HOUSE OF REPRESENTATIVES

Wednesday, July 03, 2024

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER in the Chair]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, I have received communication from Dr. Lackram Bodoe, MP, Member for Fyzabad, who has requested leave of absence from today’s sitting of the House. The leave which the Member seeks is granted.

PAPER LAID

Status of the Office of Procurement Regulation’s First Annual Report in accordance with Section 24 of the Public Procurement and Disposal of Public Property Act, 2015 (as amended). [The Deputy Speaker (Mr. Esmond Forde)]

JOINT SELECT COMMITTEE REPORT

Local Authorities, Service Commissions and Statutory Authorities
Follow-up inquiry into the recommendations contained in the Ninth Committee Report.

(Presentation)

Mr. Esmond Forde (Member for Tunapuna): Madam Speaker, I have the honour to present:

Eleventh Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA) on a follow-up inquiry into the recommendations contained in the Ninth Report of the Committee (presented in the 11th Parliament) on an inquiry into certain aspects of the operations of the Chaguaramas Development Authority, Third Session

UNREVISED
PRIME MINISTER’S QUESTIONS
Funds Raised on International Capital Markets
(Reasons for borrowing)

Mr. David Lee (Pointe-a-Pierre): Madam Speaker, to the hon. Prime Minister. Based on the announcement by the Minister of Finance that Trinidad and Tobago successfully raised US $750 million or over TTD $5 billion dollars on the international capital markets via a virtual roadshow on June 18, 2024, could the Prime Minister specifically state why was it necessary for these funds to be borrowed at this time?

Hon. Members: [Desk thumping]

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, if my memory serves me right, I am sure that my colleague from Pointe-a-Pierre was here when we passed a deficit budget. If that is so, that was the commitment of this House for the Minister of Finance to raise funds outside of the revenue streams generated by the Government’s measures other than borrowing to support the budget that we have passed. So the $750 million bond was issued on the international market for budgetary support for fiscal 2024/2025. I trust that that will clarify it for the Member who might have been asleep during the budget debate.

Madam Speaker: Member of Pointe-a-Pierre.

Mr. Lee: Thank you. Madam Speaker, just a follow-up Prime Minister. We were here previously to—these funds being raised in Parliament and the Ministry of Finance had said—

Madam Speaker: Ask a question please.

Mr. Lee: All right. The question Prime Minister why these fund where not raised
on the local markers instead of international?

**Madam Speaker:** Prime Minister.

**Hon. Dr. K. Rowley:** Madam Speaker, I would simply say to the Member for Pointe-a-Pierre that monetary policy is a matter for the Minister of Finance who would look at the country circumstances and determine what funds are raised on the local market and what would be raised on the international market. I mean Madam Speaker, we do not print US dollars in this country and there is a constant demand from Pointe-a-Pierre and other people for forex. So I am wondering where we are not earning surplus foreign exchange, where does the Member expect us to get foreign exchange if we do not borrow some on the international market? Who do you all talk to? What exactly is purpose for this question?

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

**Madam Speaker:** Member for Pointe-a-Pierre.

**Mr. Lee:** As a follow-up question Prime Minister, based on your initial response could you state approximately, what our deficit would be for 2025?

**Madam Speaker:** Prime Minister.

**Hon. Dr. K. Rowley:** Madam Speaker, as soon as the Member pays attention to what the Minister of Finance said—the Minister of Finance was in this House when we did the budgetary review a couple weeks ago addressing that issue and then if he wants more information on that for the future I am asking to wait until September 30th when the fiscal year would have ended and I will give you an exact figure of that.

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

**Madam Speaker:** Member for Oropouche East.
Regional Hurricane Beryl Victims  
(T&T’s measures for accommodation)

Dr. Roodal Moonilal (Oropouche East): In relation to the policy pronouncement by the Prime Minister, what specific measures are being put in place to accommodate in Trinidad and Tobago the children and their relatives devastated by Hurricane Beryl from St Vincent and the Grenadines and Grenada?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, there is no specific measure to put in place except that the Minister of National Security has informed the Immigration department that in the event that the offer is taken up by families to facilitate as far as they are able too.

What the offer is, Madam Speaker, is if there are children in the zones of devastation who have relatives in Trinidad who are willing to accept children and look after them during the vacation period, that Trinidad and Tobago would gladly facilitate to bring some relief to those persons who have been so damaged by Beryl.

Hon. Members: [Desk thumping]

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Thank you very much. In the context of there being no specific measures really, would the Prime Minister indicate what difference is there really between what exist now? Because the children and citizens of CARICOM territories are welcomed in Trinidad and Tobago regardless of hurricane or not.

Hon. Dr. K. Rowley: Madam Speaker, we could go anywhere anytime in a free world and a free society but if you are in fact in Carriacou, or if you are in Canouan or Mayreau and you are in a situation exposed as they are and you hear that you have family in Trinidad who are willing to assist you in that time, there is
a difference Madam Speaker.

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

**Madam Speaker:** Member for Oropouche East.

**Dr. Moonilal:** Prime Minister in the context of the difference that you speak of do you not think therefore you should of outlined specific measures such as assistance with air travel, assistance with relatives, assistance with housing in local state agencies to execute such a program instead of just saying “anybody who want to come, yuh devastated, come.” People can come in any event. Would you not agree with that?

**Madam Speaker:** Prime Minister.

**Hon. Dr. K. Rowley:** Madam Speaker is there a question? Except that, I would like to repeat for the mischief makers in this house and outside. This whole issue turns on a phrase whether they are willing to assist, and further before that, if they have relatives in Trinidad. So, the most important part of it is for the relatives in Trinidad, whoever they might be, if they do have relative in those places and they are willing to accept them for the holiday period, they will then identify themselves and receive the full assistance of the willing people of Trinidad and Tobago. I do not see what my friend from Oropouche East is talking about. There is no issue.

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

**Madam Speaker:** Member for Oropouche East.

**Dr. Moonilal:** Prime Minister, it is true that this Government would not provide an ounce of cheese or a napkin to and affected child in those areas. Is it true?

**Madam Speaker:** Member is it a question or statement?

**Dr. R. Moonilal:** No, let me restate it. I will restate the question. Prime Minister, in the context where affected persons and children in those areas identified may not have relatives in Trinidad and Tobago, is there some facility to assist that they can
come here and utilize an existing facility as a point of refuge for that short period?

1.40 p.m.

Madam Speaker: Member, I will rule that question out of order having regard to the questions that were asked and the answers which were given.

Dr. Moonilal: Sure.

Madam Speaker: Member for Couva North.

Fuel Rebate Programme for Fisherfolk

(Update of)

Mr. Ravi Ratiram (Couva North): Thank you most kindly, Madam Speaker. To the hon. Prime Minister: Can the Prime Minister state what steps have been made by his Government to update the fuel rebate programme for our fisherfolk?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the more you live, the more you learn. I was unaware that fuel was a consumption by the “Palms” but Madam Speaker, I wish to advise that the current fuel rebate programme is implemented under the Fishing Industry (Assistance) Act of 1955. At this time, there are plans to update this programme once the new fisheries management legislation has been enacted and the World Trade Organization Fisheries Subsidies negotiations are concluded. The Ministry of Agriculture, Land and Fisheries continues to be an active participant in the on-going discussions led by WTO and look forward to a positive outcome.

Hon. Members: [Desk thumping]

Madam Speaker: Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker. With reference to what the Prime Minister has stated, hon. Prime Minister, taking into consideration that the fisheries legislation has lapsed in this Parliament and there is no Fisheries Management Bill before this Parliament at this time, can the Prime Minister advise
how soon we will see the laying of a fisheries management Bill in this House?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I have just indicated that the Ministry is actively engaged in processes that will address that so I am not sure exactly what the question is. How soon? I said we are an active participant and we are looking forward to an outcome. We are involved in WTO and as soon as we are in a position to enact new legislation, we will do that.

Madam Speaker: Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker. Can the Prime Minister advise what impact has the increase in fuel from $3.11 per litre of super in 2015 to $6.97 per litre in 2022 had on the fisheries industry?

Madam Speaker: Hon. Member, having regard to the questions asked, the principal and the supplemental and the answers given, I rule that question out of order. Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker. Does the Prime Minister think that 12 cents per litre of gasoline, 10 cents per litre for diesel and 75 cents per litre for oil is sufficient to provide that support for members of the fishing community?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I would like to give $25 but that is not how it is done. That is not how it is done. What has been put in place is basically what was deemed to be a reasonable subsidy at the time and it is being reviewed. I do not know who sent my colleague from Couva North but he is busy elsewhere and I think the fisheries community should look for a better representative.

Madam Speaker: Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker. This was a promise
made at the budget presentation by the hon. Prime Minister in 2022. Can the Prime Minister advise since he has made the commitment in 2022 to now, if any kind of policy guidance has been provided to the Ministry of Agriculture, Land and Fisheries with respect to this fuel rebate for the fisherfolk?

Madam Speaker: So Member again, I rule that question out of order having regard to the questions asked and the answers given. Member for Oropouche West.

**Loan Agreement between US Government and T&T**

*Key Features of*

Mr. Davendranath Tancoo (Oropouche West): Thank you, Madam Speaker.

Question No. 4 to the hon. Prime Minister: Can the Prime Minister outline the key features of the recent loan agreement between the US Government and Trinidad and Tobago through the US Exim Bank valued at some US 500 million dollars?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I am advised by my sources on the other side that the Member for Oropouche West is the Minister of Finance in waiting and the operative word there is “waiting” but one would assume that a waiting Minister of Finance would know the difference between a loan agreement and a memorandum of understanding.

Madam Speaker, there is no loan agreement which has been executed between the US Exim Bank and Trinidad and Tobago and I want to repeat that for the benefit of those who would have heard what the Member for Oropouche West said. There is no loan agreement which has been executed between the US Exim Bank and Trinidad and Tobago.

A Memorandum of Understanding was executed which provides the Government with the option to access financing to fund equipment, projects and programmes involving the procurements of goods and services from suppliers,
manufacturers and service providers in the United States up to US $500 million. At this time, no loans have been accessed under this MOU since access to this facility is in its initial planning stages.

And by the way, Madam Speaker, the arrival in this country of the Chairman and President of this Bank arose out of my visit to Washington a few months ago, in January I think, which caused uproar on the other side.

Hon. Members: [Desk thumping]

**Loan Agreement between IADB and T&T**

**(Key Features of)**

**Mr. Davendranath Tancoo (Oropouche West):** Thank you, Madam Speaker. Question No. 5 to the hon. Prime Minister: Can the Prime Minister outline the key features of the recent loan agreement between IADB and Trinidad and Tobago for some US $300 million for the restructuring of WASA?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, it is obvious that the Member for Oropouche West woke up on the wrong side of the bed this morning.

Hon. Members: [Interruption and laughter]

**Hon. Dr. K. Rowley:** There is no loan agreement which has been executed between the IADB and the Trinidad and Tobago Government for $300 million. I want to repeat.

Hon. Members: [Desk thumping]

**Hon. Dr. K. Rowley:** There is no loan agreement which has been executed between the IADB and the Trinidad and Tobago Government for US $300 million. Instead, the Government entered into an agreement on March 07, 2023 with the IDB for the establishment of a conditional credit line for investment projects. Under this agreement, the Government of Trinidad and Tobago has the option to
access financing in the amount of up to US $315 million via individual loan agreements over a period of 10 years. Each application for financing will be dealt on a case-by-case basis over the next nine years and only if necessary.

On March 07, 2023, a loan agreement was executed for US $80 million to fund projects within the National Water Sector Transformation project under this arrangement which is ongoing as I have described, Madam Speaker.

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

**Passage of Hurricane Beryl**

**(Assessment of Damage and Needs Analysis)**

**Mr. Rudranath Indarsingh (Couva South):** Thank you very much, Madam Speaker. Prime Minister: Given that the Tobago Emergency Management Agency (TEMA) received 150 incidents reports at 10 a.m. on Tuesday 02 July, 2024 as a result of the passage of Hurricane Beryl, could the Prime Minister inform this House if the Central Government has collaborated with officials of the Tobago House of Assembly (THA) and TEMA to do an assessment of the damage and needs analysis?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, there is a structure for managing the affairs of Trinidad and Tobago. There is a central Government which oversees the affairs of Trinidad and Tobago and in order for that to be carried out, there is an Executive body in Tobago of which TEMA is an agency.

So whatever TEMA has done in Tobago, is doing or is required to do, it is in fact an arm of the State of Trinidad and Tobago and it is as good as it having been done by any other arm for the people of Trinidad and Tobago, except that in this instance, it is specific for the people of Tobago. Ministers of Government have been in constant communication with their counterparts in Tobago and TEMA has
been reporting and we are taking advice from TEMA and working with TEMA as and when required. So there is no separation of responsibility. Whatever TEMA has done including getting themselves paid and being resourced is an outfit of the Government of Trinidad and Tobago.

Hon. Members: [Desk thumping]

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Prime Minister, given your responsibility as the head of the Cabinet and your responsibility to the unitary State of Trinidad and Tobago, could you inform this House how many households have been impacted in Tobago by Hurricane Beryl?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, as soon as we are able to do that when the analyses have been done, the Member can get that information which will be made public and has been made public. Whatever TEMA has said is the outcome of what happened in Tobago is exactly what the central Government will say to him because we rely on TEMA to give us that information. And this attempt by you and your friends to drive a wedge between Tobago and Trinidad will fail. It will fail.

Hon. Members: [Desk thumping]

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Madam Speaker, at the risk of being berated by the Prime Minister for getting information on behalf of the citizens of this country—

Hon. Members: [Desk thumping]

Mr. Indarsingh: —Prime Minister, could you inform this House if the Cabinet has considered a policy position to provide some kind of financial assistance to those homes which have been impacted by Hurricane Beryl?
Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, the Cabinet has not met since these things have happened and any assistance to come—

Hon. Members: [ Interruption ]

Hon. Dr. K. Rowley:—any assistance, any assistance that is to come to the people of Tobago or the people of Oropouche or the people of Carenage would have come from the Consolidated Fund of the Government of Trinidad and Tobago. There is no separate Consolidated Fund anywhere in this country, separate and apart from that which is operated by the central Government which makes allocations across the nation.

Hon. Members: [ Desk thumping ]

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Prime Minister, could you inform this House that with the passage of Hurricane Beryl that the Cabinet of Trinidad and Tobago did not see it fit to meet and do an assessment of how Tobago has been impacted upon?

Hon. Members: [ Desk thumping ]

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I would like to thank my colleague from Couva South for advice as to how to run the country and how to run the Government, but thanks but no thanks. Exactly what is being done in Tobago would benefit the central Government and we make the appropriate decisions as and when required. Thank you very much for the advice but the central Government is fully able to assess Tobago’s needs through the agencies there and that is why you have Ministers in the Government and an Executive in Tobago and they are speaking the same language on the same issue. So your presence and your intrusion is unnecessary.
Mr. Indarsingh:  Thank you.

Madam Speaker: Member for Couva South.

Restructuring of the Water and Sewerage Authority (WASA)
(Executive Appointments)

Mr. Rudranath Indarsingh (Couva South):  Prime Minister: Given that the Cabinet has approved the restructuring of the Water and Sewerage Authority (WASA) and the Human Resources Advisory Committee of WASA was appointed to make top level changes, could the Prime Minister inform this House if a new Chief Executive Officer and management have been appointed at WASA?

The Prime Minister (Hon. Dr. Keith Rowley):  Thank you very much, Madam Speaker. At this time, no Executive appointment/appointments have been made. The recruitment of a new CEO at the Water and Sewerage Authority and management team is imminent. The new leadership team is expected to assume office in September contingent on their acceptance of offers.

Hon. Members:  [Desk thumping]

Madam Speaker: Member for Couva South.

Mr. Indarsingh:  Prime Minister, given what you have stated, could you inform this House if the report of the Cabinet sub-Committee appointed to review the operations of WASA that was chaired by the Member of Parliament for Arima and laid in this House in March of 2020 has been abandoned by the Government of Trinidad and Tobago?

Hon. Dr. K. Rowley:  Certainly not, Madam Speaker. There is a role for various arms and aspects of the Government. That Committee guided the Board towards the restructuring of WASA and the work is being done. I just said the work is being done to the point where the processes have put the agency in a position to
make offers to people to occupy positions in the new structure. So once again, the Member is tilting at windmills.

**STANDING ORDER 126**

**Madam Speaker:** Leader of the House.

**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. Pursuant to Standing Order 126 and with your leave, there has been an agreement to allow the Prime Minister to speak until the conclusion of his statement.

**Madam Speaker:** Whip?

[Assent indicated]

**Madam Speaker:** Hon. Members, I am informed that there has been agreement between the Leader of the House and the Chief Whip to allow the Prime Minister to speak until the conclusion of his statement. Prime Minister.

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

**STATEMENT BY MINISTER**

**Strategic Services Agency**

(Report on)

**Hon. Prime Minister (Hon. Dr. Keith Rowley):** Thank you very much, Madam Speaker, and thank you very much, colleagues. Madam Speaker, I am authorized by the Cabinet to issue the following statement.

Issue one: the Strategic Services Agency. Madam Speaker, in the Annual Report of the Strategic Services Agency, the SSA, for the year 2022, it was noted that the SSA was established in 1995, in accordance with Chapter 15:06 of the Laws of the Republic of Trinidad and Tobago, and it became operational on July 01, 1996.
The primary purpose of the SSA is to guide the formulation and implementation of national policies on the illicit trafficking of dangerous drugs and related criminal activities. The main functions of the agency are outlined by Section 6(1) of the SSA Act, and as expanded by the SSA (Amdt.) Act, No.4 of 2016, which was assented to by the President of the Republic of Trinidad and Tobago on May 31, 2016, which are to:

1. Act as an office for centralizing information that could facilitate the detection and prevention of serious crime, for co-ordinating operations for the suppression of serious crime, and for cooperating with the services or the corresponding services of other countries;
2. Develop strategic intelligence and make recommendations to Government on the formation of policies in relation to serious crime;
3. Prepare crime prevention strategies;
4. Disseminate information and intelligence to the services;
5. Provide intelligence and analytical support for the appropriate operational and intelligence arms of the services;
6. Assist in identifying sophisticated criminal activity and those who engage in it;
7. Help the law enforcement effort by identifying links between individuals and organizations involved in serious crime;
8. Provide strategic intelligence;
9. Identify new trends in, and patterns of criminal activity;
10. Provide a nucleus of specialist intelligence personnel; and
11. Establish channels of communication with the services and the corresponding services of other countries.
Madam Speaker, the receipt by the National Security Council of certain information from the Special Branch of the Trinidad and Tobago Police Service warranted an immediate intervention and the installation of new leadership at the SSA.

Since March 04, 2024, an extensive internal review and audit—

[Device goes off]

Madam Speaker: The Member who has the offending device, go outside, get it under control, and once having done that, you can return. And all other Members, please be advised to put your devices on silent. Prime Minister.

Hon. Dr. K. Rowley: Since March 04, 2024, an extensive review and audit of the SSA have been ongoing. Between March 04 and April 21, 2024, planning and preliminary review activities were completed by the Acting SSA Director, Brigadier General, Retired, Anthony W.J. Phillips-Spencer, who was appointed on March 02, 2024. These activities focused on the SSA’s leadership and management, its independent intelligence operations, inter-agency operations, and international cooperation activities, and its human resource management, and the financial and accounting management policies and practices.

Notwithstanding the ongoing audit, the core business of the SSA remained uninterrupted. After the initial public disclosure of these developments, the primary objective is now to retool the agency, and regain the public trust and the confidence of all stakeholders, both national and international. The audit continues to be guided by the strategic pillars of professional stewardship, institutional integrity and organizational governance. The audit has so far found that what was happening at the SSA rendered the entity:

a. Increasingly incapable of securing public trust;

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b. It was discovered that the SSA had adopted an unapproved organizational design/structure and staffing, without the required authority of a decision, either by the Cabinet, the National Security Council or the Ministry of National Security.

For example, Madam Speaker, the SSA established and operated a highly trained and militarized so-called “tactical response unit” for operational purposes. As part of the audit review, this unit was examined and abolished in March 2024. Its operations prior to March 2024 is under review by the SSA and the Trinidad and Tobago Police Service.

Why would an intelligence-gathering agency, with a mandate to collect and share information with operational units in other law enforcement and defence agencies, find it necessary to secretly have an operational unit of that nature and magnitude? Madam Speaker, for what purpose was such a unit established in an intelligence-gathering agency? What was their role? What did they actually do? These questions are still to be fully understood and answered, and form the subject of police investigation. In the meantime, the National Security Council views this development with great concern.

Madam Speaker, in March 2024, 28 employees of the SSA were terminated, either for violations of the SSA Act and Regulations, or for anomalous recruitment, or faulty promotion processes and practices.

c. The audit also found disturbing practices of nepotism and opportunism. For example, Madam Speaker, several family members and associates of particular persons, and of a particular church, were found to have been surreptitiously employed in the agency. Such persons belonged to a cult, which was arming itself while preaching a doctrine for trained military and
paramilitary personnel, with a religious calling to be the most suitable persons to replace the country’s political leadership.

2.05 p.m.

There were exerting high levels of influence on the affairs of the agency to the detriment of national security. Many of these persons were never polygraphed or otherwise screened or integrity-tested, this being an absolute essential given the nature and mandate of the agency. The audit currently includes a preliminary review of the polygraph policy published in April 2022.

d. Madam Speaker, the audit found instances of dishonesty and deep deception, which have also been discovered there. For example, the composition of a Strategic Services Agency delegation, which was authorized to travel abroad on official business, but after which a nonemployee of the agency was inexplicably inserted into the delegation in place of an employee who was approved for the delegation.

e. The Audit found that there existed a clear need for improved management of the Controlled Equipment and Supplies Inventory, to accommodate and treat with the increased stock of firearms and ammunition, now possessed by the SSA, as well as for security-related ICT and other technical equipment and supplies.

Madam Speaker, in 2017, the agency purchased 8,000 rounds of 9 mm ammunition. But by 2022, the agency purchased during that year 1,000 rounds. While arming itself, the agency did disaggregate ammunition held for operational use from ammunitions stored for the purpose of training in accordance with international best practices. Similarly, whereas in 2016, the SSA had a mere 24
firearms consisting of pistols or revolvers, since 2021 the number of firearms held by the SSA increased to 103 different types of calibre including military grade. The list will show, Madam Speaker, that between 2017 and 2022, with respect to the purchase of 9 mm ammunition:

- In 2017, this agency purchased 8,000 rounds;
- In 2018, 7,500 rounds;
- In 2019, Nil;
- In 2020, 16,000 rounds;
- In 2021, 52,000 rounds;
- In 2022, 100,000 rounds.

Why would an intelligence gathering agency need 103 firearms of different types and calibre, and why would the agency in 2022 need 100,000 rounds of ammunition?

But, Madam Speaker, that is not all. Shockingly, the Audit discovered that the former Director of the SSA initiated the procurement of high-grade military bolt-action rifles, complete with the most modern silencers, and other accessories. And the SSA was engaged in training specially selected, questionably hired personnel in the skill and use of such weapons. This, Madam Speaker, all this, before the amendment to the Act in November 2023 which allowed the SSA to have and keep firearms.

It was only on the 1st of November 2023, upon request from the then Director of the SSA, for the agency to bear arms in certain restricted circumstances, and persuasive reasons offered, that Cabinet approved and Parliament authorized SSA staffers to keep and carry concealed pistols, whether on duty or not. This matter Madam Speaker, is gaining the attention of the police as we speak.
One aspect of the Audit has so far revealed that the use and/or whereabouts of 70,000 rounds of ammunition, purchased by the SSA remains unrecorded and unaccounted for. This matter too, Madam Speaker, remains the subject of continuing audit and police investigation while corrective action in respect of the management of arms and ammunition has been taken. The corrective actions include a review of the Firearms and Ammunition Policy, published in April 2022, as well as the procurement and use of vehicles, firearms and ammunition inventory checks at all SSA locations.

Prior to that illegal November 2023 authorisation, the National Security Council of the Government was not aware that the SSA possessed those levels of arms and ammunition, or that the SSA was actively engaged in extensive weapons training, procuring and consuming large volumes of ammunition. There was never a budget in the SSA to purchase military-grade weapons nor was the NSC ever informed of any such activities, or that such capabilities were being developed within the SSA. This did not prevent the SSA from making part payment for military-grade weapons with suppression capabilities.

Madam Speaker, as indicated earlier, several police investigations are ongoing among the firearms and ammunition coming into the possession of the SSA in the period under review, several of them were issued from the Trinidad and Tobago Police Armoury to the Special Operations Response Team (SORT). The necessary record—its record keeping and statements of issues are quite muddled or in some instances even non-existent. These firearms were chronicled in the Special Operations Response Team firearm register. This Special Operations Response Team (SORT) has since been disbanded. It was disbanded because it became entangled in allegations of serious human rights abuses and exposed the Government of Trinidad and Tobago to the United States sanctions flowing from
the assumed violation of the United States Leahy Act.

This, Madam Speaker, involved killings where it was said by a Commissioner of Police and subordinates that persons in police custody actually died when they “fell off a chair.” Only recently, Madam Speaker, this sick joke was repeated by a former Commissioner of Police who used the said explanation to assure the public that the unfortunates who fell off the chair, and I quote again, “could never rape anybody again.” The upshot, Madam Speaker, is that arms and ammunition belonging to the Trinidad and Tobago Police Service were transferred to the SSA without authority, ostensibly for official use by the guard unit of the SSA located at Camp Cumuto, a Trinidad and Tobago Defence Force facility where the SSA also has a presence. That issuance, Madam Speaker, was in a clear breach of the Firearms Act of Trinidad and Tobago resulting in police personnel being charged for certain criminal offenses in relation to it.

In addition, Madam Speaker, an employee of the SSA who was party to the transaction was also charged in relation to it. Police investigations have since that the guard unit at the SSA never received the firearms and ammunition as was declared to be the case in the relevant documents. An audit conducted in respect of firearms and ammunition issued to the SSA did not reveal the presence of those firearms and ammunition. Madam Speaker, however, on the 5\textsuperscript{th} of March, 2024, a self-described spy who was appointed a special reserve police officer by the then Commissioner of Police appeared at the Cumuto barracks and voluntarily handed over cache of firearms and ammunition to a member of the National Operations Task Force, located at the same camp. Subsequent, investigations confirmed that these weapons came from the Trinidad and Tobago Police Service by way of transfer to the SSA before it was authorized to have any such weapons.

These firearms were submitted to the relevant national security agency for
analysis and were confirmed to be automatic weapons. Arising out of these related matters, the police personnel and former SSA employees were all arrested and charged with several criminal offenses. It is still to be determined where these weapons were stashed, whether they were ever fired and if so, in what operations, for what purpose, and under whose authority and direct control.

Madam Speaker, the matters relating to the two bolt-action sniper rifles of which I spoke earlier, is indeed under further police investigation. Several members of the SSA and former members are the subject of continued investigations by the Trinidad and Tobago Police Service in respect of certain motor vehicles currently and previously assigned to the SSA. Madam Speaker, without saying much more, suffice it to say that there is much more investigative work to be done as the requisite policing agencies continue to follow the evidence. Efforts are well underway to rebuild the SSA to ensure that its core mandate is discharged and that it operates within the law in the hands of people who respect the rule and appreciate their training, thereby making the rejuvenated SSA stronger, more professional, and even more fit for purpose.

The second issue I want to address, Madam Speaker, and parallel with this subject, is the issue of firearms. Another matter I proposed to address, Madam Speaker, is that of the serious concerns surrounding the firearms licensing regime in Trinidad and Tobago, you will recall that there were and remain tremendous misgivings, outrage, and concerns expressed in the national community regarding allegations of rampant corruption and malpractice, relating to the issuance of Firearms Users Licenses (FUL), variations, and firearms import permits into Trinidad and Tobago. Madam Speaker, you will recall that when this matter came to the attention of the National Security Council, we initiated two investigations.

The first by retired Assistant Commissioner of Police Arthur Barrington, and
retired Chief of Defence Staff, Rear Admiral Hayden Pritchard; and the other, the Craig Report of July 2022, which was carried out by a team of four retired senior police officers supported by four serving police officers assigned to that investigation by the then Commissioner of Police, Mr. Mc Donald Jacob. Madam Speaker, a third enquiry was conducted by retired Justice of Appeal Stanley John, who was so appointed by the Police Service Commission.

The outpourings of these three reports further highlighted the need for a comprehensive review of the firearms licensing regime in Trinidad and Tobago. It was my stated intention, Madam Speaker, to lay the Craig Report—the one done by the retired police officers, supported by serving police officers—in the Parliament for the attention and greater interrogation by Members of the relevant parliamentary committee. It should be noted, Madam Speaker, that the hon. Attorney General had offered this report to the Commissioner for his response. The moment I announced my intention to do so, Madam Speaker, the former Commissioner of Police—one Gary Griffith—took the matter to court asking the court to stop the Government from laying the Craig Report in Parliament for the attention of Parliament, and for public knowledge and scrutiny.

Madam Speaker, like retired Justice of Appeal Stanley John, I considered that the contents of his report as raised, was not only troubling but it pointed to serious allegations of corruption, but also serious matters of national security. The court injunctioned the audit report—the Craig Report—blocking the Government from making that report available to the public, to its Parliament, and among other things, ordered that the contents of that report be investigated by the Trinidad and Tobago Police Service, and only thereafter, could the report be made public.

2.20 p.m.
Interestingly, Madam Speaker, it was the judge who, having seen the report, stated that no Prime Minister seeing such a report could have failed to act, for to do so would have been a dereliction of duty on the part of the Prime Minister. However, the court processes is still underway on that report.

Madam Speaker, that apart, the Barrington/Pritchard report found that some firearms dealers had direct contact with, and free unfettered access to, the Trinidad and Tobago Police Service’s Firearm User Section and process in relation to the status of their client’s multitude of applications. It found that several members of the Trinidad and Tobago Police Service were involved in the lucrative business side of the acquisition and training of civilians. This introduced several risks, including the manipulation of the process for personal gain, as well as serious matters of conflict of interest. Some citizens, Madam Speaker, confirmed paying firearms dealers for services in the award of FULs, Firearms Users Licences.

Madam Speaker, the Barrington/Pritchard team found that as a practice, certain members of the Trinidad and Tobago Police Service and some firearms dealers were charging large sums of money for successful applications for FULs. Several persons interviewed confirmed this.

The current Commissioner of Police, Erla Harewood-Christopher, initiated an investigation of the firearms licensing regime for the period 2016 to 2021. This investigation was conducted by reviewing large numbers of firearms user’s files and listed firearms dealers, together with major books and registers at the firearms section, as well as interviews with several individuals. Madam Speaker, currently there are 20 police officers before the courts on firearm-related offenses.

In respect of FULs, certain anomalies were observed. Among them were: approximately 7,000 licences were issued, given the relatively short period, August 2018 to September 2021. In that short period, Madam Speaker, the Commissioner
would have granted more FULs that several Police Commissioners combined over the years. Also observed, Madam Speaker, some applications for the grant of provisional permits, which is a precursor document to the FUL, were not properly or entirely completed. Several applications for provisional permits were unsigned by the applicants and yet they were approved. Licensed firearm dealers were dropping several incomplete applications to the firearms section on behalf of their clients. Evidence was seen where there were files in which divisional heads did not recommend the grant of FUL, yet they were approved. Several FULs, which were approved were without a requisite Certificate of Character, a required document. This resulted in persons who would ordinarily be refused being granted Firearms Users Licences.

Some other real examples, Madam Speaker. The general manager of a store was charged for possession of drugs in 2012 and granted an FUL in 2021. Another applicant who was similarly charged was granted an FUL in 2021. The audit revealed that he had a series of offences committed before obtaining his FUL. In 2011, he committed the offence of issuing threats; in 2013, failing a breath sample; in 2016, using threats to kill. On the 11th of September 2022, he made threats to his ex-girlfriend and the police had to intervene and investigate. This investigation led to the seizure of that firearm.

There was yet another case, Madam Speaker, where at the time of issuance of the firearm, this applicant had not attained the stipulated age of 25, which is a basic prerequisite of the law. He was subsequently charged with four counts of providing false documents. Many persons who had questions to answer with allegations involving domestic violence were granted FULs and variations. Some were even on a rape charge. One such example, Madam Speaker, a businessman who attained an FUL in 2002, in 2020 was a suspect in reports of a threat to kill.
Yet in 2021, he acquired variations and attained one Carbine, one Banshee, one 5.56 rifle, one shotgun and one pistol.

This police audit found that historically, Madam Speaker, Commissioners of Police exercised a huge level of care and restraint in granting variations that enabled the holder of an FUL to purchase several firearms at the same time. This policy was dramatically changed.

In fact, Madam Speaker, during the period under review here, 1,855 variations were granted and the following observations were made:

- In Trinidad and Tobago, there are some 398 persons with three or more variations to their FULs.
- 625 persons with variations for rifles and sub-machine guns.
- Several applications were seen in which the application forms were not signed or dated.
- Forms were also missing from files, as well as other pertinent information.
- Persons were granted variations on the same day of their application, with obviously no investigation in relation to it.
- Some persons who so applied were granted eight variations on the same day. Licences were granted to people who purchased high-powered and sophisticated weapons. These weapons were converted to fully automatic weapons that are prohibited under the Act. These weapons include FN Scar 7.26 rifle, IWI Tavor 5.56 rifle, CZ Scorpion, CMMG banshee, M&P 15-22 and the Carbine. Those are the types of weapons that the then Commissioner of Police authorized for entry into the country, ostensibly for personal protection. Some licensed dealers were granted approval to import large numbers of high-capacity drum
magazines, with a capacity of 100 rounds.

- In some cases, entire families were granted variations. They are some families, Madam Speaker, with 25 weapons and in one particular case, 33 weapons in one household.

Additionally, Madam Speaker, the audit revealed that there are housewives who acquired variations for eight and hold as much as 10 weapons. Additionally, Madam Speaker, during the period August 2018 and September 2021, there was an enormous rise in the grant of import permits to certain favoured firearms dealers for the importation of firearms, ammunition and firearm component/accessories on a regular basis.

**Hon. Members:** [Crosstalk]

**Hon. Dr. K. Rowley:** Madam Speaker, could I just get some quiet?

**Madam Speaker:** Okay, so, Members again I employ you all to abide by Standing Order 53 and let the Prime Minister make his statement in silence.

**Hon. Dr. K. Rowley:** Thank you, Madam Speaker. Thank you, colleagues. Of all the firearm dealers in Trinidad and Tobago, only 15 were heavily active and seemed to be favoured. The total amount of permits granted for the period 2016 to 2021 were 739, whereas the total amount granted between August 2018 and September 2021 was 574.

By way of another example, Madam Speaker, a Firearm Import Permit was issued to an owner of a company in Port of Spain, who was granted permission to import 15,000 rounds of training ammunition on behalf of Trinidad and Tobago Police Service. Investigations later revealed that this person is not a licenced firearm dealer. One can only conclude, Madam Speaker, that the police either do not know or pretends not to know who firearm dealers are in the country.

The audit discovered that loose leaf sheets of paper were often used to list
the quantities of firearms and ammunition and components and accessories requested for importation and not the prescribed forms established under the law. Large amounts of firearms and ammunition and comportment and accessories were approved for importation during the period 2018 to 2021. The actual amounts could not be quantified since some firearms dealers were not submitting their returns to the Commissioner of Police, as required by section 26 and Regulation 10 of the Firearms Act 16:01.

The enquiries also revealed further anomalies. By way of example, Madam Speaker, upon an inspection of stocks and registers of one dealer under section 26 of the Act, the dealer indicated that he was not in possession of registers for three years and that his books had been stolen by a former employee. However, no report of this theft has ever been reported to the Trinidad and Tobago Police Service.

In addition, Madam Speaker, some dealers have not been able to produce copies of firearms import permits previously granted to them and used for importing firearms and ammunition into the country. There have also been instances of dealers importing firearms and ammunition in their personal name and in their business’ name, which makes tracking of imports extremely difficult. Some dealers have also merged their imports and stocks with those of rifle associations, of which they are members, adding to the difficulty in accounting for firearms and ammunition in the country.

Even more worrisome, Madam Speaker, is the fact that the Customs records, insofar as they are available, provide little comfort in computing and collating the firearms and ammunition trade. Customs is the place where records of all imports are expected to be available and accessible. Sadly, this has not been found to be the case.
In one case, Madam Speaker, an individual received a dealer’s licence in 2020 and then proceeded to import 11,810 firearms; 1,090,000 rounds of ammunition and 330,000 component parts and accessories.

It should be noted, Madam Speaker, that prior to obtaining the license, he was arrested and charged after being held with cocaine at an international airport, after disembarking from a flight from Trinidad and Tobago.

Another example, Madam Speaker, a serving police officer, owner of a security firm, obtained his dealer’s licence in 2020. He was granted 21 firearms import permits for the importation of some 21,533 firearms, 23million rounds of ammunition and 1,648 component parts and accessories. Two other dealers, one, his spouse, was granted licenses to import in excess of 10million rounds of assorted ammunition.

In another case, Madam Speaker, another dealer was granted permission to import 9million rounds of assorted ammunition, during the same period. The excessive amounts of firearms, ammunition and comportment/accessories that was approved for importation into Trinidad and Tobago begs the question whether the market of legal firearm owners in Trinidad and Tobago was robust enough to support that level of arms and ammunition. Madam Speaker, the corollary to that question is whether those acting with illegal firearms were obtaining their ammunition from sources known to us.

2.35 p.m.
Madam Speaker, in another case, another dealer was granted approval to import 22,610 firearms, 10,477,500 rounds of ammunition, and 26,900 component parts. Investigations revealed that there is no file legitimising her role as a firearms dealer at the firearms section. The only documentation available is a letter from her husband, to the then Commissioner of Police requesting that his name be removed.
as an import dealer and replaced by hers. Although he had surrendered his import licence, he subsequently applied to import firearms, ammunition, component and accessories, and was shockingly granted further approval.

Madam Speaker, dealers were granted approval to also import large amounts of component parts and accessories. One dealer was granted permission to import the largest amount, 330,000 component parts and accessories. Several firearms could be assembled from these components and they also act as a hindrance for tracing such firearms as these firearms would not be on the IBIS database at the Forensic Science Centre. Investigations conducted by the Trinidad and Tobago Police Service have also revealed that approximately 100 firearms possessed under firearm user’s licences issued under the Act, that is to say, licences under which firearms are lawfully possessed were detected as involved in incidents of crime including murders, suicides and robberies which occurred during 2017 and 2021. Additionally, intelligence received from our foreign partners indicate that 30 firearms which were brought into the country by licensed firearms dealers were found in the possession of persons who were not FUL holders and were used in crimes including murder.

Madam Speaker, there is no doubt that the international firearms trade and traffickers in this business consistently would try to use our many bays and beaches to bring firearms, ammunition and other illegal items into our country. This is a state of affairs at every border of every country and we have been plagued with this problem and have been expending considerable resources to ameliorate and hopefully eliminate this problem. However, that being said, it is clear from what I have just outlined to my colleagues here in this House, that we do not only have a problem of illegal entry where it occurs, that is bad enough, but we also have the legal entry of the various items contributing to our intractable situation.
We cannot now disagree, Madam Speaker, that we have had and continue to have a very real problem with our ports of legal entry, our internal agencies and establishments and many of our guards who are supposed to guard us.

I want to give the population the assurance that the Trinidad and Tobago Police Service and the National Security Council are as alarmed as you are, and considerable sustained effort is being expended to rectify this state of affairs and hold the relevant people accountable. Madam Speaker, colleagues, I thank you for your patience.

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

**Madam Speaker:** Member for Oropouche East.

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

**Dr. R. Moonilal:** Thank you very much, Madam Speaker. Pursuant to Standing Order 24(4), I pose the following question: Prime Minister, in light of the shocking revelations and allegations made over the last 40 minutes or so, which constitute metaphorically and literally, “gun talk”, would you agree that given that this disaster as you described it occurred under the weekly watch and noses of Members of the National Security Council, and under the statutory oversight of a Minister of National Security, by virtue of sections 3 and 4 of the Strategic Services Agency Act, do you now agree that the Minister of National Security ought to be fired forthwith?

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

**Hon. Dr. K. Rowley:** Madam Speaker, I wonder under whose watch the discovery has been made allowing me to report it here.

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

**Dr. R. Moonilal:** [Inaudible]—he was asking the answer.
MISCELLANEOUS PROVISIONS (GLOBAL FORUM) BILL, 2024

Bill to amend the Prevention of Corruption Act, the Proceeds of Crime Act, the Anti-Terrorism Act, the National Insurance Act, the Financial Intelligence Unit of Trinidad and Tobago Act, the Income Tax Act, the Corporation Tax Act, the Petroleum Taxes Act, the Registration of Business Names Act, the Companies Act, the Tax Information Agreements (United States of America) Act, the Non-Profit Organisation Act, the Tax Information Exchange Agreements Act, the Mutual Administrative Assistance in Tax Matters Act, the Miscellaneous Provisions (Trustees, Exchequer and Audit, the Minister of Finance (Incorporation) Act, Income Tax, Companies, Partnerships, Securities, Tax Information Exchange Agreements, the Non-Profit Organisations and Mutual Administrative Assistance in Tax Matters) Act and the Miscellaneous Provisions (Registrar General, Companies, Registration of Business Names and Non-Profit Organisations Act, 2024. [The Minister of Finance]; read the first time.

STANDING ORDER 79(3)
(Resumption of Bills’ Proceedings)

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. Madam Speaker. In accordance with Standing Order 79(3), I beg to move that in the Fifth Session of the Twelfth Parliament, the proceedings on the following Bills be resumed.

1. The Civil Division Bill, 2024;
2. The Constitution (Amdt.) (Tobago Self-Government) Bill, 2020; and

Question put and agreed to.

Madam Speaker: The Minister of Energy and Energy Industries.
ADMINISTRATION OF JUSTICE (INDICTABLE PROCEEDINGS) (AMDT.) (NO. 2) BILL, 2024

Order for second reading read.

The Minister of Energy and Energy Industries (Hon. Stuart Young, SC): Madam Speaker, I beg to move:

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

Madam Speaker, before the House this afternoon, is the Administration of Justice (Indictable Proceedings) (Amdt.) (No. 2) Bill, 2024. This Bill is a very short Bill. It is three clauses in length. And the Bill is for a very specific area that we wish to address. In fact, based on the advice of external senior counsel, it became apparent in that very limited area of extradition proceedings, there may be a necessity to make this particular amendment here today.

I can report to the House, that in fact, there is currently before the High Court what we used to refer to, as an interpretation summons, by way of a fixed date claim form before the court in relation to this particular small area, as to whether with the abolition of certain proceedings in the Magistrates’ Court, and the advent of what we now know as AJIPA, there was some disturbance to the whole extradition proceedings that take place.

So, this afternoon with the—I am introducing into Parliament a Bill to amend the Administration of Justice (Indictable Proceedings) Act, 2011, as I said, which we refer to as AJIPA. Madam Speaker, with the proclamation of AJIPA in 2023, the Government sought to address the backlog of cases that were increasing the burden of the Magistrates’ Court and alleviate same by transferring them to a Master to step in for initial hearings and of course that Master is in the High
Court. However, with the proclamation it is acceded that it is an ongoing mission of the Attorney General’s office to continuously improve and develop this piece of legislation to ensure the smooth and efficient running of our court system and the manner in which justice is delivered.

2.45 p.m.

Madam Speaker, the Central Authority Unit, the CAU, received advice from external Senior Counsel to the effect that it appears that the jurisdiction of the Chief Magistrate and her powers are uncertain regarding extradition matters received post the proclamation of AJIPA. The AJIPA essentially removes the jurisdiction, which was exercised by a magistrate on a preliminary enquiry, and provides for immediate access to the Supreme Court through a Master on an initial hearing. As such, in an effort to remedy this lacuna, the Bill before us proposes a very specific amendment in which the preliminary enquiry Act is saved for the purpose of keeping the powers and jurisdiction of the Chief Magistrate alive and active in extradition via the Extradition (Commonwealth and Foreign Territories) Act, Chap. 12:04, hereinafter referred to as the extradition Act, from the date of proclamation of AJIPA.

Madam Speaker, I would like to remind the House that AJIPA was proclaimed by the President, Her Excellency, Christine Kangaloo, on the 12th of December, 2023. The long title of AJIPA describes its object and purpose as, and I quote:

“An Act to repeal and replace the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01 and to provide for a system of pre-trial proceedings relating to indictable offences and other related matters.”
On the 12th of December, 2023, the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, was officially repealed. According to section 33 of the AJIPA, however, it still applied to proceedings that were instituted prior to the coming into force of the AJIPA. Madam Speaker, section 33 of the AJIPA reads as follows, and I quote:

“(1) The Indictable Offences (Preliminary Enquiry) Act and the Indictable Offences (Committal Proceedings) Act, 2014 are repealed.

(2) Notwithstanding subsection (1), the Indictable Offences (Preliminary Enquiry) Act shall continue to apply to proceedings which were instituted prior to the coming into force of this Act where no order is made under section 32A.”

Further, section 35(1) of the AJIPA provides that all laws amended by AJIPA are listed in Schedule 8. However, there is no reference in Schedule 8 to the extradition Act, neither is there any reference in the body of AJIPA to the extradition Act, which has raised this particular instance that we are trying to correct here this afternoon by this very short Bill.

Further, section 35(2) provides that any:

“…reference in a written law to a preliminary enquiry under the Indictable Offences (Preliminary Enquiry) Act…”—Chap. 12:01—“…shall…be construed as a reference to proceedings under…”—the AJIPA.

Madam Speaker, at this point, I would like to indicate to colleagues that it is our intention to lay an amendment. Personally, I do not think it is absolutely necessary, but just to avoid any interpretation problems that may exist in the future. And I can immediately indicate that that amendment will be the amendment to the
present clause 3, where we will be inserting reference to that section 35(2) of the AJIPA, just to make it abundantly clear.

So we will now say at the clause 3, when we are amending section 33 of the AJIPA Act, at subsection (3), after the words “notwithstanding”, we will add the words “notwithstanding subsection (1)”, we will add the words “and section 35(2)” of the AJIPA Act, just to make it abundantly clear.

Section 35(2) of the Act—section 35 of the Act reads:

“The written laws mentioned in the First Column of Schedule 8 are amended to the extent specified in the Second Column of that Schedule.”

And subsection (2) says:

“A reference in a written law to a preliminary enquiry under the Indictable Offences (Preliminary Enquiry) Act, repealed by this Act shall, where applicable, be construed as a reference to proceedings under this Act.”

So in order to ensure that there is no further difficulty with respect to extradition matters, we propose at the committee stage to introduce that particular amendment, and I crave my colleague’s indulgence when we get there.

Madam Speaker, the question that should be raised is how is this related to the extradition Act and how does it relate to the Chief Magistrate’s jurisdiction. Upon the receipt of an extradition request via diplomatic channels from a declared Commonwealth or foreign territory under the extradition Act, the Attorney General may issue on authority to proceed, hereinafter referred to as the ATP, in accordance with the section 9(3) of the extradition Act. This signifies to the magistrate that a request has been made and requires him or her to proceed with the case in accordance with the provisions of the extradition Act.
The Central Authority Unit, in practice, receives the extradition request, or provisional arrest warrant request, sent via diplomatic channels to the Permanent Secretary of the Office of the Attorney General and Ministry of Legal Affairs. The extradition bundle of documents includes the record of case from foreign or Commonwealth countries. The Central Authority acts on behalf of the Attorney General, only insofar as in receiving the extradition documents, assisting in the preparation of the ATP and certificate of specialty, together with external counsel, and in the overall management of the extradition matter. The Attorney General retains his sole authority to issue the ATP, the certificate of specialty and act in accordance with other powers in relation to extradition request as are permitted by the extradition Act.

Madam Speaker, as stated earlier, shortly after the coming into effect of the AJIPA legislation, the Central Authority Unit was advised by external Senior Counsel that it was arguable that the extradition Act could be affected by the repeal of the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, insofar as section 12(2) of the extradition Act was concerned. Section 12 of the extradition Act vests the magistrate with powers a committal or discharge and reads as follows, with emphasis on subsections (1) and (2), and I quote:

“(1) A person arrested in pursuance of a warrant issued under section 10 and in respect of whom no order under section 11(2) has been made shall [unless previously discharged under section 10(3)], be brought as soon as practicable before a Magistrate.”

And the particular subsection that we referred to is subsection (2):

“For the purposes of proceedings under this section a Magistrate shall have
the like jurisdiction and powers, as nearly as may be, including power to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, as when the Magistrate is acting at a preliminary enquiry.”

Madam Speaker, the above section 12(2) of the extradition Act specifies that a Magistrate under the extradition Act shall have “like jurisdiction and powers” as that of a Magistrate “acting at a preliminary enquiry”. It is also arguable that the extradition legislation is sui generis of its own procedures and to this extent, an interpretation summons is currently before the High Court, seeking a decision on the interpretation of section 12(2) of the extradition Act, and in light of sections 33(1) and 35(2) of AJIPA.

Madam Speaker, as I said earlier, and as I have just stated, there is currently this interpretation summons before the courts and we are taking every precaution to bring this particular amendment, and a further amendment to the amendment, to ensure that what is being done with the passage of AJIPA and the proclamation of AJIPA, from that date in December of 2023, does not in any way negatively affect extradition proceedings that are currently underway in the courts of Trinidad and Tobago.

And, Madam Speaker, when I say it is “sui generis”, what we are basically saying, that term in Latin, in English, means “of its own kind” and the whole argument is that under the extradition Act, it is a very, very specific area that is neither civil nor criminal in jurisdiction. And that Act creates a stand-alone or sui generis procedure, which has been accepted by the Court of Appeal in the case of Furguson and Galbaransing v The Commissioner of Prisons, Civil Appeal 108 of

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2009, as per, as he then was, Justice of Appeal Smith, at page 9 where he said, and I quote:

“However, extradition proceedings are sui generis; they are the creature of statute.”

So the argument is that under the extradition Act, the particular powers that are conferred and ring-fenced by statute are those that are put onto a Magistrate. However, that specific reference that makes reference to preliminary enquiries has caused some level of confusion, which we are seeking to cure here this afternoon. However—and I believe the argument is correct, it may be unnecessary, but lest that they be in further extradition matters, persons trying to use any strand of argument to prevent their successful and legal extradition, today we ask the Members of this House to join with us as we pass this very simple amendment to AJIPA to ensure that there can be absolutely no doubt and for the absolute clarity, that Magistrates in extradition matters are allowed and permitted to continue utilizing the powers that they once had under the preliminary enquiries Act, as practitioners know it. Because, of course, it is trite law, Madam Speaker, that a Magistrate or district court judge does not possess the statutory jurisdiction of a Master nor of a Judge in Chambers, and since the proclamation of AJIPA on the 12th of December, 2023, has only summary jurisdiction. Consequently, in the absence of expressed constitutional amendment, a Magistrate cannot be clothed with the jurisdiction of a Master and therefore, it is arguable that will they cannot adopt the procedure set out in AJIPA.

Madam Speaker, as I was saying a short while ago—and I think it is worth it to put this on the record of the Hansard lest there ever be any court seeking to look
at what Parliament’s intention was, and to refer to our proceedings here in Parliament today, to put the following on record— extradition proceedings are neither criminal nor civil in nature and have no bearing on a determination of innocence or guilt. The procedure provides for the admission of evidence, which should otherwise offend the laws of criminal evidence. Because, of course, what you are looking at are proceedings from outside of the jurisdiction of Trinidad and Tobago, seeking to recognize it in a limited manner for the purposes of determining whether someone charged in another state, another jurisdiction, should be extradited from Trinidad and Tobago to face those charges. It also permits the admission of documents and provides for an appeal in the civil jurisdiction via habeas corpus proceedings.

It is clear, therefore, Madam Speaker, that the extradition Act provides a system that is unique to extradition proceedings, which is in keeping with international comity, relations and law. The provisions of sections 12, 19A and 19B of the extradition Act do not apply to any other type of proceeding, whether of a civil or criminal nature, the argument being that the Magistrates and Magistrate’s powers under that particular Act are confined to that Act, in carrying out the duties that they have in that Act. However, with the passage of AJIPA, there seems to be this one area of uncertainty that we are seeking to cure here this afternoon.

Madam Speaker, with sui generis legislation, it is submitted that a review of the relevant procedures adopted in international jurisdictions establishes that extradition proceedings have always been sui generis. This is consistent with the nature of these proceedings and it is in keeping with international obligations, law and norms. The principle of sui generis is simply that the matter is capable of
determination on the statutory procedures set out and it is submitted, Madam Speaker, that the local authorities collectively support the submission that the extradition Act stands alone, both procedurally and substantively, and in sui generis.

So, Madam Speaker, if the esteemed House would permit me to read the amendment to clause 33 of AJIPA that would remedy the jurisdictional issue, I have taken some time to put in context of the magistrate highlighted thus far. Section 33 of the Act as currently—section 33 is amended by inserting subsection (2), the following subsections:

“(3) Notwithstanding subsection (1)” the Indictable Offences (Preliminary Enquiry) Act, shall have effect for the purposes of the Extradition (Commonwealth and Foreign Territories) Act…”

—making it abundantly clear by that amendment, that what applied before will continue to apply, and the magistrate will continue to have his or her powers as before.

A new clause 4, subsection 3 is deemed to have come into operation on the 12th of December 2023. For practitioners, they would know this is to make it retroactive to ensure that all extradition proceedings that have been preceding under AJIPAA, from the date of proclamation of AJIPAA being the 12th of December, 2023, are completely legal and in conformity with the amendment that we are passing, which as I said numerous times before but it is worth repeating, is really as a matter of precaution based on Senior Counsel's advice. Of course, I add that we will be proposing a further amendment to what I have just read, which will state that:

“notwithstanding subsection 1”

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And we will be seeking to add the words
“and section 35(2)”
—out of an abundance of caution.

Madam Speaker, once the House this afternoon is in agreement with this short amendment that is of tantamount importance to extradition requests, it will preserve the magistrate's power and jurisdiction under section 12(2) of the Extradition Act and prevent any discord that may occur in giving a superior court powers to and inferior court. Furthermore, extradition requests will continue to arise for the Attorney General's consideration. As such, the procedure which ought to be properly adopted under the law, is critically important to determine the need to preserve the international reputation and obligations of Trinidad and Tobago under bilateral and multilateral treaties and arrangements.

Madam Speaker, this amendment will assist in maintaining public confidence in the rule of law. It will further ensure that the State's actions in treating with persons who may be subjected to request for extradition by foreign and Commonwealth states, are not subject to a subsequent challenge as being unlawful. It is a fundamental importance that this Bill be considered for the smooth and efficient administration of justice, regarding extradition proceedings.

Madam Speaker, in conclusion, my colleagues would note that I have kept it very, very tight and limited to the particular amendment that is being proposed and it is not an invitation by any means, for persons to go meandering all over. And with those few words, Madam Speaker, I beg to move.

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

*Question proposed.*

**UNREVISED**
Madam Speaker: Member for Barataria/San Juan.

Hon. Members: [Desk thumping]

Mr. Saddam Hosein (Barataria/San Juan): Thank you very much, Madam Speaker for recognizing me to join this very short debate, and I am happy to see my colleague from Port of Spain North/St. Ann’s West pilot a Bill. I think it is the first Bill he piloted since newly minted Senior Counsel was bestowed upon him. I thought, Madam Speaker, that he may have piloted a more substantial piece of legislation. And I say that in the context of this; my colleague started off firstly, by indicating that currently before the High Court, there is an interpretation summons. Really, I have not seen the papers, but based on the contribution my colleague made, it would have been that whether or not a new AJIPAA proceeding would be applicable to that of the extradition proceedings. And I have seen a quote this week, Madam Speaker, and I think it is very apt to read that out today in the Parliament. It says:

“Interpretation is the enemy of efficiency”

And what we are doing here in Parliament today, Madam Speaker, is trying not to over-interpret the law but create some clarity with respect to procedure. Because procedure is extremely important when it comes to these matters. This AJIPAA Act, as we know it, which was passed in 2011, is now seeing its ninth amendment since 2019. Madam Speaker, if the Attorney General was here, I would have said that it is very embarrassing that we have to come here over and over, in very short periods of time, in order to have this piece of legislation amended. And I say that in the context also, that we have a lack of consolidated or revised versions of law and it is very difficult to track these amendments,
especially when they come in a miscellaneous provisions Bill. But getting back to the substantive part of what we are trying to do here, Madam Speaker, is this: when AJIPAA was proclaimed on the 12th December 2023, it changed the procedure in terms of the functions of the magistrate and that of the Master. All indictable offences, which extraditable offences have to be indictable offences, were now subject to the jurisdiction of the Master of the High Court and the procedures there would entail the initial hearing and the sufficiency hearing.

When AJIPAA was proclaimed, it explicitly repealed the old Indictable Offences Preliminary Enquiry Act. It was clear that to repeal that, save and except for proceedings that may have been instituted in the prior Act, which I would call the previous Act. And the Masters would sit in these new preliminary enquiries and there would be limits on cross examination unless so allowed by the Master according to the criminal procedure rules. So therefore if, for example, the extradition proceedings were to apply to AJIPAA, it would mean that there would be limitations on cross-examination, the evidence—you would only be making submissions really on the evidence. It would be heard by a Master. Whereas the procedure was, a magistrate has jurisdiction over extradition proceedings.

So when one looks at section 12(2) of the Extradition (Commonwealth and Foreign Territories) Act, Chapter 12:04, that really institutionalizes or gives the direction of where extradition proceedings are to be heard. And it reads:

“2) For the purposes of proceedings under this section a Magistrate shall have the like jurisdiction and powers, as nearly as may be, including power to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, as when the
Magistrate is acting at a preliminary enquiry”

When you read this, Madam Speaker, together with the new AJIPAA Act, this is where we realize that there is now an inconsistency of the law or the lacuna, which we now have to fill by way of this particular piece of legislation. Because when the words “preliminary enquiries” are used in any particular written law, it means that at section 50(2):

A reference in any—“written law to a preliminary enquiry under the Indictable Offences (Preliminary Enquiry) Act, repealed by this Act shall, where applicable, be construed as a reference to committal proceedings under this Act.”

What does that mean? It means that where you see “preliminary enquiries” in any written law, it would now mean that AJIPAA applies. And we now have to as a Parliament, indicate and the Government's policy is this that extradition proceedings ought to continue under the old system, not the new AJIPAA. What I want to ask the Minister though, is that, if we have an extradition matter that started post the 12th of December, 2023, and prior to the commencement of this Act, whether or not it might be sensible to have a validation clause within the legislation, simply because, we are now passing retroactive legislation coming out of the Privy Council in the Ravi Balgobin Maharaj v the Cabinet of the Republic of Trinidad and Tobago, which dealt with the local Government Election interpretation. The Privy Council was very clear that when you are trying to enact or pass retroactive legislation, the language must be absolutely clear. So if there are any proceedings that we have started post the 12th of December2023, and prior to the commencement of this Act, whether or not there is the requirement or the
need to have a validation of those particular proceedings that may have been initiated by the Attorney General through any request that they may have received and the ATPs filed in the necessary courts. So that is one issue I wish to raise. Just going back in terms of the proceedings. When we look at what the magistrate has to do, the Minister was right in terms of, it is not a finding of innocent or guilt. It is really a committal proceeding, the test being prima facie case. Recently we had a judgment coming out the State v Kerlan George in the Court of Appeal, which had comments to make about Sangit Chaitlal and the applicable test now being that of the Galbraith test.

3.10p.m.
So those things we will preserve under the old system through this particular Bill because it now applies retroactively. So I asked the Minister whether or not it will be sensible with respect to having that validation matter but that is subject to the confirmation of the introduction of any of those proceedings though that time period I would have indicated.

Also, I think it is wise with respect to the additional amendment to inserted 35(2) as an exception of the proceedings because the language in section 33 is very clear where it says:

“(2) Notwithstanding subsection (1), the Indictable Offences (Preliminary Enquiry) Act shall continue to apply to proceedings which were instituted prior to the coming into force of this Act where no order is made under section 32A.”

The indicatable proceedings Act repealed—well the ADJIPAA would have appealed the whole Act. So I am very clear that we may in fact need to insert this
new amendment, which would be done in committee stage to create that exception to section 35 (2).

So Madam, Speaker, I gave the commitment that we ought not to be too long. It is a short debate and I thank you very much for your indulgence.

Hon. Members: [Desk thumping]

Madam Speaker: Member for Port of Spain South.

Mr. Scotland SC: Madam Speaker, I give way.

Madam Speaker: Minister of Energy and Energy Industries.

The Minister of Energy and Energy Industries (Hon. Stuart Young SC): Thank you very much Madam Speaker, and I thank my friend from Port of Spain South for giving way based on the commitment of the previous speaker from Barataria/San Juan and the desire of all of this on this side to finish this Bill as quickly as possible because there are others to come. Madam Speaker, I have heard my friend has said and the suggestion he has made with respect to the need for a specific validation clause. This is something that was discussed and the decision of the hon. Attorney General, who I believe has just wrapped up in the other place, is that at this stage he does not think it is necessary and we believe it is covered. As my learned friend for Barataria/San Juan referred to that particular Privy Council decision and has made it clear that in making something retroactive it just needs to be in the clearest possible language, which does not necessitate or need for a validation Act necessarily. So, I submit that clause 3, and what we are proposing as the new subsection 4 to section 3. Subsection 3 is deemed as to have come into operation on the 12th December 2023. It is the clearest possible language that can be used and it fulfils that.
Madam Speaker, with respect to the other thoughts that were thrown this way, and in particular the point that was made that this is the ninth amendment to ADJIPAA, that is to be expected. As we went along and the previous Attorney General, the hon. Member for San Fernando West who had piloted a number of those had said those were based on consultations by practitioners including the Director of Public Prosecution, suggestions by the Judiciary et cetera.

This was always meant to be a renationalizing of the criminal courts and how we can quicken and speed up the process that persons can get access to criminal justice as quickly as possible. As I said in the opening, this is meant to be a continuation of that process, and if things are arise and it goes along with practice and amendments are necessary, this Government will do what is necessary to ensure that the criminal justice system works as efficiently as it can based on legislation that needs to be passed.

So Madam Speaker, with those even fewer words, I am glad to always be short and utilize the language very efficiently, I beg to move.

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

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

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

**Clause 3.**

*Question proposed:* That clause 3 stand part of the Bill.

3. Insert after the words “Notwithstanding subsection (1)” the words “and
section 35(2)”.

Madam Chairman: Ministry of Energy and Energy Industries.

Mr. Young SC: Thank you very much Madam Chair. As circulated, there is an amendment, which I had also indicated when I was moving the particular Bill and it is that after the words “Notwithstanding” in subsection (1) in the proposed clause 3 where we were referring to subsection (3) of the Act, we add the words “and section 35 (2).” That is the proposed amendment and I have explained the reason for it.

Madam Chairman: The question is that clause 3 be amended as circulated.

Question agreed to.

Question put and agreed to.

Clause 3, as amended ordered to stand part of the Bill.

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

House resumed.

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

3.20 p.m.

MISCELLANEOUS PROVISIONS (JUDICIAL AND LEGAL SERVICE)

BILL, 2024

Order for second reading read.

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

That a Bill to amend the Constitution of the Republic of Trinidad and Tobago; the Judicial and Legal Service Act, Chap. 6:01; the Children Act, Chap. 46:01; the Patents Act, Chap. 82:76 and the Legal Profession Act,
Chap. 90:03 with respect to the administration of the Ministry of Legal Affairs and for related matters be now read a second time.

Madam Speaker, the need for these amendments and changes to the structure of the Civil Law Department culminated in the drafting of the Miscellaneous Provisions (Judicial and Legal Service) Bill, 2024 which if you will permit me, I will refer to the Miscellaneous Provisions Bill, primarily came to the fore from circumstances surrounding the now infamous court case Civil Action 2020 of 01243 Shervon Peters and others against the Attorney General of Trinidad and Tobago, the Claim.

A brief history of this matter is necessary in order to understand why the Government of the Republic of Trinidad and Tobago has considered these amendments to the above referenced Acts both crucial and essential to the effective running of the Civil Law Department of the Republic of Trinidad and Tobago.

While it is to be noted that investigations revealed that the relevant proceedings in that case were not served at the correct office, the fact that the full activity resulted in a default judgment against the State which the State was ordered to pay in excess of the sum of $20 million, could go undetected by the State Civil Law Department, underscored the need to look closely at the systems and processes used by the State in its civil law portfolio.

After a much justified public outcry following the decision of the High Court on the default judgment awarding $20 million against the State, I decided to appoint an investigative team, an independent investigative team on the 2\textsuperscript{nd} of February consisting of Retired Mr. Justice Stanley John and Retired Head of the Special Branch of the Trinidad and Tobago Police Service to do the following:

1. To enquire into the facts and circumstances relating to CV2020-01243
Shervon Peters against the Attorney General commencing from the 22nd of June, 2020 when service of the Claim Form and Statement of Case were effected, including the decision of the High Court dated 30 January, 2023, culminating in the handover of that file to the Acting Solicitor General on the 6th of February 2023.

2. To enquire into and establish the facts and circumstances regarding the role or roles played by any Minister, member of the Civil Law Department or any other person employed at the Office of the Attorney General and Ministry of Legal Affairs in the management and conduct of that case.

3. To enquire into and establish whether there was any dereliction of duty, violation of any law, conflict of interest and/or breach of trust on the part of any Minister, member of the Civil Law Department or any other person employed at the Office of the Attorney General in the management and conduct of that case.

4. To enquire into and examine the current procedures of the Office of the Attorney General and Ministry of Legal Affairs and Civil Law Department relative to the management and conduct of civil litigation generally involving the State.

5. To make recommendations, Madam Speaker, to improve the management and conduct of civil proceedings taken by and against the State of the Office of the Attorney General and Ministry of Legal Affairs and the Civil Law Department and to have recourse to such information, technology, expertise as necessary.
6. To report in writing to the Judicial and Legal Service Commission any facts, circumstances or evidence which in the opinion of the investigative team may give rise to show or establish the Commission of any disciplinary offence by any officer or officers in the Judicial and Legal Service relating to the management and conduct of that case.

7. To report in writing to the Director of Public Prosecutions any facts, circumstances or evidence which in the opinion of the investigative team may give rise to show or establish the commission of any criminal or fraudulent act contrary to the Laws of Trinidad and Tobago relating to the management and conduct of that case.

8. To make such other and incidental enquiries which concern and relate to subject matter of enquiry as the investigative team may deem necessary to give effect to any findings made by that investigative team and/or remedy and/or and prevent any act or conduct as may be found by the investigative team and on the need of any for the enactment, amendment or repeal of any Laws of Trinidad and Tobago relating to civil proceedings by and against the State.

9. And lastly, terms of reference, to issue a report with recommendations to the Attorney General within 60 days of the establishment of this investigation on the 5th of February, 2023 with reference to all of the above terms of enquiries and that a full and final report of recommendations within six months of the 5th of February with reference to those terms of enquiry.
Madam Speaker, the preliminary report was submitted by the investigative team to my Ministry on the 31st of March, 2023 and the full and final report was submitted to me on 22nd of June, 2023. Permit me to record the nation’s deepest gratitude to the members of that investigative team for their invaluable and expeditious work.

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

**Sen. The Hon. R. Armour SC:** For brevity only, in my references, this work is captured by references to the investigative team and their final report as the John Report.

During the course of their investigations, the investigative team and that investigation ran over a considerable period of time as what I have just read outlines. The investigative team met with heads of departments in the Civil Law Department led at the time by Ms. Karlene Seenath, Solicitor General Acting, the Permanent Secretary for the Office of the Attorney General and Ministry of Legal Affairs, the Director of Information, Communications and Technology at the Office of the Attorney General and Ministry of Legal Affairs among others.

In the submission of their full and final report, the team carefully examined and addressed the roles and functions of both the Chief State Solicitor and the Solicitor General, identified certain shortcomings and made several recommendations with respect to improving the management and conduct of civil proceedings taken by and against the State at the Office of the Attorney General and the Ministry of Legal Affairs.

During the course of that investigation, the team carefully scrutinized the procedure of the Civil Law Department as it relates to the management and
conduct of civil proceedings taken by and against the State. They examined how court documents are handled once served on AGLA—AGLA being the acronym for the Office of the Attorney General and Ministry of Legal Affairs—where these documents are logged and by whom, where these documents are placed after they are served on AGLA and most importantly, to whom are cases assigned for the conduct of each individual matter.

The current information technology, IT infrastructure at AGLA was also assessed in terms of how much it is used by officers attached to AGLA, and also how best information communications technology could be used in the future by the Civil Law Department to improve their processes and efficiency, and to ensure that the similar circumstances of a file going missing and a $20 million judgment being awarded against the State did not reoccur.

In making their recommendations, Madam Speaker, as part of their mandate, the investigative team came upon reports from 2006 and 2008 of a committee comprising of two former Solicitors General who subsequently went on to become High Court judges and Court of Appeal judges, as well as a senior professional in organizational management, a senior professional in human resource management, the then Permanent Secretary to the Office of the Attorney General and Ministry of Legal Affairs and chaired by then Court Executive Administrator of the Caribbean Court of Justice, Master Christie-Anne Morris-Alleyne.

This Committee, in 2006 and 2008, held extensive and exhaustive consultations with members of the various departments of the Ministry of Legal Affairs and produced extensive reports entitled: Reports of the Committee to enhance the delivery of legal services to the people of Trinidad and Tobago.
Master Morris-Alleyne was asked by the investigative team which I appointed to review the 2006 and 2008 reports of the Committee which I have just referenced, with a view to ascertaining whether the situation had changed significantly.

As part of her task under the leadership of Mr. Justice Stanley John, Master Alleyne met with senior officers of the Solicitor General’s Department, senior officers of the Chief State Solicitor’s Department, the Director and staff of the Information and Communication and Technology Department, the Permanent Secretary for AGLA and the Registrar General of the Registrar General’s Department. All with a view to an intention of understanding their concerns about the state of the Civil Law Department and ascertaining whether there had been any changes in the service they deliver, their modes of delivery, their resources and their tools and most importantly, their processes. She reported to the investigative team.

Madam Speaker, after all the information was collected and their investigations were completed, the investigative team determined that the structure of the Civil Law Department did not afford ample opportunity or fertile ground to enable the types of processes and procedure changes required to become an efficient and well-organized civil law chambers.

Permit me, Madam Speaker, to quote from Mr. Justice John’s Report who identified poor systems and weak processes, a lack of accountability, et cetera. This is part of the Report:

It has become evident that there are and have been weak processes which have resulted in unfortunate outcomes. It was necessary to understand where the weak processes came from. Why were they allowed to remain?
Who was studying them? Was there a culture of continuous improvement? More often than not, processes are an outcome of systems and organizational structure and it continues to be evident—present continuous—it continues to be evident that the existing structure lends itself to less than sound systems, limited accountability, process failure and limited engagement. Continuous review which should be one of the hallmarks of modern organizations is not encouraged by the organizational structure. The legal heads and their senior legal staff saw the processes as the responsibility of some amorphous “them” who had somehow the power and the legal head simply had to take it or complain. But never that they should be taking the lead or be involved in the process designed or redesigned.

Data entry was seen as something done by IT, not as the responsibility of each person as the computer replaces the pen. Let me repeat that. Data entry was seen as something done by IT, not as the responsibility of each person as the computer replaces the pen. It is for this reason that we approach these recommendations by first discussing the organization. The design of the organization must be such that the head of chambers sees themselves as accountable for not just the case that they are handling but the systems, the processes, the efficiency, the throughput, the standard and in general, the full organization.

End of quote.

The investigative team officially recommended that:

1. There be a Civil Law Chambers which should be a merger of what is now the Solicitor General’s Department and the Office of the Chief
State Solicitor formerly called the Civil Law Department in keeping with the Judicial and Legal Service Act, Chap. 6:01.

2. The administration of the civil law chambers be bolstered by the introduction of Chambers management within the Civil Law Chambers and that the Chambers Manager be headed by a competent Chambers Manager.

3. The Office of the Registrar General and the Intellectual Property Office be separated from the Civil Law Chambers and formed as offices on their own. This was seen as necessary as the work of the Office of the Registrar General is quite different from that of the rest of the Civil Law Department.

4. The positions of senior children’s attorneys and children’s attorneys be formerly created and filled under the provisions of section 88 of the Children Act, Chap. 46:01.

3.35 p.m.

Madam Speaker, permit me, at this juncture, to record for this honourable House my retaining of Mr. Justice Rolston Nelson, Retired, who has successfully led a team of attorneys before the High Court and succeeded in having the $20 million judgment against the State set aside.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: Not unexpectedly, that decision is under appeal by a team of attorneys led by Anand Ramlogan. On the 19th of October, 2023, Cabinet accepted the Justice Stanley John report and authorized me to come back with recommendations, which I did.
On the 5th of April, 2024, Madam Speaker, I retained Retired Court Executive Administrator, Master Morris-Alleyne, as my consultant to implement the recommendations of the Justice Stanley John report. For the record, Madam Speaker, it is important that I ask this House to acknowledge that prior to her retirement, in 2023, as Court Executive Administrator, Master Morris-Alleyne served successfully in that capacity as Court Executive Administrator under the late Right Honourable Mr. Justice Michael de la Bastide KC, as Chief Justice of the Supreme Court of Trinidad and Tobago, as President of the Caribbean Court of Justice, and after his retirement, she returned to the Supreme Court of Trinidad and Tobago, in that capacity under Chief Justice Archie, O.R.T.T. Need I say more as to the suitability and competence of Retired Court Executive Administrator, Master Morris-Alleyne, as the consultant, retained by me, to implement the John report?

Madam Speaker, following on the her retainer, Master Morris-Alleyne has held a series of meetings and consultations with the staff of the two departments, Solicitor General and Chief Solicitor, as well as with the Registrar General and the Controller of the Intellectual Property Office on the reform process, the first step of which is represented by this Bill. Permit me then, Madam Speaker, to turn to the Bill in some detail.

The JLSC Act—the Judicial and Legal Service Commission Act—provides for the creation of a civil law department in the Ministry of Legal Affairs under section 12, which states:

“(1) The Ministry of Legal Affairs shall comprise of the Departments of Civil Law, of Criminal Law, of Legislative Drafting and of Accounting which shall how be headed respectively by the Solicitor
General, the Director of Public Prosecutions, the Chief Parliament Counsel and a public officer to be designated Permanent Secretary in the Ministry…”—of Legal Affairs.

(2) The Civil Law Department shall include the Departments of the Chief State Solicitor and…the Registrar General.”

This Bill, Madam Speaker, seeks to reorganize and restructure the civil law department of the Ministry of Legal Affairs by doing the following:

1. Fusing the department of the Chief State Solicitor and the Solicitor General’s Department into one civil law department, with provision for children’s attorneys in keeping with the Children Act, and for effective chambers management to provide for improved opportunities for sound, strategic and operational management of the civil law department;

2. Creating the Registrar General’s Department as a separate department in the Ministry of Legal Affairs with the Registrar General as a chief legal officer;

3. Making provision for persons in the Intellectual Property Office to be engaged on contract to perform their specialized functions in such a way as to provide for some element of contractual stability.

The legislative changes, Madam Speaker, required for the purpose of fusing the departments of the Solicitor General and the Chief State Solicitor are:

- Removing the references to the department of the Chief State Solicitor as a distinct sub-department of the department of civil law: Clause 5(d)(ii) of the Bill.
Distinguishing between the responsibility of the department of civil law and specific statutory civil law functions and responsibilities: Clause 5(d)(ii) of the Bill as well.

Removing the distinction between offices under the Chief State Solicitor as opposed to the Solicitor General, by changing the names only—and I emphasize that, by changing the names only of these offices to reflect our fused profession.

Section 12(1) of the Judicial and Legal Service Act, Chap. 6:01 provides for three main legal departments with the Ministry of Legal Affairs. These are:

1. The department of civil law;
2. The department of criminal law; and
3. The department of the Chief Parliament Counsel.

With respect to the department of civil law, section 12(1) of the Act provides that the Solicitor General is the head of the department. Section 12(2) names the departments of the Chief State Solicitor and the Registrar General’s Department as sub-departments of the civil law department. Section 12 of the Judicial and Legal Service Act does not detail the functions of the departments. With the respect to the department of criminal law and the department of legislative drafting, the responsibilities are somewhat self-explanatory and those are not affected. However, given the ambit of civil law, some elucidation of the civil law matters that are the responsibility of the department of civil law is useful.

Madam Speaker, the Bill replaces section 12(2) with a new subsection that does not provide for a separate sub-department of the Chief State Solicitor. Instead, the proposed section 12(2) provides for the function of the department of
civil law. The proposed section 12(2) broadly describes the role of the department of civil law to include, among other things, the duties that are current exercisable by the Solicitor General and the Chief State Solicitor. Any function conferred by legislation to either the Solicitor General or the Chief State Solicitor will be the responsibility of the civil law department, whether or not the particular legislation is amended to refer to the department. The department of civil law is the umbrella under which those two offices will function.

Additionally, the proposed provision recognizes that, one, many of the roles and functions of the department of civil law are not currently and will not be expressly assigned in legislation, but have traditionally been performed by the holders of the Office of Solicitor General or the Chief State Solicitor; and secondly, the Attorney General, being charged by section 76 of the Constitution with responsibility:

“…for the administration of legal affairs in Trinidad and Tobago and legal proceedings for and against the State…”

—may assign duties for the department of civil law; section 85 of the Constitution also refers.

The Bill, Madam Speaker, also expressly refers to Part I of the First Schedule to the Judicial and Legal Service Act that sets out the legal offices of the department of civil law. These offices include the current offices of the Solicitor General’s Department, the Chief State Solicitor’s sub-department, most of which have been renamed—and I emphasize that renamed only—and the offices required under the Children Act, that is to say children’s attorneys and senior children’s attorneys.
Madam Speaker, the Solicitor General is the head of the department of the civil law department and also performs other statutory functions that are specific to the holder of the Office of Solicitor General. The two roles are performed by the same office-holder but are different. Similarly, some legislation specifies certain functions to be performed by the Chief State Solicitor. Those roles are specific to the office-holder regardless of whether or not that office-holder is also the head of a department or a sub department. The Chief State Solicitor, by the new name under this Bill, “Chief State Attorney”, when no longer the head of a sub-department, will continue to assign or delegate functions that are statutorily assigned to the Chief State Solicitor to other offices, as sections 52 and 53 of the Interpretation Act already provides that any statutory function conferred on any public officer, may be delegated to any other officers within the same Ministry. It is not necessary for the officer with the statutorily assigned role to be head of a department or sub-department, for other officers within the department to exercise functions related to that statutorily assigned role.

As such, the Minister responsible for legal affairs, that is to say the Attorney General, may, without limiting the authority of the Chief State Solicitor, renamed the Chief State Attorney, authorize other officers within the department of civil law to exercise Chief State Solicitor’s statutory functions.

There are also functions in relation to civil law matters, Madam Speaker, that are performed by officers, departments, Ministries or bodies, other than the department of civil law, such as the Board of Inland Revenue, Customs and Excise, the Ministry of Finance, and the Ministry of Energy and Energy Industries. It is not practical to specifically identify and ascribe responsibilities for every civil law
matter to a particular department, Ministry or officer.

A more practical approach is to provide that the general responsibility of the department of civil law for civil proceedings and other civil law matters does not negate the specific roles and functions assigned by statute to other officers or bodies. For the avoidance of doubt, the insertion of a new section 12(2A) clarifies the scope of the department of civil law, provides that specific civil law functions, assigned by legislation, will continue to be exercised by the entity or office-holders specified in legislation. The purpose of the proposed subsection (2A) is twofold:

1. It seeks to clarify that while there will be one department of civil law, if any law specifically assigns a duty or function to the Solicitor General or other Chief State Solicitor, that duty or function remains that of the officer. The officer simply operates within the general department of civil law as opposed to a distinct sub-department.

2. It also recognizes that some functions may come within the broad scope of a civil law matter, may have been assigned to some other public functionary office or body. In such a case, that office-holder or body will be responsible for the functions specifically assigned.

Dealing with state attorneys, Madam Speaker: With the fusion of the legal profession by the Legal Profession Act, barristers and solicitors are now, and have been for many years, attorneys-at-law. The maintenance of distinct offices of state solicitor versus state counsel and similar distinctions are unnecessary anachronisms. It is simply never been addressed and we are addressing that anachronistic redundancy now, among other things, by this Bill. We are bringing
the department into the reality of the Legal Profession Act, under which attorneys have functioned now for 40 years.

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

**Sen. The Hon. R. Armour SC:** Senior children’s attorney and children’s attorney: Section 82 of the Children Act, Chap. 46:01, mandates that the children’s attorney offices be an office within the department of the civil law department, i.e. be a legal office under Part I of the First Schedule of the Judicial and Legal Service Act.

The proposed replacement of Part I of the First Schedule to the Judicial and Legal Service Act proposes that Part I of the First Schedule be repealed and substituted to reflect the following changes:

(a) The Office of the Chief State Solicitor be renamed as Chief State Attorney;

(b) The Deputy Solicitor General and Deputy Chief State Solicitor be renamed as Deputy Chief State Attorney;

(c) All other offices with the designation State Solicitor or State Counsel, or similar designation be renamed State Attorney;

(d) The inclusion of senior children’s attorney and children attorney within that Schedule;

(e) The removal of the offices of Comptroller, Deputy Comptroller of the Intellectual Property Office. These offices, as well as the office of Assistant Comptroller will be inserted in Part V of the First Schedule as they are not part of the civil law department. They were created by the Patents Act and a part of a separate office.
Chambers management, Madam Speaker, a very important part of this reorganization of the civil law department: Consequent on the requirement for process and management improvement, provision is being made to strength the administrative structure of the civil law department into a management system suitable to law chambers. The office of chambers manager does not currently exist as a public officer or otherwise. It is to be a new senior non-legal, non-public service office, contractual position, to enhance the management of the department of civil law.

The Judicial and Legal Service Act primarily provides for the establishment, structure and administration of the judicial and legal service. Although it deals specifically with judicial and legal offices, it does recognize that non-legal support is required for the administration of the legal departments of the Ministry of Legal Affairs, including the department of civil law. So it provides for an accounting department headed by “a public officer to be designated the Permanent Secretary in the Ministry”.

The Permanent Secretary is also responsible for areas and duties assigned by the Attorney General. With public sector management now far more complex and onerous and with the need for specific management for the department of civil law, section 12 of the JLS Act, the Judicial and Legal Service Act, is being amended to provide for the role of a chambers manager in the department of civil law.

The chambers manager will be a suitably qualified professional who will support the head of department, the Solicitor General, who remains the Solicitor General in harmony with the Ministry's strategy with general administration including strategic management; manpower planning; staff management and
development; records management including digital records management and archiving; ICT development and implementation, and performance manager.

The chamber’s manager will also assist the Solicitor General with financial management, subject to the directives of the accounting officer. While the proposed office of chambers manager is not a legal office, it is an integral office for the administration of the Ministry, specifically the management of the civil law department of the Ministry, and is being provided for in the Act.

The Registrar General’s department, Madam Speaker. Section 12(2) of the Judiciary and Legal Service Act, Chapter 6:01, provides for the department of civil law to include a sub-department. That is to say, the department of the Registrar General. It is proposed in section 12 of the Judicial and Legal Service Act be amended:

i. to remove the department of the Registrar General from within as a sub-department of the Civil law department; and

ii. to provide for a department of the Registrar General as a fourth legal department in addition to the departments of civil law and criminal law and legislative drafting that, together with the department of accounting, currently comprises the Ministry of Legal Affairs.

The amendment to section 12 will also provide for the Registrar General to be the head of department for the department of the Registrar General. The Bill amends the first Schedule to the Judicial and Legal Service Act by removing from part one of the first Schedule the offices that relate to the functions of the Registrar General and putting those offices in a new part one 1(a), which sets out the legal offices of the department of the Registrar General.
The current legal heads of the department in the Ministry of Legal Affairs, that is to say, the Solicitor General, the Director of Public Prosecutions and the Chief Parliamentary Counsel are defined in section 2 of the Act as Chief Legal Officer. This Bill before this House today amends section 2 of the Judiciary Legal Service Act to include the Registrar General in the definition of Chief Legal Officer. It provides for all judicial officers to have like status and treatment as legal officers have at present, but without constitutional protection from alteration to their detriment.

Existing legislation provides certain safeguards and constitutional protection to the office holders of various senior public offices, including the Chief Legal Officers. This does not require constitutional amendments. These provisions relate to the manner in which these offices are appointed, the tenure of office, remuneration, and related matters. The Registrar General is therefore being given these safeguards without the need for constitutional amendment or protection.

Consequential amendments, Madam Speaker. In addition to the proposed amendments with respect to one, the diffusion of the department of civil law and the establishment of a separate department of the Registrar General, it is proposed that certain challenges to the effective operations of the department of civil law and the Intellectual Property Office be addressed. Cognizance should be taken of the statutorily created post of Senior Children's Attorney/Children's Attorney, which falls under the Solicitor General and the statutorily created Intellectual Property Office.

In particular, it is proposed:
A. The Children’s Act should be amended to allow the functions of a children's attorney to be performed by more attorneys of the department of civil law. Currently, section 88 of the Children’s Act provides for the functions to be performed by the substantive holders of the office of Children’s Attorney.

It is proposed that, in addition to holders of that specific legal office, the functions of that office may also be performed by other legal offices and contract officers in the department of civil law, and that will require a period of training. Additionally, as provided in other laws related to children and family matters, the Children’s Act should expressly require that the persons who are appointed or assigned to perform the functions of a children's attorney should possess relevant training and the temperament that is suitable for that role.

B. The Patents Act.

Section 3 of the Patents Act should be amended to provide for officers other than the controller, deputy controller and assistant controller of IPO to be either public officers or engaged on contract. This section should also clarify the procedure for the appointment of those officers.

Currently, Madam Speaker, subsection 3 of the Patents Act provides for the appointment of other officers of the IPO, and section 5 provides for the appointments or designation of examiners as necessary. It is proposed that, in like manner as provided by other legislation, provision should be made for persons to be engaged on contract to perform those functions in such a way as to provide for some element of contractor stability, specifically as these call for specialized
training and expertise. Such a contract of employment may be permitted for periods of up to five years at a time, with the option for re-engagement.

C. The Legal Profession Act is being amended to include the Registrar General among the Chief Legal Officers.

Madam Speaker, the restructuring of the civil law department has been a work in progress at the Office of the Attorney General and Ministry of Legal Affairs since 2006, even before the $20 million debacle and the John Report. Critical research, legislative drafting, meetings with stakeholders—and I emphasize that meetings with stakeholders—meetings with heads of department, and strategic planning have brought this need to tuition in the form of the Miscellaneous Provisions Bill now before this House.

The proposed fusion of the offices of the Solicitor General and Chief Solicitor’s department, as well as the proposed independence of the Registrar General’s department, will have the positive effect of revitalizing the civil law department and, by extension, the Ministry.

The legislative plan proposed is intended to change the civil law department into an efficient, well-organized civil law chambers. The crucial role that the civil law department plays in the governance of this country must not be understated. It is too important to not pay it the attention it so greatly needs and has needed, as the reports of 2006 and 2008 demonstrate and have been activated by the Stanley John Report.

I must thank and applaud the Acting Solicitor General, the Chief State Solicitor, the director of information technology, and their staff, as well as the
Registrar General, the Controller of the Intellectual Property Office, and his staff, for their participation thus far in the exercise of fusing the civil law chambers.

There have been, Madam Speaker, extensive long and healthy discussions in person, virtually, in emails and messaging, airings of concerns and views and ideas, agreements and disagreements, strong views, and not so strong views all in the discussions over the last several months as to the mechanisms to take the process towards creating an excellent and highly efficient civil law department for our country.

It is recognized by the staff of all of these departments that this is merely the first step forward and that a lot of hard work remains for them all in the development of processes and the systems of working methods of assignment, teamwork, and extensive training. It is recognized by the staff of all of these departments that change is not easy and requires both some discomfort and hard work—hard work, which I have seen them display. The intention to engage and to be part of a pivotally important process. Permit me, Madam Speaker, to thank them for being part of the solution and the process. I beg to move.

Hon. Members: [Desk thumping]

4.00 p.m.

Question proposed.

Madam Speaker: Member for Barataria/San Juan.

Hon. Members: [Desk thumping]

Mr. Saddam Hosein (Barataria/San Juan): Thank you very much, Madam Speaker, for inviting me to join this debate on the Miscellaneous Provisions (Judicial and Legal Service) Bill, 2024. Madam Speaker, when you look at this
particular piece of legislation, it may seem innocuous, it may seem harmless, but, Madam Speaker, this is one of the most preposterous, absurd, and outrageous pieces of legislation ever brought to this Parliament.

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

**Mr. Lee:** For want of words.

**Mr. S. Hosein:** And I will explain that position throughout this debate, Madam Speaker, because it seems as though this is just a name change. It is not a name change, it is the interference and intrusion of independent constitutional offices in this country.

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

**Mr. S. Hosein:** It is an attempt to legalize political interference in independent offices. There is anxiety and anger right now, Madam Speaker, as we stand here, from the staff of the Office of the Attorney General and Ministry of Legal Affairs. There is anxiety, Madam Speaker, simply because this Bill is vague, it does not outline or demark persons’ duties, responsibilities. There is a lot of labour issues within this particular piece of legislation that this Government has failed to really account on, Madam Speaker. I noticed the Attorney General is smiling, he may know something that I do not know, Madam Speaker, but there is anger and anxiety in that particular office.

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

**Mr. S. Hosein:** Today I want to stand with my colleagues at the Bar who represent Trinidad and Tobago when civil matters are filed against the State, Madam Speaker, to be treated in such a manner by this Government. We condemn the actions of this Government. Madam Speaker, I do not know what is the
urgency. They want to pass this particular piece of legislation with breakneck speed.

Mr. Lee: Ahhh.

Mr. Indarsingh: Ohhh.

Mr. S. Hosein: Madam Speaker, I hope nobody’s neck becomes broken. But, Madam Speaker, this Bill was laid in this Parliament on Friday. Five days later—Wednesday—we are here trying to push through this particular piece of legislation on the eve of the parliamentary recess. This Bill, Madam Speaker, ought to be withdrawn by this Government. Withdraw this Bill.

Hon. Members: [Desk thumping]

Mr. S. Hosein: Withdraw this Bill. Then we hear, Madam Speaker, that all of what is contained in this piece of legislation is from the Stanley John report.

Mr. Lee: Aha.

Mr. S. Hosein: Madam Speaker, I do not know if you saw the report but I did not see the report.

Mr. Moonilal: No one.

Mr. S. Hosein: In fact nobody in this Chamber, on this side of the House, saw the report.

Mr. Moonilal: On that side too.

Mr. S. Hosein: I do not think they saw it. Madam Speaker, they are saying that the restructuring of this particular department—the Civil Law Department—is a recommendation of Stanley John.

Mr. Lee: Or Jearlean John.

Mr. S. Hosein: But we did not see the recommendation. Today we are on this
side are hearing quotes from secret reports. Earlier on the Prime Minister quoted from one report. He was injunctioned from laying that report in this House. Madam Speaker, we may have to get an injunction for the Attorney General to lay the Stanley John report now.

Hon. Members: [Desk thumping]

Mr. S. Hosein: Because we do not know if what the report contains is what the Bill is trying to achieve. We have not seen the report. Madam Speaker, this particular report or this debacle as the Attorney General described it, according to a Newsday article dated the 29th of April, 2023, said—

Sen. Amour SC: Will the Member give way?

Mr. S. Hosein: No, I would not. You have your opportunity to wind up.

Hon. Members: [Desk thumping]

Mr. S. Hosein:—said the:

“Possible $800,000”—in—“legal bill in”—this—“missing file probe.”

So, Madam Speaker, this report may have cost the taxpayers over $1 million and we cannot see the report. They are coming to restructure the entire Civil Law Department saying it is a recommendation of that report and nobody saw it. It is a self-imposed gag that the Attorney General placed on himself on this report.

Hon. Members: [Desk thumping]

Mr. Moonilal: Where is the report?

Mr. S. Hosein: Madam Speaker, when you go to court you ask for documents to be sealed, the Attorney General sealed this report, nobody has seen this particular report, it is based on a secret report, Madam Speaker. And then we heard—

Mr. Indarsingh: It must have documents.
Mr. S. Hosein: The Attorney General took front. He said they hired a consultant on this matter, Master Christie-Anne Morris-Alleyne. Madam Speaker, I want to ask the Attorney General whether or not Master. Morris-Alleyne, at the time of being a consultant at the Office of the Attorney General, was also an employee of the Judiciary of Trinidad and Tobago.

Hon. Members: What?

Mr. S. Hosein: I want to ask that, whether she was employed at the time as an officer of the Judiciary and at the same doing consultancy work for the Executive, under the Office of the Attorney General. Madam Speaker, if that is true that is highly and totally inappropriate.

Hon. Members: [Desk thumping]

Mr. S. Hosein: I am being informed that Master Morris-Alleyne, up to late last evening, was meeting with staff about this particular piece of legislation, and then the Attorney General came on the floor to say, “Look we have extensive consultation.” You are meeting on the eve of the passage of this legislation. Madam Speaker, why are they pushing this thing so quickly through the Parliament? There must be some ulterior motive with this particular piece of legislation. Today I want to ask, how much was Master Morris-Alleyne paid as a consultant for this matter?

Hon. Members: [Desk thumping]

Mr. S. Hosein: When was the contract issued, and what was the procurement procedure used, Madam Speaker? Because there are specific procurement regulations and laws for the hiring of consultants by the Government. I want to know that, on behalf of the people of Trinidad and Tobago, and the hard-working

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staff at the Office of the Attorney General, under the Office of the Solicitor General, and the Chief State Solicitor.

I want to ask those questions, Madam Speaker, because those are very relevant questions when it comes to this particular piece of legislation. Today we ask the Attorney General, let us take a break, put the report on the table, let us see the report to ensure that what is recommended in that report matches up to this piece of legislation. I dare the Attorney General to lay the Stanley John report in this House.

Hon. Members:  [Desk thumping]

Mr. Lee:  Yeah.

Mr. S. Hosein:  And tell us what the final cost of that report is. So, Madam Speaker, let us get to the background of what is taking place. Because we have to understand what exists before we could understand what we are going to change. There are two departments really out of many at the Office of the Attorney General. Let us look at the Office of the Solicitor General first, an Office that is established by way of the Constitution, and the Ministry website gives a summary of what the Solicitor General’s office does.

“The Solicitor General’s department performs a critical role in the administration of justice by:

• Advising the State on all aspects of Civil Law
• By representing the State in both Constitutional and Civil Proceedings
• By Assisting in the formulation and execution of Government policy within the limits of the law”

And—
“To Vet financial documents relating to loan agreements and bond issues on the domestic and international markets.”

That is the Office of the Solicitor General. Functions of the Chief State Solicitor’s office.

“The Chief State Solicitor provides legal services to other Government Ministries, Agencies, and Departments/Units as well as to the members of the public. Its main functions are as follows:

• To focus on commercial and property law matters and, in these areas, serve both the Government and the public in the preparation of deeds and contracts for its commercial enterprises and for the engagement of consultants and other personnel; and

• To instruct the Solicitor General in Civil Litigation Matters.”

So while the Attorney General spoke of the profession being fused and we no longer use terms of solicitor and barrister in Trinidad and Tobago, what the Attorney General did not tell us is that we still have a system of instructing attorneys and advocate attorneys. The Office of the Solicitor General operates as the advocate attorneys on behalf of the State. The Office of the Chief State Solicitor operates as the instructing attorneys on behalf of the State. So while there is this fusion there is still the distinction that we maintain. So they have different functions when you go to court, Madam Speaker.

The instructing attorney is responsible for the drafting of pleadings, defense, counterclaims, responding to letters, taking directions, following up on directions, filing list of documents, disclosure, bundles, preparing trail bundles. The advocate will have a brief prepared by instructing attorney, he will advise on matters of law,
strategy, and he will appear in court and present the arguments for a judge. So that is the distinction between the both offices.

And whenever a matter is filed, it is served upon the Office of the Solicitor General, and therefore, that is where you now engage the assignment of state attorneys to particular matters. And currently, as it stands, the Office of the Solicitor General, the head of the department there is the Solicitor General. The head of the department of the Chief State Solicitors is the Chief State Solicitor himself, and under both of them you have the assistants and you have the deputies. Madam Speaker, there are clear demarcated functions, duties for everyone in that office.

So the Office of the Solicitor General knows that we are advocates, we go to court and we argue the matters. Those who belong to the Office of the Chief State Solicitor, they are instructing, they know what their duties are once they are assigned a file. The both offices then work together because they appear together in court as instructing and advocate. Madam Speaker, there are clear demarcations. Now, I want to go on to those two substantive holders of what the Bill is trying to do. The Bill is now removing the name of the Chief State Solicitor and changing him to the Chief State Attorney. Under the Constitution, at section 111(2) it deals with those particular public offices. And in particular, at section 111(2) of the Constitution it says:

“(2) Before the Judicial and Legal Service Commission makes any appointment to the offices of Solicitor General, Chief Parliamentary Counsel, Director of Public Prosecutions, Registrar General or Chief State Solicitor it shall consult with the Prime Minister.”
And—

“(3) A person shall not be appointed to any such office if the Prime Minister signifies to the Judicial...Legal Service Commission his objection to the appointment of that person to that office.”

So I raise this provision in this context.

The Solicitor General is a head of department; the CPC, Chief Parliamentary Council is also a head of department; the DPP is the head of the Criminal Law Department; Registrar General, head of department; and the Chief State Solicitor is also a head of department. When you now bring the Chief State Solicitor under directly the ambit of the Office of the Solicitor General. That person no longer becomes a head of department. That will be the only position under this section where a person who is not the head of department, the Prime Minister, maintains a veto for. That is an interesting point. Why is the veto being kept for that particular position and they are no longer a head of department? I ask, was that oversight? Was it deliberate?

Dr. Moonilal: Was it recommended?

Mr. S. Hosein: Was it recommended by Mr. John? Was it recommended by Master Morris-Alleyne after extensive consultation? I ask, asking for a friend, Madam Speaker.

Sen. Amour SC: Who is your friend?

Mr. S. Hosein: I will disclose the friend in a while, Madam Speaker.

Mr. Lee: Not you.

Mr. S. Hosein: Madam Speaker, what the Bill does also, according to what the Attorney General also told us, is that when you merge these two offices, there will
now be issues of seniority, there will now be issues of functions, there will now be issues of promotion. I will give you the context of it. The Chief State Solicitor now becomes the Chief State Attorney. When you look at what is taking place in the other positions is this. The Deputy Solicitor General and the Deputy Chief State Solicitor now become Deputy Chief State Attorney, sounds good, sounds reasonable. But when you look, Madam Speaker, at the 117th Salaries Review Commission Report, it says this. It says:

The Deputy Solicitor General in terms of rank, ranks the same as the Chief State Solicitor.

So Deputy Solicitor General and Chief State Solicitor, same rank, Madam Speaker. What happens now is that the Deputy Solicitor General now falls in rank to the Chief State Solicitor under this Bill. When you look at it you will see it now ranks Solicitor General, Chief State Attorney and then you will go down to the Deputy State Attorney who is now the Deputy Solicitor General. When you look at the Assistant Solicitor General, and the Assistant Chief State Solicitor, the Assistant Solicitor General is in a higher rank—according to the SRC 117th Report—than the Assistant Chief State Solicitor. Now you are putting them on the same rank, so it is really a kind of demotion for those Solicitor General’s position.

Then you have two Deputy Solicitor Generals, two Assistant Solicitor Generals, two Deputy Chief State Solicitors, and two Assistant State Chief State Solicitors. So when you merge all of this and you put them in one pot, you end up with eight deputies.

**Dr. Moonilal:** Oh.

**Mr. S. Hosein:** Eight deputies, you know, Madam Speaker. You have the
Solicitor General and eight deputies at that office; eight deputies.

4.15 p.m.

So, I do not understand, Madam Speaker if that also is a recommendation; that the more deputies you have, more efficient the work becomes. No, no, no, Madam Speaker, it becomes more efficient if you remove this Government and put a UNC Government.

Hon. Members: [Desk thumping]

Mr. S. Hosein: Because we never had this kind of problem when we were there, Madam Speaker. There was proper management of the departments. No file went missing for $20million, I could say that; none. So, what they are doing, Madam Speaker, is they are abolishing this Office of the Chief State Solicitor. They are abolishing this office. You now have all of the State Counsels and the state solicitors coming under what we call state attorneys. When they were appointed, Madam Speaker, and they were appointed to a particular position, they were clear when they interviewed and they were appointed. They knew exactly what their functions were, what their responsibilities were, what their duties were.

Madam Speaker, if they go to work the morning after this Bill becomes law, I do not believe anybody inside there will understand what they have to do now, because you have merged this entire department. There is anxiety. There is anger. People are upset about promotions. People may be upset about their terms and conditions, and you just fused this entire thing, Madam Speaker. That is a recipe for chaos, a recipe for chaos. It is not just a name change. It is directly involving terms and conditions and job descriptions.

Madam Speaker, what is also notable in the particular piece of legislation is
this, these state attorneys, what we call state counsels and state solicitors before, Madam Speaker, they would have been involved more in matters of civil law filed against the State, matters of constitutional law, you go to court, Civil High Court. That is the division that they would have practised in. What the Bill is now saying is this, at page 8 of the Bill where it amends section 88 of the Children Act, it says:

"Notwithstanding subsections (1) and (2), a person who holds an office in the Department of Civil Law, as set out in Part I of the First Schedule to the Judicial and Legal Service Act, may be assigned to perform the functions of a Children’s Attorney and when performing such functions, shall be deemed to be a Children’s Attorney."

Now, what does that mean? It means that a State Solicitor I, one who is now a state attorney will now be assigned responsibilities as a Children’s Attorney. Madam Speaker, the reason why we have two particular jurisdictions of the court of Civil Court and Family Court, is because it is a different forum. It is a different style. It is a different area of practise, in terms of family law. You have attorneys who are involved in serious civil litigation against the State now being assigned additional responsibilities where there is already a lack of staff, lack of resources, to now take up additional responsibilities in the Family and Children Division. This is exactly what this Bill is planning to do. It is now increasing the duties and responsibilities of already overworked attorneys-at-law at the Office of the Solicitor General and the Chief State Solicitor. That is what it is doing, Madam Speaker.

And then, at section 88A, which is now being introduced, it mentions a Senior Children’s Attorney. Madam Speaker, do you know nowhere in the
Schedule of the JLSC Act that is now being amended, it mentions a Senior Children’s Attorney. It does not. So, therefore, that position does not now fall under the ambit of the JLSC. Was that a recommendation of Mr. Stanley John? I do not know. I did not see the report, nobody did. So, Madam Speaker, I have outlined those particular provisions that will affect the terms and conditions, employment, remuneration, promotion aspects.

I want to move on to what the mischief is in this Bill. When we come to Parliament, we normally pass Bills or legislation to fix a mischief. Madam Speaker, this Bill is going to create mischief.

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

**Mr. S. Hosein:** When civil proceedings are filed in this country, against the State, the Attorney General is named as the defendant or the respondent, as the case may be. Matters are served on the Office of the Solicitor General. The Solicitor General will then assign the files to the state attorneys. The Chief State Solicitor, as I mentioned earlier, will assign who the instructing attorneys are. If there is a need for external counsel, the Solicitor General will make the recommendation to the hon. Attorney General, and the Attorney General, in his wisdom, will determine who the external counsels will be.

Madam Speaker, at clause 5 of the Bill, we understand what is taking place. They want, Madam Speaker, to create a parallel Office of the Solicitor General into AG Secretariat. That is what is going to take place in this country, Madam Speaker. So, that is what is taking place, Madam Speaker.

The Solicitor General, under the law, the Judicial and Legal Service Act at section 12, is treated or deemed to be a Permanent Secretary who is responsible,
really, for all of the administrative functions of that particular department. There is a Permanent Secretary in the Office of the Attorney General, who will be the accounting officer. But for the purposes of the JLS Act, the Solicitor General will be deemed to be a Permanent Secretary who is involved or responsible for the administrative function of the department.

Do you know what this Bill is planning to do now, Madam Speaker? It is to take away that power from the Office of the Solicitor General. And I will explain why I say that. When you look at clause 5 in particular, it deals with the establishment now of a Chambers Manager. This Chambers Manager, Madam Speaker, now is very strange. Because while it is going to be included in the JLSC Act, it is not a position that is going to be appointed by the JLSC. This is going to be a contract position, according to law. There are no duties of this person. There are no qualifications of this person. The person who will be appointing this Chambers Manager is none other than the Government. That person will provide administrative oversight over this new Civil Law Department. So, the Solicitor General will lose all her power or his power, because this Chambers Manager will now have administrative control and oversight. The Bill says:

“There shall be a Chambers Manager who shall, in accordance with the general or specific directions of the Solicitor General, provide general administration support, including strategic and operational planning, to the Department of Civil Law.”

So, what is going to take place here, Madam Speaker, is that they are going to create this Civil Law Department as an instructing firm and they will brief out all the matters to all of those friends and families of the PNM Government. Madam
Speaker, this is what this Bill is going to do. It is going to create a battery of instructing attorneys at the Office of the Attorney General and brief out all of those matters. Billions of dollars, you will see, will be spent in legal fees, because of this restructuring, Madam Speaker.

But I want to speak of what is taking place at the Office of the Attorney General now. Madam Speaker, do you now that right now there is also a Chambers Director in the Office of the Attorney General, at the AG’s Secretariat? Madam Speaker, I have a document in my hand here. This document says:

Vote—with a Balisier on the “O”—for Solange De Souza, candidate for Fyzabad.

Madam Speaker, do you know the 2020 candidate for Fyzabad is the Chambers Director in the Office of the Attorney General? That is why this position, Madam Speaker, is not a position to be appointed by an independent service commission. That is why, Madam Speaker.

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

**Mr. S. Hosein:** Because they want political oversight and control over the Office of the Solicitor General so they can brief out for who they want, Madam Speaker.

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

**Mr. S. Hosein:** Madam Speaker, I am told the person was working in the Office of the Attorney General, took a break to go and fight the election, she lost and then she was reappointed, Madam Speaker. This is what is taking place in the Office of the Attorney General. It is political interference at the highest level, political interference.

**Hon. Members:** [Desk thumping]
Mr. S. Hosein: Madam Speaker, this particular piece of legislation is a dangerous piece of legislation. Why did you not put the Chambers Manager under a position to be appointed by the Judicial and Legal Service Commission? Why? Madam Speaker, I wish if I could have shown you this document. I wish if I could show you, but I know the Standing Orders do not permit. Madam Speaker, that particular document shows clearly that the person was a candidate in the general election. My colleague from Fyzabad, the Hon. Lackram Bodoe, I think would have defeated her resoundingly at the polls; defeated her resoundingly at the polls.

Hon. Members: [Desk thumping]

Madam Speaker: Member, just remember no names.

Mr. S. Hosein: Yes, yes, Madam Speaker.

Madam Speaker: Yes?

Mr. S. Hosein: Madam Speaker, while I have your attention can you tell me what time I end?

Madam Speaker: I can tell you now, you have five minutes of ordinary time left and you are entitled to an additional 15 minutes, if you wish to complete your contribution. Are you going to avail yourself of it?

Mr. S. Hosein: Yes, thank you very much.

Madam Speaker: Yes, okay fine, proceed.

Mr. S. Hosein: Thank you very much, Madam Speaker. Madam Speaker, the management of the particular Solicitor General Department is done by the SG. The Solicitor General is responsible for the daily management, the performance appraisals, the assignment of files, supervision. Now, with this new Chambers Manager, who is going to do the appraisals of these persons? Who is the person
who will be responsible for doing all of this oversight and supervision and management, Madam Speaker? I know there is a vacancy for the Office of Solicitor General. Maybe the Attorney General might be interested in applying for that position. Because he seems no longer interested as the Attorney General, but rather to be the Solicitor General, Madam Speaker. Madam Speaker, this is a frightening piece of legislation. It is a frightening piece of legislation, because it interferes with persons’ jobs in this country, Madam Speaker. It really interferes with persons’ jobs.

I want to ask whether or not that current Director at the AG Secretariat is receiving salaries of about $40,000. I want to ask. I want to ask, Madam Speaker, rejected by the population, yes. Madam Speaker, this particular piece of legislation here, we have to examine it properly. Because it is not to cure, as I said earlier on, any mischief. It is to create mischief at the Office of the Attorney General.

When we look at the Registrar General’s amendments, those are creating a particular department for the RG. It is not intruding in any powers of the RG. It is putting the RG as a proper head of the Registrar General’s Department, the creation of that through the Registrar General, the Deputy Registrar General, the Assistant RG, Senior Assistant RG, Examiner of Title, Specialist Legal Officer. With respect to the issues of the Patents Act, Madam Speaker, I would not go into that. The Attorney General went into that. But Madam Speaker. I want to focus really on this particular piece of legislation with this fusion. If this report that we are told is true and correct about the recommendations, Madam Speaker, what other recommendations are contained in that particular report that is not contained in this Bill?
Hon. Members: [Desk thumping]

Mr. S. Hosein: Is it that this report only has one recommendation? Does it have one recommendation? Is this another piecemeal piece of legislation that they are accustomed bringing? Is it because they are smelling defeat, Madam Speaker, at the polls, that they now want to restructure the Office of the Attorney General, so that they can implant their PNM operatives within that office when they lose the next general election?

Hon. Members: [Desk thumping]

Mr. S. Hosein: Why is it that they are operating with breakneck speed, Madam Speaker? Madam Speaker, why do we not have a report Ms. Christie-Anne Morris-Alleyne to tell us exactly what she consulted on and what were the recommendations that she proposed to the Attorney General?

Hon. Members: [Desk thumping]

Mr. S. Hosein: Madam Speaker, they are undermining the independent institution of the Office of the Solicitor General. They are removing the Chief State Solicitor, Madam Speaker, and they are interfering with people’s job descriptions and functions. Madam Speaker, we totally reject this particular political move by this Government. This move is not for efficiency at that particular office.

Madam Speaker, I remember I was involved in a matter. It is completed now, where an attorney went on affidavit to say that they do not have laptops; they cannot access laptops, Madam Speaker, on behalf of the State and they cannot comply with directions. That is the problem at the office. They have no laptops. But do you know what they rather do, Madam Speaker? Brief out attorneys to the external counsels and spend millions of dollars. Madam Speaker, do you know

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what is shameless in this country? Do you know what is shameless? They want to spend $165million in legal fees that were approved by the Parliament a couple weeks ago and we cannot know the names of those attorneys. We cannot know the names.

Hon. Members: [Desk thumping]

4.30p.m.

Mr. S. Hosein: Because why do the attorneys not want to tell us how much fees they collect? Madam Speaker that is rubbish.

Hon. Members: [Desk thumping]

Mr. S. Hosein: That particular move by this Attorney General is dangerous. Former Attorney General for San Fernando West is on record saying, Madam Speaker, that, “Notwithstanding that attorneys do not agree to the disclosure of their fees, he is going to disclose it,” and he did. He did it.

Hon. Members: [Desk thumping]

Dr. Moonilal: “Dat is man. Dat is man.”

Mr. S. Hosein: So how has the policy changed with this new Attorney General?

Mrs. Persad-Bissessar, SC: He was a better AG.

Mr. S. Hosein: I would not go so far to say that.

Dr. Moonilal: Not a good AG, but a better AG.

Mr. S. Hosein: I would not go so far to say that.

Dr. Moonilal: He was better, not good.

Mr. S. Hosein: I know. Sometimes colloquially they say, “You have a “worse-ara” person.”

Dr. Moonilal: [Laughter]
Mr. S. Hosein: So, I feel, that is where we get the “worse-ara” person now.

Madam Speaker, this Attorney General that we currently have to tolerate has, in fact, been one of the Attorneys General who has the highest allocation and spend for legal fees.

Dr. Moonilal: Who? Who?

Hon. Members: [ Interruption ]

Mr. S. Hosein: The Attorney General—the current Attorney General.

Hon. Member: [ Inaudible ]

Mr. S. Hosein: No, no, no, no, no. You can check the history because I do my research here, Madam Speaker. I do not speak from the top of my head. I do not do that.

Hon. Members: [ Desk thumping ]

Dr. Moonilal: You could check the Bible.

Mr. S. Hosein: Madam Speaker, 2023, $195million allocated in legal fees—

Hon. Members: “Woo”!

Hon. Member: What?

Mr. S. Hosein:—under this AG. He is the first Attorney General, Madam Speaker, to have such a high spend in any one financial year; $165million for fiscal 2024, and refuses to give us the names of those attorneys.

Hon. Members: [ Desk thumping ]

Dr. Moonilal: “Who eating at”? “Who eating up dat”?

Mr. S. Hosein: Madam Speaker, I have the names of all they have appointed as senior counsels in this country and how much fees that they were given. Would you want to hear the names?
Dr. Moonilal: Yes.

Ms. Ameen: I want to hear it.

Mr. S. Hosein: There was one, Mr. Kerwyn Garcia, who earned $20 million in state fees, Madam Speaker.

Dr. Moonilal: “Ohh”. 20 million?

Mr. S. Hosein: Madam Speaker, $20 million.

Hon. Members: [ Interruption]

Mr. S. Hosein: And then I like to—my colleague from Port of Spain North/St. Ann’s West, he is encouraging me to respond to the crosstalk. Madam Speaker, this Member always says that he was so proud and he saw the Prime Minster walking the streets for section 34, and he decided that he has to fight for the country. I went and check the records. You know the Member for Port of Spain North/St. Ann’s West was just collecting state briefs from the Manning government.

Dr. Moonilal: Oh, is that so?

Mr. S. Hosein: I do not know if that was the motivation.

Hon. Members: [ Desk thumping and interruption]

Ms. Ameen: That probably inspired him.

Dr. Moonilal: That inspired you?

Madam Speaker: So, Member for Barataria San Juan, let us keep on track. Okay? Please.

Mr. S. Hosein: Thank you very much. Madam Speaker. Thank you very much. So what we understand is that these two years of senior counsels that have been appointed by the Government was for a reason.
Dr. Moonilal: Yes. Now they are bringing the candidate.

Mr. S. Hosein: Yes. Because they are going to convert the Office of the Attorney General into an instructing firm, and brief out to those senior counsels. Madam Speaker.

Hon. Members: [Desk thumping]

Mr. S. Hosein: We understand what they are doing.

Dr. Moonilal: That is the scheme.

Mr. S. Hosein: That is the political motive that this Government has. This has nothing to do with—to ensure that no $20 million file does not disappear. It has nothing to do with the Stanley John report. It has nothing to do with efficiency. This has to do with feeding PNM friends and families.

Hon. Members: [Desk thumping]

Mr. S. Hosein: Do not—Madam Speaker, we caution the Government, do not do this at the expense of hard-working attorneys from the Office of the Attorney General. Do not do that at their expense. Do not risk their jobs, their terms and conditions, their security of tenure, their duties, their promotion aspects.

[MR. DEPUTY SPEAKER in the Chair]

Do not risk that because of political expediency, Mr. Deputy Speaker.

Dr. Moonilal: There are people who cannot buy food.

Mr. S. Hosein: So, Mr. Deputy Speaker, with these particular issues concerns, grave matters, which I have brought to the attention of the country and this House, we, on the Opposition, stand with those attorneys at the Office of the Attorney General and Ministry of Legal Affairs.

Hon. Members: [Desk thumping]
Mr. S. Hosein: I call on this Government to leave those attorneys alone. Stop interfering with their independent offices. Mr. Deputy Speaker, with these few words, and these concerns that I have raised, I thank you very much.

Hon. Members: [Desk thumping]


Mr. Deputy Speaker: I recognize the Member for Port of Spain South.

Mr. Keith Scotland SC (Port of Spain South): Mr. Deputy Speaker, I cannot express my disappointment at the level of contribution coming from the hon. Member for Barataria/San Juan. There is no substitute for good governance, and there is no substitute for the People’s National Movement—

Hon. Members: [Desk thumping]

Mr. K. Scotland SC:—who have brought good governance to this debate.

What we just heard here in that contribution was a vilification of patriots, people in this country, who have served with distinction and their names have been brought before this House into odium and disrepute: A former High Court Judge and Judge of the Court of Appeal, who is now sitting in the BVI as a judge in the Court of Appeal, and his name has been vilified in this Parliament; a former public servant, who has served as a Master of the High Court, who has served—and gotten a national award and served at the law school, training young interns, including the ingrate for Barataria/San Juan—

Hon. Members: [Interruption]

Mr. Tancoo: Mr. Deputy Speaker, 48(4).

Mr. Deputy Speaker: One person. One person.

Mr. Tancoo: 48(4), Mr. Deputy Speaker, use of offensive and insulting language.

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Hon. Members: [Interruption]

Mr. Deputy Speaker: Members. All right. Again, Member for Port of Spain South, I would like you to retract the term and move on.

Dr. Moonilal: And apologize.

Mr. K. Scotland SC: I retract the word “ingrate” and I substitute—

Hon. Members: [Interruption]

Mr. Deputy Speaker: No, no. Hold on. Hold on. Just withdraw—

Mr. K. Scotland SC: I withdraw.

Mr. Deputy Speaker:—reservedly, and proceed.

Mr. K. Scotland SC:—including, what is worse than witchcraft, the Member for Barataria/San Juan, be ingratitude. Mr. Deputy Speaker—

Hon. Members: [Desk thumping]

Mr. Indarsingh: Mr. Deputy Speaker, I rise on 48(4). You cannot allow Port of Spain South to behave with this kind of language.

Hon. Members: [Desk thumping]

Mr. Deputy Speaker: Member, please—

Mr. Indarsingh: You cannot. You cannot.

Mr. Deputy Speaker: Please—again, Members, I have ruled, I have made my decision and we are now moving on. Proceed.

Mr. K. Scotland SC: Thank you, Mr. Deputy Speaker—

Mr. Indarsingh: Mr. Deputy Speaker, on 48(4), I heard the use of language such as “witchcraft” and all these things, in relation to the Member for Barataria/San Juan.

Hon. Members: [Interruption]
Mr. K. Scotland SC: Thank you. Mr. Deputy Speaker. I knew that “witchcraft” would have drawn their attention.

Hon. Members: [Laughter]

Mr. K. Scotland SC: Sorry, Mr. Deputy Speaker.

Mr. Indarsingh: They should—

Hon. Members: [Interruption]

Mr. K. Scotland SC: Mr. Deputy Speaker. They have called someone who is qualified, and applied for a position, and I say that the hon. Member for Barataria/San Juan should withdraw the personal attacks that pass for a speech and a contribution in this debate.

Mr. K. Scotland SC: Nobody will want to come forward, of worth, to serve, if that is what they have to face under the guise of parliamentary protection.

Mr. Deputy Speaker, I now go to speak of substance, and the substance of this legislation that has been brought before this Parliament. I am still dumbfounded and flabbergasted that the hon. Member for Barataria/San Juan had the gall, and the temerity, and audacity to say that $125million spent, or proposed to be spent by the hon. Attorney General, in any way, compares to the over TT $1
billion that was spent by the former regime between the 2010 and 2015, on attorney’s fees.

I noticed—although he has called names, you cannot call certain names though because on this side, we have integrity, we work hard for our money.

Hon. Members: [Desk thumping]

Mr. K. Scotland SC: That is why, Mr. Deputy Speaker, I am still amazed that they have the gall to speak about that missing file when you consider the players that are involved in that missing file debacle.

Hon. Members: [Interruption]

Mr. K. Scotland SC: I say no more on that. I would not be drawn into that. What I do say, Mr. Deputy Speaker, in keeping and in answering the fearmongering that has been peddled by the hon. Member on the other side, I wish to put this on the record. The Bill is an operational change that brings the State, the civil department of the State, under the umbrella of one department. The department will now be under the Solicitor General, whose substantive position remains unchanged under the Constitution of Trinidad and Tobago.

4.40 p.m.

More importantly, the former Chief State Solicitor general is now “Chief State Attorney”. All that is Mr. Deputy Speaker, is in keeping with the nomenclature that has existed in the profession for over three decades now. No one is called a solicitor, be you advocate or instructing.

Mrs. Persad-Bissessar SC: Why are we keeping the word “Solicitor General”? Why then are we keeping the words “solicitor general”, if it precludes—

Mr. Deputy Speaker: Member, Member for Siparia—

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Mrs. Persad-Bissessar SC: I asked the Member to give way.

Mr. K. Scotland SC: I am not giving way.

Mr. Deputy Speaker: Hold on. You know the procedure.

Ms. Ameen: You sat down.

Mr. K. Scotland SC: I have—

Mr. Deputy Speaker: Hold on, hold on. Members, please. Member for Siparia, again, long standing Member you know the procedure, right. So Member, have you given way?

Mr. K. Scotland SC: I have not given way.

Mr. Deputy Speaker: Okay, so proceed.

Ms. Ameen: You sat down.

Mr. K. Scotland SC: And, and, and—Mr. Deputy Speaker, I understand why they are jumpy you know because the truth will set us free here, and the truth is an anathema to the Members on the other side—

Hon. Members: [Desk thumping]

Mr. K. Scotland SC:—they “cyah take de truth”. Let me tell you what the truth is. In 1981, there was a case that reached the Privy Council, the case of Endell Thomas v the Attorney General. And exactly the fearmongering that was mouthed by the Member for the other side that is exactly what was submitted before the Board of the Privy Council. And Mr. Deputy Speaker, I want to the place on record, since 1981 what the Privy Council had to say about the Government of Trinidad and Tobago, a PNM Government at that time.

You recall Mr. Deputy Speaker, Endell Thomas was the policeman in Tobago who refused to obey certain orders and he was dismissed and he
challenged it. And this is what the Privy Council, Lord Diplock, had to say about governance in Trinidad and Tobago:

“To speak of the right of the Crown to dismiss its servants at pleasure is to use a lawyer’s metaphor to cloak a political reality.”

He goes on to say:

“Under a party system of government such as exists in Trinidad and Tobago and was expected to exist after independence in other Commonwealth countries whose constitutions followed the Westminster model, dismissal at pleasure would make it possible to operate what in the United States at one time became known as the ‘spoils’ system…”—of—“….change of government, and would even enable a Government, composed of the leaders of the political party that happened to be in power, to dismiss all members of the public service who were not members of the ruling party and prepared to treat the proper performance of their public duties as subordinate to the furtherance of that party’s political aims. In the case of an armed police force with the potentiality for harassment that such a force possesses, the power of summary dismissal opens up the prospect of converting it into what in effect might function as a private army of the political party…Their Lordships…”

And this is important—

“...do not suggest that there is any likelihood of any of these extreme consequences of the existence of a legal right of summary dismissal without cause occurring in Trinidad and Tobago;”

This is the Privy Council, Lord Diplock speaking:
“... but what has actually happened in some other countries...to justify the constitution-makers in the nineteen-sixties...”—is what Trinidad and Tobago has protected.

This is the Privy Council speaking about Trinidad and Tobago since 1981, under a PNM-led Government.

There is no fear for any public servant as is espoused by the hon. Member for Barataria/San Juan with this piece of legislation, because the positions remain the same. Their protection under the law remains the same. Their entrenchment under the Constitution remains the same. Their insulation from political victimization remains the same. Why are they not telling that to the country? Why is the hon. Member and his cohorts trying to instil fear in the public servants in Trinidad and Tobago?

The Privy Council has spoken in Endell Thomas, and what has happened, Mr. Deputy Speaker, is that this Bill, is a reaction partly to the debacle that occurred in the Sherman Peters case, but they would like that type of thing to continue, so the State will pay $20 million without having defence of a matter, $20 million of taxpayers’ money, Mr. Deputy Speaker, that could go to building schools and repairing roads in Trinidad and Tobago. And what we say, respectfully, is that as we become more complex as a society, the legal framework must evolve to address the challenges. And that is what we are trying to do with this. The establishment of the chambers management role and the clarification of functions within the Department of the Civil Law enhances the support system for civil law matters, leading to a more effective legal process and outcome, leading to more checks and balances in the system.
The Bill seeks to amend the Constitution of the Republic of Trinidad and Tobago, the Judicial and Legal Service Act, the Children’s Act, and the Patent Act, and the Legal Profession Act, with respect to the administration of the Ministry of Legal Affairs and related matters. Mr. Deputy Speaker, I would like to take you through, respectfully, the clauses. I would like to be clause-specific to show you that there is no bite. There is no occult reason for the bringing of this legislation.

Clause 4 of the Bill, one of the amendments is the substituting of the words “Chief State Solicitor” with “Chief State Attorney” as in keeping with section 111, subsection (2) of the Constitution. The language is now reflective of what exist and what has existed for over two decades. We no longer have solicitors so why are we having “Chief State Solicitor”? I wanted the other speaker who the flows after let him address that, he or she address that. We no longer address people as solicitors; they are addressed as attorneys at law. Why have Chief State Solicitor? We have attorneys and, Mr. Deputy Speaker, by using language that is more easily and readily understood by the population, we are now making legislation more amenable and more susceptible to interpretation.

Clause 5. The Registrar General to be included in the definition of “Chief Legal Officer” in the Judicial and Legal Service Act. The Registrar General’s Department oversees civil, land, and commercial transactions in Trinidad and Tobago, Mr. Deputy Speaker, and therefore, becomes the subject of the judicial and legal services. The Act deals with a number of administrative issues in relation to the Chief Legal Officer. It deals with the annual leave entitlement and application, casual absences, including leave upon retirement or transfer.

Mr. Deputy Speaker, from a practical perspective, what this amendment
means is that the Registrar is treated now as a Chief Legal Officer to whom certain applications are made for various types of leave at work. Does that not streamline the process, make it more reasonable, make it more efficient? What is the objection, the objective objection, to that provision? The Registrar will not be subject to leave entitlement prescribed by the Act, these applications will come to officers who fall within their department.

Given the role of the Registrar General, Mr. Deputy Speaker, it makes sense that they should be included and made subject to the Judicial and Legal Service Act. The Registrar General will now formally form part of the Ministry of Legal Affairs. Again, given the role and functions of the Office of the Registrar General and its Department, it is logical for the Registrar General to now form part of the Ministry. And the Registrar General’s Department centralizes its service under the Civil, Land, and Company Registries, as well management of hospital and district registrars. The Department is in fact a legal department charged with recording, disseminating vital records of all citizens while preserving and protecting them. What is the mischief, Mr. Deputy Speaker, in including that department in the Judicial and Legal Service Commission? What is the mischief seeing the critical legal role that is performed by the department?

The other amendments will touch and concern the tenures of the Chief Legal Officers and Chief Judicial Officers. They shall vacate office on attaining the age of 65 years. What that does, it brings it in line, in alignment with, the national age of retirement. It is now sibling to that. Where is the mischief? What is hidden in that? What is objectionable about that?

The Department of Civil Law, Mr. Deputy Speaker, is now given functions
and duties. Before the amendments, section 12(2) of the Judicial and Legal Service Act simply stated that:

“The Civil Law Department shall include the Departments of the Chief State Solicitor and of the Registrar General.”

Now, with this amendment, it is specifically itemized that the Department of Civil Law shall be responsible for such functions and duties with respect to civil proceedings and other civil law matters, which the Solicitor General or Chief State Solicitor was previously entitled to perform. Civil matters assigned to officers of the Civil Law Department or matters assigned by the Attorney General. It clarifies that the Department of Civil Law shall deal with all civil matters and this is whether conferred or assigned.

In other words, Mr. Deputy Speaker, it leaves no room for doubt or ambiguity. Does it affect the state Liabilities Act? The answer is, no. So then where again, Mr. Deputy Speaker, is the mischief? Where is the fear that is being advanced by the hon. Members on the other side?

Clause 5 creates the post of:

“Chambers Manager who shall...provide general administration support...to the Department of Civil Law.”

This new post is a very critical post and lots have been said about it because it is a contract post. Mr. Deputy Speaker, what is the aversion to contract posts? I am disappointed in the Member for Couva South. The world in employment law is going towards a mixture, Mr. Deputy Speaker, of permanent employees and contract employees and since—and just for the edification of Barataria/San Juan, he did not take the tutorial from Master Morris-Alleyne, maybe he will take the
tutorial now. Since the case of Ulric Tudor, the law is clear that you are not allowed to have an indefinite temporary appointment. Ulric Tudor has set in place the fact that if you have a contract, it must have a start-up time, it must have a finish time, and in that, if it is renewed over a period of time there are certain rights that accrued. In other words, Mr. Deputy Speaker, there is no disadvantage to having this position as a contract position. And in fact, the world of employment, the landscape of employment is now heading for a mixture of that type of employment.

Clause 6 of the Children’s Act is amended to include a wider definition of “Children’s Attorneys”. Before that amendment, Children’s Attorneys were appointed by the Judicial and Legal Service Commission. The amendment permits the assignment of the attorney from the Department of Civil Law to perform the functions of a Children’s Attorney. It is the assignment of an attorney-at-law. It is not bringing in someone who is not qualify to do the job, Mr. Deputy Speaker. This ensures that every child in the court system that the court deems an attorney is required to safeguard the interest of the child, or perform other function in the relation to the child, has a broader pool.

4.55 p.m.

Let me speak of experience. You go to court on an urgent matter involving the safety and welfare of a child. The court would not want the attorneys in the matter, Mr. Deputy Speaker, to represent the child because the child’s interest is separate and apart from the combatant. The court’s position in any matter in relation to a child is that of parents patriae. They forget the parents. The court says, “I am taking charge because you big people are arguing.” But guess what?
The person who would suffer most is the child. So, the court now has to appoint an attorney to represent the child. You have to now go to the Children’s Authority to get an attorney. That takes almost an eternity. Mr. Deputy Speaker, whilst that is going on, whilst that delay is there, whatever danger was there for the child that caused the parties to come to the court, that danger remains unresolved.

This deals with a quicker appointment of children’s attorneys in a manner that will assist in the resolution of matters involving children. That is what this amendment seeks to bring to the Parliament. A greater pool of attorneys and less delay. What can be more significant than the welfare of a child in Trinidad and Tobago? Given sometimes the sensitive matters involving children, the need for speedy resolution—and that could only come with the speedy appointment of an attorney on their behalf. Mr Deputy Speaker, in a matter that I did, it took six months to appoint a lawyer for the child. Because the court said, “You representing the father, the lawyer representing the mother, you all have your own interests to serve. I want an independent attorney to represent the interest of the child.” Six months it took. The child went from primary school to secondary school, and the matter was not resolved because there was a delay in the appointment of the attorney because the pool was not large enough to have that accomplished.

Clause 6 also amends the Children Act to ensure that the attorneys who have the requisite training related to family or children matters and suitable temperament for dealing with children. While the pool of attorneys from which a children’s attorney may be appointed is widened, the amendment ensures that whichever attorney is ultimately appointed is not only qualified, but has the
temperament that is suited for dealing with children. Mr. Deputy Speaker, is not that an improvement in the system? People who have short fuses, attorneys who do not know to compromise, who may be busy doing other branches of law because the law involving a child is a peculiar branch of law. It requires a certain amount of empathy. It requires a certain amount of training. It requires a certain amount of sensitivity to issues that affect children. This Act brings into sharp focus the question and the need to train attorneys in that particular regard to make them specialists in dealing with children. I ask again, where is the objection to that? Ultimately, this amendment is about ensuring that the children receive best representation that can be given by the State in the shortest possible time. That is what that amendment seeks to achieve.

Clause 7 of the Patents Act is amended to now include that certain officers, assistant controllers or other officers as considered necessary of the Intellectual Property Office, may be appointed as a public officer or engaged on contract by the permanent secretary on the advice of the Comptroller. Mr. Deputy Speaker, I want to make sure that I have gotten this right. Not under the advice of the Office of the Attorney General, under the advice of the Comptroller. So where is this secret cadre of attorneys that the hon. Attorney General is seeking to appoint? Where is the legislation that gives the avenue for such an appointment?

Given the world of technology that we now live in, intellectual property is becoming increasingly important. Mr. Deputy Speaker, we would be presently debating the patenting of the pan. That Bill is before us. Intellectual property is something that is now becoming a fast-growing branch of law. This Bill is a forward-thinking one in that regard. And also, in a country as Trinidad and
Tobago, where creativity abounds, is not intellectual property and the protection thereof, something that is a laudable goal? This legislation seeks to create that atmosphere, that legal framework within which we can do that and we can make the products of Trinidad and Tobago marketable and profitable. Mr. Deputy, how much more time do I have?

Hon. Members: [Inaudible]

Mr. Deputy Speaker: Have a couple Deputy Speakers in the House.

Mr. K. Scotland SC: He aspires.

Mr. Deputy Speaker: Again, your initial speaking time finishes at 5:05, and you have an additional 15 minutes so your total end time would be 5:20. You would avail yourself?

Mr. K. Scotland SC: I undertook not to take the full 45 minutes and I want to practise a discipline of doing so, Mr. Deputy Speaker.

Mr. Deputy Speaker: Right. But again, just in case, you will avail?

Mr. K. Scotland SC: Yes, I will avail if I go over. So Mr. Deputy Speaker, what we are doing with this clause is ensuring that those who work in the industry are able to patent, trademark or copyright and register their products to not only ensure maximum profit, but to prevent others from unfairly stealing their works and intellectual property. Coming from the place up on the hill where the pan was invented:

“Somewhere up in Laventille, many years ago, ah man had ah hammer, used to follow him to and fro…”

We say that the protection of intellectual property is important to the constituents of Port of Spain South. Where that intellectual talent, that joie de
vivre exists where people produce an instrument that now is one of the few creations in the 21st Century and it is now, Mr. Deputy Speaker, recognized worldwide.

   It is an important piece of legislation. It may not be important to the hon. Members on the other side, but it is important to us on this side. And therefore, we present it as a good piece of legislation with a laudable objective. It is important that the works be patented, trademarked, copyright registered, and it is important—the ability of this amendment to now hire officers on contract within the Intellectual Property Office ensures that the office can now perform its function without delays associated with the hiring of public officers, and we can hire out on contract, suitably qualified personnel, Mr. Deputy Speaker. Suitably qualified personnel.

   Clause 8, section 26(4) of the Legal Profession Act is amended to ensure that the definition of “Chief Legal Officer” now includes “the Registrar General” to ensure conformity with the Judicial and Legal Service Act.

5.05 p.m.

Mr. Deputy Speaker: I recognize the Member for Siparia.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: Thank you very much, hon. Deputy Speaker. I really did not plan to join this debate today. But today I feel like it is the last day of school, because after today, we take our recess break, so I will be very happy to join. And I want to congratulate the hon. Member for D’Abadie/O’ Meara.

Mr. Hosein: No. No. Port of Spain South
Mrs. K. Persad-Bissessar SC: I am sorry, Port of Spain South—your plaque isis, he wrong place—on his contribution, the hon. MP Keith Scotland, on his contribution today, and to also congratulate you on being awarded Silk. So I congratulate you, very much Member. And listened to you. I always enjoy listening to the hon. Member, but I am sorry, I may have to pick a bone with you on some of the issues hon. Member. And as fellow lawyers, I know there will be some things we agree upon and some we do not.

So the first thing I tried to ask you to explain for us. Why is it, that you were very adamant that we no longer use the word “solicitor” which has been for some time now, when we changed from barristers and solicitors—

Mr. Hosein: [Inaudible]

Mrs. K. Persad-Bissessar SC:—and went to instructing attorney and—

Mr. Hosein: Attorneys.

Mrs. K. Persad-Bissessar SC:—advocate attorneys and so on. So that in some ways, the matters in the Bill are in keeping with that kind of a naming of legal persons. So, yes, you said we must be consistent. We no longer have solicitors. But then when I looked at the clause 18 of the Bill, I tried to ask you that question. If we are saying that we are getting rid of the word “solicitor” from our legal offices and so on, then why are we keeping the words “solicitor general”? So there are two areas here, we have the Chief Solicitor, in the civil law department and we have the Solicitor General. So we have changed everything under Chief State Solicitor. If we look at clause 18, the new clause:
“A reference in any written law, contract or any other document to an office in the First Column shall be construed as a reference to the corresponding office, as renamed, in the Second Column.”

You know when I initially read this Bill, I said all we are doing is changing some names. But I support the submissions of my colleague from Barataria/San Juan.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: Some very substantial issues are being raised, with respect to the Bill. So whilst we are not about naming and shaming anyone, I think there are serious issues to be considered in this Bill. I do not know when this Bill was drafted. But here we come into the Parliament and—I will come back to the Solicitor General and Chief State Solicitor, in a moment. But here we are—I am happy to come and speak here on this last Sitting. We hope that we are not disturbed after today’s Sitting and we are going into recess. But all things are possible. So, I thank you very much, and I want to say—let us look at something “eh”. We were sitting back to back today, Mr. Deputy Speaker, while the Senate was sitting. That has happened before, this is not the first time. But it is really an extraordinary measure. I remembered when I was Minister of Legal Affairs, in fact, in a previous incarnation in this House, that I was here talking on Bills and the hon. Member mentioned patent—

Mr. Hosein: Patent.

Mrs. K. Persad-Bissessar SC:—Patent Bill, and things with copyrights. I remembered nine Bills, Mr. Deputy Speaker. I had to speak here, and then I had to run across the corridor, which used to then be the tea room, to speak in the Senate. So it has happened before, when there is a lot of work. But today we are in the 28th
Sitting of this House; 28th Sitting in this session of our Parliament, the Twelfth Parliament. And let us look at what has happened. Because why are we today back to back and rushing to do so many things in this last week. I want to ask why? So if we look, today is the 28th Sitting in this month of July, of the Fourth Session of the Twelfth Parliament.

As at July 3rd 2021, that was the year of the pandemic lockdowns. Can you imagine the lockdown, we had 33 Sittings. Then we come to 2022, as July 3rd at the same time in that session, 36 Sittings. As at July 3rd, 2023, 30 Sittings. And now we come to here, 28 Sittings—where we are, between Monday and today, what was it? So many Bills being debated. Today again the Senate is Sitting back to back. They are going to be dealing with it, Tuesday. They were there today, and I am told they are going to be there tomorrow. So, why did we crunch everything? Why are we crunching everything in this haste, in this last week of the Parliament? I asked that. And then Then with respect to the legislative agenda, we have become very busy in the Parliament, the last couple weeks—and we see the legislative agenda.

It is that, I remember during the budget debate in 2023, in the Senate, 15th October, 2022, the Attorney General which is the present Attorney General, committed that he would bring his suite of legislation, targeting a cross-section of our national, societal and civic issues, when he stated—and I quote from the Hansard, Sir. I am on point and I will tie it in for you, Mr. Deputy Speaker. I quote the AG:

“Madam President, through my office and the Legislative Review Committee, this Government intends to introduce a suite of legislation
targeting a cross-section of national, societal and civic issues, all for the betterment of the people of Trinidad and Tobago…

—I continue to quote:

…The Government places top priority, Madam President, on the need to drive economic activity—and as recognized and saluted by the Hon. Minister of Finance—to improve the ease of doing business for companies, entrepreneurs, small and medium…

—and so on.

So for two years, since then we have sat here, talking about effective legislative agenda. And when we look at the agenda, we see, for out of the 66 Bills brought to this House, 66 from then to now, from 2020 to 2024; 30 of those have been new legislation; 16 were finance Bills. So out of 66,—

Hon. Member: Mr. Deputy Speaker, I—.

Mrs. K. Persad-Bissessar SC:—44 Bills have been amendments and finances.

Mr. Gonzales: I point to—point of order. Point of order, Mr. Deputy Speaker, 48:1.

Mrs. K. Persad-Bissessar SC: What is that 14:1?

Mr. Hosein: 48:1.

Mrs. K. Persad-Bissessar SC: 48:1?

Mr. Deputy Speaker: Again. overruled. Proceed.

Mrs. K. Persad-Bissessar SC: I thank you very much, Sir.

Mr. Deputy Speaker: Member as you said—

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: I am thanking you very much.
Mr. Deputy Speaker:—Hon. Member. Hon. Member.

Mrs. K. Persad-Bissessar SC: And I will come back

Mr. Deputy Speaker: Hon. Member, as you said you know you will tie it together accordingly.

Mrs. K. Persad-Bissessar SC: I am guided Sir, and I thank you very much. So I am saying in terms of substantive legislation. Today, again—

Mr. Deputy Speaker: Member. Please. Please. I rule. “Yeah”.

Mrs. K. Persad-Bissessar SC: Thank you, Sir. When you do not like it, you get angry. So, here we are out of 66 Bills in this Twelfth Parliament, 44 have been dealing with piecemeal amendments, tinkering, cherry picking amendments. And in terms of the substantive legislation that was promised—and I say it today because we are at the end of this Session, very little has been done.

So let us look at his Bill now. The hon. Member, as I said stood up very, very aggressively to say we must change the names of our legal officers from “solicitor”. The law was changed how many moons ago? Many years ago. In fact under that piece of law—when I came out, I came out not as an instructor, not as a solicitor or a barrister, because the law had already changed. And I have been out there for quite a while. So the law has changed, so now everybody is known as an attorney-at-law. So I take that point. Hon. Member, yes. But then why are we keeping the “Solicitor General” that is the counterpart to the Chief State Solicitor.

We have changed every one under the Chief State Solicitor, now named Chief State Attorney, this is under clause 18. We have changed from Deputy Sol. Gen., to Deputy Chief State; Solicitor to Deputy Chief State Attorney; Assistant Sol. Gen; Assistant Chief State, these are the new names. Assistant Chief State
Solicitor, Assistant Chief State Attorney, and it continues under the section. And then we are continuing, Part 1, Department of Civil Law. So this is the other side of it. And the first thing that is mentioned there, is solicitor general. So why have we removed solicitor from every one of the other names, but we are keeping “solicitor general”? Is it something to do with salaries, terms and conditions, remuneration? Is it to do with the way in which they may be recruited and hired? I would really appreciate—and therefore it may well be that we want to propose an amendment. Because if you have taken out “solicitor” from everything else, please explain why are we keeping this solicitor, solicitor, solicitor general?

5.15 p.m.

I would be very happy to get—so nowhere else does it appear—that is in clause 18—with respect to the department of civil law.

When we look at the Bill, it contains eight clauses; eight clauses introduced here on 28th June. Today is what?—the 3rd of July? So just a couple of days to look at a piece of law, which may seem, as I say, on the surface, to be very simple, just changing some names here and there. But as my colleague from Barataria/San Juan has pointed out, there is more, always more in the mortar than the pestle, and I will share some of those concerns that I also have.

If passed, this Bill would amend the following, this Constitution. That part of the Constitution being proposed to be amended is not an entrenched provision and therefore, it does not require a special majority. This Bill will also amend the Judicial and Legal Service Act, the Children Act, Patents Act, the Legal Profession Act—and that is the one, the Legal Profession Act, that changed everybody to just attorneys-at-law. So all these pieces of legislation, five pieces, are going to be
amended should this Bill be passed.

That clause 4 of the Bill, we come here now where it is saying, section 111(2) of the Constitution, we now change the name “Chief State Solicitor” to “Chief State Attorney”. Again, it seems innocuous enough and not objectionable. Under the JLSC, we are now going to include the Registrar General within the ambit of the civil law department:

A chief judicial officer or—“…any of the judicial officers referred to in Part I of the Second Schedule…”

—this is under the JLSC Act:

“…may with the permission of the Commission and in the interest of the Service continue to serve…for a period of not more than three years…”

So now, Chief Judicial Officers are included in this Civil Law Department.

Clause 8B:

“A Chief Legal Officer or Chief Judicial Officer shall vacate office on attaining the age of sixty-five years.”

Now, we had come before with an amendment to change the retirement age, so I guess this is going to keep in line with that previous amendment for retirement. They shall vacate on the age of 65 but then they are given an additional period of three years. So, yes, you are saying 65, but maybe for exceptional circumstances, you will get an additional three years.

“The Ministry of Legal Affairs shall comprise the Departments of Civil Law, of Criminal Law, of Legislative Drafting…”—Registrar General—“…and of Accounting which shall be headed respectively by the Solicitor General…”
Again, why are we keeping this nomenclature? Why are we saying “Solicitor General”, when we got rid of “Solicitor” in every other part of the law? So now, Civil Law Department will comprise criminal law. The Ministry of Legal Affairs—so the Ministry of Legal Affairs has been given some fixed responsibilities: Civil law, criminal law, legislative drafting, Registrar General, and of accounting:

“…which shall be headed…”—as I said—“…Solicitor General…”—again, the DPP—“…the Chief Parliamentary Counsel”—Registrar General—“and a public officer…”

Then the civil law department, subject to another section:

“…the Department…shall be responsible for such functions and duties with respect to civil proceedings and other civil law matters…”

So my colleague has gone through some of this—the AG and the others—in terms of what is happening in the Bill, but I have an area of serious concern here. I have in my hand, Sir, Deputy Political Leader, a letter addressed to Sen. The Hon. Reginald Armour, Attorney General of Trinidad and Tobago. The letter is dated July 1st—today is what?—July 1st, just a couple of days ago—

Mr. Hosein: Monday.

Mrs. K. Persad-Bissessar SC:—on Monday. It is addressed to the hon. Attorney General, July 1st, Monday, coming from whom and about what? The topic is, “Proposed Amendments to the Constitution of the Republic of Trinidad and Tobago, the Judicial and Legal Service Act, the Children Act, the Patents Act and the Legal Profession Act”, the very Acts, that I mentioned before, that the Government is seeking to amend by virtue of the Bill that is now under debate.
So this letter, dated July 01, 2024, Monday, addressed to the hon. Attorney General, go smack on point, directly on point, with respect to the Bill that we are debating in this House today. What is interesting is this letter purports to be signed by 31 attorneys, 31 lawyers. Where are they coming from? From the Office of the Attorney General.

Mr. Hosein: Oh my.

Dr. Moonilal: What?

Mrs. K. Persad-Bissessar SC: Thirty-one lawyers.

Mr. Hosein: Who is it addressed to?


Mr. Hosein: Oh my.

Mrs. K. Persad-Bissessar SC: Thirty-one lawyers. I wonder how many there are.

How many lawyers are there in that department? This is under the Solicitor General’s Department; 31 lawyers out of the Solicitor General’s Department, which falls under the Office of the hon. Attorney General, have signed this letter, giving their comments about the proposed amendments being discussed in the Bill before us.

The subject in our letter—I quote from this letter—to consultant Morris-Alleyne, dated May 09, 2024, on which he was carbon-copied referred, to the hon. AG:

They undersigned attorneys of the Solicitor General’s Department understand and appreciate that efforts are being made to address the current challenges that we face. We have been informed that the meeting was held
between your good self and several senior persons from the Solicitor General’s Department and also, from the Chief State Solicitor.

I will not call their names because I think Port of Spain South gets upset when we call names. But these are very senior personnel from the Solicitor General’s Department, as well as the Chief State Solicitor, and present was consultant, Master Morris-Alleyne. So this meeting was held with the hon. AG and these senior persons.

I continue from the letter:

The Bill under reference was brought to our attention on Saturday, 29 June, 2024—

**Mr. Hosein:** Oh my, after it was laid?

**Mrs. K. Persad-Bissessar SC:** After it was laid, Saturday 29 June, 2024.

While we have kept abreast with respect to the progress of these efforts, we note with immense concern that issues raised in our previous letter, as well as salient points of concern raised at the meetings of February 21, 2024; April 11, 2024; and the meeting with the senior attorneys in the department on May 13, 2024, have not yet been addressed.

**Mr. Hosein:** Oh my. This is Monday, you know.

**Mrs. K. Persad-Bissessar SC:** This is Monday, July 1st.

This is in light of the startling development that the proposed change of the title of posts, as well as the unilateral change to terms and conditions of all legal officers in the civil law department are to be laid in Parliament no later than this week.

And, of course, so said, so done, we are here today with this. So we are talking
about all legal officers.

We have considered the proposed Bill and will like to highlight the following areas of concern.

Mr. Deputy Speaker, 31 lawyers, what a shame that you could not meet and speak with them, and put their hearts at rest or explain it.

**Hon. Member:** *[Inaudible]*

**Mrs. K. Persad-Bissessar SC:** Yes, and discuss it.

**Mr. Hosein:** And gave them the Bill Saturday.

**Mrs. K. Persad-Bissessar SC:**

Section 12(2)…

—one, these are the concerns they are raising:

Section 12(2) of the Bill will effect results in our posts being abolished. The effect—they are saying—will result in their posts being abolish since our terms and conditions of appointment will be changed to include responsibilities, which immediately before the Bill, a member of the Solicitor General’s Department or Chief State Solicitor’s department was required to perform.

Now, this is a very, very serious matter, hon. Deputy Speaker, that you are abolishing these posts in this manner. As you know, you cannot fire persons by statute in this Parliament. You cannot do that. See what is happening with the TTRA and what is going on with those workers. MP Indarsingh will talk to us more about workers. You cannot do that. They are telling us that you are going to abolish their posts by a statute that is going to be passed by a simple majority in this Parliament. You cannot take away the jobs of people.
Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: You cannot take away people’s jobs in this manner. These people have families. They have children to feed. They have bills to pay.

Mr. Hosein: The young attorneys.

Mr. Indarsingh: They do not care about that.

Mrs. K. Persad-Bissessar SC: So when this goes into effect, what happens to these persons? You have abolished their jobs, you have fired them, and you cannot do it by a simple majority piece of law, and if you bring it by special majority, we will not give you that support.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: We have to take care of workers in this country. They have bills.

Mr. Hosein: They “doh” get state briefs, you know.

Mrs. K. Persad-Bissessar SC: Well, they do not get state briefs, that too. Sorry, Sir.

Mr. Deputy Speaker: Please, Member for Siparia—[Inaudible]

Mrs. K. Persad-Bissessar SC: Thank you. Thank you. I think Deputy Speaker says I am doing fine just by myself, so thank you for the advice.

No, but this is a serious matter. While we smile and grin across the Floor, it is serious. You are abolishing the jobs of these people, terms and conditions when we change. A member of the Solicitor General’s Department or Chief State Solicitor’s department, what they had to do, you are going to change all of that? How? You did not even consult with them. You did not have the courtesy to meet
them or talk with them to hear what concerns they had. Look at what is happening now. You did not meet them. You rush it through here. You think you could just pass it with your simple majority, railroad the Parliament in that manner, get through with it and say, “Goodbye, guys. Goodbye.” Not a care, as I say. How are they going to take care of their children?

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

**Mrs. K. Persad-Bissessar SC:** How are they going to take care of their spouses, their grandparents, the older ones? How are they going to do it? Did you ever think about that? No, because many of your friends and family are collecting big state briefs.

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

**Mrs. K. Persad-Bissessar SC:** The President’s husband, $20 million in state briefs, and you want to fire these people like this? No, we will never stand and let that happen.

The letter continues:

The proposed Bill further proposes to enlarge the responsibilities of legal officers from the department to include any responsibilities that are conferred to any legal officer outlined in Part I of the First Schedule, as well as matters which are signed by the AG. The contents of section 12(2) of the Bill will, therefore, result in constructive abolition of appointments pursuant to section 11 of the JLSC Act.

Again, constructive dismissal, constructive abolishing of these posts. This does not happen. So where are you getting advice? Which one of those million-dollar senior counsels is giving you advice to bring this to the Parliament? You cannot
have constructive dismissal, first of all, abolishing terms and conditions. You cannot have constructive abolition of the appointments of the jobs of people.

The letter continues:

The suggested amendments to the Act have been undertaken in the absence of responses to pertinent questions raised by members of the civil law department and meetings held on February 21, 2024; April 11, 2024; May 13, 2024. No doubt, the name change will have an effect on any decision taken by the 117th SRC report, as well as the legal entitlements applicable to all officers of the department consequent on each person’s termination of appointment.

What does that mean? It means the SRC will be examining these posts, these positions, responsibilities, roles, remuneration—

**Mr. Hosein:** Seniority.

**Mrs. K. Persad-Bissessar SC:**—seniority. Everything is going to be considered after you abolish these people and you send them home. It cannot be done.

I warn you, you know, you talk about whatever—Monday here, we were talking about Akili Charles, Akili Charles. We must thank the brilliant lawyer, Anand Ramlogan—

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

**Mrs. K. Persad-Bissessar SC:**—for making that happen. I guarantee you, should you push this through today, you are going to end up in a courthouse again.

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

**Mrs. K. Persad-Bissessar SC:** You are going to end up in the courthouse. And when you end up in the courthouse, you are complaining about fees you have to
pay and how much costs. Well, do it right. If you do it right, you would not end up in the courthouse losing court matters every single day of the week. So here we are, the amendments, the SRC report, we have to look at the impact of that as well.

At the April 11, 2024 meeting, officers raised issues for the JLSC’s consideration. It was decided that the concerns of the officers should be presented to Master Alleyne for engagement with the Commission. By a letter dated 19 April, 2024, the concerns of both establishment and contract officers were presented. To date, we have received no response to these concerns.

Hon. Members: “Ohhh”.

Mrs. K. Persad-Bissessar SC: No response.

A copy of the letter dated 19 April, 2024, is attached.

Continuing:

In the absence of fulsome feedback and response, contrary to the principles of natural justice, the Bill has been placed before the Law Review Committee without feedback on pertinent issues raised and we are further being prevented in ensuring our meaningful participation in the process.

…prevented…meaning participation in the process.

You know, the Government sometimes is like tone-deaf, totally tone-deaf. People are crying out, they want to be consulted, and they have a right to be so consulted. You cannot abolish people’s jobs, take away their jobs, change their roles and responsibility like that without talking to them. Unilateral dictatorial behaviour that is.

Hon. Members: [Desk thumping]
Mrs. K. Persad-Bissessar SC: You cannot do it. I continue from this letter:

We state, with respect, the following reasons which make the suggested change in title unpalatable.

“Unpalatable” is a nice way of saying something else, to make it unacceptable; totally offensive and unacceptable. It continues:

The Solicitor General is the advisor to the AG and the title is regionally and internationally recognized in both Commonwealth and non-Commonwealth jurisdictions. It follows that the titles of Deputy Solicitor General and Assistant Solicitor General also carry with them the weight of historical convention. Changing the titles to Deputy Chief State Attorney and Assistant Chief State Attorney would place our jurisdiction in an incongruous position with the international community.

5.30 p.m.

Hon. Member: Nothing new.

Mrs. K. Persad-Bissessar SC: Yes, nothing new. The letter continues:

The fundamentally divergent roles of the SG and the Chief State Solicitor, discourages any conflating of titles, such as deputy or assistant chief state attorney. The Office of the Solicitor General, is advisor to the Attorney General. Is a protector of the rule of law and the rights and freedoms enshrined in the Constitution.

Let us get back to that:

The Office of the Solicitor General, as advisor to the Attorney General, is a protector of the rule of law and the rights and freedoms enshrined in the Constitution. The Chief State Solicitor by comparison, is not an adviser to
the AG but rather, has a highly specific role, which ultimately supports the Solicitor General in his functions.

I want to read that again because this is something that has been bulldozing people’s rights and freedoms. Constitutional rights:

The Office of the Solicitor General, as advisor to the AG, is a protector of the rule of law and the rights and freedoms enshrined in the Constitution.

Now you want to bring a middle person, what was it? Some chamber something?

**Hon. Member:** Chamber manager.

**Mrs. K. Persad-Bissessar SC:** Some, chamber manager. Who will be what? A middle person? What is a chamber manager going to manage? What are you going to—are you going to usurp the function of the Solicitor General? Which is the Office that is responsible for ensuring the rule of law and the rights and freedom of citizens.

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

**Mrs. K. Persad-Bissessar SC:** What is this contracted person coming here to do? And you know, when you are on contract, sorry to say it, sometimes the only job you could get is a contract job, your security of tenure is not guaranteed. So, “he who feeds the horse will rule where the horse gallops, and does not gallop”. So if you are on a contract that you wanted renewed tomorrow, well, you know what is going to happen. You will not have that independent role of the Solicitor General, Chief State Solicitor, all the legal officers. You will not have that independent role. So again, it cannot be right, and I totally disagree with this “chamber person”. Now, let me ask another question. You are going to have a chamber, what was it? Manager?
Mr. Hosein: Manager.

Mrs. K. Persad-Bissessar SC: So is that chamber manager going to be one person? Or is it going to be a chamber manager in charge of other assistant managers? For the life of me I cannot understand, one chamber manager could manage all these things happening in the civil law department. So please clarify, is the chamber manager going to be a one-person contract? Will that be a previous PNM candidate, we have seen for some other position there? How will this person be selected? Here, we have it on here:

Vote for the Balisier, candidate for Fyzabad. Balisier candidate… —who was appointed where?

Mr. Hosein: Chamber director.

Mrs. K. Persad-Bissessar SC: Chamber director now. We already have a chamber director inside here.

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

Mrs. K. Persad-Bissessar SC: Thank you very much, hon. Deputy Speaker.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: They say time goes fast when you are—

Mr. Young SC: Talking the truth.

Mrs. K. Persad-Bissessar SC: Talking the truth. Yes.

Hon. Member: “Ahhh”.

Mr. Hoesin: No, no, no. That is not parliamentary.

Mrs. K. Persad-Bissessar SC: Port of Spain North/St. Ann’s West, you can
respond to me, you know. You will have all of 45 minutes.

**Mr. Young SC:** I will say all I have to say.

**Mrs. K. Persad-Bissessar SC:** You will have all of 45 minutes—

**Mr. Deputy Speaker:** Again, Members.

**Mrs. K. Persad-Bissessar SC:**—so stop interfering with me.

**Mr. Deputy Speaker:** Members. Please.

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

**Mrs. K. Persad-Bissessar SC:** Stop interfering with me. Go find out where your daughter is. Stop interfering with me.

**Mr. Deputy Speaker:** Alright. Member for Siparia.

**Mrs. K. Persad-Bissessar SC:** Thank you sir.

**Mr. Deputy Speaker:** Address the Chair.

**Mrs. K. Persad-Bissessar SC:** They have time. All of them will have a moment of 45 minutes on that side. Thank you sir. So where were we: The roles of the Solicitor General and the Chief state Solicitor discourages conflating of titles, all these others, deputies and assistants, and so on:

Solicitor General’s Office, adviser to the AG, protector of the rule of law and rights and freedoms.

That is where I was at:

We have been informed that a change in title was discussed with some of senior attorneys at a meeting on 13th May 2024. However, all seniors at the meeting were not part of the agreement. Two of the officers had to leave the meeting around 4 pm, whilst the remaining officers were unaware a poll was being taken.
Mr. Hosein: What? A poll?

Mrs. K. Persad-Bissessar SC: What is this? A poll being taken in the office of the Attorney General about this Bill. A poll? I am sure the Member for San Fernando West never took a poll.

Hon. Members: [Laughter]

Mrs. K. Persad-Bissessar SC: I am sure—

Mr. Lee: That is not his style. That is not his style.

Mrs. K. Persad-Bissessar SC: That is not his style. That is not his style at all.

Mr. Lee: [inaudible] a fairer person.

Hon. Members: [Cross talk]

Mr. Al-Rawi: A “peace poll”.


They were unaware…

— [Laughter] sorry :

…a poll was being taken. A poll.

Well I would like to know, was this a show of hands poll, or by secret ballot? How was this poll taken? I remain:

They were unaware. But they expressed their views which were against the name change. Therefore, no agreement was reached on the suggested change. We have attached for ease of reference, our previous letter dated May 9th, 2024.

Now, hon. Deputy Speaker, the other side may trivialize this debate. Look, “is just ah name change”. What is in a name? You could just change names. As we are discussing, as these lawyers are pointing out to us, as my colleague pointed out,
there are serious things that will happen thereafter. It is not just a name change. Let us get that very clear. As I said when I first read.

Saddam and I, we were in the caucus room—excuse, MP for Barataria/San Juan—last Monday, when we got these things and we thought it was very innocuous. They are just changing, about Chief State Solicitor, but that is okay, we do not have solicitors. But then when you examine it, when drill it down, some very serious issues arise. The letter continues:

With specific reference to the proposed Bill, wish to highlight the following additional concerns.

So they had highlighted concerns and now they want to set out some further concerns.

Time check please.

**Mr. Lee:** You may have 15 [Inaudible]

**Mrs. K. Persad-Bissessar SC:** 5.36 p.m.

**Mr. Lee:** Yes, 5.50 p.m. You have about 15 more minutes.

**Mrs. K. Persad-Bissessar SC:** Five, what? Please.

**Mr. Lee:** Five, five, zero.

**Mrs. K. Persad-Bissessar SC:** Five, five, zero. In the next session hon. Deputy Speaker, I may buy a clock so we could put it up there and donate it to the Parliament. I have been asking for the entire four years.

**Hon. Member:** [Inaudible]

**Mrs. K. Persad-Bissessar SC:** Three years then, that we have been asking; three years. Maybe the Member for San Fernando West could help me to sponsor it.

**Mr. Hosein:** We will put that clock for the Opposition in waiting.
Mr. Indarsingh: It will help them in the next Parliament.

Mrs. K. Persad-Bissessar SC: Because you see behind me, the Government Members do have a clock that they can watch. For three years, we have had none. You have to keep—just by the way, in the new session. Thank you very much.

Mr. Hosein: For the Opposition in waiting.

Mrs. K. Persad-Bissessar SC: So let us come on with the additional concerns:

No discussion/consultation has taken place, regarding how the proposed title change and proposed merger, are to alleviate the challenges we are currently experiencing in the department.

No discussion, no consultation

—and up to today, I am not sure if any of the Members on the other side, who gave some ways in which the proposed merger of Solicitor General and Chief State Solicitor would alleviate the challenges we are experiencing in the department. For example, it will help us make sure we do not get another $20 million missing file. How are these changes going to help efficiency? Further, the letter continues: No discussion/consultation has taken place with respect to the new and additional roles and functions, which must accompany this proposed title change. The Bill proposes to make integral changes in the job descriptions of each and every legal officer, which will no doubt affect each officer’s role and purpose and consequent qualifications, experience, and skill. The Bill proposes to make integral changes in the job description of each and every legal officer, which will no doubt affect each officer’s role and purpose and qualifications, experience and skill.
No discussions. No consultations. I continue with this letter sir:

No engagement has been undertaken in regard to the effect of the merger on legal officers’ seniority and eligibility requirements for the new post. No engaging has been undertaken in regard to legal entitlements of legal officers, consequent or pursuant to the change. No indication has been given as to how the title change would affect the contract officers in the department. The Bill proposes that posts of Senior Children’s Attorney and Children’s Attorney, which are specialized posts but it is salient whether these posts are to be in a separate unit, which was the original intention of the department.

The hon. Member for Port of Spain South spoke about these children's lawyers:

Under the new dispensation, all attorneys would be required to undertake responsibilities as children’s attorneys with a senior children’s attorney being senior to the assistant Chief State Attorney. Bill also contemplates that children’s attorneys are required to undertake responsibilities which are assigned to the chief state attorneys however, they are named children’s attorneys.

Right. Right. Right. No consistency:

According to this Bill, there are two posts of Senior State Attorney pegged against the previous positions of Senior State Counsel and Senior State Solicitor, with the latter being senior to the advocate counterpart.

Again, it does not make sense. “Dat making sense?” That is not making any sense. It is not making any sense.

5.40 p.m.
It has been explained that this separation is based on our current classification under the Salaries Review Commission. However, we are of the respectful view moving forward there can be no rationale, no legal basis for this separation in light of the latest job evaluation exercise which was conducted by the global consulting firm Hay Group. So, we had a whole human resource.

**Mr. Hosein:** Reclassification and re-evaluation.

**Mrs. Persad-Bissessar SC:** Yeah, thanks. Job evaluation exercise, how does ask that fit into what we are trying to do here with this Bill? The Bill proposes to amend 12 of the JLSC Act outlining functions and duties of the civil law department to include matters assigned by the Attorney General. “This provision cannot be correct in law” says an adviser to the Attorney General. The Solicitor General cannot be assigned matters by the AG, you are overreaching. The Solicitor General is the adviser to the AG, not the other way around. The AG cannot assign to the Solicitor General is it that certain briefs and certain—what MP Baratari/San told us about that you are going to handpick who will do what, when they will do it, and which cases you will assign and how they will be assigned. This cannot be done in law, this Bill is fundamentally flawed.

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

**Mrs. Persad-Bissessar SC:** It is fundamentally flawed. Wherever you got the advisers just change names and everything will be hunky-dory, no it is not going to happen. I said before, this is going to end up in the courthouse this will end up in the courthouse and you will lose in the courthouse. The Bill wants to amend the JLSC Act outlined and it says, the functions and duties of the civil law department, matters assigned by the AG. You know, I was the first female Attorney General of

**UNREVISED**
Hon. Members: [Desk thumping]

Mrs. Persad-Bissessar SC: But I was also the shortest serving Attorney General of Trinidad and Tobago. But I do know that you cannot do this. You cannot assign matters to the Solicitor General. I see the Member for San Fernando West fully understands what we are talking about.

Hon. Members: [Laughter]

Mrs. Persad-Bissessar SC: This also creates a situation where there can be direct assignment of matters by the AG, to legal officers within the civil law department, although the Solicitor General is the super-sizer of all legal officers in that department. You are going to get the AG assigning. Again, should not happen.

Though two meetings were held with the staff and the consultant, April 11th, ‘24, and May 13 ‘24 at no time was there consensus by the officers of the Solicitor General’s department to the proposed change of titles regarding Deputy Chief State Attorney, Assistant Chief State Attorney. Our previous letter dated May 9th bears testimony to this.

And as I come to the last few minutes.

Mr. Lee: Seven minutes.

Mrs. Persad-Bissessar SC: Seven, thank you.

To date, we have not been informed exactly how a merger of attorneys is going to effectively enhance the delivery of service to our stakeholders. We have been consistently told that the merger is a recommendation arising out of the Justice John report.

And they have not seen it, we have no seen it, no one has seen it. This is like
highly, top secret confidential document. You are bringing a whole Bill here, which I think is fundamentally flawed, based on a report that no one has seen.

**Hon. Senators:** [Desk thumping]

**Mrs. Persad-Bissessar SC:** No one has seen this report. I have great respect for Justice Stanley John, we do not mean to impute Justice John, but we should see the report. Why are you hiding the report? What is in there that is so detrimental? Let us see the report and if you are reorganizing, revamping your whole civil law department, the whole functioning of two separate arms within the AG’s office, Solicitor General and Chief State, why? They said they have been told all along, that it is the Justice John Report and we are not to panic, that all will be revealed given that it is a done deal.

**Hon. Members:** Wow. A done deal.

**Mrs. Persad-Bissessar SC:** All will be revealed given that it is a done deal. Well, what is the done deal? There is no done deal, we will not you support this Bill.

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

**Mrs. Persad-Bissessar SC:** We will not support this Bill. We will not support this fundamentally flawed Bill and we will have our lawyers take it to the courthouse immediately thereafter.

In fact, the John report, which we have not seen, seems to suggest that it was a process failure which makes the need for a merger of the attorneys questionable. Ultimately, we are unable to support exercise in which we have not been apprised of any relevant details.

Continuing this letter from about 31 lawyers from the Solicitor General’s Department:

**UNREVISED**
These proposed changes especially those amended in section 12 of the JLSC Act represent in our respectful view a clear unilateral change in the terms and conditions of our employment in the Solicitor General’s Department. This is evident from the fact that our current job description outlines clearly distinct duties and functions whilst there has been no indication of exactly what the duties in the current new merged or fused positions would entail.

Another area of concern is that the Bill is silent with respect to contract officers within the department. We therefore require response as to what effect it will have on officers employed on contract who are concerned that they may now be required carry out additional duties which did not form part of their contractual obligations when they were initially hired.

All the legal officers’ contracts contain a termination clause, one month’s notice or salary by the PS where the position is no longer relevant to the Ministry or department.

So, is it that after you pass this, all those contract officers get a one month? Notice, a goodbye, no job. You “cyah” pay your bill, you “cyah” buy food for your children. What is this intention here for the contract officers’ employment if it should come into effect? So contract officers are very concerned as to whether this clause would be enforced to terminate their positions.

In keeping with the recognition for improved services, enhanced resources, and systems, we are of the view that progress can be made with effective dialogue and communication, and persons being allowed an opportunity to be heard. A fundamental tenet of the rule of law of natural justice, that
persons must be heard before they are unceremoniously fired by bringing this Bill to effect, there abolishing their jobs, and so on.

We respectfully request that further discussion take place to hear and address the concerns raised before these amendments affecting officers positions go to the Senate and are enshrined in law without consultation rendering the process, and by extension legislation flawed and potential unconstitutional.

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

**Mrs. Persad-Bisessar SC:** We are hopeful our concerns can be considered and resolved before the Bill goes to Parliament.

Of course, that did not happen, we are in the Parliament today. I thank God for the whistle blower who sent me this letter from the 31 lawyers—

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

**Mrs. Persad-Bisessar SC:**—of the Attorney General’s, Solicitor General’s Department. Mr. Deputy Speaker, I thank you for the time. I reiterate the Opposition will not support this Bill.

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

**Mrs. Persad-Bisessar SC:** We will call for a division on this Bill and I am certain that should the Government go down the road and push this through here today, and go up in the Senate and get their friends to help them up there as well, it will end up in—your friends in the PNM Bench, of course, your friends in the PNM Bench and maybe some others. We will—

**Mr. Deputy Speaker:** Again, Member, two more minutes. Just about two more minutes.
Mrs. Persad-Bisessar SC:—challenge it in a court of law. Huh?

Mr. Deputy Speaker: Just about two more minutes.

Mrs. Persad-Bisessar SC: I thank you very much. I thank you for the opportunity to contribute. I congratulate my colleague here, Member for Barataria/San Juan—

Hon. Members: [Desk thumping]

Mrs. Persad-Bisessar SC:—and the others who may speak. Thank you very much, and since it is my last minute I may not see you again for this session, Sir. One minute left? Yes? As we go on recess, I want all my colleagues on both sides of the House to have a safe recess. Of course, we will continue working and we look forward to seeing you again in the future. I thank you very much.

Hon. Members: [Desk thumping]

Mr. Deputy Speaker: I would like to recognize the Member for San Fernando West.

Hon. Members: [Desk thumping]

The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi SC): Thank you, Mr Deputy Speaker. Mr. Deputy Speaker, it is really clear that the hon. Leader of the Opposition, the Member for Siparia, read the letter that she just regaled us with for the last —

Hon. Member: Half hour.

Hon. F. Al-Rawi SC:—perhaps 45 minutes, but what is absolutely clear to me now, is that the hon. Member has not read the Bill at all.

Hon. Members: [Desk thumping]

Hon. F. Al-Rawi SC: Now, Mr. Deputy Speaker, I am literally going to go point
by point to demonstrate the submission I have just made. But, permit me to say this, I have not seen the letter that the hon. Member has referred to. It is quite curious that the hon. Member will say—

**Hon. Members:** [Crosstalk]

**Mr. Deputy Speaker:** Go ahead.

**Hon. F. Al-Rawi SC:**—thanks to a whistle blower having had the hon. Member’s entire Bench set awry as a result of failure to support the whistleblowing law, but this by itself demonstrates what the hon. Member refused to support, approbate, reprobate, speak out of two sides of your mouth, call it as you will.

Mr. Deputy Speaker, let me tell you what that law is about, and what it certainly is not about, and perhaps, we should start with what it is not about. It is not about creating a civil law department. That has always existed. Mr. Deputy Speaker, the Constitution of the Republic of Trinidad and Tobago is the supreme law; section 2 of the Constitution. We make laws:

‘...for the peace, order and good...’

Governance. Section 53. The Constitution sets out and this is very important for this debate, a very important section. It is section 85 of the Constitution. Section 85 of the Constitution says:

‘(85) (1) Where any Minister’—insert Attorney General there—‘has this been assigned responsibility for any department of government, he shall exercise general direction and control over that department; and subject to such direction and control, the department shall be under the supervision of a Permanent Secretary whose office shall be a public office.'
(2) For the purposes of this section—

(a) two or more government departments may be placed under the supervision of one Permanent Secretary; or.

(b) two or more Permanent Secretaries may be assigned to...”—one—“...Minister.”

That is section 85 of the Constitution. I am going to stick with the supreme law. It is referred to in this law, well, the Bill that we have and the laws that we seek to amend. I want you to have regard to, Mr. Deputy Speaker, section 111 of the Constitution, 111:

“Appointment of judicial officers etc.

(1) Subject to the provisions of this section, power to appoint persons to hold or act in... offices to which this section applies, including power to make appointments on promotion...transfer...confirm appointments...to remove ...exercise...”—discipline—“...control over persons holding or acting ... shall vest in the Judicial and Legal Service Commission.

(2) Before the Judicial and Legal Service Commission makes any appointment to the offices of Solicitor General, Chief Parliamentary Counsel, Director of Public Prosecutions, Registrar General or Chief State Solicitor it shall consult with the Prime Minister.

(3) A person shall not be appointed to any such office if the Prime Minister...”

Effectively exercises a veto. But listen to this Mr. Deputy Speaker—

Hon. Members: [Crosstalk]
Mr. Deputy Speaker: Proceed. Proceed.

Hon. F. Al-Rawi SC: Subsection 4 of section 111:

“(4) This section applies to such public offices as may be prescribed, for appointment to which persons are required to possess legal qualifications.”

So, I have given you section 85, which puts “the Minister” in control of a Ministry. That specifically, is the exercise of general direction and control and I have just alluded to section 111. There is one more section of the Constitution I want to refer to because it is relevant to answering Siparia’s contribution here. Section 114 of the Constitution:

“141. (1) The Salaries Review Commission shall from time to time with the approval of the President review the salaries and other conditions of service of the President... holders of offices referred to in...136(12) to (15), members of Parliament including Ministers of Government...Parliamentary Secretaries and...holders of such other offices as may be prescribed.

(2) The report of the Salaries Review Commission…or both, shall be submitted to...President...a copy...to the Prime Minister...presentation to the Cabinet and for laying...on the table of each House.”

Why have I just referred to the supreme law, the Constitution? Why have I started off by saying that Siparia has clearly read a letter which certainly I have not seen and other Members have not seen? But why have I said Siparia has not read the Bill? Mr. Deputy Speaker, the hon. Member following up on the contributions of
the Member for Barataria/San Juan said, in reading from the particular letter, that they are going to challenge this law in court. The hon. Member said, in quoting from the letter and adopting the contents, that there is going to be an abolition of offices. The hon. Member said that section 12 as it is to be amended in this Bill of the Judicial and Legal Service Act, Mr. Deputy Speaker, that that is going to cause an abolition of offices.

5.55 p.m.

The hon. Member then went on to say that that, if it did not suffice, would be covered by a constructive abolition of offices. But the hon. Member unwittingly mentioned section 11 of the Judicial and Legal Service Act. Now, Mr. Deputy Speaker, let us get the law clear. The Judicial and Legal Service Act which we seek to amend by clause 5 of this Bill, does not, never did and is not at present speaking to any terms and conditions of any office other than by way of reference in the law to say that, terms and conditions of service may be done by order of the President. The Judicial and Legal Service Act does not set out terms and conditions.

The hon. Member for Siparia said and professed that she was the shortest serving Attorney General in Trinidad and Tobago. We understand why. Mr. Deputy Speaker, because it is trite law that you cannot change the terms and conditions to the disadvantage of any officeholder, particularly so when the officeholders are under the SRC or they are public offices, Mr. Deputy Speaker. That is trite law. So to stand up here today and say that we are going to change terms and conditions by this Bill, by this law, is utter legal nonsense, Mr. Deputy Speaker. It cannot be done. It is not being done in the Bill
Mr. Deputy Speaker, it is worse. The hon. Member in reading the letter and in making reference to the amendment to section 12 of the Judicial and Legal Service Act, the hon. Member said, Barataria/San Juan said, that there is an abolition of offices, a constructive abolition after that, but, Mr. Deputy Speaker, if you read the Judicial and Legal Service Act and you look at the amendment to section 12, listen to what section 12 is going to be amended if this passes through today, to say:

“Subject to subsection (2A), the Department of Civil Law…”

Stick a pin, that always existed:

“…shall be responsible for such functions and duties with respect to civil proceedings and other civil law matters, which—

(a) immediately before the commencement of…”—this—“Act,”—the Sol Gen or the—“…Chief State Solicitor was entitled to perform by virtue of law or practice;”

So you maintain everything that they are doing in subsection (2A)—

“(b)” there functions will include that—“…conferred or assigned to a legal office set out in Part I of the First Schedule;”

That is the law, Mr. Deputy Speaker, because the law assigns in multiple pieces of legislation, for example, the Children Act, what will be assigned or not assigned or “(c)”——

[MADAM SPEAKER in the Chair]

—as I welcome you, Madam Speaker, that is any other assignment by the Attorney General, and we will come to that submission that an assignment by the Attorney General is something that cannot be done, as the Leader of the Opposition has adopted and said so today.
But, Madam Speaker, listen to this, subsection (2A) says this:

“Nothing in subsection (2)…”—as we are proposing it to be amended:

“…shall be construed as affecting any law or the exercise of any authority which assigns responsibility for a specify duty or function in relation to any civil law matter…”—or—“…particular office, office holder, Department or statutory body.”

Nothing in the proposed amendments to section 12 speak even vaguely to the concept of an abolition of office, Madam Speaker.

But, Madam Speaker, to suggest that this can be a constructive abolition of office. Apart from the statement that this is an actual express abolition of office, is to make an absolute mockery of the law. Madam Speaker, I want to refer you to section 11 of the Judicial and Legal Service Act. Section 11, the short marginal reference is “Modes of termination of appointment”, and this is the law.

Section 11 says:

“The modes by which…appointment of an officer may terminate are…”—and it sets out (a) to (j):

(a) …dismissal or removal in consequence of disciplinary proceedings;
(b) …compulsory retirement;
(c) …voluntary retirement;
(d) …retirement for medical reasons;
(e) …resignation;
(f) …expiry of appointment for specified period;
(g) on abolition of office;”

(g), underline that.
(h) in the case of an officer on probation, on the termination of appointment;
(i) in the public interest;
(j) in the case of a female officer on the grounds of marriage.

(2) An officer who intends to resign shall give the period of notice as may be prescribed.”

Madam Speaker, absolutely nothing in the amendment to section 12 speaks to abolition, and absolutely nothing in section 11 is being amended. So how on earth can we accept the submission that this law constitutes an abolition of office? It is to be rejected out of hand, Madam Speaker.

Madam Speaker, in this particular case the hon. Member, that is her first point, the hon. Member’s point, express abolition, rejected. Section 12 makes no such abolition.

Two, there is no amendment to section 11 of the Act. There is no abolition of office. Therefore, Madam Speaker, having referred this House to the fact that the SRC governs terms and conditions pursuant to section 41 of the Constitution, that the Attorney General is the Minister with responsibility for legal affairs so gazetted. Section 85 of the Constitution becomes live because the Attorney General is the one that gives the general direction in the Constitution to every officer that is assigned under the officeholders gazetted responsibilities.

If you look to the Gazette you will see that hon. Attorney General’s office comprises and the Attorney General supervises and therefore can give general and specific instructions to the Solicitor General, the Chief State Solicitor, the Intellectual Property Office, the Registrar General, all of those functions fall under the Constitution and therefore, it is nothing short of legal insanity to pour scorn on
section 12 as it is proposed to be amended by saying, that where the law now proposes that the Attorney General may assign responsibilities that that cannot be done. That would be ultra vires the Constitution to accept that argument. Nonsense, Madam Speaker.

Madam Speaker, the fact of terms and conditions has been bandied about. The hon. Member said, "people have bills to pay”. “How are they going to support their families? They are going to be constructively dismissed.” “There is an abolition of their offices”, already disproved by pointing you to the proper law before us. But, Madam Speaker, having started off in section 111 of the Constitution, then going to section 141 of the Constitution, turning now to the reference to the SRC’s report and the job descriptions, Madam Speaker, turning to the submission I made earlier that nothing in this law ever said what terms and conditions are. The Judicial and Legal Service Act never set out terms and conditions. That is done by a job description, and you cannot change to the disadvantage of any office holder their terms and conditions. ABCs of law. So, Madam Speaker, it is proper to say that this law could never be a fulcrum to change terms and conditions to the disadvantage of anyone.

Madam Speaker, the Leader of the Opposition went on in full legal submission to say, why are the children’s attorneys being provided for in this law as we do now, because we seek to amend the Children Act and we are making references to the children’s attorney, and we are saying that the children’s attorney has to be brought to life inside the Solicitor General’s Department, now the Civil Law Department. But, Madam Speaker, it was the Member for Siparia who served as the Leader of the Opposition then Prime Minister when the Children Act was
passed and the children’s attorney was created in law and put in the Solicitor General’s Office. Did the hon. Member completely forget that? Is the hon. Member unaware that the children’s attorney was created by the Children Act, it is Act No. 12 of 2012, Madam Speaker, when the hon. Member was the Prime Minister of this country.

Madam Speaker, it is important to note you cannot be invited, most respectfully, to accept the submission that the enlarging of terms as is alleged by the letter read, or that the Leader of the Opposition has put forward or Barataria/San Juan has put forward—is going to be so odious that every lawyer in the Sol Gen’s department or Civil Law Department as refashioned, is going to be a children’s attorney, because this Bill says you still have to qualify under section 88 of Children Act. This Bill puts a further qualification that did not exist. It is in the consequential amendments that this Bill puts forward, that you have to have the temperament to be a children’s attorney. So how do you accept the submission that everybody in the Civil Law Department is going to be a children’s attorney, when you must qualify under section 88 of the Children Act, and you must by way of the amendments in this law have the temperament to be a children’s attorney, Madam Speaker. That argument must be completely rejected, Madam Speaker.

Madam Speaker, the hon. Member for Siparia asked, why keep the term “Solicitor General”? Then glibly read from a correspondence that none of us have seen, to say well, changing the name is going to be a problem, and the hon. Member said about four times, the hon. Member for Siparia, “why not change Solicitor General and call them attorneys-at-law generally”. But in the letter that the hon Member read, the reference was to the Solicitor General having some
degree of precedent or history behind it and therefore, Madam Speaker, it is properly in order, notwithstanding the Legal Profession Act and the fusion that happened in 1986, to maintain the nomenclature for that office of Solicitor General, and pursuant to the Legal Profession Act having fused the profession since 1986, to now take care of formalizing the fusion of the profession. That is without prejudice to the fact that we still maintain advocate attorneys and instructing attorneys. This law does not amend job descriptions in a prescriptive way. That is dealt with in a different way.

Madam Speaker, when you look to section 12 as it is to be amended by this Bill, there is a process by which you confer or assign functions to persons set out in the First Schedule. A job description must be done. The PMCD department must approve of it. It may be the subject of the CPO’s division. To take the submissions of the hon. Members opposite is to completely forget that there is a full prescription as to how you manage the public service including legal officers who get job descriptions from the Judicial and Legal Service Commission, Madam Speaker. So we are not throwing out any form of process. But, Madam Speaker, in coming to the submissions of Siparia that there is—and the hon. Member was very pejorative, not as pejorative as Barataria/San Juan was to the concept of the chamber manager. So, Madam Speaker, in the new 12(4A) here is what the Bill says:

“There shall be a Chambers Manager who shall, in accordance with the general or specific directions of the Solicitor General, provide general administration support, including strategic and operational planning, to the Department of Civil Law.”

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No. Hear Barataria/San Juan, hear Siparia. “Oh, they bringing some political appointee who will just usurp the functions of the Solicitor General. This is politics at play.” Madam Speaker, did the hon. Member bother to read the law, worse yet, read the Bill? The Bill specifically says in the amendment to section 12, the new 12(4A) that the chamber manager in accordance with general or specific directions of the Solicitor General, and why is that so?—Because, Madam Speaker, there is no amendment to section 12(4).

6.10 p.m.
The Act—the Judicial and Legal Services Act says in (3):

“For the purposes of section 85 of the Constitution a Chief Legal Officer is a Permanent Secretary.”

If the law says that the Solicitor General, and what was called the Chief State Solicitor, the Solicitor General, in this case, is a Permanent Secretary, except for accounting functions under 85 of the Constitution, if the amendment says the chambers manager is subject to the specific and general control of the Solicitor General, how on the Lord’s good earth does Siparia stand up here with a straight face, having left the Chamber, and say that, “It is going to be political interference. This chamber manager is going to come and usurp the functions.” It just makes absolutely no sense, Madam Speaker, and it is wrong.

You know what is wrong? You see what Barataria/San Juan did in calling the name of Master Christie-Anne Morris-Alleyne, somebody who I had the distinct pleasure of working with for many years when I sat in the Attorney General’s Office and prior to that, a patriot and servant of this country, pure, pure, venom came from the hon. Member opposite by saying that that good citizen of
this country, as an adviser to the Attorney General, somehow was working for the Judiciary, and working for the AG’s Office and there is a breach and impropriety in that, no, Sir, there was none.

Master Christie-Anne Morris-Alleyne, as consultant outside of the Judiciary and consulting for countries, and organizations, and even the Attorney General’s Office, is entitled, like any other citizen, to bring forward the expertise that she has, like any other citizen. I reject that scorn poured by the Member for Barataria/San Juan, adopted by the Member for Siparia, on such a hard-working citizen.

Madam Speaker, that was not all, it went further to attack the Director in the Attorney General’s Office. The name Solange De Souza was called here on the Floor of the Parliament, somebody who is not here to defend herself. Yes, it is a fact that she proudly stood and offered herself for an election. But, Madam Speaker, what is wrong with that in a democracy?

Mr. Gonzales: Nothing.

Hon. F. Al-Rawi SC: Madam Speaker, why should somebody be disbarred or disentitled from holding an office? When Minister Young and I came into the Attorney General’s Office in 2015—the Member for Port of Spain North/St. Ann’s West, forgive me—we walked upon the sixth floor, Brian Baig, UNC Senator; Chris Arshad Hosein, UNC councillor, UNC Alderman; and one string band “ah” lil children employed in the Attorney General’s Officer. Doing what? We “doh” know. To this day, the only function we could find out was that they were bloggers for the Attorney General’s Office, and they had to put in a certain number of hours of blogging and attacking people. That was their job.
Madam Speaker, and it is wrong to say that anybody who interviews, and is successful, and works for the Government is debarred by way of political office. The Chairman of NP is not debarred because he was a UNC Senator—

Mr. Young SC: MP.

Hon. F. Al-Rawi SC:—an MP, forgive me, a Member of Parliament sat in the UNC. Judges of the High Court, past and present, have sat in Parliament. They are not debarred by their political stance or representation. This is a country where democracy and the rule of law must prevail, and we must condemn people that seek to pour scorn on hardworking citizens of this country.

Hon. Member: [Desk thumping]

Hon. F. Al-Rawi SC: Madam Speaker, what the Attorney General is doing today, is something that is critical to improving the functionality of working relationships. We heard the Member for Barataria/San Juan say, “They are going convert the Attorney General’s Office into a briefing of external lawyers,” and the hon. Member said that will be “scandalous”. Madam Speaker, the only two scandals that I am aware of coming from the Attorney General’s Office was, number one, Vincent Nelson KC, confessing that he accepted and gave bribes to Anand Ramlogan and Gerald Ramdeen, and he was convicted and sentenced by a court in Trinidad and Tobago. That is scandal number one.

Hon. Member: [Desk thumping]

Hon. F. Al-Rawi SC: Scandal number two was a Solicitor General, now name Madam Donaldson-Honeywell, coming to the Attorney General, Anand Ramlogan, and saying, “I have deep concerns about the copy and paste of proceedings, where damages are being sought and collected by attorneys who work for you, Mr. Anand
Ramlogan, Attorney General, and who are fighting the prison service seeking damages and they copying and paying affidavits.” That became known as “prison gate”. And today, we heard the Leader of the Opposition say, “Anand Ramlogan is the best lawyer in Trinidad and Tobago.” For you, Member for Siparia, that might be the best. For us, that is certainly not the best, Madam Speaker, and we want no part of that.

**Hon. Member:** [*Desk thumping*]

**Mr. Charles:** He won more cases than you. Many more

**Hon. F. Al-Rawi SC:** Madam Speaker, I am hearing the murmurs of a ghost.

**Hon. Members:** [*Laughter*]

**Hon. F. Al-Rawi SC:** The walking dead almost, figuratively.

**Hon. Member:** [*Laughter and desk thumping*]

**Hon. F. Al-Rawi SC:** People in exile, “doh know if dey coming and going”, standing up and talking, Madam Speaker. It is amazing you know, how the dead could come alive every now and then.

**Hon. Member:** [*Laughter and desk thumping*]

**Hon. F. Al-Rawi SC:** I think, Madam Speaker, it has to do with “eddoes in de cemetery, I doh know”, but I understand if you eat them, “you does” come alive.

So, Madam Speaker, we have here fusion, the Attorney General’s—and I want to compliment the Attorney General. The reform of law in the first part of our tenure as Government was very much focused upon external agencies: The Judiciary, Motor Vehicles and Road Traffic, digitization, other areas, et cetera. In this Bill here today, the Attorney General is bringing forward critical reform closest to home. You know they say sometimes you fix “yuhsell” last? What is
The Attorney General doing?

The Attorney General is bringing forward a fusion of portfolios, no terms and condition can be changed to disadvantage, the law does not prescribe what the terms and conditions are, the SRC still has its role and function, the job descriptions have to play, the public administration has to go to work at the PMCD, the JLSC has to go to work, Madam Speaker.

The second thing the Attorney General is doing is saying that there is equalizing of certain benefits. Why should the Chief State Solicitor not have the ability to retire at 65?

**Madam Speaker:** Hon. Member, you have two minutes left of original speaking time. You are entitled to an additional 15 more minutes, if you wish. Okay, so you may proceed.

**Hon. F. Al-Rawi SC:** Yes, Madam Speaker. Why should the Chief State Solicitor not be in the same position as any other officer? We are asking for age of retirement to be uplifted for the Chief State Solicitor, in recognition of roles and functions and work, from 60 to 65, to meet the DPP, the CPC and the Solicitor General. But, Madam Speaker, we are also, in the amendments before us, seeking to raise the age of retirement for Masters, the Court Executive Administrator, the Marshal, and the Registrar of the Court, because judicial officers are part of what we are doing here today

Madam Speaker, the Attorney General is seeking to carve out, in recognition of the role and function of the intellectual property field in developing this country by way of diversification, the Intellectual Property Office, by making sure it is a separate entity pursuant to the amendment to Patents Act. No longer should we
tolerate the Intellectual Property Office being a little subset feature, when we are now in tandem, partnership with Singapore, when we signed the most number of world intellectual property office conventions in the history of this country in the last eight years. Intellectual property is gold for this country, if it is done right.

Madam Speaker, there is a critical point as to what the hon. Attorney General is doing here today, and that has to with the Registrar General. Madam Speaker, all that bluster and bramble, and reading of letters across the aisle, I think it is really intended to hide the most powerful amendment in this Bill, the Registrar General. Our Government pursued the “follow the money” agenda. We created the non-profit organizations. We created the civil asset forfeiture, explain your wealth. We created the beneficial ownership in the amendments to the Companies Act. We improved the Financial Intelligence Unit, the Anti-Terrorism Unit. We did the Financial Obligations Regulations. We attended to the Global Forum. We attended to the Companies Registry Online System. We attended to the Property Business Registration System, PBRS system. We attended to land laws. We created the Registrar General as supervisor of real estate agents.

6.20p.m.

The Registrar General has over 550 employees in four areas, but the Registrar General also is the repository of all vital information in “follow the money”: Land, businesses, births, deaths, citizen ID verification, which attaches to government services, which attaches to money being stolen in agencies. Madam Speaker, to elevate the Registrar General today in this law by way of creation of an office for the Registrar General, is to allow an improvement in “follow the money”, but Madam Speaker, in creating the attorneys in the civil law department,
in harmonizing those positions, the first step in law in amending the Schedule as we do—and by the way I invite Barataria/San Juan to read the law as well. The hon. Member stood up with aplomb to say they have no senior children’s attorney referred to in this law, how they could put children’s attorney and no senior attorney? It is right there in the Bill. Right there in the Bill you would see senior attorney, the senior children’s attorney and lower down the children’s attorney.

Madam Speaker, “doh rely on wat people write for yuh”, go and read the thing yourself. It helps. Similar to Siparia, read the law on abolition in section 11 before you talk about section 12. Do not say that you are going to usurp the functions of the Solicitor General, when in section 12 it says it is subject to the Solicitor General’s control. It is embarrassing. It is seriously embarrassing to look at hon. Members make the submissions that they do.

Madam Speaker, with the Registrar General’s functions, I would like, if I may, to salute not the Bill that the hon. Attorney General has brought here today, but the department of the Registrar General, because they have managed to transform the way in which law and transactions are managed. And, Madam Speaker, the hon. Leader of the Opposition made a submission in reading from a letter, that the Solicitor General is the guardian of democracy and rights and advises the Attorney General. And, Madam Speaker, I think that that is an injustice to the Chief State Solicitor and the Registrar General. If you look to the individual laws and you look to the nature of transactions that the Chief State Solicitor, in particular, manages, bond and loan documents. All of our oil and gas mining rights, all of our subjudications and arrangements of security and title are done by the Chief State Solicitor, Madam Speaker. Since when does the Attorney
General not need to be advised on the law and protect this country’s patrimony and wealth via the Chief State Solicitor? Since when?

Leases, deeds, securitization, that is the work of the Chief State Solicitor, Madam Speaker. Madam Speaker, in Registrar General’s Department supervision of all of our laws to follow the money, be they under CFATF, under FATF, under global forum, under tax information exchange treaties, the Registrar General has held the line, and it was with those developments that we were able to remove ourselves from blacklisting by the Financial Action Task Force, the Caribbean Financial Action Task Force, and we are on our way because of the hard work of the Minister of Finance relative to the Global Forum package, Madam Speaker.

So, Madam Speaker, I reject completely the poorly researched contribution of the Leader of the Opposition, I reject the Member for Barataria/San Juan submissions, the hon. Member was a little bit more skillful than the Leader of the Opposition, because he understood it was not prudent not to read a letter in this Parliament. The hon. Member made general submissions, adopting them, but got them wrong. This law does not abolish any post, it does not usurp the functions of the Solicitor General. It does not in any way constitute something that is ultra vires the Constitution to section 85 of the Constitution, or section 1(11) of the Constitution, or section 1(41) of the Constitution, the SRC stays in place, terms and conditions are in place, Madam Speaker.

The contributions of Members opposite are understandable. When you are desperate and you are looking for something to hold you come with anything, but, Madam Speaker, it remind me of the same way the Opposition resisted the Criminal Division, the Family and Children Division, the reforms that we put into
place that have changed our country for the benefit of the citizens in a very positive way, and therefore I ask, Madam Speaker, people to have a little calm. Madam Speaker, if I may, through you, I have not been a part of any consultation, we trust the hon. AG and his capable hands in having discussions with persons that are involved, but, Madam Speaker, this law has a proclamation clause. This means that law can be the subject of discussion and measure, but lawyers need to take a careful look at the provisions here to see what this law is not about. It is not about putting anybody out of job, it is not about constructed abolition, it is not about change of terms and conditions, if anything it might very well be the stance for more money at better improved conditions because JDs can be better done, as we did when we created the Criminal Division, the Family Division and soon the Civil Division.

This is good law, and I commend the hon. Attorney General for bringing this law to the Parliament, and I support the measure with fulsome support, I thank you.

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

**Madam Speaker:** Member for Oropouche East.

**Dr. Roodal Moonilal (Oropouche East):** Thank you very much, Madam Speaker, for the opportunity to make a few comments on the matter before us. Madam Speaker, we have heard several speakers so far, and let me begin by congratulating the Leader of the Opposition, the Member for Siparia and the Member for Barataria/San Juan on their brilliant delivery, articulation and unparalleled understanding of the legal issues involved in this evening’s debate. Madam Speaker, I would want to associate myself with the comments of the Member for Barataria/San Juan and the Member for Siparia for several reasons, not least among
them is that both those Members have the honour of actually winning matters in court.

**Mr. Charles:** Very good.

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

**Dr. R. Moonilal:** And the Member for Siparia in particular, I remember on a previous matter involving the Commissioner of Police amendments—

**Mr. Hosein:** Harrydath Maharaj.

**Dr. R. Moonilal:** —Harrydath Maharaj, the Member of Parliament for Siparia went on record to indicate to the Government opposite that they were wrong in law, and she was later vindicated by the High Court. The Member for Siparia just quite recently warned the Member for Diego Martin North/East, Minister of Finance, that he was wrong in law on his dealing with the Auditor General—

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

**Dr. R. Moonilal:** —and she gave him, she kindly and gracefully and gently offered him a solution, which he rejected on the floor of the Parliament later to put his proverbial tail between his legs and accept the same formula outlined—

[*Madam Speaker stands*]—I withdraw that. I withdraw that.

**Madam Speaker:** You know, yes. I know you could do so much better than that.

**Dr. R. Moonilal:** Ma’am, I agree with you, and I withdraw that statement.

**Hon. Members:** [*Laughter*]

**Dr. R. Moonilal:** And later he bowed to her vision and her superior legal thinking on that matter in addressing the Auditor General’s issue. I think that sounds better, Madam Speaker.

**Hon. Members:** [*Desk thumping*]
Dr. R. Moonilal: That sounds better than the earlier analogy, which may find itself in another place Madam Speaker, on this matter—there are a few comments I will make—I have listened very carefully to my colleagues on this side of the House, and I listened a bit to colleagues opposite as well, but you know what is striking is really the issue of process for me, because I cannot in any way add or subtract from the legal acumen and the points, the legal points made by the Members for Siparia and Barataria/San Juan, but what struck me is really process. And I begin by saying it is not a good sign that you come to the Parliament to make law and the very persons in your Ministry begin by saying, “we do not like this, we do not want this, we were not consulted, you did not respond”.

We have an interesting point here, on the one hand we have a secret report that motivated this legislative intervention. It is a secret report, because the public has not seen it, clearly I do not know if Member of Cabinet have seen it, but clearly the Attorney General was holding something in his hands earlier. It may have been the PAHO report, I do not know, but he was holding something and saying, “this is it, this is it”, it could have been the PAHO report. It looked like a blue cover of the PAHO report. But, that is a secret report and, you know, I make the point, we are here today and on the side of the Government the Member for Port of Spain South who was particularly harsh, bordering on almost brutality, in the first part of his intervention, you know, made the point that we were undermining the integrity, and undermining public office holders, and patriots, and so on. But do you know to keep the Stanley John Report secret is to undermine Stanley John.

Hon. Members: [Desk thumping]

Hon. Member: Yes.
Dr. R. Moonilal: Mr. Justice Stanley John. Do you know you do Mr. Justice Stanley John no favour by keeping this secret and then subjecting him to the opium, to the public criticism, to controversy, to the scandal. You are not doing a favour to this retired justice. And he holds up the report again.

Mr. Scotland SC: Opium.

Hon. Members: [Interruption]

Dr. R. Moonilal: Not opium, odium.

Hon. Members: Odium.

Dr. R. Moonilal: I know my friend from Port of Spain South would have—

Hon. Members: [Interruption]

Dr. R. Moonilal: Odium, not opium. Now I know, Madam Speaker, if Laventille West was here I would have understood, but the Member for Port of Spain South I did not expect him there.

Hon. Members: [Laughter]

Dr. R. Moonilal: I did not expect him there. Laventille West, I understood that but not the Member for Port of Spain South. But, coming back to the point here, is that you have brought retired Mr. Justice Stanley John into disrepute, and by keeping this report secret, hidden, and telling the population—what you are telling the population that this is the little piece here and the little piece here, when nobody has seen it. So the Attorney General in winding up this debate ought to tell us clearly, what is the reason why the Government cannot lay this report in the Parliament and make it a public document.

Hon. Members: [Desk thumping]

Dr. R. Moonilal: Just tell us there. I mean there must be a reason. I do not think
the Attorney General is minded just to be—

**Mr. Charles:** Stingy.

**Dr. R. Moonilal:** —stingy, mingy, mischievous. I do not think he is minded to be like that. I do not expect him to be like that. He must have his reason, and you must share that reason with us. Tell us. Is there some other part of the report that speaks to some matter which you prefer in the public interest not to be in the public space? Tell us.

Is there some part of the report where there are comments, or observations, recommendations, which may be embarrassing to your office, to the Ministry of the Attorney General and Legal Affairs, to the Government? We do not know. But when you keep this secret you are undermining the author himself, and it is something that the Government ought to think about. And we have had a strange day where one speaker of Government Bench appeared to be divulging information, which they are injunction from bringing to the Parliament, and the next one will not release information which he ought to put in the Parliament, a report. So this is where we are.

The second issue I want to raise, I have in my hand what is not a secret document. What is not a secret document I have in my hand, which is a letter addressed to the Attorney General.

**Mrs. Robinson-Regis:** You are going to read the same letter?

**Dr. R. Moonilal:** Yes.

**Hon. Members:** *[Laughter]*

**Dr. R. Moonilal:** Madam Speaker, please, I am speaking to you, Madam Speaker. I am addressing you. I have in my hand a letter addressed to the Attorney General.
That is the only point I am making, it is addressed to the Attorney General, that means the Attorney General ought to have received this letter, it is dated July01, 2024, and the Member for Siparia read, I believe, significant excerpts from the letter, would you which me to read it again? I do not think so. But the point I make is—

**Madam Speaker:** All right. So, I know that the recess is upon us but we are not just there yet. We could get there quickly depending on what you all do here, but we are still here. Okay. So I will ask everybody to abide by the Standing Order. Member for Oropouche East.

**Dr. R. Moonilal:** Thank you very much, Ma’am. The point is that this letter is not secret. The Attorney General made no reference today in piloting this Bill, he made no reference, I listened attentively, believe it or not, to him, and he made no reference to a letter dated two days ago, I think, which clearly is written by persons in his building.

**6.35 p.m.**

This thing did not have to go by post, by mail, the postman did not bring it. I think they are on a floor below his building, outfitted by the People’s Partnership administration.

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

**Dr. R. Moonilal:** I know that building. The Member for San Fernando West enjoyed that for a few years as well. So, lawyers, attorneys of the Solicitor General’s Department, in his building—

**Mr. Hosein:** Thirty-one of them.

**Dr. R. Moonilal:** Thirty-one. Now, I am not sure how many are employed, but 31
seems a lot. Thirty-one attorneys who represent the Attorney General in matters—

Mr. Hosein: In court.

Dr. R. Moonilal:—in court are saying, Mr. Attorney General smash brakes, stop, we have some concerns. We do not believe A, B, C. We have concerns with X, Y, Z. And he received, or ought to have received, a letter dated two days ago from a group of attorneys in his building—

Mr. Hosein: And kept quiet.

Dr. R. Moonilal:—and kept quiet. Came to us this evening and in a remarkable and bewildering manner did not tell the Parliament “I have received this”. In fact, he told the Parliament we consulted, widely—

Mr. Hosein: Extensively.

Dr. R. Moonilal:—extensively and failed to tell us 48 hours ago, 31 lawyers from his office, who represent him, of all people, are telling him this is rubbish, a waste of time, withdraw, stop, smash brakes, let us continue dialogue, we have concerns now. The Member for Siparia and the Member for Barataria/San Juan were very clear in terms of the arguments and the accuracy of those arguments and the solid issues raised. But, in the process the Attorney General begins this by pouring scorn on the employees of the Ministry of the Attorney General and Legal Affairs of the attorneys at the Solicitor General’s Department.

What do you think is their position tomorrow? Today seems like Friday, but it is Wednesday, I think. When they go to work in the morning, assuming that you overwhelm and bulldoze your way here this evening and have your way, what is their position in the morning, their morale? And I come to this as a critical issue in employment relations. Your morale, yourself esteem, your motivation to work,
your motivation to work, is gone. So you demotivate the very employees of your Ministry when you do something like this. Who do you want to represent you? Now these are professional people, I mean, I cannot in any way cast aspersions on their professional conduct and so on. But these are the people who represent the Attorney General, who he had poured scorn on by virtue of not even acknowledging——

Mr. Hosein: Their letter.

Dr. R. Moonilal:—their letter. Thirty-one signatures I noticed here, which he would have in his possession. They undertake to represent him in state briefs and so on. They represent him.

So this is a horrible way for the Attorney General as a Minister and critical Minister in a Cabinet to conduct the business of Government. Yes, I would tell you we have had experience. Some of us, not all, but some of us have been there. When you are faced with this type of problem you build support within your Ministry, if there is a trade union. In this case I do not think there are trade unions and so on, but elsewhere where I have served, we have had trade unions and you meet and treat with the trade unions, you meet and treat with workers and clearly you will not agree on everything. You will never agree on everything. You cannot. But at least you can get buy-in on a few issues, persons can understand the issues and understand your point of view.

The Attorney General, although he cannot convince any of us here, he may be able to convince people elsewhere, he may be able to sit with the lawyers, the attorneys that is, at the department and convince them of a couple points, if he tries. I do not think he will, but if he tries. But the process requires meeting and
treating with those who are employees.

**Mr. Hosein:** He is sending the consultant to meet with them.

**Dr. R. Moonilal:** And the Attorney General takes the position of sending the consultant. Well I dare not mention this consultant's name because it looks like two words they “doh” like to hear.

**Mr. Hosein:** Morris-Allen.

**Dr. R. Moonilal:** Well three, Morris-Allen, and outbreak. Do not say outbreak here. So, they do not want to hear this name at all. But this person is exercising public functions and this is the Parliament. We have oversight over the conduct of public functionaries. We can call any name.

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

**Dr. R. Moonilal:** We are privileged. This is why there is something called “privilege”. You can call. You cannot call each other’s names unless there is a Motion to that effect. But we can call the names of public functionaries if we have critical points to make. And this is a critical issue. That issue raised is a critical issue. Was the goodly lady employed in the Judiciary while at the same time serving another master at the Attorney General’s Ministry? Was the goodly lady serving two masters at the same time? That is a fundamental issue. Apart from the nut and bolt issue of remuneration, which again is a public concern, it is public concern, whether you are paying lawyers or consultants and so on, it is public moneys.

So, Madam Speaker, the other issue relates to the Attorney General. Now the Member for San Fernando West raised the issue. Interestingly, nobody on this side of the House raised the issue. The Member for San Fernando West raised the
issue and I thought this would be the last Member on planet Earth to raise that issue of Vincent Nelson when that matter is a live matter. Because, it involves, possibly the most bombastic, diabolical frame-up in the history of independent Trinidad and Tobago, utilizing someone to build statements, fabricate, and engineer cases against former politicians and political opponents. It is a live matter, everyone knows that. That is a matter that may continue in our history here, would continue for a significant period of time given the gravity of that, the implications and the involvement, not only of an Attorney General but other senior Ministers in the Cabinet. That is a critical issue. That issue, Madam Speaker, will not help. In fact, that issue hinders the Government’s position. Because the Opposition’s position is you want to undermine and politicize this office and then they raise Vincent Nelson, where you undermine, you politicize, you fabricate—

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

**Mr. Imbert:** Point of order.

**Dr. R. Moonilal:**—to go against your political opponents.

**Mr. Imbert:** Point of order.

**Dr. R. Moonilal:** Is there a Standing Order or you just wasting time?

**Mr. Imbert:** Point of order, 49, 49.

**Dr. R. Moonilal:** There is no—49 carries a few—

**Hon. Members:** [Crosstalk]

**Madam Speaker:** You know, again, I say, I know recess is upon us, but it is basic. A Member stands on a Standing Order, we sit.

**Mr. Imbert:** [Inaudible]

**Madam Speaker:** Yes, yes.
Mr. Imbert: He is commenting on the merits of the case and it is a live matter.

Madam Speaker: Okay. So, the fact that it is a live matter, I rule, does not mean that cannot be mentioned. What the Standing Order prohibits is going into the merits of the matter. So, yes, I know you are responding, but be very careful, because the Member for San Fernando West, although he mentioned the matter, he did not go into the matter. So be very careful Member for Oropouche East.

Dr. R. Moonilal: Thank you, thank you very much, Madam Speaker. And, Madam Speaker, I really have absolutely nothing more to say on that.

I want to go to a next issue. The other issue which the Government trivialized, trivializes, is the issue of the appointment to critical positions in the governance of this country of persons who are identifiably, visibly and well-known, as political opponents. I will say this only once. I will say this.

Mr. Hosein: So listen carefully.

Dr. R. Moonilal: Listen carefully. All citizens of Trinidad and Tobago who may qualify for positions and jobs and so on, are entitled to apply, to be recruited. All of us understand that. All of us have no difficulty with that. But there are critical positions in the Government where decisions are to be taken vis-à-vis political opponents, vis-à-vis other political players as well. And one ought to be sensible enough to know that those positions ought to carry some semblance of independence, impartiality, neutrality. So, when you appoint and you move forward to have chamber manager, or chamber managing leader, whatever they call it now, and you are using persons who clearly are political opponents in positions like that, you undermined confidence in the office.

Hon. Members: [Desk thumping]

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Dr. R. Moonilal: So, it is not only the issue that a citizen is entitled to a job, that is fine. But that job must also have confidence, you must also have confidence in the office. So you measure and you weigh confidence in the office in the one hand and right of citizens to have job on the other hand and you weigh it and you go along. That is all I say. I mean, they believe that they are there and they are there forever and they can do anything they want and so on, and in various Departments of the Government we have seen it with this high level of politicization and they can do it. All they do they attract controversy, conflict and you attract, of course, the opposite response that it continues in some form or fashion. So, I do not want again to dwell on it, the Member for Barataria/San Juan was dealing with that issue of the appointment of the chamber manager.

In closing, Madam Speaker, all I would invite the Attorney General to do is to tell us in his winding up what is his position on the letter that he clearly received, read, understood and failed to disclose to us, in winding up this matter. So why did you fail to disclose the serious concerns raised by 31 attorneys of the Solicitor General’s Department in your opening speech, in moving this measure, why did you fail to do that? And are you still considering those issues? Because, if you say that these 31 attorneys in the Solicitor General’s Department wrote you a letter, yes, “I got it, but I believe this letter is a waste of time, the arguments are a waste”. But those are 31 people who represent you. Consider that. And secondly, and finally, please indicate to us very clearly, why it is that the Government and your good self, will not, has not, and do not intend to make public that Stanley John Report? Madam Speaker, I thank you.

Hon. Members: [Desk thumping]
Madam Speaker: 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 SC): Thank you very much, Madam Speaker. Madam Speaker, as the Member of Parliament for Port of Spain North/St. Ann’s West it would be remiss of me in starting not to acknowledge our visitors up in the Public Gallery, as an avid member of pan, a follower and a supporter of the pan, for their patience in listening to some of the diatribe that they have heard here this afternoon, but I sincerely welcome you.

Hon. Members: [Desk thumping]

Hon. S. Young SC: It is indeed a pleasure to have them here this afternoon and without getting into what would be coming next and speculation, you do not have much longer to wait.

Madam Speaker, it was important for me, in my humble opinion, to enter this debate here this afternoon to put a little bit of context on what we have been hearing, in particular, from those on the other side. And in listening to those on the other side, it is apparent that there is a level of, I would say, intellectual dishonesty that has been on display here this afternoon.

First of all, as the Member for San Fernando West quite easily and rightly pointed out, the Bill that is before us is not seeking to abolish any office whatsoever. So let us put that to rest at the start. The Bill that is before us is renaming certain offices. I heard the Member for Siparia, self-appointed silk, make reference to, why are you changing the Chief Solicitor?

Mr. Imbert: She never win a case.
Hon. S. Young SC: And I can only assumed it is, because of a level of not practicing very much in the courts, that one would realize in England there is still difference between solicitors and barristers, whereas that was long ago in the mid-80s, abandoned here in Trinidad. So to say Chief Solicitor as opposed to what is being proposed here this afternoon by the hon. Attorney General and calling the Chief Solicitor, going forward, Chief State Attorney, there is absolutely no malice, no ill-will or anything that is nefarious in that change. This should have happened ages ago in my opinion.

Hon. Members: [Desk thumping]

Hon. S. Young SC: And then to twist that, the Member for Siparia then said, well if you are getting rid of the solicitor there, why continue to have Solicitor General? And then later on goes on in her contribution to give the reason why you continue to have the office of Solicitor General. It is because across the Commonwealth, in particular, in the CARICOM region and elsewhere, it is an office that is recognized as being one of the highest offices in an Attorney General’s Chambers and someone who advises the Attorney General, that is, the Solicitor General.

6.50 p.m.

And you will see, from looking at the Bill before us, that we are not changing that. I just wanted to really condemn the Members on the other side. Fortunately, the Member for Oropouche East skirted around it and did not engage it, but this continued personalization by the UNC Opposition in continuously attacking citizens of Trinidad and Tobago who are not Members of the Parliament and are unable to defend themselves is to be condemned and I condemn it in the highest terms here.
Hon. Members:  [Desk thumping]

Hon. S. Young SC:  So Anand Ramlogan is somebody who served in the Parliament—and I will get to Anand Ramlogan you know, but the Member for Naparima is egging me on so he obviously wants to hear about—and I will take his invitation.  I would like to remind the population, through you, Madam Speaker, about former Attorney General Anand Ramlogan, because I have listened to some of the contributions here this afternoon again attacking private attorneys who are briefed by the State, as though those on the other side between the years of 2010 and 2015 are pristine in some manner.

I would like to remind the population that between the years 2010 to 2015, we the taxpayers, we the citizens, had to fork out the most money ever to an Attorney General’s Office—

Hon. Members:  [Desk thumping]

Hon. S. Young SC:——for payment to private attorneys under Attorney General Anand Ramlogan.  And you know what is more offensive?  That years later we discovered by a whistleblower that 10 per cent of those fees were paid in kickbacks to the same Anand Ramlogan——

Hon. Members:  [Desk thumping]

Hon. S. Young SC:——and that is now a stain on the history of Trinidad and Tobago.

Hon. Member:  And the Commonwealth.

Hon. S. Young SC:  And we just heard what is even more offensive to me as a citizen of Trinidad and Tobago, the Member of Parliament for Siparia stands up again here this afternoon and declares a person who is under criminal charges of
misbehaviour in public office and others—at least three criminal charges—is the greatest thing to the legal profession. Well, not the legal profession that I am a part of.

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

**Hon. S. Young SC:** So I condemn that behaviour as well. And then to talk about briefing private attorneys. I, during that period of 2010 to 2015, was asked to defend a number of citizens who had put themselves up to give service to Trinidad and Tobago. There was one particular case, the case of UTT—University of Trinidad and Tobago—against one of the most outstanding citizens of Trinidad and Tobago who has done yeoman service in developing the energy sector of Trinidad and Tobago, Prof. Ken Julien ORTT, and that Attorney General briefed his friends, the same Nelson, and Gerald Ramdeen who went on to be a UNC Senator in that matter. And I sat here and I listened at the hypocrisy and the irony of those on the other side talk about winning cases. I was junior counsel for two defendants in that matter of UTT versus a number of citizens who had offered themselves for service, and it was the cross-examination that I did, as the junior counsel, that collapsed the case.

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

**Hon. S. Young SC:** Because it exposed the corruption by that then Attorney General instructing public servants at UTT to bring a case that had no legs to stand on, and that is only one of the matters. But what we saw—you want to talk about fees, and they have the audacity to call the names of attorneys whose reputations are stellar, who have practised at the Bar for years without any odium to their name and any suggestion of wrongful behaviour against them, to sit here and to listen
them talk about fees. I remind the population here today, when we came in 2015 it shocked me—

**Madam Speaker:** So Member, I just to want to caution you that your tapping—

**Hon. S. Young SC:** Sorry, Ma’am.

**Madam Speaker:**—actually might interfere with us recording you. Okay?

**Hon. S. Young SC:** Thank you, Madam. I would not want to interfere with the recording because I want the population to hear, through you, Madam Speaker, what I am about to say.

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

**Hon. S. Young SC:** Two invoices paid to one single private attorney, who then went on to become a UNC Senator. First fee on brief for a pre-action letter—and to the population if you do not know, a pre-action letter is just a letter that you write before commencing action.

**Mr. Ram:** Madam Speaker, I rise on Standing Order 48(1). What this has to do with the Bill, please?

**Hon. Members:** *[Crosstalk]*

**Mr. Imbert:** What!

**Hon. S. Young SC:** Are you a dunce?

**Madam Speaker:** Member, I will rule. Please continue.

**Hon. S. Young SC:** Thank you. I understand how painful it is, you know. But this is in response to the feeble allegations by those on the other side and trying to disparage attorneys who actually do proper legal work and charge reasonable fees to the taxpayer. A UNC Senator charged a $1 million fee on brief for a letter.

**Hon. Member:** Nah!
Hon. S. Young SC: He went on to become a UNC Senator, and you know why he was removed from the Senate? Criminal charges. That is governance UNC style.

Hon. Members: [Desk thumping]

Hon. S. Young SC: The same UNC Senator, who then was under criminal charges, charged $1 million for a statement of case that you will never know how to draft. You never argued a case in court, Madam Speaker, through you.

So, Madam Speaker, that is abuse by the Office of the Attorney General to remind the population what happened during that short period of 2010 to 2015. Those are just two invoices by private attorneys, briefed by the Attorney General, during that period in time. So do not come here this afternoon and make allegations against attorneys who have done scores of matters for the taxpayer. You know what is the further irony of it, Madam Speaker? The irony of it is, these private attorneys would not have to have been briefed on behalf of us the taxpayers and the State of Trinidad and Tobago in that period, post the UNC, if it was not the same UNC every Monday, Tuesday, Wednesday, Thursday, Friday morning, and if they could file on a Saturday and Sunday they would as well, bringing a number of spurious cases.

You have to pay attorneys to defend the State against what those on other side are trying to do, and I use the simple period of COVID. COVID was a period when this Government, as the whole population saw, was busy trying to save lives. A virus that was sweeping the globe, killing people by the millions, and what did we face? How many matters was it?

Mr. Al-Rawi SC: Fifty-one matters.

Hon. S. Young SC: Fifty-one matters brought by those on the other side to
challenge what the Government was doing to save lives. Fifty-one matters to the High Court at a cost to taxpayers of $14 million, and we won every single one of the cases.

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

**Hon. S. Young SC:** So it pains me as a citizen and as a reasonable one at that, to sit here and to listen to the irony and hypocrisy of those on the other side, personalizing attacks on attorneys who are called upon by the State to defend the State against actions being brought by those on the other side that they lose. Because they pretend there as though they win matters.

I challenge the Member for Siparia to add to the number of cases argued by the Member for Barataria/San Juan. Well, I do not know if the Member down there, who mutters, has even argued a case in life. But I argue—I challenge them all to tally the number of cases where their names are recorded, Madam Speaker, as having been counselled in the matter and to see how many there are to start with, how many they have won. The hon Attorney General on his own could wipe out the whole lot of them.

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

**Hon. S. Young SC:** So, Madam Speaker, now to get back to the Bill because it really was important to respond to some of the intellectual dishonesty that I have heard here once again unfortunately this afternoon.

This Bill is not abolishing any offices. This Bill is also adding the Registrar General as is long overdue again, to the level, the status, the rank of a chief legal officer, Madam Speaker. Administratively, I have sat here and I was a little surprised by the Member for Oropouche East who is a man of lots of experience,
maybe not in the law but experience nevertheless, to question what a chambers manager is. First of all, as the Attorney General I am sure will touch on in his winding up, the individual that they wrongly attack here this afternoon, Ms. Solange de Souza, has absolutely nothing to be ashamed of by putting herself forward to represent the People’s National Movement.

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

**Hon. S. Young SC:** So let your heart not be worried wherever you are. You have done your country a service. It is better any day of the week, night or day, to be associated with the People’s National Movement than those on the other side.

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

**Hon. S. Young SC:** In fact, that is why I understand some of them caucus outside of the lot of them in disgust, and they are called the dissidents.

So the chambers manager position that Ms. Solange de Souza currently holds, she went through a competitive process. She put herself forward in accordance with an advertisement, went through a competitive process and was scored to get the position, and that chambers manager is not the same one as is in the Bill here this afternoon and they know that on the other side. So to come and attack that person, that individual, and not even have the wherewithal to pronounce Balisier properly, “Balivie”—

**Mr. Imbert:** “’Who say dat?’”

**Hon. S. Young SC:** The Member for Siparia. Madam, you missed it. So the chambers manager here is absolutely something that is normal.

In fact, anybody who has practised law in a chambers environment understands the importance of a chambers manager. You go to England now,
every chambers has a chambers manager. The chambers manager’s job is to assist in administration, is to assist and to make sure that things are running smoothly. So that is all that it is. So to cast aspersions on such a position is absolutely useless, but typical of those on the other side who do nothing constructive or productive for Trinidad and Tobago.

The Stanley John Report—well, first of all allow me to correct the record here this evening, Madam Speaker. The Honourable Justice of Appeal Retired Stanley John was not the singular author of that report. There was also a former head of special branch, Mrs. Pamela Schullera Hinds, who was also part of that. And I would like to remind the population briefly, through you, Madam Speaker, why that report came into being. Of course, there is aspersion being cast that it is a secret report. You know why that report became part of the history of Trinidad and Tobago?

Because once again the same individual that we have had to listen to, who according to some is the greatest who we now know is on criminal charges, brought an action against the State; it was served on some area, some person that was not the authorized person to receive service in the whole office of the Attorney General; the file went missing; the papers could not be found; and lo and behold on the hour to be able to be claimed judgment in default. And again, we the taxpayers forced with a bill, or foisted with a bill I should say, of $20 million in damages, and this is not a Government unlike the one that was previous, that uses those types of things, you know. Meaning, that in the past claims would be filed. Nobody will file a defence so you get a judgment in default. So when you are challenged by the population, “but why are you paying
tens of millions of dollars to SIS”? You are told, “Well, no defence was filed so it is a legitimate court judgment”.

We did the responsible thing. As soon as we became aware of it, the hon. Attorney General asked for an investigation to find out how this could happen. And that is when he approached Cabinet, and Cabinet approved Justice of Appeal Stanley John, a former head of special branch Mrs. Hinds, to then go and do a deep dive to find out how this could happen and not to stop there for the incident alone. And taxpayers, fortunately the Attorney General retained proper senior counsel who was able to set aside that judgment in default. So we no longer have this sword over our head of $20 million for a judgment in default, but you do not hear that side of the story. So these two individuals who are highly qualified, independent individuals, who want to do service to Trinidad and Tobago, have made a number of recommendations to the Attorney General as how to better the office. Because you see, we are not a Government that believes it was like this forever so leave it like that forever.

7.05p.m.

We always want to better Trinidad and Tobago, and our records speaks to that. So the Attorney General has studied the report and he brings this Bill here today. With change, there is always going to be some who do not want change because by definition, for some people, it is difficult to accept change. But I say to those who may have signed a letter—and I will touch on this very briefly. To accuse the Attorney General of not referring to a letter in his piloting of a Bill is another example of intellectually and utter dishonesty.

The letter was raised by the Member for Siparia, who spent her whole
contribution reading the letter. The Attorney General will deal with it in his wind-up, in his response. But I would like to tell the officers who wrote—who signed that letter, let your hearts not be worried, “nah”—troubled, worried, whatever you want to say. Do not worry, the change is not a bad change. And you know what disturbs me? It is that some of the younger ones, who have given themselves to service at the AG’s Office, in the Solicitor General’s department and the Chief State, are on record as saying, “Why are we squabbling about these small name changes? Are we not here to serve the people of Trinidad and Tobago, and to learn, and to do service of our country?” So older heads, take heed to that. Listen to it. This is not a government that ever does anything to destroy your offices, et cetera. It may very lead to enhancement but it is for efficiency. So I now put to rest this suggestion that there is some secret report and that every report you must do must be laid there, et cetera.

In fact, the one that I would like to be laid is the one that I heard about from a former Minister of Transport, who said that he gave a report for the Member of Oropouche East—or when he gave the report to the Member of Siparia, the Member for Siparia asked the Member for Oropouche East to lead an investigation into human trafficking by a certain person who is sitting here now. That is the report I would like laid here.

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

**Mr. Scotland SC:** It will be in Spanish.

**Hon. S. Young SC:** It will be in Spanish? I can speak Spanish—

**Mr. Imbert:** And you have an interpreter.

**Hon. S. Young SC:** And I have an interpreter. So, Madam Speaker—
Dr. Moonilal: Standing Order 48(6). Please disassociate me from that type of business that you are—

Madam Speaker: No. So good attempt—

Dr. Moonilal: I only know about traffic light—[Inaudible]

Madam Speaker: Member for Oropouche East, good attempt. We all know. Continue, Member for—

Hon. Members: [Laughter]

Hon. S. Young SC: I could understand the Member for Oropouche East wanting to disassociate himself from those and that type of behaviour.

So, Madam Speaker, those are the interjections that I wanted to make and what I wanted to ensure was placed on to the Hansard here today, for those in the population who are willing to listen and to understand that there is nothing untoward about this Bill, and also to correct the record, and most importantly to condemn once again the personalized attacks on individuals because it is very untoward, especially individuals who are under no criminal charge, no criminal cloud and have nothing untoward to the people of Trinidad and Tobago. So, Madam Speaker, I thank you for the opportunity to have contributed

Hon. Members: [Desk thumping]

Madam Speaker: Attorney General.

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Madam Speaker, and I am grateful for the opportunity to wind up this discussion with a few remarks, not very many. Let me say immediately, not in answer to the Member for Oropouche East, who seems to think that he can take to the practice of requesting me to do certain things, but to
remark on something that I had thought of addressing. I quite frankly had not made a decision on whether I should address it or not, and the reason why I had not made a decision on whether I should address it or not has to do with the remarks that I made towards the very end of my opening remarks.

I acknowledged the fact that in the discussions which have been taking place by myself and on my behalf, by Master Morris-Alleyne, we have had several discussions and I acknowledge the fact that we recognized that there is a degree of discomfort in the discussions which are continuing. And so I thought carefully about whether I should engage in the public arena, something that up until today, my inclination had been to engage in the discussions which began months ago and will continue. And those discussions will continue because, as I have already said, this Bill is just the first step of a process of reform. It is not overnight, it is going to take some time and it is going to require the participation of everybody who is engaged: The attorneys employed with the Chief State Solicitor’s department, the attorneys employed with the Solicitor General’s department, the attorneys employed with the Registrar General’s Department, the attorneys employed with the Intellectual Property Office, all of these attorneys—the attorneys who are employed under the children’s attorney legislation, all of these are the attorneys who are going to be centrally involved in the reform process that will begin, once this legislation is passed, to give us the outer parameters of step one. And it is not my style—I do not play to the galley ever.

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

**Sen. The Hon. R. Armour SC:** Let me put that on record. Let me put that on record, Madam Speaker. I challenge anybody, in the 40 years of practice, to
produce one picture of me in my years of practice, posing outside a courthouse with my bag over my shoulder and hugging up clients whose cases I have won. I do not play to the gallery.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: I do not. I do not unnecessarily advertise myself. I respect process and confidentially. And in this undertaking that we have commenced with the Stanley John report, process and confidentially is very important because we recognize that we are introducing changes which are going to affect people’s lives, affect people’s livelihood, affect people’s sense of their status. These are things, from a human resource, human management, performance management perspective, that have to be addressed carefully and delicately.

So it was not my intention today but unfortunately, in this land of gallery that we live in, I have to address the fact that, yes, at 12:01 a.m. yesterday morning, the 2nd of July, an email arrived in my inbox, attached to which was a letter dated the 1st of July from attorneys of the Solicitor’s General department. I regret that I have to speak to it because it had been my intention, as has already been put in train, to engage those attorneys in a conversation. But to the extent that it is being galleried in this august Chamber, I must address it.

So that letter was dated the 1st of July. It arrived in my inbox at 12:01 and that was the 2nd of July. I was in Parliament yesterday, all day, until midnight last night. I replied to the Acting Solicitor General on receipt of that letter and I said to her:

Dear Solicitor General, Acting,

Thank you for your email, which I have asked Master Morris-Alleyne to
meet with you on since, as you know, she is my lead consultant, has already met and addressed many, if not all of these concerns, and should be more than able to provide any further clarity required.

I have copied Master Morris-Alleyne and she will correspond directly.

Please keep me in copy in your responses to her.

That was my response to Master Morris-Alleyne. I was unable to meet because I was in the other place. I was engaged in the people’s business.

7.15 p.m.

But I recognized having received this letter in my inbox at 12.01 a.m. yesterday morning that I had to engage. These are people who are hurting, they are misunderstanding, they are concerned and the only way you are going to address legitimate or illegitimate concerns is to engage in a process of discussion. So I asked Master Morris-Alleyne to meet with them and she met with them for four hours yesterday evening while I was in Parliament up until midnight last night and I communicated the fact that I was unable to attend.

Regrettably, and I have to say this but I am going to say it softly because I do not state this as a judgment but it is important for the record because mischievously, persons are trying to suggest that this letter somehow or the other betrays the process that I have been engaged in for the last several months, a process of consultation, discussion and engagement with all of the attorneys. All of the attorneys of the Chief State Solicitor Department, Solicitor General’s Department, the attorneys of the Registrar General’s Department, the attorneys of the Intellectual Property Office on the exercise which this Bill is just the first step of.
The letter acknowledges, Madam Speaker, the process and even the dates of some of those meetings and discussions, the process has been ongoing. The letter addresses the reasons following consultation why the international brand of Solicitor General was retained. That was a representation made to me by the staff of the Solicitor General and I accepted it. That is to say the Office of Solicitor General is an internationally recognized office and we would like you to keep the name, so we have kept the name. That has emerged as part of a process of consultation. The letter misstates the fact of my engaging the process of consultation but I am not going to go into details.

Suffice it to say, Madam Speaker, I invited the Solicitor General Acting, the Chief State Solicitor, the Registrar General and the Comptroller of the Intellectual Property Office to attend the Legislative Review Committee meeting which scrubbed the Bill that is before this House today and they participated and did not object.

Madam President—Madam Speaker, I beg your pardon, I repeat what I have already said. This Bill is only the first step with respect to matters referred to in that letter. The process of discussion continues. Master Morris-Alleyne, at my request, has already met with these officers and we will continue to meet. We recognize that strong views are held. We recognize that not everybody is entirely happy with the process and we recognize that in moving forward, shoulder to the wheel, we have to keep everyone engaged. I give that commitment.

In point of fact, Madam Speaker, I will give you an example, if I may be allowed to refer to a record on my phone of some of the meetings that have taken place:
• meetings with the Acting Solicitor General and the Chief State Solicitor;
• meetings with the seniors in each department;
• meetings with lawyers of the Solicitor General over three hours;
• meetings with lawyers of Chief State Solicitor over three hours;
• joint meetings and working sessions of over five hours addressing all concerns which were aired, written down and collated;
• received list of questions…

I am reading from a record given to me today that I requested from Master Morris-Alleyne.

• received list of questions and concerns for the Judicial and Legal Service, for the JLSC;
• several emails and phone calls from staff who were invited to contact the lead consultant Master Morris-Alleyne freely and independently. So she had emails and phone calls with them;
• several meetings with the Solicitor General and the Chief State;
• several observations at Solicitor General and the Chief State;
• several open conversations by WhatsApp and phone with Solicitor General and the Chief State, a running conversation;
• the meeting on the name Solicitor General, persons from each department last night’s meeting.

At last night meeting and I am not going to call any names but a young attorney, after close to four hours of discussions, I am told—I was not there—interrupted her seniors to say, why are we so upset over a change of names?
We are engaging the Attorney General and consultant Master Morris-Alleyne has told us about the depth of what is taking place and it is in the service of the people of Trinidad and Tobago. Why are we so concerned about change of names? So I am not going to go beyond that, Madam Speaker. I do not want to do a disservice to the ongoing conversations that will continue.

Let me say a couple of things on this Justice Stanley John Report and I am grateful to my colleague, the hon. Member for Port of Spain North/St Ann’s West who, and I had intended to correct this omission on my part and I apologize to her. The investigative team consisted of Mr. Justice Stanley John and Retired Head of the Special Branch Pamela Schuller-Hinds and I go on record to thank both of them for an invaluable exercise.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: Let me say further for the record here today that on my behalf, when the Member for Oropouche East talks about a secret report, on my behalf, Master Morris-Alleyne has met with the heads of the departments and has discussed parts of the Stanley John Report with them. So it is not a secret report. What I have not done and I will not do is to hang it out into the public so that people can run around the country taking select bits and pieces out of it and maligning people’s names because that is the practice that the other side engages in.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: I am not going to give it to them because they will abuse it and they will sully and destroy people’s reputations.

Hon. Members: [Desk thumping]
Sen. The Hon. R. Armour SC: Because let me tell you, Madam Speaker, there are some comments in that report that are not complimentary of some persons but it is not my intention in this reformative exercise that we are engaged in, to destroy anyone. We are not all perfect, we make mistakes. We are about rebuilding the Civil Law Department and rather than putting that report into the public and sullying the names unfairly of some persons who were criticized, I prefer as I am doing currently to engage with those persons and ask for their help in rebuilding the Civil Law Department.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: The Member for the Barataria/San Juan allowed himself to make some remarks, Madam Speaker, and the Member for San Fernando West dealt with it well. One of the remarks has to do with the Children’s Authority. The Member for Barataria/San Juan allowed himself to utter an implied criticism of the plan to merge the departments and to include in the departments when he spoke to the fact that officers of the Civil Law Department, Solicitor General are accustomed to dealing with important public law cases so how can you bring children’s attorneys into the Civil Law Department, implied in that was a criticism of the quality of children’s attorneys.

And what the Member fails to give credit to is the fact that the Children’s Authority, the children’s legislation, the family courts of this country which have been developed and built out by the honourable Chief Justice in the reform that he has been continuing with of the Judiciary plays a very important role in restoring part of the fabric of the society that is under threat, the fabric being the family. Young children, young people, estranged partners of children are in our family
courts bitter and tearing at each other and destroying lives of young children and it requires a very sensitive family court to manage those conflicts.

I have visited those courts. When I first took office, I went and visited those courts. They employ trained psychotherapists, trained psychologists to deal with young children who come in custody battles, young children who are coming from the jails as part of an exercise to help them build a future for themselves, not to be cast out as, somehow or the other, rejects of our society. The children’s attorneys in this country have as important a role to play in the civil justice and family justice system as any lawyers who deal with high-powered public law cases. So they belong in the Civil Law Department.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: As the Member for San Fernando West pointed out, there is a careful differentiation of the roles. At the end of the day, the head of the department, the Solicitor General will on a case-by-case basis assign cases to persons who have the training and the empathy and the psychological help to deal with family matters as children’s attorneys.

So that the attorneys in Civil Law Department who are being misled by misguided advice that they seem to be getting are not going to have their important public law cases taken away from them if they are good at that. What the children’s attorneys will have is an opportunity to come into the department, the Civil Law Department and be managed by a Solicitor General who will assign work on a fair and equitable basis having regard to the specialized client bases that they are to serve and in the case of the children’s attorneys, broken families, young men and women who are on their way to the fringes of our society and need to be
brought back. Let us not do a disservice to the children’s attorneys.

       Another criticism that has been made by the Members for Barataria/San Juan and Oropouche East is to suggest that there is something wrong with the fact that I have retained Master Morris-Alleyne as the consultant to guide this process. I have already spoken to that in my opening remarks, I am not going to belabour the point except to say this. Her date of engagement is the 5th of April, 2024. Before that, I was speaking with her but she was engaged on the 5th of April, 2024 and she has been engaged because, in case the Member for Barataria/San Juan does not know or the Member for Oropouche East does not know, she happens to be an attorney-at-law. That is legal services that are exempt from under the procurement legislation.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: So I did not have to go through a procurement process to employ an attorney-at-law because that is part of the exemption under the procurement legislation.

       Another disservice that was done today and it is why I am not going to put the Stanley John Report into the public. Any slightly gratuitous, slim opportunity to “bad talk” and malign people is taken by those on the other side. I have sat in this House and in the other Chamber for two years now and I find themselves in disbelief as I listen to them because they are not doing the service to the country that they are elected to do, they are about themselves.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: The office of Chambers Director that is at the moment being provided for in clause 5 of the Bill before us, the Judicial and Legal
Service Act is amended—and section 12 is to be amended:

“by inserting immediately after subsection (4), the following subsections:

(4A)”

I have two remarks to make on this. (4A), I am going to read it because so many of us seem to want to make wise pronouncements without reading the dotted line.

“(4A) There shall be a Chambers Manager who shall…”

That is in the mandatory term.

“(4A) There shall be a Chambers Manager who shall…”

So there is no question other than the figment of a distorted mind—

Hon. Members: [ Interruption ]

Sen. The Hon. R. Armour SC: There is no question of the Attorney General seeking to bring in a chambers manager to take over the work of the Solicitor General and assign work to external attorneys.

7:30 p.m.

Sen. The Hon. R. Armour SC: This is a department within the Office of the Solicitor General under the direction of the Solicitor General who continues to have all of the statutorily vested authority that has always existed from independence. That chambers manager shall provide administrative support, including strategic and operational planning, to the department of civil law. What is wrong with that? What is wrong with bringing on board someone who is recruited for the skill in that area? Let us understand.

I am going to say it as a confession of myself; lawyers are not good managers. Lawyers are not good managers and to have a good law chambers the
first best decision that you should make as a lawyer is to hire somebody skilled in human resource management, performance management, and strategic training who is not a lawyer to run your law firm. That is what we are doing by this amendment.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: So that is the first point I make in response to these gratuitous mauvaise langue comments that I have had to listen to here today. The second comment that I make, Madam Speaker, is to say that I abhor the sullying of the name of a very respected and talented young attorney by the name of Solange De Souza.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: I abhor it. Again, that is why I say I will not give them the Stanley John report because everybody’s name who is in there, who might have implied criticism, will find their names being shouted from the rooftops and maligned for no good reason. There is no connection between the proposed chambers’ manager, who shall be under the general and specific direction of the Solicitor General, and Ms. Solange De Souza, who is currently substantively employed by me after a recruitment process as the chambers manager of the Attorney General’s Secretariat. I cannot spare her. I am not sending her to the Solicitor General.

Hon. Members: [Desk thumping]

Sen. Armour SC: And the two do not mix—

Mr. Charles: Will the Attorney General give way?

Hon. Members: Noooooo.
Mr. Charles: I just wanted to ask—

Sen The Hon. R. Armour SC: I am not giving way.

Hon. Members: Noooooo.

Sen The Hon. R. Armour SC: The fact that Ms. De Souza, at an earlier point in her life, had the courage as a young woman to put herself up for public office to earn a pittance of what she could otherwise earn as an attorney at law is to her credit.

Hon. Members: [Desk thumping]

Sen The Hon. R. Armour SC: When you have nothing to say, do not say anything. But do not just use the opportunity to malign people.

The last thing that I am going to say, Madam Speaker, before I take my seat, is to refer to a document in a particular context. There have been a number of speakers on the other side today. I have replied to those who spoke, albeit I criticized them, to offer some substance. One of the speakers, and this is what I respond to, rose to compliment my colleague and Member of the Inner Bar, Mr. Keith Scotland, for the award to him of Silk.

Hon. Member: [Desk thumping]

Sen The Hon. R. Armour SC: There has been a lot of debate in society over the last couple weeks about the appointment of Senior Counsel. The hon. Member who offered the congratulations purported to read the letter I have spoken to, but she fumbled through it. I just want to read for the public to reflect on the qualifications. This is Order No. 282, published in the Trinidad and Tobago Gazette, Extraordinary No. 18, Vol. 3, on the 15th of February, 1964. Since 1964, these are the qualities applicants for senior counsel are expected to meet the
following requirements:

a) “professional eminence and distinction which establishes them as leaders of the profession;

b) sound intellectual ability,” —I repeat that—“sound intellectual ability and a thorough, comprehensive up-to-date”—acknowledgment—“of law and practice in the fields in which they practise.

c) outstanding ability as an advocate in the higher Courts;

d) the highest professional standing, having gained the respect of the Bench and profession in observing advocate’s duty to the Court and to the administration of justice while presenting their client’s case and being formidable, fair and honourable as an opponent;

e) total professional integrity;

f) maturity of judgement and balance;

g) a high quality practice with at least ten years experience and one based on demanding cases which allow the full measure of the above qualities to be demonstrated…”

Those are the qualities of silk.

I take this opportunity, Madam Speaker, to put that out there so that the public can judge for themselves including those who appoint themselves, who have satisfied those criteria, and as I take my seat, I congratulate my colleagues, Mr. Scotland, Mr. Al-Rawi, and Mr. Young. I beg to move.

**Hon. Senators:** [Desk thumping]

**Madam Speaker:** So, Attorney General, just to remind you, again, in this House it is either by portfolio or by constituency. Leader of the House.
PROCEDURAL MOTION

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. I do not have silk, but—

Hon. Members: [Laughter]

Mr. Indarsingh: Naparima will recommend it.

Mr. Charles: I recommend it.

Hon. C. Robinson-Regis: “Oh gosh well ah doh want it. Ah doh want it”.

Hon. Members: [Laughter]

Hon. C. Robinson-Regis: “Ah doh want it.” Madam Speaker, in accordance with Standing Order 15(5), I beg to move that the House do sit until the completion of the matters before it.

Question put and agreed to.

7.40 p.m.

MISCELLANEOUS PROVISIONS (JUDICIAL AND LEGAL SERVICE) BILL, 2024

Sen The Hon. R. Armour SC: In accordance with Standing Order 68(1) I beg to move that the Miscellaneous Provisions (Judicial and Legal Service) Bill, 2024 be committed to the Committee of the whole House to be considered clause by clause.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 8 ordered to stand part of the Bill.

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

House resumed.

Bill reported, without amendment.
Question put: That the Bill be now read a third time.

Hon. Members: No!

Madam Speaker: Division.

The House divided: Ayes 20 Noes 17

AYES
Robinson-Regis, Hon. C.
Imbert, Hon. C.
Young SC, Hon. S.
Deyalsingh, Hon. T.
Al Rawi SC, Hon. F.
Beckles, Hon. P
Webster-Roy, Hon. A.
Cudjoe-Lewis, Hon. S.
Gadsby-Dolly, Hon. Dr. N.
Gonzales, Hon. M.
Mc Clashie, Hon. S.
Cummings, Hon. F.
Forde, E.
de Nobriga, Hon. S.
Leonce, Hon. A.
Manning, Hon. B.
Morris-Julian, Hon. L.
Scotland SC, K.
Richards, K.
Monroe, R.
miscellaneous provisions
(judicial and legal service)
bill, 2024

noes
lee, d.
persad-bissessar, mrs. k.
charles, r.
ameen, ms. k.
indarsingh, r.
padarath, b.
moomialal, dr. r.
hosein, s.
paray, r.
ratiram, r.
rambally, d.
ram, a.
tancoo, d.
benjamin, ms. m.
mohit, ms. v.
haynes-alleyne, mrs. a.
seecheran, dr. r.
question agreed to.
bill accordingly read the third time and passed. order for second reading read.

national musical instrument bill, 2024
the minister of tourism, culture and the arts (sen. the hon. randall mitchell): thank you very much. madam speaker, i beg to move:

that a bill entitled an act to provide for the designation of the steelpan as

unrevised
Sen. The Hon. R. Mitchell (cont’d)

the National Musical Instrument of the Republic of Trinidad and Tobago and for related matters be now read a second time.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell: Madam Speaker, it is indeed a privilege for me to hold the position as the Minister with responsibility for culture to pilot this Bill. And at this time, I would like to recognize the President of Pan Trinbago and members of the executive—

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell:—of Pan Trinbago in the public gallery, and I thank them for their patience but I know that they are looking after the panman’s business. Madam Speaker, the Bill while of great national and cultural significance is a simple one. It:

“...seeks to designate the Steelpan”—using the Parliament, using legislation—“as the national musical instrument of the Republic of Trinidad and Tobago...”

The Preamble to the Bill affirms the commitment of the Government of the Republic of Trinidad and Tobago toward developing, safeguarding, and promoting culture and the arts, and sustaining the cultural sector. It then delves into the history of the steelpan and the need to give formal recognition to the fundamental value of the steelpan as it belongs to the Republic of Trinidad and Tobago and its citizenry.

Madam Speaker, the Bill contains four clauses as follows: Clauses 1 and 2 of the Bill provide for the short title and interpretation section of the Bill. “Clause 3...seeks to declare the Steelpan as the national musical instrument of Trinidad and Tobago.
Clause 4…”—will require—“…the Minister to whom responsibility for culture is assigned, to prepare and lay in Parliament, a biennial report on the recognition, status, promotion, development and impact of the Steelpan at national, regional and international levels.”

Madam Speaker, now that we understand what the Bill is purporting to do, I will now add some context to why this is necessary and why this Bill is the legal framework to designate the steelpan as the national musical instrument. Madam Speaker, on July 24, 2012, the world-renowned British Broadcasting Corporation, the BBC News Network reported:

“Amid the electronica of 20th Century music one new instrument stands out for its simplicity. The steelpan, possibly the only instrument made out of industrial waste, has become an icon of Trinidadian culture.”

Eleven years later on July 24, 2023, following a resolution put forward to it, the United Nations at the 77th Session of the United Nations General Assembly in New York, officially declared 11th August as World Steelpan Day. Madam Speaker, these are just some of the international strides and global recognition of our revered instrument, the steelpan.

Madam Speaker, this instrument serves as an important thread in our cultural tapestry that weaves together our diverse identities and experiences. A central element of both our tangible and intangible heritage. Culture is not merely a collection of artistic practices but a system of shared values, imaginations, and ideologies derived from those artistic expressions. This system of shared values creates social cohesion and fosters a sense of community. This system recognizes the importance of the people in the shaping and preserving our nation’s cultural identity.
Madam Speaker, I recently attended the launch of a book on the history of Trinidad All Stars Steel Orchestra titled: *Mettle and Metal*, written by Bukka Rennie, during which Mr. Eddie Hart former Member of Parliament for Tunapuna, he spoke and gave an inspiring story about his experience as a young man joining the All Stars Steel Orchestra. His story was one of a young boy finding community and mentorship which helped him to transition into adulthood and himself, becoming a leader and mentor in the band. This story is a common one that is replicated across many panyards across the country.

Madam Speaker, the preservation and promotion of a nation’s culture is the collected duty of all its citizens led by the Government, which creates an enabling environment for culture to flourish. By understanding, appreciating, and preserving our own culture, we not only strengthen our sense of identity and continuity but also foster greater understanding and respect for the cultural diversity that exists within and beyond our national borders. Despite its international proliferation, the genealogy of the steelpan traces and roots back to its cradle of Port of Spain in our twin island.

The steelpan is an indigenous and principled acoustic musical instrument of Trinidad and Tobago that was forged on this country’s soil. The official birth of the steelpan prevailed in the 1930s and the 1940s. And it is heralded as the only invention of a new family of acoustic musical instruments in the 20th Century. The genesis of the steelpan is deeply rooted in both struggle and celebration, oppression and innovation. Steelpan represents an unwavering commitment to freedom and cultural self-expression. In the Trinidad and Tobago context, that directed the innovative energy of our people towards the creation of this extraordinary musical instrument.
An intrinsic part of this story is the remarkable individuals who played pivotal roles in the creation and advancement of the steelpan. It is therefore imperative that we acknowledge their contributions on this landmark occasion where we intend to enshrine the steelpan as our national musical instrument through legislation. Among these notable figures are: Winston “Spree” Simon, Ellie Mannette, Anthony Williams, Neville Jules, and Bertie Marshall. Distinguished for their prowess as steelpan creators and players. Winston “Spree” Simon, a native of Trinidad and resident of John John, Port of Spain, is renowned for his role in the development of the Ping Pong which became the tenor steelpan of today.

7.55 p.m.

Ellie Mannette introduced the innovative concept of the concave sinking into the steelpan’s surface, departing from the traditional convex approach, thereby contributing significantly to steelpan evolution.

Anthony Williams stands out for his multifaceted contributions to the steelpan, excelling as an inventor, tuner, innovator and esteemed performer. He is widely revered as one of the foremost figures in the history of the instrument. Madam Speaker, and, of course, the steelpan movement would not be as we know it now today without the well-known Bomb Competition and the concept of the Bomb tune created by Neville Jules.

The steelpan is, thus, authentically Trinbagonian and deeply emblazoned within our history. Equally, we must consistently strive to not merely venerate our steelpan, but also to rebrand it as uniquely Trinidad and Tobago. The steelpan continues to be a source of wonder and national pride for our nationals and our diaspora. Today, the instrument is a mainstay of this country's annual Carnival
celebrations and has been adopted, manufactured, sold and generally celebrated, not only locally, but also internationally, with steelpan competitions and events taking place on all continents across the globe. Contemporary pioneers such as Duvone Stewart, Leon “Smooth” Edwards, Ainsworth Mohammed, Kersh Ramsey of Tobago, and Dr.Len “Boogsie” Sharpe continue to advance the work of their respective steel orchestras.

Madam Speaker, this Bill, once assented to, will provide the long-awaited recognition for the efforts of these steelpan innovators/pioneers and the steelband movement. Reshaping our steelpan from the de facto into the de jure national instrument, while acknowledging the achievements of those nationals who develop, use and promote the instrument is a very important exercise.

The steelpan emerged from the grassroots, many of whom toiled without financial reward or the guarantee of recognition. This legal commendation will, therefore, also serve to acknowledge those who labour tirelessly, continually breathing new life into our versatile instrument, elevating its status and disseminating its artistry around the world.

Madam Speaker, it has long been the policy of governments, past and present, to have the steelpan undesignated “the national musical instrument of Trinidad and Tobago”. In 1992, under the People’s National Movement Government, the then Minister of Community Development, Culture and Women’s Affairs recommended to Cabinet that the steelpan be declared the national instrument and recognized as a national treasure of Trinidad and Tobago.

In that same year, the late Patrick Manning, then Prime Minister, declared the steelpan as the national musical instrument during his independence address. As a result, many Trinbagonians refer to the steelpan as our national instrument.
However, notwithstanding these formal and informal nationalization efforts, the legal declaration of the steelpan as our national musical instrument remains unrealized.

Madam Speaker, the Bill before us today was not created in a vacuum. This Bill and policy was crafted in close consultation with key stakeholders, including but not limited to the world governing body, Pan Trinbago, Dr. Mia Gormandy of the University of Trinidad and Tobago, and other stakeholders within the steelpan industry. And in this regard, I say a special thank you to the executive and the members of Pan Trinbago—

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell:—through, of course, its illustrious President, Mrs. Beverly Ramsey-Moore—

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell:—Mr. Henry Harper, Petit Valley—

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell:—and, of course, the legal representative for Pan Trinbago Mr. Martin Daly SC, who is a steelpan enthusiast.

Madam Speaker, over the years, there has been a consistent clarion call by key stakeholders within the steelpan fraternity and the public at large to have the steelpan designated as the national musical instrument of Trinidad and Tobago, and a few examples.

By an opinion in the Guardian newspaper by Henry Harper, Petit Valley, on the 25 January, 2022, entitled:

Pushing Pan Forward

—it is stated:
It is time for the national community to push pan forward in order to ensure that the powers that be recognize the true value by having it proclaimed our national musical instrument.

And in another newspaper article and a letter to the editor on August 10, 2022, in the *Guardian* newspaper entitled:  
Steelpan's National Status

—it was stated:

“We in TT seem to take pan’s uniqueness for granted. We are not overly concerned about the speed with which the international community has adopted this family of instruments…”—the steelpan.

The opinion called for the parliamentary proclamation of the steelpan as our national musical instrument. And it further stated:

“The descriptive word ‘national’ as it relates to…”—the steelpan—“…instrument, is a reflection of the combined and historic senses of pride, community, identity, respect, unity, ownership and patriotism that are continuously experienced by all nationals of TT. Technically…”—the steelpan—“…is our first national even though it has not yet been deemed a ‘national’ via parliamentary proclamation.

TT awaits with bated breath the…”—outcome of steelpan’s—“…identity on the September 1…”—2022.

On August 10, 2023, in the *Daily Express*, there was an editorial article entitled:

“Let's proclaim the pan as ours”

—and in it was stated:

“The pan is indeed the source of our magical ability to move beyond despair
by creating something out of seemingly nothing. To rebuild our shattered confidence, we must tap into the power of the pioneers who gifted us the pan. We can start with the bold proclamation that the pan is indeed officially ours.”

Madam Speaker, on the 11 September, 2023, at the Ceremonial Opening of the Fourth Session of the Twelfth Parliament, our very own Head of State called for the steelpan to be recognized as the national musical instrument of Trinidad and Tobago.

In her address, Her Excellency stated:
“...my hope is that Parliament will, in that vein, pull together to enact laws that are even more reflective of our society’s goals and vision - including in relation to legislation that both protects and advances culture and the arts. In particular, I hope that it will be seen fit for there to be an urgent parliamentary intervention that results, at long last, in the steelpan being firmly and irrevocably declared our national instrument.

Those in the industry will tell you that giving the steelpan formal and official ‘national instrument’ status is critical to opening doors for the industry in international markets. The General Assembly of the United Nations has formally recognized the universal value and significance of the steelpan. I believe it is high time we formally do the same.”

So, Madam Speaker, that is what we are here to do today, and now more than ever, the nation has arrived at this juncture, wherein it is primed to better commit our resources and focus our attention on the cultivation and enrichment of its cultural landscape to safeguard the legacy acquired.

This endeavour is in harmonious accord with the overarching objectives of
Vision 2030 and the National Cultural Policy, embracing our traditions, honouring the artistry and craftsmanship that molded our musical landscape, therefore, creating opportunities to foster economic diversification. The designation of our national instrument marks a vital moment in our nation's journey towards celebrating and preserving our identity.

This Bill will significantly enhance our international marketing strategies for the steelpan, as well as for our local culture generally, helping us to truly and unapologetically exploit the power, allure and mystique of our musical instrument.

This legislation will establish a definitive claim on the steelpan as an invention and innovation that was created in Trinidad and Tobago. Wherever the steelpan goes, it will be marked as a creation of this nation. This is critical given the instrument's versatility, its current international recognition and immense commercial potential as a desired instrument for musical performances and education.

Endorsing the steelpan as the national instrument of Trinidad and Tobago, through legislation, will also serve to market the steelpan fraternity, Carnival, and by extension, Trinidad and Tobago's culture. The designation of the steelpan as our national instrument will increase opportunities for strategic investments and intensify penetration in the highly competitive global, cultural and creative market. In addition, this designation has the potential to act as a catalyst for the increased production, promotion, distribution and commercialization of our national instrument, which will redound to the benefit of our citizens. The declaration as our national instrument will once and for all remove any doubt that Trinidad and Tobago is indeed the home of the steelpan.

Hon. Members: [Desk thumping]
Sen. The Hon. R. Mitchell: Madam Speaker, once assented to, this Bill has the potential to raise the profile of the Republic of Trinidad and Tobago. Studies have shown that the possession of indigenous instruments promotes tourism development, economic growth and the distinctive global recognizability of nations. One such study, in 2020, entitled, “The Role of Traditional Music in Tourist Destination Development” concluded that:

“Traditional music is an endless source that can be tapped to develop event and experience tourism and, in particular, heritage tourism.”

Several prominent instances of employing traditional music in tourism are evident in various regions. Notable examples include Ireland, renowned for establishing a robust tourism image rooted in traditional Irish music; Austria, celebrated for its Alpine traditional music; and Canada, particularly Cape Breton Island, where Celtic traditional music holds significance. While traditional music forms an integral part of the local residents’ identity, it offers tourists novel experiences and opportunities to immerse themselves in the traditional values of the destinations they are exploring.

Madam Speaker, throughout the globe, national musical instruments have reinforced the connection between indigenous instruments and music-based tourism, and supports a country’s unique selling proposition of possessing a unique, distinctive and authentic culture.

Madam Speaker, allow me to revisit clause 4 of the Bill. A critical feature of this Bill is the inclusion of a mandatory reporting mechanism by the Minister to whom the responsibility for culture is assigned. The legislative requirement for the preparation and submission of reports to this Parliament is a tried and tested avenue for accountability and oversight. Once this Bill is passed, the responsible
Minister is statutorily mandated to produce a biennial report to this Parliament, which will contain updates on key strides in steelpan development, including its:

“…recognition, status, promotion, development and impact…”—across the—“…national, regional and international levels.”

8.10 p.m.

This statutory reporting mechanism will provide accountability, transparency, and enable parliamentary scrutiny in all steelpan-related affairs on a world scale to our citizenry, while enabling legislative oversight on the progress and developments secured for our national instrument.

Last but not least, this Bill, once placed in our national law books, will secure preservation of the sociocultural and historical development, and significance of the steelpan. The declaration of the steelpan, as the country’s national musical instrument, will firmly acknowledge the pivotal role that the steelpan has within our musical history, ensuring that Trinidad and Tobago is indelibly recognized as the indisputable home of the steelpan, and acknowledging steelpan’s contribution to the world of music.

So, Madam Speaker, we have listened and responded to the repeated entreaties of our steelpan producers and tuners. Our jurists and legal luminaries, our historians, other stakeholders, and most importantly, our citizens, in heeding the call toward the legislative declaration of the steelpan as the national musical instrument of our twin-island Republic.

Hon. Members: [Desk thumping]

Hon. R. Mitchell: This Bill will statutorily codify the universally accepted fact that the steelpan is a product of our own people’s innovation, and a significant element of our cultural heritage. Madam Speaker, I beg to move.
Hon. Members: [Desk thumping]

Question proposed.

Madam Speaker: Member for Moruga/Tableland.

Hon. Members: [Desk thumping]

Ms. Michelle Benjamin (Moruga/Tableland): Thank you, Madam Speaker, for acknowledging me, as I have the privilege and honour to join this debate. Madam Speaker, again, allow me to thank you, and before I begin my contribution, I would like to acknowledge the Pan Trinbago Executive that is seated in the gallery.

Hon. Members: [Desk thumping]

Ms. M. Benjamin: Today is truly a pivotal day in our nation’s history. Our national instrument is here on display. I would just like to ask, where was the energy in that speech when you talked about our national instrument?

Hon. Members: [Desk thumping]

Ms. M. Benjamin: The Minister gave us the history, and I would not further delay the House, in regurgitating the history. Our history is set. The pioneers are set. We all know that—

Hon. Members: [Crosstalk]

Ms. M. Benjamin: Madam Speaker, we all know that the steelpans is our national instrument.

Hon. Members: [Desk thumping]

Ms. M. Benjamin: But, to take some words from the Minister, “pan man business” that is what we are to discuss today. So yes, while we declare our national instrument, we have to remember that, the steelpans has players, and this is an industry. An industry that is supposed to be booming in Trinidad and Tobago.
Ms. M. Benjamin: So while I commend, and while we would support this Bill on this side—

Hon. Members: [Desk thumping]

Ms. M. Benjamin:—on this side, we have to mind the business of the people of Trinidad and Tobago.

Hon. Members: [Desk thumping]

Ms. M. Benjamin: On this side, we are charged to be mindful that the practitioners that partake in our Panorama, are not always happy. So, on this side, I will begin my contribution, I should say, by saying, the Bill before us today, is indeed a strange one. This is something that should have been done a long time ago.

Hon. Members: [Desk thumping]

Ms. M. Benjamin: For generations of Trinidadians and Tobagonians, here and across the world know, as I stated, that the steelpan is our national instrument and this was so from inception.

Hon. Members: [Desk thumping]

Ms. M. Benjamin: But, we support this gesture here today, Madam Speaker. It is the people of Trinidad and Tobago, who formally recognized the genius of the steelpan decades ago, so we are just catching up here.

While it is commendable, that the steelpan has now been formally recognized as the national instrument of Trinidad and Tobago, it is imperative that we understand what exactly that means, and how does it help the steelpan industry in our nation.

Hon. Members: [Desk thumping]

Ms. M. Benjamin: The answers to those questions appear to be shockingly,
nothing. It appears that this Bill, although we stand and support, is simply nothing more than a tone deaf PR stunt.

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

**Ms. M. Benjamin:** More is needed. Steelpan needs more than a symbolic gesture.

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

**Ms. M. Benjamin:** Pan men need more that a gesture now. How do pan men stand to benefit? If the Government was indeed serious about enhancing the national instrument, then they would have come here today, and presented an in depth—

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

**Ms. M. Benjamin:**—multifaceted, piece of legislation that properly addresses the challenges facing the steelpan industry, and not just with a cosmetic Bill—

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

**Ms. M. Benjamin:**—covering nothing. Madam Speaker, what this Bill should have covered, is everything from education to intellectual property protection, employment opportunities, and the physical production of our national instrument.

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

**Ms. M. Benjamin:** Instead, this Bill formally recognizes a truth, that as I stated in my start, we knew a long time ago, that the steelpan is our national instrument, and we should have enacted this Bill a long time ago, as stated. Instead of symbolic gestures, the steelpan industry needs a comprehensive policy to actively promote the steelpan, Madam Speaker, ensuring it receives the worldwide appreciation it truly deserves. Our national instrument deserves the respect of proper legislation—

**UNREVISED**
Hon. Members: [Desk thumping]

Ms. M. Benjamin:—that strikes the right note to ensure its continued success. We have reached this far, we have reached this far, thus far—

Hon. Members: [Crosstalk].

Ms. M. Benjamin:—we have reached thus far, in our nation’s history, Madam Speaker. Madam Speaker, one thing I can say about us on this side, we are serious, and again to use the Minister’s words, about pan people business.

Hon. Members: [Desk thumping]

Ms. M. Benjamin: Under this side and leadership for the Member for Siparia, pan men were able to earn prize money in Panorama, of the tune of $1million.

Hon. Members: [Desk thumping]

Ms. M. Benjamin: That was done on this side. When this side returns to Government, pan men will have a manufacturing company. That is the seriousness of this side.

Hon. Members: [Desk thumping]

Ms. M. Benjamin: Madam Speaker, but as I said, this Bill must be treated with the seriousness that it warrants. Pan is no game. Pan is no joke, Madam Speaker.

One of the areas I thought we would have discussed here today, is the intellectual property protection. The steelpan industry has long been plagued by IP issues with local innovators struggling to secure patents and trademarks for their contributions, and this is a known fact. And again, we have the executive seated amongst us. Without a robust framework to protect these rights, our musicians and inventors are vulnerable to exploitation, and that is happening. We need to get serious, again, about pan man business.

Madam Speaker, Investment. Moreover, I hope that we would have
discussed the critical need for financial investment.

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

**8.20 p.m.**

Allocating Government funding is essential to drive research, development and marketing efforts. While I acknowledge that under the Ministry of Trade and Industry one can access up to $1 million—Madam Speaker, but this was merely an advertisement. How many persons have benefited from this grant, Madam Speaker? Encouraging private sector investment through incentives and partnerships is equally important. Madam Speaker, will this new formal status provide the proper incentives to rescue the steelpan from its current state of being underfunded and under-supported. Again, how?

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

**Ms. M. Benjamin:** Madam Speaker, global marketing. I heard the Minister, I heard the Minister mention—but Madam Speaker, global marketing and promotion are also glaringly absent from the discussion here today. Madam Speaker, and as I said, I would not prolong my contribution, the history was already given. But, Madam Speaker, certain things have to be stated. I am alarmed that little mention has been made to developing steelpan education. Educational programmes and training are crucial—

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

**Ms. M. Benjamin:** —to fostering a new generation of steelpan players. While I acknowledge that there is the pan in the school programme, Madam Speaker, this needs to be further developed. Madam Speaker, I could speak about the difficulties about my schools in Moruga/Tableland where funding is always the issue, where the sharing of tutors is always the issue, Madam Speaker. If this is
our national instrument and we are teaching our future generation how to play and how to earn a living using our national instrument, let us get serious about our national knowledge.

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

**Ms. M. Benjamin:** Madam Speaker, technology. With the advancement of technology, this supposed to be creating a booming steelpan industry within our shores, Madam Speaker. Legislation to this effect needs to be put in place. Madam Speaker, the cultural preservation is yet another neglected aspect. The oral histories, as we heard stated by the Minister, celebrating the contributions of steelpan pioneers through awards and exhibitions, the Minister would have rightly stated that the UN International Day of Pan is approaching. What is being put in place, Madam Speaker? We wait, we wait with abated breath, Madam Speaker, to celebrate, as we also do in our own sphere, and within our constituencies.

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

**Ms. M. Benjamin:** But with this Act being passed here today something national has to be done. Market, Madam Speaker. The access to market distribution, if we are producing and we could distribute, we are in need of foreign dollars, Madam Speaker. But we support the gesture here today. It is long, again, this is a unique country, a unique world, we pronounce—we say it as we can. All right.

**Mrs. Haynes-Alleyne:** “Doh take dem on.”

**Ms. M. Benjamin:** Community, Madam Speaker. Madam Speaker, community engagement and participation is something that we are neglecting when it comes with regard to our steelpan industry. The Government must involve local communities in initiatives, and this is needed to address socioeconomic barriers and ensure inclusive participation.
Hon. Members: [Desk thumping]

Ms. M. Benjamin: The Bill does not provide for this leaving many potential contributors marginalized, Madam Speaker. This is seen throughout the Carnival season. Some groups with regard to how the funding is allocated, this is seen with regard to how pan men is treated. Underneath the United National Congress pan men received a thousand dollar stipend for the month.

Hon. Members: [Desk thumping]

Ms. M. Benjamin: Underneath this current Government, pan men are receiving TT $500, Madam Speaker. Madam Speaker, we have to get serious about pan men’s business.

Hon. Members: [Desk thumping]

Ms. M. Benjamin: So as I said, Madam Speaker, I would not go too much into the history, nor did I come here to attack or to bash. What is stated here, yes, we have the executive present among us, but calls from different spheres— There is the south pan men, and each one experiences the pan fraternity differently and things need to be done.

In my conclusion, while the formal recognition of the steelpan as the national instrument is a positive step—

Hon. Members: [Desk thumping]

Ms. M. Benjamin: —the National Musical Instrument Bill is insufficient and inadequate. The Government’s approach lacks the comprehensive policy necessary to promote the steelpan globally and to ensure it receives the recognition it truly deserves. As a proud Tobagonian and a proud lover of the steelpan, I urge the Government to reevaluate its approach —

Hon. Members: [Desk thumping]
Ms. M. Benjamin: —to our national instrument. Putting it on paper does nothing, Madam Speaker, but is how we treat with this Bill and how we implement, and how we allocate our funds. Madam Speaker. There are critical shortcomings on the part of the Government, I have outlined some and I know the pan men will outline the rest. Madam Speaker, and I thank you for the opportunity to contribute.

Hon. Members: [Desk thumping]

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

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Madam Speaker, I thought I was being a statesman by having some sense of the occasion and delivering a speech in this Parliament so that we can all—

Hon. Members: [Crosstalk]

Mr. Young SC: “I never see any ah allyuh in ah panyard. Not one of you.”

Mr. Scotland SC: Not even Naparima.

Madam Speaker: Order! Order! You know, I know the Member for Moruga/Tableland called for energy, but I think some things deserve respect. I really think some things deserve respect right, and what we are debating today—

Hon. Member: [Inaudible]

Madam Speaker: Member, please do not speak while I am speaking. What we are debating now deserves respect. I say no more. Minister of Tourism, Culture and the Arts.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell: Thank you very much, Madam Speaker. I came here with a sense of the occasion to deliver a dignified speech and I thought the
response from the other side, the reply from the other side would be equally so, having regard to our national musical instrument.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell: But it is clear, Madam Speaker. It is clear, Madam Speaker, that the Member for Moruga/Tableland could sour milk just by staring at it.

Hon. Members: [Desk thumping and laughter]

Sen. The Hon. R. Mitchell: Have some sense for the occasion. Madam Speaker, we are talking here about the national musical instrument, the Member for Moruga/Tableland comes here to talk about, “Well, money and we eh get no money” and—

Mr. Gonzales: Nonsense.

Sen. The Hon. R. Mitchell: What have you all done between 2010 and 2015 for the pan movement?

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell: When you were in Government between the years 1995 and 2001 and 2010 to 2015—

Hon. Members: [Crosstalk]

Madam Speaker: Now, every Member had an opportunity to speak. It is a pity we have all waited on this occasion to speak. No one caught my eye; I waited. I would want to hear the Minister wind up in silence. And this is quite a robust place, I think everybody here, we are in our Fourth Session so we all accustomed to this by now. We have no newcomers here. Minister of Tourism, Culture and the Arts.

Sen. The Hon. R. Mitchell: Thank you very much, Madam Speaker.
Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell: Madam Speaker, they had the opportunity to bring this Bill, to bring a Bill formally recognizing through this Parliament the steelpan as our national musical instrument. They did not do it.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell: They did not do it.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell: What have we done, Madam President, I said it in my pilot—

Mr. Hosein: Madam Speaker.

Sen. The Hon. R. Mitchell: Madam Speaker, I said it in my pilot. We moved a resolution to the United Nations General Assembly, we crafted our resolution, we spoke to a number of different countries, and over 80 States, over 80 States accepted and supported and cosponsored our resolution.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell: The United Nations General Assembly, 80 independent States cosponsored and accepted it. It is now on the calendar, and today we are doing this. But Madam Speaker, since the Member for Moruga/Tableland would like to go down that road, let me just quote something here and this is an article from 2013 by Kalifa Clyne, the Guardian:

“Government may have to start from scratch on the construction of a headquarters for PanTrinbago, despite spending approximately $4 million on the existing structure at Orange Grove, Tacarigua. Minister of Arts and Multiculturalism Lincoln Douglas said, in an interview yesterday, that over $40 million was estimated to have the headquarters completed. ‘We met last
week with Udecott, who is the project manager, and PanTrinbago and we are currently in the process of creating new designs for the organisation,”—for the construction of a new headquarters.

Headquarters, no headquarters, nothing. You all delivered nothing.

“Pan Trinbago to get $7m to finish its HQ”

This article is by Cherisse Moe of the Express:

“Prime Minister ...”

As she then was, Member for Siparia:

“...says government has allocated $7million for the completion of Pan Trinbago’s headquarters in Trincity. Construction at the facility...Prime Minister made the announcement on Tuesday during her visit to Petrotrin Phase 11 Pan Grove panyard, Woodbrook...”

Madam Speaker, no money to complete any headquarters, simple and plain mamaguy.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell: And they come here today without a sense of occasion to talk “ah set ah bacchanal”.

Mr. Hosein: [Inaudible]

Sen. The Hon. R. Mitchell: But the Member for Barataria/San Juan just shouted something. He just shouted something, he shouted, “We give dem land”. And right now there is some public discourse about this land in Trincity. Under the Panday administration, they allegedly gave them some land.

Ms. Ameen: You allegedly rent them a building too.

Hon. Members: [Laughter]

Sen. The Hon. R. Mitchell: And I use the word “allegedly” because, Madam
Speaker, I am holding in my hand an opinion from Keystone’s attorneys-at-law, and it is dated the 15th of March, 2023. And it is because that persons within the pan movement felt it necessary to go to understand what is the status of this land in Trincity.

Madam Speaker, I would not prolong us with the entirety of the opinion but there is a report on the title—In fact, let me not go through all of that. Let me just state the conclusion. I will state the conclusion because it is a lot of reading. At paragraph nine:

In the circumstances, it is obvious that memorandum of lease...
—relating to the memorandum of lease that was allegedly given to the members of Pan Trinbago.

Memorandum of lease dated the 16th of March, 2001 was never registered with the Registrar General of Trinidad and Tobago. This may have been because the relevant stamp duties payable on the said memorandum on lease at the Board of Inland Revenue was not paid, or it could have been presented to the Registrar General for registration without proof of payment of same, or if that were done, then there may have been other issues with the said memorandum of lease and it could not be accepted by the Registrar General, and it was probably sent back to Pan Trinbago attorneys at law for correction.

8.35 p.m.

In either of the events mentioned at—what I just read—9, the current position as regards the subject parcel of land, is that Pan Trinbago does not have legal ownership of the subject parcel of land, and as such, is not in a position to conduct any legal transaction or have legitimate
deals concerning same, without the relative certificate of title.
You know they mamaguyed the whole pan movement with this piece of land? They mamaguyed the whole pan movement with this piece of land. And without shame—Madam Speaker, I could have started with this, you know. I could have gone into the public domain with this, but I recognized that the steelpan holds a particular and significant status in our society and we should not—

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell:—malign the steelpan. We should not malign the steelpan music. We should not be bringing bacchanal into the sphere of the steelpan.

Mr. Imbert: Points of order, 44(1), 47(1). I am hearing a constant stream over there. 44(1), 47(1).

Hon. Members: [Crosstalk]

Mr. Charles: “Give them money, nah.”

Madam Speaker: I would really like, having regard to the matter that we are discussing, that I would not have to use any of the punitive powers of the Chair. But if Members cannot abide by the Standing Orders, I guess I will be left no choice. So I hope this is the last opportunity that you all are giving me to stand on Standing Order 53. I would ask all Members to be respectful. Let us get on with the people’s music and business. Okay? A Member said that this is serious business. Member for Naparima, apparently you do not recognize that I am on my legs. And I always say to us, the fact that somebody is not doing something right, does not give us the occasion to do something wrong. The Minister of Tourism, Culture and the Arts.
Sen. The Hon. R. Mitchell: I was saying Madam Speaker, you do not have to malign everything; especially not the steelpan. But it appears as though your malignancy is just infectious and you just want to malign and mash up everything.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell: Suffice it to say, Madam Speaker, they have mamaguyed the pan movement with this piece of land that they allegedly gave to them but is proven by a legal opinion that they do not own. But this Government has taken a decision to give the pan movement, Pan Trinbago, the property on Dock Road, on the waterfront in Port of Spain.

Hon. Members: [Desk thumping]

Sen The Hon. R. Mitchell: Brand-new headquarters. That is what this Government has done.

Mr. Imbert: The post office.


Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell: You know, Madam Speaker, the Member speaks about IP, and I do not even know if she knows what the letters IP stand for. But, Madam—

Madam Speaker: So, I mean—Member, I think in the whole atmosphere of what we are doing, I would ask you not to be pejorative. If you could withdraw that, find a better way to say what you want, and let us keep this debate, especially as you are winding up, in the celebratory mood of what we are doing. Okay?

Sen. The Hon. R. Mitchell: Thank you very much, Madam Speaker. I withdraw. I felt the need to say that because I just sat through the debate of a Bill where they spoke about a patents office and they voted against that section of the Bill—
Mr. Young SC: To create the IP office.

Sen. The Hon. R. Mitchell:—to create an IP office. So that is why I felt the—but I apologize and I withdraw. But in August, Madam Speaker, we may hear some very good news about intellectual property.

Dr. Moonilal: Madam Speaker, Standing Order please. I am very sorry to disturb the Member. Madam Speaker, could I have a ruling on 44(5) please?

Madam Speaker: In terms of—?

Dr. Moonilal: The Member has not yet disclosed any interest or conflict or financial interest in this matter. And the Member is—

Hon. Members: [Desk thumping]

Dr. Moonilal:—at this moment, Madam, in the public domain, the Member has an interest in a company, as the landlord of the pan movement, and the Member ought to disclose it.

Madam Speaker: Okay. All right.

Hon. Members: [Desk thumping]

Madam Speaker: Overruled. This is not about the pan movement. This is about—even though the Member for Moruga/Tableland stretched it, this is not about the pan movement. This is about making the instrument the national instrument of—please proceed. Overruled.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell: Thank you very much. Madam Speaker, you know—

Hon. Member: Desperation.
Sen. The Hon. R. Mitchell: The Member for Oropouche is one of the biggest pizza men in San Fernando now, and one day I would tell a story about him being a landlord, and him being the biggest—

Hon. Member: What that has to do with— [Inaudible]


Hon. Members: [Crosstalk]

Madam Speaker: Let us get on with business.

Sen. The Hon. R. Mitchell: Yes, Madam Speaker. Oh, it is serious now. It was not serious just now, but it is serious now. Madam Speaker, just to say, in terms of the pan manufacturing, the Government did not have to create pan manufacturing on its own, but by its incentives, a new pan manufacturer in the form of NIDCO arrived on to the scene.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell: And they are doing well to export and to push the steelpan locally and internationally. Madam Speaker, I will not prolong this anymore. We return to the sense of occasion with which I have started. But Madam Speaker, I wish to thank all of the persons who were involved in calling for this National Musical Instrument Bill. I wish to thank the executive, the members of Pan Trinbago—

Hon. Members: [Desk thumping]

Sen. The Hon. R. Mitchell:—Mr. Henry Harper, and all of the proud citizens of Trinidad and Tobago who fondly call the steelpan their national musical instrument. Madam Speaker, I beg to move.

Hon. Members: [Desk thumping]

Question put and agreed to.
National Musical Instrument
Bill, 2024
The Hon. R. Mitchell (cont’d)

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


Bill accordingly read a second time.

Madam Speaker: The Minister of Tourism, Culture and the Arts. Might I guide you to page 12 of the procedure?

Hon. Member: “He studying pizza.”

Mr. Young SC: “At least he eh studying Double Palm.”

8.45 p.m.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

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

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

House resumed.

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

ADJOURNMENT

Madam Speaker: Leader of the House.

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. This is a very historic day for us in the Government of the Trinidad and Tobago, and I take the opportunity to congratulate the Minister of Tourism, Culture and the Arts for passing this—

Hon. Members: [Desk thumping]

Hon. C. Robinson-Regis:—Bill in the House, and I congratulate Pan Trinbago for being so insistent that we proceed with this.
Hon. Members: [Desk thumping]

Hon. C. Robinson-Regis: Madam Speaker, I beg to move that this House do now adjourn to a date to be fixed.

Madam Speaker: I take this opportunity to wish you all a very restful and rejuvenating recess.

Hon. Members: [Desk thumping]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.49 p.m.