of:

- “11. Financial Intelligence Unit of Trinidad and Tobago
12. Integrity Commission of Trinidad and Tobago
13. National Physical Planning Authority of Trinidad and Tobago”

—which I referred to earlier, the James Armstrong report.

- “14. Occupational Safety and Health Agency
15. Occupational Safety and Health Authority

16. Office of Procurement Regulation
17. Office of the Director of Public Prosecutions
18. Office of the Ombudsman of Trinidad and Tobago
19. Regulated Industries Commission
20. Trinidad and Tobago Police Service”

—to which I referred to earlier in my meeting last night with residents of Curepe, St. Augustine. And:

“21. Trinidad and Tobago Securities and Exchange Commission”.

That is the locus standi in which I talk about property tax. That is the locus standi that I used to unmask the UNC and their hypocrisy about not wanting people with 10 and 12 multimillion-dollar properties to be unmasked. That is corruption. But according to the hon. Member for Oropouche East, “Leave it so. Do not change nothing. We like it so.” Well, we, on this side, do not like it so. We, on this side, want better for Trinidad and Tobago.

Hon Members: [*Desk thumping*]

Hon. T. Deyalsingh: We, on this side, want a country that could once and for all be not classified and looked upon the way that we are. Let us pass something. Let us do something. But to come outright and say, “No,” tells me that the hon. Member for Siparia has absolutely no interest in addressing the issues of corruption.

Madam Speaker, I think I have supported this Bill enough with examples for both white-collar crime and more importantly, with my constituents, with blue-collar crime. Last night, at that Town Hall Meeting, one of the issues that we saw and something which is being pioneered in the Tunapuna constituency—and I want to put on public record my appreciation for Mr. Neil Boodoosingh, on the issue of crime with the TTPS as a designated authority. At a meeting held at Exodus Pan

Yard, a conversation with the Prime Minister, he told the hon. Prime Minister what they were doing in Tunapuna, the constituency of my colleague here, and we are adopting that in St. Joseph. We are adopting that—

Hon. Members: [*Desk thumping*]

Hon. T. Deyalsingh:—with cameras being placed with a centralized monitoring station. So that when crimes are committed, they can be seen in real time. You have video evidence. I want to recommend to the UNC, the time for the posturing is over, the time for being obstructionist is over. The country has seen through your façade. I want to welcome, from next week, the new leader of the Opposition, the Member for Mayaro, who would continue to be the leader of the Opposition for many more years to come. And, Madam Speaker, with those few words, I thank you.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Couva South.

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker, as I join this debate here this evening. And immediately I want to tell the hon. Member for St. Joseph, “fowl have no place in cockroach business”, and I will advise you, as a Member of the—

Hon. Member: [*Inaudible*]

Hon. Members: [*Laughter and interruption*]

Mr. Indarsingh: Madam Speaker—

Hon. Members: [*Interruption*]

Mr. Indarsingh: Madam Speaker—

Madam Speaker: Okay.

Hon. Members: [*Continuous interruption*]

Madam Speaker: Order! Order!

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

Madam Speaker: Order please!

Mr. Indarsingh: And, Madam Speaker, immediately, I want to tell the Member for St. Joseph, if they want—they seem to be obsessed with the politics of the United National Congress. They are so obsessed with who will be the leader of the United National Congress, they—

Hon. Members: [*Interruption*]

Madam Speaker: Okay. So can we now compose ourselves and continue with the people's business?

Mr. Indarsingh: Yes, Madam Speaker, they are very obsessed, but I want to tell them, concern themselves—

Hon. Member: [*Inaudible*]

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

Madam Speaker: All right. So, Members, it is time we get on with the people's business. We have had a little moment of levity, let us get back to work. Member for—

Mr. Indarsingh: Yes, Madam Speaker, you see, that is their childish approach as it relates to the very serious business in the Parliament, and—

Madam Speaker: Remember, I have asked that we leave children out of our negative references, please. Okay. Just remember.

6.40 p.m.

Yes, Madam Speaker, I am guided. But the most important thing I want to focus them on is that in terms of the internal elections results in UNC, the Member of Siparia will be the Leader of the Opposition and the political leader of the party.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: Come Sunday 16th September—June.

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

Mr. Young: Sit down.

Mr. R. Indarsingh: But more importantly, you see the Member for St. Joseph really has not said anything substantial here this evening because he said—and he ended his remarks or his contribution by focusing on the internal affairs of the UNC. But more importantly Madam Speaker, and he quoted during his contribution a conversation, or not conversation but a famous quotation that is associated with former Prime Minister, Basdeo Panday, “that politics has a morality of its own” and that indeed was displayed by the Member of St. Joseph here this evening. I want to take opportunity to remind him of his hypocrisy and the party’s position that he belongs to in the Government of Trinidad and Tobago because he attempted to create this narrative—

Madam Speaker: But just remember I know it is artificial to be saying the hon. Member but remember it is not “he” and “he” and “he” and “he.” So you have to find a way, okay, to balance it.

Mr. R. Indarsingh: No problem Madam Speaker, I am guided. The hon. Member attempted to berate those on this side for its responsibility as it relates to the Constitution and the Standing Orders and the Parliamentary process of this country. And the Member said that my colleague, Oropouche East, and Members of the Opposition has been contributing to institution weakening, institutional weakening. I want to demonstrate again, what I said in relation to hypocrisy on the part of Members on the Government side. Because Madam Speaker, there is—I want to ask the Member, the hon Member, what kind of responsibility was displayed by the PNM as it relates to the Joint Select Committee that was established in relation to the Procurement Bill, before it became the Procurement Act. Because we must never forget, because it was the PNM—and I am quoting

from an article dated the 29th February, 2012. The headline in *Newsday's* newspaper was PNM blanks the Joint Select Committee.

Hon. Members: Oh no man!

Mr. R. Indarsingh: Where was the sense of responsibility to the Constitution, to the Standing Orders—

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh:—and to the parliamentary process at that point in time. So the Member for St. Joseph has absolutely no sense of moral authority to speak on—

Mr. Young: He was quoting me.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh:—commitment to Standing Orders and adherence to the Constitution and understanding our role and responsibility within the parliamentary process.

So immediately, I will debunk the argument that was put forward in attempting to accuse the Opposition and my colleague, Oropouche East, for attempting to weaken and undermine institutions.

6.45 p.m.

Madam Speaker, in addition to that, the Member stated that the definition of madness is doing the same thing over and over and expecting the same result. I have consulted with a number of my colleagues and the Bill before us here today, not a comma, not a full stop, not a word, not a sentence has been changed as it relates to the Bill that is before this House today. So what is the end result here? I want to ask the Member for St. Joseph. They are doing the same thing over and over again expecting a different result. Member for St. Joseph, you ask yourself whether you all are veering to the definition of madness or insanity here this

afternoon.

During the contribution, because apparently the Member for St. Joseph in his contribution before, from where I sat and listened, he wanted to convince his colleagues apparently that probably general election is in the air and he is before the screening committee on that side, and attempted to go in the direction of issues impacting the constituency of St. Joseph and said that he attended a town meeting and went in the direction of addressing the issue of crime in the constituency of St. Joseph, and wanting to focus on the Opposition not being of assistance as it relates to anti-gang—dealing with the issue of gangs and so on in the country. Well I want to put it on record on the *Hansard* that the Opposition gave its support to anti-gang legislation and anti-gang legislation is on the statute books, it is on the laws of Trinidad and Tobago and that is something that I want to refute or immediately debunk as it relates to what has been put forward by the Member for St. Joseph.

Madam Speaker, as I said, when you look into the history of this Bill, you must ask, what is the intent of the Government here this evening? What is the intent? A lot of my colleagues traverse the issue of the history and I am not going—

Madam Speaker: So that is your admission, that we are not going back there?

Mr. R. Indarsingh: No, no, no, I am not going back—

Madam Speaker: Sure.

Mr. R. Indarsingh: I am not going back, Madam Speaker, to that particular issue because the history, and as I said, taking into consideration nothing has been altered really will not change the results here this evening. And I feel what we have witnessed here this evening based on the piloting of this piece of legislation by the hon. Prime Minister is the greatest, what I would call act of political

grandstanding. Grandstanding knowing what will be the result taking into consideration the position that the Opposition has adopted as it relates to our position from a joint select committee point of view and also taking into consideration pronouncements that would have been made by my colleagues prior to coming into the parliamentary debate here this evening and based on the commentary which is out in the public domain.

So, Madam Speaker, I am forced to come to the conclusion that this is an attempt by the Government to engage in what I would term changing the national conversation hoping that what they come and engage in through their narrative, through their propaganda and so on, they will attempt to convince the population that you see it is we, this Government is fulfilling the commitment that they made as it relates to this piece of legislation, whistleblowing and it is the Opposition that does not want to give their support, their intangible support.

At the end of the day, the Opposition, through the position articulated by the Leader of the Opposition, has consistently said that we will support legislation when it is in the interest of the people of Trinidad and Tobago—

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh:—when it protects the people of Trinidad and Tobago and as I said does not impact upon the rights of the ordinary citizens of this country. This is why I have to take the opportunity here this evening again to put on record, Madam Speaker, that—because the Prime Minister said that he was in public life for 40 years and he was concerned about the level of corruption within Trinidad and Tobago and so on. All that is fine, all that is fine. I do not think that anybody on this side is not concerned about corruption occurring whether it is in the public sector or the private sector, Madam Speaker.

But, Madam Speaker, we have a responsibility to ensure that we are not

bullied or not coerced based on the narrative that the Prime Minister and Members of the Government have attempted to create. Because the narrative was one, talking about corruption and allegations of corruption between 2010 and 2015. This is what I would term to be PNM propaganda or half-truths. Where is the proof? Who is before the courts in terms of criminal prosecution for actions as it relates to between 2010 and 2015? And if indeed the old talk or the rhetoric that has been created here this evening, Madam Speaker, I want to ask some very important questions as it relates to this piece of legislation. Because in the Interpretation, clause 4, it speaks to “designated authority” and it means:

“...the office or body listed...”

And what is “detrimental action” and so on and also:

“(c) harassed, intimidated or victimised”

Madam Speaker, the Prime Minister, during his presentation, spoke about the need for things to be done to protect the victims of those—because I am looking at the piece of legislation, this piece of legislation, I am looking at 4(c):

“harassed, intimidated or victimised”

Madam Speaker, probably the Prime Minister in his wind up may be able to tell the country what did he do. What did the Government do as it relates to when an employee at the Ministry of Sports was allegedly harassed, intimidated or victimized? Why did the Government allow \$150,000 of taxpayers’ money to be used as it relates to what I would only conclude as “hush money” and non-disclosure agreement, an alleged victim—

Ms. Ameen: Yes.

Mr. de Nobriga: Madam Speaker, Standing Order 48(1). This was attempted before by the Member who spoke from that side earlier, it was addressed there, and it is being attempted again.

Madam Speaker: So Member, could you tie that in to what the Bill is? I know you referred to a section but still, I am not seeing the link between that section, that definition and what you are doing here.

Mr. R. Indarsingh: Madam Speaker, all I am saying is that I am hoping that this legislation or this Bill which is before the Parliament and we are attempting to give protection to whistleblowers and at that said Ministry, there was a whistleblower.

Madam Speaker: So I am saying tie what you have said into the Bill.

Mr. R. Indarsingh: And as I said, Madam Speaker, that it is important that in the context of the understanding our history and what transpired within our society, that we must ensure that whatever is in this proposed piece of legislation is upheld in a manner that we will not allow victims who stood their ground or attempted to air their grievances, allow it to be suppressed. Because, Madam Speaker, at the end of the day, this piece of legislation attempts to focus on:

“An Act to combat corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sector...”

And, Madam Speaker, I am forced, because we are all employees whether you are in the public sector or you are in the private sector, you are an employee and I could remember a situation which unfolded at Massy Holdings and a vice-president and where that individual was a whistleblower and it became the headlines in the national newspapers and so on and she was left with nothing, the individual. Because I think that based on what transpired out there—

Hon. Members: [*Interruption and laughter*]

Mr. R. Indarsingh:—the Minister of Energy is attempting to make a light situation of that “they does speak to the dead” and so on. This is very serious in the context of offering. If this piece of legislation is to be on our statute books, it

must be placed in a manner or find itself in a manner that would offer protection to those in the private sector and in the public sector. That is the point.

Because at the end of the day, Madam Speaker, you see it is important that we understand that in this legislation, in Part I, it establishes very clearly the definition of what an “employee” means:

“any person who—

- (i) works or worked for another person; and
- (ii) receives, received, or is entitled to receive, any remuneration for work done”

And it also goes on to speak about whether it is in relation to:

“any person who is, or was, engaged or contracted under a contract for services to do work for another person, or any agent...”

7.00 p.m.

And, Madam Speaker, it goes on to give a definition as it relates to an “employer”.

What an “employer” means is:

“...any person who—

employs or employed another person to carry out work or provide services and who remunerates, remunerated or expressly undertakes to remunerate, that other person for the work carried out or services provided for;”

As I said, this, based on what is in the legislation, really creates, what I would call—it has tremendous consequences for the work environment in the public and private sectors. And that forces me to ask or go to Part II of the legislation, which speaks to protected disclosures. Madam Speaker, 7(2)(a), (b) and (c) speak to:

- “(a) although the employee is not able to identify a particular person to whom the disclosure relates;
- (b) although the improper conduct occurred before coming into force of this Act;
- (c) in respect of information acquired by the employee while he was employed in the organisation; or
- (d) of any improper conduct of a person while that person was employed in the organisation.”

Madam Speaker, I am forced to ask, what is the real intention? You see, I am concerned if this can be used to set up to manipulate persons, and so on, in the work environment and hold them at ransom without any protection, and what I would call, real protection because in the real world, you can easily go and make the disclosure, whether orally or in a written form, but what protection does it offer in billion-dollar enterprises, when people leave the work environment and so on, to them and their respective families? I know my colleague from Caroni Central dealt with this issue about witness protection and the level of crime, so I will not go into it too deeply, I am just skirting the issue. But I am forced to ask, what kind of protection are we offering in the work environment, and especially in the private sector, Madam Speaker?

And in that regard, I am further forced to ask—because I want to go into the issue of the Schedule of this piece of legislation. I know the Member for St. Joseph went in the direction of calling out and reading out the 21 designated authorities. I do not know how 21 found itself into the Schedule. But given the angle of dealing with public disclosures or whistleblowing in the private sector and the public sector, there may be an avenue of protection for workers, more so in the

state sector, because most of them fall under the remit of a recognized majority union.

But in the context of the majority of the workforce that does not have the protection of a recognized majority union in the workplace, Madam Speaker, and someone decides to blow the whistle, persons have come to me—I have said it in this House and I will keep championing it—that they are working, that they are working, in a non-unionized environment, deductions have been made from their salaries. But when they go and they request an annual read-out from the National Insurance Board of Trinidad and Tobago, there is no evidence of that worker having made a contribution, and the individual is traumatized.

They want to know who to turn to. Sometimes they ask—and I have asked them, “Have you taken it up with your employer?” Their immediate response will be, “If I take it up, I will be dismissed for raising this particular issue.” And we have pointed to the direction that, from a private sector point of view, Madam Speaker, the establishment of whistleblowing or whistleblower units in the workplace could be established. But in the private sector, who pays the piper calls the tune. And in that regard, the whistleblower listening to the complaints or what is before him from the individual is ultimately responding—

Madam Speaker: Hon. Member, you have one more minute of ordinary time left. You are entitled to 15 more minutes to wrap up your contribution, if you wish.

Mr. R. Indarsingh: Thank you.

Madam Speaker: You may proceed. So it means that you are—

Mr. R. Indarsingh: Yes.

Madam Speaker: Yes. So you may proceed.

Mr. R. Indarsingh: Thank you, Madam Speaker.

Mr. Young: [*Inaudible*]

Mr. R. Indarsingh: Thank you, Madam Speaker. I see the Minister of Energy and Energy Industries “does be” paying attention to the meetings of the United National Congress.

Hon. Members: [*Laughter*]

Mr. Young: [*Inaudible*]

Hon. Members: [*Laughter*]

Mr. R. Indarsingh: So it tells me that they are very concerned—

Ms. Ameen: Anxious.

Mr. R. Indarsingh:—and anxious about the results of the internal election in the United National Congress.

Hon. Members: [*Interruption*]

Madam Speaker: Could we have some order? I will love to hear the last 15 minutes of this contribution, and I ask all of you to support me in my hearing.
Member for Couva South

Mr. R. Indarsingh: Thank you, Madam Speaker. As I said, the issue of the establishment of the whistleblower report units within the private sector and the independence is what is of concern to me, based on what I have just alluded to in the context of the national insurance contribution and so on. And based on the volume or sums of money in the context of the National Insurance System, and from that angle, I would have said that—or of the firm opinion that this should be one of the designated authorities within the Schedule.

Also, the issue of—because again, workers within or outside of the whole of the unionized environment, and so on, they go, from time to time, to the Minimum Wages Board. They make reports of exploitation and not being paid the appropriate salaries, the appropriate compensation in the context of the Minimum Wage Order and so on. So if the Government was serious about offering

protection to those within the private sector, and from the point of view of the whistleblowing units, the establishment and so on, I think that they have to ensure that some thought process is given to expanding the Schedule as it relates to the designated authorities.

7.10 p.m.

And from a public sector point of view, Madam Speaker, I have to ask the question, do the designated authorities have the capacity to carry out the investigative functions which are being asked of them under this piece of legislation? I see the occupational safety and health agency is within the Schedule, we know—and when I say we, Members of the Opposition. We have the knowledge about what is currently occurring in terms of the number of vacancies, contract positions, and when you are on contract positions the security of independence—not security but the issue of independence, and being able to function in a manner that will give you the opportunity to have trust and confidence. Trust and confidence that are needed in the context of whistleblowing.

And I think that that is the fundamental issue that the Government has to answer in addressing this piece of legislation. Because the Member for Diego Martin Central, you have to understand, legislation is one, operationalization of the legislation and giving hope to people, and making them feel that they could go to organizations that have whistleblowing units that will help them in the process to deal with the issues of corruption and shortcomings in the system and so on, is what is needed. This is what is needed, Madam Speaker. Because at the end of the day, we are concerned about giving protection to our citizens at the end of the day from a holistic point of view.

And, Madam Speaker, the legislation which is before us, we have done a comparative analysis as it relates to other pieces of legislation from a global point

of view. This legislation is based on or drafted in accordance with the whistleblowing laws of New Zealand, Alberta in Canada, Malaysia, the United Kingdom, and Jamaica. Four of the five jurisdictions which have been highlighted or pointed out by myself have massive shortcomings with their whistleblowing laws, and are indeed making the move to amend the legislation, their respective pieces of legislation. New Zealand found shortcomings in their laws and presently has a new whistleblowing Bill being debated at the committee stage of their parliament. Alberta has undertaken a review of its whistleblowing law due to shortcomings and, it is before the Legislative Assembly for amendments.

In November 2021, Madam Speaker, MPs in the UK Parliament called for a review of the whistleblowing laws due to the shortcomings that are being identified. And the Government, in our estimation, is attempting to push through legislation that has been globally proven to be faulty and short in offering hope to persons within, who seek that sense of protection, who seek that sense of comfort. Because the Prime Minister, in his presentation, said that it is designed to encourage people who have information on corruption to come forward and give the desired information.

Madam Speaker, from where we sit, we have observed the shortcomings in this piece of legislation, we have made it very clear that we will not be part of a process that is not in the interest of the citizens of Trinidad and Tobago. And as I said in my opening remarks, that this—for me—is one of the greatest acts of political grandstanding that I have witnessed in the Parliament of this country.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: The Government is fully aware of the outcome because the Government did not change a comma, a full stop, a word, or a clause in this particular piece of legislation. And the Prime Minister already signalled in his

piloting of this legislation that they know it needs a three-fifths majority, and if it fails he has already advised—or he will be advising—the Attorney General to come forth with the appropriate amendments to ensure that it is passed with a simple majority. And that has been the *modus operandi* of this Government.

Hon. Member: Dangerous.

Mr. R. Indarsingh: It is a dangerous government. That is why the Opposition will continue to tell the citizens of Trinidad and Tobago, you cannot trust this Government.

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh: You cannot trust this Government. Because what is their true intent? What is their true intent? And all I could conclude is, this is not about the people of Trinidad and Tobago and the persons who may want to display that sense of commitment to the country from a public sector and a private sector point of view, this is designed. Because the clause—and my colleague from Barataria/San Juan dealt with it on the issue of retroactivity. The issue of retroactivity is very dangerous, and I could only conclude that the sole purpose and intent of this Bill, is to embark on a political witch hunt—

Hon. Members: [*Desk thumping*]

Mr. R. Indarsingh:—to score political points, and hope that they may use the opportunity to persecute their political opponents, and even those who continue to speak out against the Government. Whether it is trade unionist, and in recent times—

Mrs. Cudjoe-Lewis: Madam Speaker, 48(6).

Madam Speaker: So, Member, if you can withdraw that and find another way to say it.

Mr. R. Indarsingh: Thank you, Madam Speaker. Because within recent times—

Madam Speaker: Withdraw.

Mr. R. Indarsingh: Yes, Madam Speaker, I withdraw. Within recent times, Madam Speaker, everybody who is not in agreement with this Government, they are coming under the attack of all and sundry. Recently the Minister of Finance attempted to attack columnists, and commentators in the respective newspapers and so on, for their gift, bringing out the reality of the nine years of mismanagement and corruption, and a lack of—

Mrs. Cudjoe-Lewis: 48(6), 48(6), Madam Speaker.

Al-Rawi: And 48(1).

Mrs. Cudjoe-Lewis: And 48(1).

Madam Speaker: So, Member you will withdraw that word, find another way, and just remember, you are kind of bordering on your own tedious repetition of your own arguments, okay.

Mr. R. Indarsingh: So, Madam Speaker, at the end of the day I withdraw and I normally comply with your ruling, not the—

Ms. Ameen: The rantings.

Mr. R. Indarsingh:—rantings of the—

Hon. Member: Government.

Madam Speaker: Listen, there is only one ruling here, so let us go on. You have withdrawn, you can find another way to say what you want to say, and let us get on with it. Be careful of tedious repetition.

Mr. R. Indarsingh: Thank you, Madam Speaker, this proposed Bill is not in the interest of the citizens of Trinidad and Tobago, whether they are in the private sector or the public sector, and we will have none of it. I thank you.

Hon. Members: [*Desk thumping*]

Madam Speaker: San Fernando West.

Hon. Members: [*Desk thumping*]

The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi): Madam Speaker, my dear friend, my colleague from Couva South had us on an emotional rollercoaster. I have never paused to reflect upon a submission as this, but that was a ride in stretch, ramble, and confusion—most respectfully. It actually happened when the hon. Member said—perhaps most poignantly—to the Member for St. Joseph that, “fowl have no place in cockroach business.” And then somehow the term “United National Cockroach” came out of somebody’s mouth here—

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi:—and that just fell apart. But, Madam Speaker, permit me to go very directly, I am coming late in the batting order to a number of inconsistencies and contradictions, Madam Speaker. Madam Speaker, my learned friend Couva South stands up and says, quite in a plumb tone, “There is no explanation for the inclusion of No. 21 in the Schedule: Designated Authorities. It is out of place.” Trinidad and Tobago Securities and Exchange Commission, that was out of place to the hon. Member.

The hon. Member got to 21 after reading Board of Inland Revenue at 2, after reading Central Bank at number 4, but then went on an exercise of talking about NIS, and how people in the private sector want to report their employers, but that they are afraid to report their employers because of what the hon. Member ultimately said was “detrimental or improper conduct on the part of employers”, who would persecute people, making the argument, the proper argument, for whistleblowing protection.

But what surprised me was that surely the hon. Member knows that we had the FCB scandal of shares in the APO—the Additional Purchase Offer—that

happened where a Minister of Finance in the UNC government ran away from accountability in this House by subterfuge, Madam Speaker. In being called upon on a Motion by Diego Martin West, then leader of the Opposition, to hold the Minister of Finance accountable for the FCB scandal, Madam Speaker. That was one of the reasons for the inclusion of the Trinidad and Tobago Securities and Exchange Commission. Because in the concluded case, now on the record—there being no further litigation on the matter—the securities exchange was informed of the breaches by persons inside of FCB, Madam Speaker. And that was a reportable breach of the Securities and Exchange Commission.

So I could not understand if the hon. Member was coming, or going, or just forgetting, or wondering if Mayaro is still here, and what is going to happen to the election tomorrow, and that the patriotic voices are being silenced in this Parliament, I do not know. But, Madam Speaker, maybe that is why “fowl have no place in cockroach business.”

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: So, Madam Speaker, let us get to this law very quickly. Madam Speaker, the date was November 13th, 2015, when I as Attorney General introduced the Whistleblowing Protection Bill, 2015. The law came back again in 2016, 2018, 2019, 2022, and the hon. Member for Couva South says, “Nothing is different, not a comma has changed from the 2020 version of the legislation, why are we bringing it back now—the 2022 version—in 2024?” But, Madam Speaker, a lot has changed. So permit me to direct my response to that particular submission firstly. What has changed?

Madam Speaker, as Attorney General and Minister of Legal Affairs then in 2015, one of the decisions that this Government took, in being faced with a lack of a special majority, was the resolute decision to pass law in accordance with the

Constitution, section 53 for the peace, order and good governance of the country.

I remember vividly the first law that we stripped of special majority, it was the children's—it was the abolition of child marriage where the Opposition refused to support the abolition of child marriage, and we were called upon to strip the law.

7.25 p.m.

Now, how is it relevant to this particular debate? Because on the issue of special majority, the question has been asked by Couva South, what is different as it affects clause 3 of the Bill? That the Act is inconsistent with the Constitution. The record of the Parliament will show in the near 600 laws passed under my hand, under this Government's hand, that we have consistently relied upon the case of Suratt then, Baroness Hale, on the issue of proportionality. We threatened every single debate with the Members opposite saying, “Dey going to court, dey going to court, dey going to court.” And in fact, they did go to court.

It was in the case of Dominic Suraj that the Privy Council was called not only to uphold the public health regulations which we had drafted but specifically to consider the issue as to whether formulistic compliance was required. You needed three-fifths of the votes of the Parliament or whether in the face of abrogating a section 4 or section 5 right, you could rely on mere proportionality. Suraj therefore is the first answer to what is different. In 2015, we did not have Suraj. In 2018, we were faced with the case of Francis and the minority decision of the Chief Justice. We were then faced with the decision of Nervais coming out of the CCJ, and the CCJ upheld, some argued, the minority view in Francis, and therefore Suraj was critical to decide that simple majority law could pass on the basis of proportionality. So that is the first difference.

The second difference, Madam Speaker, and very critical to pointing out the problems that the UNC have today. Maybe not all of them because some are

silent—silenced perhaps. But the second problem that the UNC has and in answer to Couva South's what is different? The Public Procurement and Disposal of Public Property Act is the second point of difference.

Madam Speaker, in attempting to answer the submissions from St. Joseph, Couva South said that St. Joseph should not have raised the issue of public procurement because there was a boycott of the joint select committee. Madam Speaker, I was a member of the joint select committee in Opposition, and I can say that the reason that the Opposition then, the PNM Opposition, suspended continuing with that joint select committee for a short while, was because the Government refused to put the policy—

Mr. Deyalsingh: Policy position.

Hon. F. Al Rawi:—behind public procurement on the record.

Hon. Members: [*Desk thumping*]

Hon. F. Al Rawi: They came with two new legislative proposals diametrically opposed to each other and would not decide for years on what policy the Chief Parliamentary Counsel should use to draft the law. It was only when they concluded the policy that we returned and completed the joint select committee on that law.

But, Madam Speaker, there is a further point tied in answer to Couva South as to what is different. Madam Speaker, the Opposition says today that they will not support whistleblowing protection. They have said that plainly. But, Madam Speaker, they hold up the public procurement law as an answer. Madam Speaker, how can we take them seriously when the public procurement law itself deals with whistleblowing protection? Madam Speaker, I refer you to the Public Procurement Act. I refer you to section 40 of the Public Procurement Act:

“A person shall not be dismissed, suspended demoted, disciplined, harassed,

denied a benefit or otherwise negatively affected because—

- (a) he, acting in good faith and on the basis of a reasonable belief, has—
 - (i) notified the Director of Public Prosecutions, the Police, the Integrity Commission or the Office that his employer or any other person has contravened or is about to contravene this Act;
 - (ii) done or stated the intention of doing anything that is required to be done in order to avoid having any person contravene this Act; or
 - (iii) refused to do or stated the intention of refusing to do anything that is in contravention of this Act; or
- (b) his employer or any other person believes that he will do something described in paragraph (a).”

Listen to section 41 under “Investigation and Enforcement” of the Public Procurement Act that they are holding up as good law, that they supposedly passed in 2015 and today saying “no” to whistleblowing law. Hear section 41:

- “(1) The Office may on its own initiative, or shall as a result of a complaint made under this Act consider, inquire into and investigate any alleged breach of this Act.
- (2) A person who wishes to allege or make a complaint that—
 - (a) bid rigging or other forms of collusion between all or any of the interested parties to procurement proceedings has occurred; or
 - (b) an irregularity in procurement proceedings or a breach of this Act has occurred may do so in writing...”

And listen to this one:

“(3) Notwithstanding any other written law, where a person has a reasonable belief that bid rigging or other forms of collusion between all or any of the interested parties to procurement proceedings has occurred, that person shall report the matter in writing to the Office.

(4) A person who knowingly and mischievously makes, or causes to be made, a false report...or misleads...false...”—information et cetera, liable on offence on conviction.

Here now, section 45 and section 47, in proof of the inconsistency of the Opposition:

“Where, after the conduct of an investigation...”

This is section 45—

“...the Office is satisfied that there are reasonable grounds for suspecting that an offence has been committed, it shall make a report to the Director of Public Prosecutions...”

Section 47, listen to section 47:

“Notwithstanding any other written law, no person shall be regarded as having breached any duty to which he may be subject by reason of his communication in good faith to the Office, of any information or opinion on a matter which is relevant to any function of the Office under this Act, whether or not in response to a request made by the Office...”

Listen to the Bill, Madam Speaker, because it is clause 18 of the Bill that causes our three-fifths consideration in large part. Clause 18 of the Bill says, you have just heard the public procurement law:

“Subject to the exceptions provided for in this Act, despite any prohibition of, or restriction on, the disclosure of information under any written law, rule of law, contract, oath or practice, a whistleblower shall not be subjected to

detrimental action on account of his having made a protected disclosure”.

Madam Speaker, how do you with a serious face say that you will not support clause 18 when we have passed into law sections 41, 45, 47 of the Public Procurement Act? How do you do that? The hon. Member wanted to know what was different. We operationalized the Public Procurement Act last year. This is a material distinction between 2015 circumstance, 2018 circumstance, 2022 circumstance. It is why the Prime Minister stopped the debate. It is the hon. Prime Minister who insisted to our Cabinet that we will by hook or crook put on the provisions of the public procurement law, as ugly as it may be, to some people.

Madam Speaker, do you understand the predicament they are in now today? Do you understand the embarrassment they are in today? The Public Procurement Act is the law. It is being advertised in the papers. But Madam Speaker, I fear that it is section 60 of the Public Procurement Act in conjunction with section 4 of this Bill that causes sheer panic in the UNC. And let me connect those dots for you, Madam Speaker. Section 60 of the Public Procurement Act is the section that strings together this, and if you would allow me to get to it. It is after disposal of public lands, it is in the miscellaneous provisions, section 60:

“(1) A person...”

Of the Public Procurement Act—

“...who—

- (a) is involved in, or participates in bid rigging; or
- (b) directly or indirectly influences in any manner or attempts to influence in any manner any procurement proceedings in order to obtain an unfair advantage in the award of a procurement contract commits an offence...”

What does section 4 of this Bill say? Section 4 of this Bill is—forgive me, not

section 4. Section 4 is the definition clause. It is the fact that this law supposedly has retrospectivity, which is offensive. It is clause 5 of the Bill. Clause 5 of the Bill says:

“This Act applies to any disclosure made after the coming into force of this Act, irrespective of whether or not the conduct or the improper conduct to which the disclosure relates occurred before or after the coming into force of this Act.”

Now, point No. 1, if we were afraid of retrospectivity as a government, within the confines of clause 5, we now stand in terms of difference in the ninth year of our Government. Are we not subjecting ourselves fully to the whistleblowing protection law?

Hon. Members: [*Desk thumping*]

Hon. F. Al Rawi: Are any of us opposed to the whistleblowing protection law? Not a single person has a concern over here. On the other hand, in terms of the law on retrospectivity, Madam Speaker, permit me to say this, the Member for Barataria/San Juan was quoting from the CPC’s opinion March 2016, but he omitted, the hon. Member, to read this.

Mr. Deyalsingh: That is right.

Hon. F. Al Rawi: “The retrospectivity,” I quote from the opinion:

...of the Bill under clause 4 is not objectionable because it does not alter the nature or character of improper conduct which occurred before the commencement of the proposed Act, nor does it alter the legal consequences for such improper conduct. Clause 4 does not infringe the right of the individual to protection of the law under section 4(b) of the Constitution.

Really? You could not find that clause? That” part of it?

Mr. Deyalsingh: “And he smiling yuh know.”

Hon. F. Al Rawi: Madam Speaker, I have a lot of regard for Barataria/San Juan, good debater. But Madam Speaker, found wanting today.

Mr. Deyalsingh: Knowingly.

Hon. F. Al Rawi: Purposefully left out the position. The Member for Oropouche East, now gone, stood up to “buss mark, the Secondary Roads Company is involved in some bacchanal, dey before a joint select committee, allegations that de board was fired.” Madam Speaker, a decision of the Cabinet was taken to wind up the company after a decision to put it in the Ministry of Works and Transport over a year ago was taken, because the decision of the Cabinet was put the one Ministry of Works and Transport to manage both aspects of roads. It will be reviewed, and if the review shows that the economies of scale are better to have one company, then so be it. Since when does the winding up of a company equal to something to hide, Madam Speaker? Since when? Madam Speaker, it was mere bluff and bramble on the part of Oropouche East.

Madam Speaker, the hon. Member for Oropouche East said with aplomb, and he noted that I had objections at that point. He said, “I cannot see one single law that the Government has passed to deal with white-collar crime. Ah nearly fell off meh chair.” The tagline of the Attorney General’s Office under my tenure was “bringing the pieces together”. We went behind companies, we went behind land, we followed the money, we went behind all of the provisions to deal with the tracing of assets.

So I had to go and take a look at the following laws passed that I piloted, Madam Speaker, with my colleagues as well: Anti-terrorism Act and its amendment; Miscellaneous Provisions (Proceeds of Crime, Anti-Terrorism and Financial Intelligence Unit of Trinidad and Tobago) Act; Base Erosion and Profit-Shifting Inclusive Framework Act; Tax Information Exchange Agreements (United

States of America); Tax Information Exchange Bill, now Act, 2016; Tax Information Exchange Act, 2018, Miscellaneous Provisions (FATF Compliance) Act; Miscellaneous Provisions (Trustees, Exchequer and Audit) Act; Mutual Assistance in Criminal Matters (Amendment) Bill; Gambling (Gaming and Betting) Control Act; the Income Tax (Amendment) Act.

Madam Speaker, the Miscellaneous Provisions (Financial Institutions, Securities and Insurance) Bill; Miscellaneous Provisions (Mutual Assistance in Criminal Matters, Proceeds of Crime, Financial Intelligence Unit of Trinidad and Tobago, Customs and Exchange Control) Act; Companies (Amdt.) Act; Public Procurement and Disposal of Property Act; gambling legislation; Miscellaneous Provisions (Registrar General, Companies, Registration of Business Names and Non-Profit Organizations) Act; the Civil Asset Recovery and Management and Unexplained Wealth Bill; the Companies (Amdt.) Act; Land Adjudication Act; Land Tribunal (Amdt.) Act; et cetera; et cetera; et cetera, Madam Speaker, a host of laws to follow the money, Madam Speaker.

7.40 p.m.

And, Madam Speaker, you know what we were met with by way of interaction with the other side? Bramble, delay, brink of default, blacklisting, threatening.

When we demonetized the cash, the \$100 note, that was one of the biggest measures led by the hon. Prime Minister. Nearly half a billion dollars in money did not come back into the system, Madam Speaker. The Opposition had no form of support for any of that; none, Madam Speaker. Madam Speaker, when we heard the hon. Members opposite said, “Show us one case”—they asked for one case where somebody had faced the courts, and they said, “Listen, not no PNM case,” which is what they call civil litigation, they want a criminal case. The State

convicted and sentenced Vincent Nelson QC, who admitted in court that he stole money, gave it to Anand Ramlogan and Gerald Ramdeen in bribery and kickbacks. That is one case.

Piarco is ongoing—civil litigation in Piarco is ongoing. LifeSport is ongoing. Madam Speaker, another case, murder in LifeSport, state witnesses in protective custody, outside or inside, wherever they may be of this country, where whistleblowers came forward, and it was the Leader of the Opposition then, the hon. Member for Diego Martin West, who led the charge against LifeSport at public risk on—I remember the meeting well. We were on the promenade when the hon. Prime Minister was reading out the abuses of public funds, Madam Speaker, from whistleblowers. Then the Leader of the Opposition, now Prime Minister of this country, gave a solemn commitment to the people of this country that we will bring whistleblowing law, Madam Speaker.

We went to a joint select committee. We had 12 meetings. We looked at the law of Malta, of Malaysia, of Jamaica, of Canada, of New Zealand, of Trinidad and Tobago, Madam Speaker. Jump high, jump low, they will not support a single comma in the law. So I ask the Patriots today, the Member for Cumuto/Manzanilla, the Member for Chaguanas West, the Member for Mayaro, the Member for Naparima, now that they know they supported public procurement law with whistleblowing provisions exactly similar to these, what stands in the way of your support today? What? Fear of the electorate? What? When does principle become policy and action? When? I know, because I have seen Diego Martin West, the hon. Prime Minister, exercised that without fear or favour, every single time when it was unpopular to do.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi: Madam Speaker, I recall vividly all the talk about the Vincent

Nelson case, whether an Attorney General should be involved in indemnities and protection for whistleblowers, et cetera. I remember vividly being excoriated. I said little because I wanted it to go to court, and so I will be circumspect at this point but, Madam Speaker, this country requires protection. And let me attach on to something that the hon. Prime Minister said in piloting this law, as he reflected upon a conversation in Diego Martin West, the story he told us about when the person in the private sector said, “What are you all doing about Government corruption?” and he said—the hon. Prime Minister reported to us that if there is corruption in the public sector, the private sector is equally involved.

This law proposes, not only to bind the State as a clause in this law, but that the private sector has an obligation to have whistleblowing reporting officers and that there must be whistleblowing reporting units. If you do not trust your officer, or officer not doing the job, or your officer did not do what you want, you have a second bite at the cherry. You can do it anonymously, you can do it openly. You go to the DPP, you go to the Integrity Commission. But, Madam Speaker, you are not walking with your hands swinging, asking to be protected by gift, you are clothe with clause 18 of the Bill that exculpates you from criminal and civil liability under the condition that you have acted with propriety, you have told the truth, there is reasonable belief, it is not a circumstance. And, Madam Speaker, just like Vincent Nelson, you get into clause 20(1).

Madam Speaker: Member for San Fernando West, you have four more minutes of ordinary speaking time available to you, and if you wish, you have 15 additional minutes. Are you going to exercise that?

Hon. F. Al-Rawi: Should it please you.

Madam Speaker: All right. We will take the Motion now. Member, Leader of the House.

PROCEDURAL MOTION

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. Madam Speaker, in accordance with Standing Order 15(5), I beg to move that this House do sit until the conclusion of the business before it.

Question put and agreed to.

WHISTLEBLOWER PROTECTION BILL, 2022

Madam Speaker: Member for San Fernando West.

Hon. Members: [*Desk thumping*]

The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, I was saying clause 20:

“No immunity...”

—the marginal note:

“No immunity to whistleblower if he was the perpetrator or an accomplice”.

Madam Speaker, then there are conditions for mitigation for the court to consider. This is where due process comes in within the meaning of Surratt, within the meaning of Suraj, granting proportionality to allow for simple majority consideration, subject to a few other amendments, Madam Speaker. But what has the hon. Prime Minister, the mover of this Bill, said today? “Please, support us.” The knockout punch I delivered a short while ago, you know, “yuh” want public procurement? Take it. Look the same law in the public procurement law, section 40. There is no come back from that you know. That is a knockout punch, Madam Speaker. In law, in morality, in logic, Madam Speaker, it is a knockout punch.

So, Madam Speaker, it does not offend existing law. It is, in fact, in pari

materia. We have tried for eight, nearly nine years, to pass this law. We have advanced the law by prosecuting the State's interest, in particular in the Suraj matter and in the Chandler matter, which upheld save law, Madam Speaker. We have allowed for internal disclosures. We have allowed for external disclosures. We have allowed for immunity that is conditional upon certain prerequisites, that there is no falsity and seriousness misrepresentation and wickedness or mischief inside of there. We have said what happens, in terms of concerns about the perpetrator or an accomplice, Madam Speaker.

Madam Speaker, there is no retrospectivity. The bid rigging that people can talk about is nine years under the PNM, and five years and three unholy months under the UNC, where we were put to task, Madam Speaker. But, Madam Speaker, our country is battling the issue of crime and criminality. I recall piloting the amendments to the Evidence Act to make CCTV evidence primary evidence, so that witnesses did not have to come and say, "Look de man dey," and point him out in a line-up. We amended the code, section D procedures to deal with witness identification, et cetera, Madam Speaker. We have said to people, "Step forward and come under anonymity." We tried to pass witness anonymous evidence in the Evidence Act. The minority report was under the hand of Barataria/San Juan himself, who refused to support witness anonymity by the court, Madam Speaker.

But, Madam Speaker, today we are saying, do your part. We make ourselves equally subject to scrutiny. Madam Speaker, there are people who have had great risk to themselves and with great courage, stood up against what seems to be insurmountable odds; large corporations, hands that feed them, people who have dropped hands and walked away, being subjected to ridicule because of what they did. I know what it feels like. I was subjected to ridicule for doing my job as the Attorney General and Minister of Legal Affairs, quite properly so.

7.50 p.m.

The hon. Prime Minister knows what it is like, Madam Speaker, defending himself as he has so many times before, and our Government and this country, but Madam Speaker, I ask the patriotic people amongst us in the face of the public procurement law, what excuse will you have to offer for not supporting this law? What? I have given you the precedent. It is there. It is there.

Madam Speaker, I have nothing more to say, other than this is carefully considered law, which the hon. Attorney General will consider as to the mechanisms by which we can pass law. It is not true to say that the Opposition supported anti-gang legislation as it originally came. It is a watered down version of what it was, I recall having to make those amendments myself. I plead with the Members of the Opposition, in particular, those who call themselves patriots to do the right thing. If you want a lesson in bravery, there is somebody in the audience you could talk to. Seriously, do the right thing, support this law, Madam Speaker, I thank you.

Hon. Members: [*Desk thumping*]

Madam Speaker: Prime Minister.

Hon. Members: [*Desk thumping*]

The Prime Minister (Hon. Dr. Keith Rowley): Thank you very much, Madam Speaker. Madam Speaker, I would like to thank my colleagues on this side for clarifying much of the misinformation or the misunderstandings that seem to have seeped into this debate. But I am not surprised, because this is one of those situations where it appears as though there is nothing that we can say or do that would get our colleagues on the other side to agree to this. I think the Member for San Fernando West has put it very clearly and I simply want to repeat what I understood from what he has said. Unfortunately, it appears as though there is

some ad hominem response coming across to us from the other side. It appears as though there are people in this House who have reason not to want to have this legislation on the books.

Hon. Members: [*Desk thumping*]

Mr. Deyalsingh: That is right. Tell them PM.

Hon. Dr. K. Rowley: And, Madam Speaker, I was a little surprised today at the nature of the substance of what the Opposition's first response was, by one of its most experienced Members, the Member for Oropouche East. And what did he say today, Madam Speaker? And this is a debate, and I crave your indulgence to respond to what was introduced in the debate.

One of his big points was that we are doing this now because an election is imminent. Well as far as I know, the calling of an election is the prerogative of the Prime Minister who is in office, leading a Cabinet, and in 2020, this Government was elected for five years. The term of this Government's office expires in August 2025, we are in June 2024, so, I do not know what imminent election my colleagues are talking about and they are associating this action with some imminent election. Let me put it to bed, Madam Speaker, as I said earlier, this has nothing to do with any election that is imminent, it has to do with a commitment given to the country that we will get it done during this period, this term.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: And before the recess, the recess is coming up in two or three weeks and that is what we are doing here. But the history of this event should tell you, Madam Speaker, something. When this matter went to the Joint Select Committee, there were a number of meetings involving Members on my side, I am told that there were 12 meetings and during those proceedings, Members of the Opposition made it abundantly clear in the proceedings that they will have

nothing to do with it. And they did that against a background of not identifying any particular objectionable clause or proceedings that the law will bring about for exposure. They just wanted to have nothing to do with it. That was in the 11th Parliament, Madam Speaker, which ended in 2020.

We worked and tried to impress them for 12 meetings in committee until the Parliament was prorogued and you know, Madam Speaker, when the Parliament is prorogued, the business before the Parliament, like a Bill, will die and the Committee work die unless it was protected by some other means. But there was no position put to us, which warranted us changing any of the content of the Bill in the 12th Parliament. The Bill failed for lack of support and lack of persuasion and therefore, when the 12th Parliament began and we reintroduced it, Madam Speaker, as they observed today, there was no change in the text, all the clauses were the same. It meant that we are trying again, in the 12th Parliament, which is why when I started out today, I asked my colleagues, “I hope you would have seen it fit in the intervening period to change your attitude, to change your mind”. But clearly, Madam Speaker, that has not happened. The same position they took in 2016, is the same position they have now. And their argument today, Madam Speaker, is that there is whistleblowing taking place. So a lot of the attempt to “buss mark” here today and talk a lot of “undescribles”—they call themselves whistleblowers, coming here and trying to create something out of nothing is not whistleblowing, Madam Speaker. That is playing politics and trying to fool people.

This law is to protect people who really are whistleblowers—

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley:—and who otherwise would not talk. Who without this protection would not assist the nation by telling the nation what they know. You coming here and jumping up and down and talking about what you know, and what

you do not know, and what you do not know, and you are the—that is not whistleblowing, that is “ramajay”. That is “ramajay”. And what they must tell this country, what is the real reason why you do not want protection for whistleblowers.

And Madam Speaker, having said that, the Member of Oropouche East supported by his colleagues “who jump up and down like Jack in the Box” telling you about 48(6). The Member for Oropouche East in talking to the population through you, Madam Speaker, introduced in the debate today, his personal circumstance in a particular matter, which is before the court. And I crave your indulgence, Madam Speaker, to respond so as to allow the record to be accurate and balanced.

Madam Speaker, you would have heard the Member for Oropouche East today say, nine years and all this talk about corruption by the Government and the Government’s friends. Not a soul has had to talk to the police, not a man has been made to account to anything.

Madam Speaker, I want to ask you to be permitted to read a search warrant issued or obtained by the police of Trinidad and Tobago—the Trinidad and Tobago Police Service in conducting police business, obtained a search warrant under the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, section 5, in the County of St. Patrick. And the warrant issued a demand all constables and Police Insp. Derek Walker, No. 12143. This is police work “eh” Madam, and I read:

And just in case you all are nervous, this was on CCN TV on the 17th of June 2017, Mark Bassant story on national television, so you cannot say you did not know it existed. And that is why you want to know why would the Member for Oropouche East get up here today and pretend that this does not exist:

Whereas by information under oath given by me, Police Insp. Derek Walker, No. 12143 of the Anti-Corruption Investigative Bureau, I, the undersigned, Maria Busby Earle-Caddle, Acting Chief Magistrate of Trinidad and Tobago, being a Magistrate in the district of St. George West, in the island of Trinidad, I am satisfied that there are reasonable grounds for believing that the material listed in the schedule hereunder is located at a premises—and the premises is named—and such other places off site of storage of such material—and this is the key sentence—I am satisfied that the said material would afford evidence as to the commission of indictable offences.

And there are nine people who are under this police action, this police investigation subject to this search warrant, and one of them, person number one in this search warrant is the Member for Oropouche East, who comes into the Parliament today and puts on *Hansard* in a debate, the worst attempt that I have seen by a Member of Parliament, to fool the public. This matter is alive and well in the courts of Trinidad and Tobago, alive and well. Yet, getting up in trying to put his own personal defence to the country under the cover of the privilege of Parliament, under *Hansard*, the Member of Oropouche East pretends that this Government in talking about dealing with white collar crime has not had any action initiated against any person.

Madam Speaker, what manner of Member is that? And the magistrate went on to say,

Namely conspiracies, one, to commit misconduct in public office by the said Dr. Roodal Moonilal.

To commit misconduct in public office—

Mr. Hosein: Madam Speaker, I rise on Standing Order 48(6) and 48(8) please Madam Speaker.

Madam Speaker: Overruled.

Hon. Dr. K. Rowley:—you will do well to keep your seat.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: Item number three.

Corruptly give advantages to certain person as an inducement or reward for the said person showing favour to certain contractors in relation—

And of course, Madam Speaker, it goes on. This is the police work, and it went long past search warrants. It went to the court, it went to the Appeal Court, it is now at the Privy Council alive and well, with the State succeeding at every step of the way. Yet, in a debate in the Parliament, the Member comes and puts on *Hansard* that we do not need, we do not need, whistleblower legislation. Because whistleblowing is taking place, I have found out that the Government shut down a company, the Government fired a board because somebody went before a committee of Parliament and said something. Madam Speaker, nothing is further from the truth.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: The Government has fired nobody because anybody said anything. We created, in attempting to do a programme of roadworks, a few—a year and a half ago, two years ago?

Mr. Gonzales: Two years ago.

Mrs. Robinson-Regis: Two years ago.

Hon. Dr. K. Rowley: Two years ago, we established a new State company and the company was put in the Ministry of Rural Development and Local Government, as part of the rural development initiative. The intention was to use this company to increase the amount of activity that the rural development entities,

local government bodies, could do in what we said was a national road reinstatement programme.

8.05 p.m.

And having done that, Madam Speaker, we initiated. We gave the company a float of money for that year, and we put the company to work. We had some significant difficulties in getting certain materials from Lake Asphalt. We spent some time fixing that. Eventually, Madam Speaker, in looking at how it has been working, the Cabinet took the company from the Ministry of Rural Development and Local Government. That was the first change we made, from the Ministry of Rural Development and Local Government into the Ministry of Works and Transport, because we saw better synergies there. The initial idea, given the changes that have been made—Not to mention that we then decided that look, you know, maybe now that Lake Asphalt is functioning properly, we could do more through the Ministry of Works and Transport.

And then the Ministry of Works and Transport started coming up with the idea, that look, well okay, since we have the company now, and the company did not bring to us a cadre of technical people, and we have the technical people in the Ministry of Works and Transport, maybe we should not proceed with having this company as a separate corporate body in the road reinstatement. That went on for months until the Cabinet was convinced and then we agreed that what we will do is not fire people, is—

Hon. Young: Winding up.

Hon. Dr. K. Rowley:—wind up the company, take the company out of operation.

Hon. Young: An organized way.

Hon. Dr. K. Rowley: It is an organized action. The Cabinet did not act yesterday because something happened in the Parliament last week. This went on between

the Ministry of Works and Transport, the Ministry of Local Government and the Cabinet for months. Yesterday was the end of the process. So to come here and pretend that you found out something, and have the press asking me if we fire any board. As a matter of fact, we did not talk to the board. It is the company that we have shut down. Because we are operating differently, and the Ministry of Works and Transport is now working on a broader programme in a different circumstance.

And that is no secret, it is not a secret. But the real secret is, Madam Speaker, who else is afraid of whistleblowing. How could you manage to get a whole Opposition of 19 people for seven or eight years to resolutely prevent this straightforward matter? Madam Speaker, that Member from Oropouche West, did not only have—

Hon. Member: Oropouche East.

Hon. Dr. K. Rowley:—East sorry, did not only have this warrant as part of his day's disturbance, you know. Because, how many people in this country have a search warrant issued for that? That is a special category of very few.

Mr. Hinds: Yes.

Hon. Dr. K. Rowley: But the Member for, the Member for—

Hon. Robinson-Regis: Arouca/Maloney.

Hon. Dr. K. Rowley:—Arouca/Maloney, put this on the *Hansard* in this very House, you know, Madam Speaker. So the Member and his colleagues, they know, because it was put on *Hansard*, that this warrant was issued for one of their own.

Mr. Hinds: That is right.

Hon. Dr. K. Rowley: A chief magistrate started the process here that the police initiated and you come to the Parliament, hoping that we have forgotten, and that

the country did not know, so you could come here today and talk about nothing has been done about corruption.

Madam Speaker, my colleague from San Fernando West spoke about the Vincent Nelson matter. A senior counsel from England came to Trinidad and Tobago and told this country—The AG's Office was instrumental in bringing about a conviction of this senior counsel. And you come here talking about nothing has happened. There are very few countries in the Commonwealth where the Attorney General was arrested for stealing public money.

Hon. Member: Facts.

Mrs. Robinson-Regis: True.

Hon. Dr. K. Rowley: And as a result of that—

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: But this is the only country, this is the only country, as a result of that, he becomes a national hero.

Mrs. Robinson-Regis: Exactly.

8.10 p.m.

Mr. Young: Correct.

Mrs. Robinson-Regis: Exactly.

Mr. Hinds: Yeah. Loved and embraced.

Mrs. Robinson-Regis: Like Chris Must List.

Hon. Dr. K. Rowley: Madam Speaker, they must be of a different ilk to want to make a hero out of an Attorney General that embarrassed and disgraced the country, a whole cadre of them, but coming into the Parliament to tell us today that the Government has some ulterior motive for elections and they could not bring themselves to support this legislation because it is not good law. Madam Speaker, it has nothing to do with good or bad law. It has to do with self-preservation.

Hon. Members: [*Desk thumping*]

Mr. Hinds: “Vincent Nelson say he fear fuh he life too”

Hon. Dr. K. Rowley: Madam Speaker, I do not think that this is how the Parliament is meant to function.

Today is probably one of the worst days I have had in this Parliament because I would like to believe that when I retire from this place and I hear their names, I could tell my grandchildren I served with them. Madam Speaker, this is embarrassing to the Parliament and to the country—

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley:—to tell us, Madam Speaker, that we should accept what exists and not do anything to improve the country’s ability to root out the corruption that we all know about. He had the gall, Madam Speaker, as a Member of the UNC, to come here and seek to use as a political whip, the Government’s building of the highway to Point Fortin.

Madam Speaker, what manner of people are these?

Mrs. Robinson-Regis: “Huh”. Good question.

Hon. Dr. K. Rowley: They took out the clause in the contract the day before the general election of September 2015, the clause that says in English, “If the contractor is bankrupt, the bond stands forfeited to the Government.” The contractor went bankrupt since April of 2015—

Hon. Member: March.

Hon. Dr. K. Rowley:—March of 2015. They did absolutely nothing to protect the public money. March, April, May, June, July, August, come September, as they were on their way out of office, they did not want to leave the possibility of an incoming Government claiming the public money from the contractor, so they took the clause out of the contract, these shameless people.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: The population intervened and put the PNM in office largely because of that kind of action. We came in—and once again, I want to congratulate and thank Senior Counsel, Stuart Young, for the work he had done.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: Because he went—

Hon. Members: [*Interruption*]

Hon. Dr. K. Rowley:—he, on behalf of the—

Hon. Members: [*Continuous interruption*]

Hon. Dr. K. Rowley: Madam Speaker, this is not a joke and there is nothing to laugh about.

Mr. Indarsingh: You gave him Senior Counsel title?

Hon. Dr. K. Rowley: No, I do not give Senior Counsel—

Madam Speaker: Member, one minute—Prime Minister. So I would ask Members to desist from the crosstalk and let us continue with the business. Prime Minister, I just want to remind you, every Member of this House is referred to either by their constituency or their portfolio.

Hon. Dr. K. Rowley: Thank you, Madam Speaker. Madam Speaker, thank you for your guidance but sometimes they do not deserve it. But my colleagues, Madam Speaker, we had to go to court, around the world, to fight, and we are still in that fight.

I want you all to think. We had a meeting in Sangre Grande two local government elections ago and my colleague, the Minister of Works and Transport, wanted to show the people of this country what \$1 million—

Hon. Member: A Carib case.

Hon. Dr. K. Rowley: Right. A Carib carton box—

Hon. Member: A Carib case.

Hon. Dr. K. Rowley:—one of the carton boxes that hold, I think, 24 Caribs, one of those boxes can hold \$1 million. My colleague brought a number of boxes to show the people physically how much money is \$100 million. So if one carton box is \$1 million, then 100 carton boxes would be \$100 million. Picture 100 carton boxes in this room, multiple it by nine, almost 10 times, that is the amount of money that these people gave to OAS to go away, and said, “Go with it,” by simply removing a clause.

You know, Madam Speaker, there is a question that follows that, who did that? We know why, but who did that? Up to this day, this country is not getting an answer from them. So it is before the Parliament now as a parliamentary enquiry. You know what they did, Madam Speaker? They took a decision as a party not to take part in the proceedings. And then he comes here today, trying to give the impression that this Government that recovered the money, we have done something wrong, and trying to make a joke about it, telling people about, “If you want to go somewhere, you do something”—nonsense, and that “There is no highway to Point Fortin.”

Madam Speaker, get into your vehicle and drive all the way from here to Point Fortin, and when you pass San Fernando, you would be on the path that we built with the money we recovered.

Mr. Young: Fifteen minutes to Point Fortin.

Hon. Dr. K. Rowley: Madam Speaker, there is something that is radically wrong with our colleagues on the other side—

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley:—and it is an absence of a dose of patriotism. This is not about “self”, it is about the people of Trinidad and Tobago who you profess you

want to serve—

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley:—and coming here, Madam Speaker, under police watch in the court in criminal matters and saying, “Is ah joke. Da is Balisier House.”

Mr. Hinds: And civil too.

Hon. Dr. K. Rowley: Police, you know, Madam Speaker, and saying that the matters before the court, where he is involved, are civil matters. I did not know that indictable offences were civil. Maybe that is now taught in the law school, eh, that indictable offences are civil matters.

Mr. Young: “Dem law school”.

Hon. Dr. K. Rowley: Eh? Chief Magistrate, signing a search warrant and all of this kept in secret, because you know, Madam Speaker, they are great believers in secrecy. They believe that through secrecy, they will survive and prosper.

So somehow, we are not to know that this is going on and telling us about civil matters when, in fact, this serious criminal jeopardy. The same way, Madam Speaker, they were in government, when restitution was paid abroad in Florida, paid by people who were convicted for stealing public money through contracting in Trinidad and Tobago, were tried and convicted, and part of the proceedings, moneys had to be returned to Trinidad and Tobago, when they were in office, some of that money was returned and they never said a word to the people of Trinidad and Tobago.

In fact, the words that were said by the Leader—Member for Siparia was that “This matter of Piarco airport is a hoax, and it is PNM people playing politics against UNC people.” That was the behaviour of the Member for Siparia, who was Prime Minister when she was saying that and after she said that, when, in fact, she knew that people had been convicted, and part of the conviction, they had to have

restitution and paid money to Trinidad and Tobago. It is when we came into government, we discovered that the very thing we were talking about had gone further than we had expected, that money was paid and they kept it a secret from the people, a secret to allow them to say—to be able to say that the Piarco prosecutions were, in fact, politically motivated and there was innocence all around, when people had gone to jail and repaid millions of US dollars to Trinidad and Tobago.

What kind of people are these? But these are the very said people who used the Parliament to create section 34 in the same Piarco matter—

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley:—section 34—created section 34 so that people could get a loophole to not appear in court to answer for the very things that they are saying, “Is ah hoax and is PNM playing politics with Piarco airport project.”

Madam Speaker, I do not want to waste any more of my breath on this because I think the population knows enough, but today was the highpoint of deception, that a Member of Parliament could have come here today and do what the Opposition—the Member for Oropouche East would have done, attempting to fool the public and create a reason why they are not supporting this Bill.

Madam Speaker, this Bill will be passed into law, using the authority that the PNM has on this side, if we have to stand alone, but the law will be put on the books.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: Like most other things, if we have to walk alone, Madam Speaker, we will walk alone and we will walk triumphantly.

Hon. Members: [*Desk thumping*]

ADJOURNMENT

UNREVISED

Madam Speaker: Leader of the House.

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to Friday the 21st day of June, 2024, at 1.30 p.m. Madam Speaker, at that time, we will continue debate on the Bill that is before us now and we would probably do the Bill on polygraph testing.

Madam Speaker: Hon. Members, our twin-island nation will celebrate Labour Day on Wednesday, June 19, 2024. Therefore, before I put the question on the adjournment of the House, I now invite Members to bring greetings on the occasion of Labour Day. I now call the Member for Port of Spain North/St. Ann's West.

Hon. Members: [*Desk thumping*]

Labour Day Greetings

The Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. Madam Speaker, Labour Day is an important day in the fabric of Trinidad and Tobago because—

Hon. Member: [*Inaudible*]

Hon. S. Young: I am being reminded I was a comrade. Labour Day celebrations in Trinidad and Tobago were first declared an annual national holiday in 1973, celebrated on the 19th of June, which is this coming week ahead of us. Madam Speaker, Trinidad and Tobago has a very proud history of recognition of the labour movement and the important roles that the labour movement played a few decades ago, because, you see, prior to 1973, there were ongoing tensions in Trinidad and Tobago between workers and employers in many sectors of society.

These were characterized by situations of worker abuse, underpayment for

labour, racism, economic depression and a considerably fall in the living standards of the working class. Madam Speaker, it was a PNM Government that recognized the importance of recording and giving a special day to the labour movement and declaring it a national holiday in 1973, lest people try to rewrite history. It was not the actions of the then PNM Government in the 1970s that led to this unrest, it was what was going on unfairly in private sector workplaces, by and large.

To go back a little bit in history, prior to our independence, between 1934 and 1937, workers became more influenced by a need for change, resulting in strikes and riots on the sugar plantations and in the oil fields. In September 1937, the Oilfields Workers' Trade Union, OWTU, had become the first registered trade union in the country, representing the rights of those in the petroleum industry.

The social unrest then extended throughout the Caribbean and gave rise to several prominent labour leaders in Trinidad and Tobago, such as Tubal Uriah “Buzz” Butler, Captain Arthur Andrew Cipriani, George Weekes, Albert Maria Gomes, Adrian Cola Rienzi, Elma Francois, and C.L.R. James, names that are recorded now in our history as great leaders of the labour movement during those times. I actually was in the chambers of that great leader who assisted them during the movement, Allan Alexander SC, subsequently taken over by Douglas Mendes, and we continued the tradition of representing many trade unions.

During a labour dispute on the Port of Spain wharves in 1919, Captain Arthur Andrew Cipriani called on the workers to withhold their labour and this resulted in their first important industrial strike in Trinidad. George Weekes was another well-known trade unionist who possessed a powerful political leadership style, which moved people towards a confidence to stand for what was just and right. He gave them a vision that planted seeds of liberation to move beyond salaries and working conditions, along the road of self, worldview, economics and

government.

8.25 p.m.

Adrian Cola Rienzi served as Mayor of San Fernando in November 1939, and administered the borough for three consecutive terms, until November 1942. He was a member of the Franchise Committee, which was appointed in 1941 and strongly advocated Universal Adult Suffrage. Regarded as one of the most celebrated thinkers of Trinidad and Tobago, and the whole Commonwealth Caribbean, with CLR James who was against colonialism, against racial prejudice in all its forms, he began to formulate his thoughts on the unjust and classless society. Apart from his contributions to politics, his passion for poetry and literature rewarded him with the nation's highest declaration then, the Trinity Cross.

Uriah “Buzz” Butler, a Grenadian immigrant who worked in the oil fields, was instrumental in the development of the labour union movement, which emphasised the importance of collective unionism in treating worker discontent, and the abuses they faced by their employers. Butler was also awarded this country's highest honour, the Trinity Cross.

Madam Speaker, it is today, with a degree of humility and a sense of great pride and privilege, on behalf of this Government, a Government that over time, has recognised the importance of the labour movement—and it is not always that one will see eye to eye with the labour movement, but we do respect their fundamental, traditional principles of seeking the best interest of the worker, but in a realistic setting. And on behalf of the Government, this PNM Government, I take this opportunity, through you, Madam Speaker, to extend our congratulations, on our celebration on June 19th, of the recognition of the labour movement, and the fabric that they have woven in Trinidad and Tobago, and we bring them greetings

and respect for the 19th of June. Thank you.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Couva South.

Mr. Rudranath Indarsingh: Thank you very much.

Hon. Members: [*Desk thumping*]

Mr. Indarsingh: Thank you very much, Madam Speaker, as I join my colleagues, in relation to Labour Day, which will be celebrated on next Wednesday 19th June, and we all reflect on the rich contribution of the labour leaders, the respective trade unions, and the rank and file of the labour movement, in that glorious movement which started prior to 1937, and is still being continued in context of the pursuit of people-centred development and improving the quality of life and standard of living of all citizens of our country.

Today, I listened to the Member for Port of Spain North/St. Ann's West, and he paid homage to a number of the founding fathers of the trade union movement, but it is important for us, as we remember those whom would have contributed, would have ensured their blood, sweat and tears were in the labour movement. At the leadership level, we will always remember Adrian Cola Rienzi, Tubal Uriah “Buzz” Butler, Captain Arthur Andrew Cipriani, and of course, Elma Francois, Clotil Walcott, and we could go on, and on. But it is important that I also put on the record, the contribution of the former President General of the All Trinidad Sugar and General Worker's Trade Union, and former Prime Minister of Trinidad and Tobago, Basdeo Panday, in the context of what he stood for on behalf of the working class in Trinidad and Tobago.

We all know the history. We all know where we are, and it is important to ask the labour movement on the eve of another year, where are they and are the gains that would have been achieved, as a result of the struggles between 1934 and

1937, still existing today? The right to strike is there, but is there free, fair and independent, collective bargaining? What is the status of, as it relates to health and safety standards in the work environment? What is the level of workers' protection? And what level of recourse do they have within the established judicial process of Trinidad and Tobago?

Madam Speaker, in addition to that, the fundamental question must be asked, in relation to the standard of living, as I said. Because the struggle of the labour movement and the founding fathers were based on improving one's standard of living and quality of life. I am forced to conclude that the standard of living of all and sundry, within the rank and file of the labour movement, is at its lowest since the 1960's. And, Madam Speaker, where are we in the context of social dialogue, tripartism and the need for government employers and the labour movement to continue to foster national development, in relation to policy decision and national decision?

And Madam Speaker, for me, the road that I have walked, it is no longer one of a desirable goal for people-centred development. It has been replaced by a goal of letting the rich get richer. And in terms of where we are, because I do not want to be hypocritical, but I have to ask the labour movement, and their leadership, to challenge themselves beyond the observance of this coming Wednesday because the labour observances may be deemed a funeral service for a labour movement which has been destroyed and killed by this Government.

As we look beyond the Wednesday of June the 19th, 2024, on behalf of the Leader of the Opposition, and my colleagues—she continues to lead a party with my colleagues, who have been in the struggle for peace, bread and social justice, which we are all proud of, in terms of our track record of delivery and service to the people of Trinidad and Tobago, in and out of the Government. We will end

with that famous line “let those who labour hold the reins of power, forward ever, backward never”. I thank you.

Hon. Members: [*Desk thumping*]

Madam Speaker: Hon. Members, I to wish to extend my greetings on the occasion of Labour Day. Labour Day is a day when, as a nation, we recognise the invaluable contributions of all trade union pioneers. Of course, we cannot speak of Labour Day celebrations without mentioning the indelible mark of Tubal Uriah “Buzz” Butler, George Weekes, Arthur Andrew Cipriani, C.L.R. James and Adrian Rienzi. We must also pay cognisance to the efforts of the women of the labour movement such as, Elma Francois, a Vincentian by birth, who laboured as a domestic worker, and who turned her fondness for reading into advocacy. Miss Francois hosted rap sessions by candlelight in squares around Port of Spain to inform and educate the people of her adopted home about the foundations of inequality, and the need for trade unions. It was no surprise that this passion for justice led to her being a founding member of the Negro Welfare Cultural and Social Association (NWCSA), which was all-encompassing of both gender and race.

Other heroines who rose in the labour struggles were Eldica Alkins and Theresa Ojoe, who were instrumental in the Trinidad Workingmen’s Association domestics session and Helena Manuel who was the head of the Trinidad Cocoa Planters and Labouring Classes Association

8.35 p.m.

Due to the efforts of the aforementioned persons, and indeed the efforts of so many others, we are able to enjoy improved employment conditions and collective bargaining structures which have brought and continue to bring fairness to employment terms and conditions and stability to employer/employee relations in

Trinidad and Tobago.

It is also important to recall the positive effects of the Industrial Stabilisation Act, 1965, and the reliance on labour conciliation and mediation mechanisms in promoting a healthy industrial relations environment. We as a people, can also boast of having the protection and benefits of legislation to address retrenchment and severance benefits, maternity protection, minimum wage, occupational safety and health issues well before other jurisdictions. But having said all that hon. members, by no means am I oblivious to the fact that we are not in a utopia and there shall always be struggles and frustrations as we evolve as a society.

I, therefore, urge citizens to use this day to reflect not only on the historical struggles of our labour movement, and to appreciate the benefits and freedom which the worker now enjoys as a consequence, but also to consider our current context and environment and seek out approaches and mechanisms which are relevant to a modern Trinidad and Tobago in our existing socioeconomic circumstances on the global stage and in advancing the cause of the worker as a subset of the common good of the Trinidad and Tobago.

Hon. Members, I therefore take this opportunity on behalf of the Parliament of Trinidad and Tobago and on my own behalf, to wish all citizens a peaceful and reflective Labour Day 2024.

Hon. Members, I am to advise that the matter that was on the Motion for the Adjournment has been withdrawn by the Member for Fyzabad.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.38 p.m.