

HOUSE OF REPRESENTATIVES

Friday, September 20, 2024

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

**PAPERS LAID**

1. Report of the National Advisory Committee on Constitutional Reform entitled, “We the People”. [*The Prime Minister (Hon. Dr. Keith Rowley)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Accreditation Council of Trinidad and Tobago for the year ended September 30, 2014. [*The Minister of Finance (Hon. Colm Imbert)*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Accreditation Council of Trinidad and Tobago for the year ended September 30, 2015. [*Hon. C. Imbert*]

Papers 2 and 3 to be referred to the Public Accounts Committee.

4. Ministerial Response of the Ministry of Finance to the Sixth Report of the Joint Select Committee on Finance and Legal Affairs on a follow-up inquiry into the implementation of the new Public Procurement System. [*The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis)*]

PUBLIC ACCOUNTS COMMITTEE REPORTS

(Presentation)

Regulated Industries Commission

Mr. Davendranath Tancoo (*Oropouche West*): Madam Speaker, I beg to present the following report:

UNREVISED

Seventeenth Report of the Public Accounts Committee on the examination of the Reports of the Auditor General on the Financial Statements of the Regulated Industries Commission for the financial years 2014-2018.

JOINT SELECT COMMITTEE REPORTS

(Presentation)

Mr. Rushton Paray (*Mayaro*): Madam Speaker, I beg to present the following reports:

Trinidad and Tobago National Petroleum Marketing Company Limited (NP) and Subsidiaries

Sixteenth Report of the Public Accounts (Enterprises) Committee on the examination of the Audited Accounts, Balance Sheet and Other Financial Statements of Trinidad and Tobago National Petroleum Marketing Company Limited (NP) and its Subsidiaries for the financial years 2018 and 2019 and follow-up on the implementation of the recommendations contained in the Committee's Sixteenth Report, Eleventh Parliament.

National Export Facilitation Organisation of Trinidad and Tobago (exporTT)

Seventeenth Report of the Public Accounts (Enterprises) Committee on the examination of the Audited Accounts, Balance Sheets and other Financial Statements of the National Export Facilitation Organisation of Trinidad and Tobago (exporTT) for the financial years 2017 and 2018 and follow-up on the implementation of the recommendations contained in the Committee's Twenty-Eighth Report, Eleventh Parliament.

Vehicle Maintenance Company of Trinidad Tobago (VMCOTT)

Eighteenth Report of the Public Accounts (Enterprises) Committee on the examination of the Audited Accounts, Balance Sheets and other Financial Statements of the Vehicle Maintenance Company of Trinidad Tobago (VMCOTT) for the financial years 2015 and 2016 and follow-up on the implementation of the recommendations contained in the Committee's Second Report, Twelfth Parliament.

PRIME MINISTER'S QUESTIONS**International and Regional Observer Teams****(General Elections)**

Dr. Roodal Moonilal (*Oropouche East*): Will the Prime Minister indicate whether any steps will be taken, in a timely manner, to invite international and regional observer teams to monitor the upcoming general elections in Trinidad and Tobago?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, notwithstanding the best effort of our colleges on this other side, Trinidad and Tobago preserves its proud record in conducting, free and fair elections.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: The elections that are anticipated be held sometime in the not too distant future, and can be held as late as November of 2025. It is not a matter that is before us at this time, notwithstanding the best efforts of our colleagues. And, in the event of any consideration for the invitation of persons/agencies from the outside, that will come in the appropriate time, when it is reasonable to have that as a priority. Thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Thank you very much. Would the Prime Minister agree that an invitation to the known international and regional observer missions would in fact enhance our democratic credentials in the eyes of the region and the wider world?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Not as much, Madam Speaker, as the successful defence of accusations from the other side, where, since 2020, our colleagues owed the PNM millions of dollars, and would not pay for matters in the court, that they keep making allegations about election conduct and on every single instance, Madam Speaker, the elections that have been found to be free and fair and have nothing to do with the fears that they are trying to create about our election processes. Madam Speaker, I would advise my colleagues on the other side, that if you are really genuinely interested in our image and reputation in elections, you will stop battering the process and the EBC.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Thank you very much. While not understanding at all, the link of anything the Prime Minister said, could I ask the Prime Minister, would you assure the nation that funds will be secured, since on the last occasion the Government claimed that they did not have funds to invite international missions as observer teams? Could you assure us that funds will be found to support an invitation to the regional and international observer teams.

Hon. Dr. K. Rowley: This is distasteful and absolutely untrue for a Member to get up in this House and fabricate such an untruth.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: Madam Speaker, at no time in the history or record of this country, did the Government of Trinidad and Tobago ever say to anyone, that we could not facilitate observers of our elections, because we did not have any money for that.

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley: It is fabulously untrue, which is typical of our colleagues on the other side.

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Thank you. Could the Prime Minister indicate whether a story carried in the Trinidad *Guardian* on the 18th of the 8th 2020, indicated "Prime Minister: CARICOM had no money to quarantine observers"—

Hon. Member: "Wow".

Dr. Moonilal:—and whether the Prime Minister in fact indicated that the Government would have no money to support any foreign observer mission.

Madam Speaker: Member, I rule that question out of order having regard to the original question and the answers asked. Member for Couva North.

1.40 p.m.

Tobago Airport Expansion Project

(Status of)

Mr. Ravi Ratiram (*Couva North*): Thank you most kindly, Madam Speaker. Madam Speaker, to the hon. Prime Minister: Will the Prime Minister update this House on the status of work and monies expended to date on the ANR Robinson International Airport Tobago Expansion project including the construction of a new terminal building?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the new airport terminal building and associated infrastructure works project is at this time 74 per cent complete. Payments to date to the main contractor total US \$65 million, not including land acquisition costs of approximately \$300 million which was paid at an earlier time during a number of processes. Madam Speaker, I am pleased to announce that that new airport terminal building will have special facilities to reduce or eliminate human trafficking in all its forms and therefore—

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley:—Trinidad and Tobago, to any and all persons who are engaged in such criminal conduct will know that the Tobago airport terminal building is not a place to frequent or to try to bring in the victims of human trafficking.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker, and I assume the Prime Minister will not be entertaining some of his friends across there.

Hon. Members: [*Laughter*]

Mr. Ratiram: However, with respect to the response, can the hon. Prime Minister advise us, were there any structural integrity issues during the construction work at the ANR Robinson airport project?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I have no idea what the Member is talking about, all construction projects have structural issues of one kind or another; you are building a structure. So if he is talking about structural issues in general, I have no idea what he is talking about. I can tell you that

the project had been delayed bits and pieces with respect to amendments and adjustments, and I think it was affected by COVID as well, but the bottom line is we are well on schedule now, and keeping the revised completion schedule.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker. Madam Speaker, can the hon. Prime Minister advise us if any foreign firm was recruited to provide quality assurance and quality control in the construction of this airport?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I would be very surprised if we did not involve expertise of one kind or another, and if it is foreign or local to ensure that we have quality control, I do not know why that is a problem for the Member for Couva North.

Madam Speaker: Member for Couva North.

Mr. Ratiram: Thank you most kindly, Madam Speaker. And the safety of our citizens must be protected at all costs—

Hon. Members: [*Crosstalk*]

Mr. Ratiram:—if the Prime Minister can advise us, the completion date for this project, please?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, as of today, I cannot give a completion date, but the project has an estimated completion date, which is early 2025.

Procurement Process for Redesign of Coat of Arms

(Details of)

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker. Prime Minister: Will the Prime Minister inform this House of the process which was utilized by the Government to select Gillian Bishop to redesign our country's Coat of Arms and if this process is in line with the Public Procurement and Disposal of Public Property Act?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Thank you, Madam Speaker. Madam Speaker, having regard to Ms. Bishop's well-known and accepted standing and stature on the pantheon of national artists, she was selected to provide a design on the country's Coat of Arms to accommodate a change within the triangle to replace the Columbus ships with the steelpan. This was done in accordance with the provisions of the Public Procurement and Disposal of Public Property Act.

Ms. Gillian Bishop is a well-known jeweller who designs and creates one-of-a-kind jewellery in precious metals and gemstones. She creates trophies and specially commissioned official gifts in exotic woods with metallic embellishments. Ms. Bishop has frequently been commissioned to create original pieces respective of the culture of Trinidad and Tobago which were used for diplomatic exchanges abroad on very many occasions.

She has distinguished herself for the reverence she holds with respect to our local culture while using unique concepts to preserve in her artistry. Ms. Bishop is considered one of the masters of her art form. To this end she was recognized by the Ministry of Sport and Community Development in 2019 as one of the facilitators of Mentoring by the Masters Programme advanced by the said Ministry, and the Government had no difficulty in

assigning her to this particular project. Thank you, Madam Speaker.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Thank you very much. Prime Minister, taking into consideration the information that you have just provided to this House, could you advise this House if there is any financial or what will be the total cost of Ms. Bishop's engagement, to the taxpayers of Trinidad and Tobago?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, with respect to the commissioning of the design, we have not yet received the bill, but we expect that it will be within the context of professional service.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: And, Prime Minister, could you give this House and the nation a projected date of the completion of this said exercise?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Soon.

Hon. Members: [*Desk thumping*]

Payment of Property Tax

(Deadline Date)

Mr. Rudranath Indarsingh (*Couva South*): Thank you. Thank you very much, Madam Speaker. Prime Minister: Given the chaos and the long lines which have been observed and experienced by the citizens outside of the offices of the Board of Inland Revenue (BIR), will the Prime Minister inform this House if the Government has considered and approved an extension to the deadline date for payment of the property tax?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Yes, Madam Speaker.

The Government is pleased that so very many citizens have made it their duty to try to comply—

Hon. Members: [*Desk thumping*]

Hon. Dr. K. Rowley:—notwithstanding the efforts put into encouraging them not to support the Government's improvement measures. And the Government would also want to acknowledge that at the end of the month there was a confluence of these taxpayers attempting to make various payments, both the property tax and the normal other taxes that are paid. And as a result of this enthusiasm which focused at the end of the month, the Government did consider that there is some sort of adjustment required and the Minister of Finance will adjust that very early in the coming week.

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Prime Minister, are you in a position to inform this House, based on what we have witnessed, if you can report to this House and the citizen, whether the Valuation Tribunal, which is supposed to be appointed in relation to the property tax, has it been appointed to consider the objections lodged by taxpayers of Trinidad and Tobago?

Madam Speaker: Member, having regard to the original question asked and the answer given, I rule this question out of order in accordance with the Standing Orders.

Competitive Tendering Award Process

(Ministries, Statutory Authorities and State Enterprises)

Mr. Davendranath Tancoo (*Oropouche West*): Thank you very much, Madam Speaker. Question to the hon. Prime Minister: Will the Prime Minister state whether his Government intends to direct Ministries, Statutory Authorities and State Enterprises to utilize the competitive tendering award

process instead of the single sole tendering process which appears to be widespread as manifested in the first annual report of the Procurement Regulator?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the operative word there is “appears”. The Public Procurement and Disposal of Public Property Act provides very clear provisions in the Act and Regulations for single sole tendering in very specific instances. The Government expects that every Ministry, Statutory Authority and State Enterprise will abide by the provisions of the law.

URGENT QUESTIONS

Withdrawal of Cash from Banks

(Measures to Protect Citizens)

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker. To the Minister of National Security: In light of widespread security concerns over the withdrawal of cash from banks for payment of property tax, will the Minister indicate what measures are being taken by the Trinidad and Tobago Police Service (TTPS) to protect citizens utilizing banks as the deadline for payment of property tax looms?

Madam Speaker: The Minister of National Security.

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you, Madam Speaker. Madam Speaker, generally, banks, financial institutions, inclusive of district revenue offices receive special focus from the Trinidad and Tobago Police Service. Of course they have internal security and the TTPS deals with issues outside of that. There is collaboration on the basis of intelligence between the internal security and the TTPS. Madam Speaker,

recently, the police have announced, and they have in fact intensified their anti-crime strategies, including mobile and foot patrols, the so-called joint army/police patrols, and inclusive of plain clothes patrols, paying particular attention to those kinds of institutions, targeting known and prolific offenders, including the regular snatchers and robbers who are known to them in certain communities and certain hot spots.

Further, around the heightened activity periods, like Christmas, Carnival, long weekends, month-ends, fortnight, paydays actually, the TTPS heightens its activity very generally. Wherever persons are gathered and there are large amounts of money known to the police, heightened activity from the police, heightened security activity from the police is always the practice. In fact, on this occasion, the Commissioner of the Inland Revenue Division raised the issue a long time ago with the police and the police are sensitive to the issues and treating it.

Madam Speaker, finally, this is taking place in the Central Division, South Western Division, Eastern Division, Port of Spain Division, Southern Division, Tobago Division and Northern Division where district revenue offices are located. And so far, based on information available to me, there has not been any report of any particular robbery or larceny in relation to the matter raised by my friend. Thank you very much, Madam Speaker.

Refurbishment Works at St. George's College, Barataria

(Steps Taken to Address Flooding)

Mr. Saddam Hosein: Thank you very much, Madam Speaker. To the Minister of Education: In light of the recent flooding and poor refurbishment works at St. George's College, Barataria which has caused discomfort to students and a walk out by teachers, will the Minister indicate what

immediate steps are to be taken to rectify the problem?

Madam Speaker: Minister of Education.

The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam Speaker. Madam Speaker, the first I want to say is that there has been no poor refurbishment work to the roof, ceiling and electricals at St. George's College, and I want the people of Barataria to know that the People's National Movement is very happy to have returned their school to them in Barataria.

Hon. Members: [*Desk thumping*]

Hon. Dr. N. Gadsby-Dolly: Madam Speaker, in the 2010 to '15 period when this school was taken out of St. George's district and put into the Caroni district, it took the PNM to return this school to the St. George's district so that the people of Barataria and environs—

Hon. Members: [*Desk thumping*]

Hon. Dr. N. Gadsby-Dolly:—would have a chance to go there. And, Madam Speaker, I know that there was a hope that when the school had to be relocated for serious extensive repairs to Valsayn, that it would stay there and thereby deny the people of Barataria a chance—

Hon. Members: [*Desk thumping*]

Hon. Dr. N. Gadsby-Dolly:—but this Government was determined that the work would be done. So the work that was required to be done to get that school back to its location, work on the roof, the ceiling, the electricals, that has been properly completed, and I want to thank the MTS and the contractors for giving us that school back in Barataria.

Hon. Members: [*Desk thumping*]

Hon. Dr. N. Gadsby-Dolly: Madam Speaker, we are in the rainy season in

Trinidad and Tobago. There has been school for three weeks and that is 15 days of school. I am sure that in those 15 days, at least 10 days of rain took place in Trinidad and Tobago, but on Tuesday last, that rain in Barataria was not normal rain, that was torrential rain. The entire Barataria area flooded.

Hon. Members: [*Desk thumping*]

Hon. Dr. N. Gadsby-Dolly: And I know, I am a resident of San Juan, so I know how extensive the flooding was; not only in St. George's, the entire area, and therefore to try to conflate those two issues is disingenuous, and the Member knows this.

Hon. Members: [*Desk thumping*]

Madam Speaker: Members, I want to hear the answers. Alright? So before we proceed, I ask Members to please contain the volume so that we can hear the responses. Member for Barataria/San Juan.

1.55 p.m.

Mr. Hosein: Thank you very much, Madam Speaker. Madam Speaker, after that entire political response about the PNM—

Hon. Members: [*Interruption*]

Madam Speaker: So, are we going to get a question? Member, you have 15 seconds.

Mr. Hosein: Madam Speaker, could the Minister get to the point and tell us when the remedial work will be done, so that the teachers and students will be comfortable in the school?

Hon. Members: [*Desk thumping*]

Mr. Hosein: “We doh want to know about the PNM”, we want to know about the children and teachers at the school, when the works will be done.

Hon. Members: [*Desk thumping*]

Madam Speaker: So, Member for Barataria/San Juan, if you are asking the same question, it has been asked and answered. Do you have another question to ask?

Mr. Hosein: Madam Speaker, I want to find out when the works will be completed with respect to having a comfortable environment for the students and the teachers, so that the teachers do not have to walk out of the college again.

Hon. Members: [*Desk thumping*]

Madam Speaker: Minister.

Hon. Dr. N. Gadsby-Dolly: Thank you, Madam Speaker. Madam Speaker, we have completed works on the roof, the ceiling and the electrical. The school is resettling and therefore, there are other works that are continuing but they do not require relocation of the school. So the school is there and the additional work at the tune of \$1.6 million will be completed, they are ongoing, and the students are very happy to be back in their school. I was there myself.

Hon. Members: [*Desk thumping*]

Hon. Dr. N. Gadsby-Dolly: They are very happy to be back in their school and we will continue to do all that is required to ensure that this school, that is pride and joy and the jewel of Barataria—

Hon. Members: [*Desk thumping*]

Hon. Dr. N. Gadsby-Dolly:—is well positioned to stay exactly where it is and to serve the people of Barataria. That flooding issue, I want to indicate, there was rain even after Tuesday and there was no flood, highlighting the point that that flooding on Tuesday—

Hon. Member: Unusual.

Hon. Dr. N. Gadsby-Dolly:—was a whole unusual, isolated event in the whole of Barataria. The requisite work to make sure the drains are clear has been done and will continue, so that we do not have, with normal rain, any flooding, as has not reoccurred since that day.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Naparima.

Mr. Hosein: [*Inaudible*]

Dr. Moonilal: He has a supplemental.

Madam Speaker: You asked one question that was ruled out of order, and you asked a second question.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Naparima.

Property Tax

(Steps to Improve Payment Process)

Mr. Rodney Charles (*Naparima*): I thank you. Thank you, Madam Speaker. To the Minister of Finance—I hope he is here because I—

Hon. Members: [*Interruption*]

Mr. Charles: It is so far. “I cyah see you”.

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

Mr. Charles: I trust he is here, Madam Speaker.

Hon. Members: [*Crosstalk and laughter*]

Mr. Charles: Given, that the Board of Inland Revenue—

Mr. Indarsingh: We want to hear our colleague.

Mr. Young SC: Oh, he is “yuh” colleague now?

Hon. Members: [*Laughter*]

Mr. Young SC: Bring him back.

Madam Speaker: I am on my legs. Member for Naparima.

Mr. Charles: Thank you, Madam Speaker. Question No. 3 to the Minister of Finance—

Hon. Members: [*Interruption and laughter*]

Mr. Young SC: [*Inaudible*]—from down on the other side.

Mr. Charles: Madam Speaker—

Madam Speaker: I invite you to read the question, please.

Mr. Charles: “Ohhh”. “Ahhh”.

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

Mr. Charles: “Yuh misdirecting meh”. He is so far away, Madam Speaker, that I get difficulty.

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

Mr. Charles: Mr. Minister of Finance, if you are here, given that the Board of Inland Revenue Division Office, Princes Town, has one cashier to receive property tax payments from hundreds of constituents daily, will the Minister indicate what urgent steps are being taken to improve the payment process? Please speak loudly, so I could hear.

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

Madam Speaker: Minister of Finance.

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, I had a lot of trouble with this question. Firstly, I was looking to see who asked the question, then I saw the Member for Naparima and then I looked over there, I could not see the Member for Naparima. Where is this man? “When ah look so and ah see the Member down so”. And then, Madam Speaker, the Member says, “To the Minister of Finance, if he is here.” Is there a vision problem as well? I am right here. I am right here.

So, now to deal with the substance of the question. There are a number of revenue offices all over the country, in Trinidad and in Tobago. In Trinidad, there are two revenue offices in San Fernando, there is one in Sangre Grande, there is one in Siparia, there is one in Chaguanas, one in Tunapuna, one in Couva, one in Rio Claro, one in Mayaro, one in Point Fortin, one in La Brea, and there are two in Port of Spain at the BIR headquarters.

In Port of Spain and San Fernando, payments are being accepted using LINX machines, in addition to cash and personal cheques and manager's cheques. So the payment procedures for the payment of property tax are not limited to cash. People can pay by personal cheques, by manager's cheques and at LINX machines in the head office in Port of Spain and the regional office in San Fernando.

In addition, the Member may have heard an answer to a question in the other place with respect to what we are doing to deal with online solutions, such as bank transfers, using ACH, credit card payments and so on. I did not give a time frame in the other place, but I can give a time frame here that we expect by the end of October, we will be able to accept payments—well, not we, the Board of Inland Revenue—not me—will be able to accept payments by ACH, bank transfer and credit card.

In that context, as the Prime Minister has indicated, consideration has been given—

Madam Speaker: Minister of Finance, your time is now spent.

Mr. Charles: Madam Speaker, I have a supplemental to ask.

Madam Speaker: Yes, Member for Naparima.

Mr. Charles: Yes. Minister of Finance, two days ago, I paid my property

tax in Princes Town—

Hon. Members: [*Desk thumping*]

Mr. Charles:—and it was only cash or cheques that were allowed.

Madam Speaker: Member, Member, remember, this is not statements, this is a question. Please ask the question. You have 15 seconds to ask it.

Mr. Charles: Could the Minister clarify whether in Princes Town, there are other means of payments other than cash and cheques, which I was told when I went there to make my payment?

Hon. C. Imbert: Madam Speaker, let me just continue what I was about to say. As the Prime Minister indicated, consideration is being given to an extension of time and on Monday, the extended date will be announced. With respect to payments, this is what the Board of Inland Revenue has told me, cheques are accepted, both personal cheques and manager's cheques, and there is LINX in Port of Spain and in San Fernando, and cash in all offices.

Madam Speaker: Prime Minister.

Hon. Members: [*Desk thumping*]

STATEMENT BY MINISTER

National Advisory Committee on Constitutional Reform

(Extension of Term)

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I am authorized by the Cabinet to make the following statement. Madam Speaker, on January 25, 2024, the Cabinet of Trinidad and Tobago appointed a committee of eminent citizens to facilitate a national consultation on the matter of the revisit and review of the Constitution of Trinidad and Tobago.

The National Advisory Committee on Constitutional Reform

comprised Mr. Barendra Sinanan SC, Chairman; Mr. Raye Sandy, former Tobago House of Assembly Chief Administrator; Dr. Terrence Farrell Attorney-at-Law and eminent Economist; Mr. Nizam Mohammed, Attorney-at-Law and former Speaker of the House; Ms. Hema Narinesingh Consulting Managing Partner of Ernst & Young; Mrs. Jacqui Sampson-Meiguel, Attorney-at-Law and former Clerk of the House; Mr. Winston Rudder, Public Service Commission Chairman and former Permanent Secretary in the Ministry of Agriculture, Land and Fisheries; and Ms. Helen Drayton, former Independent Senator.

The Committee embarked upon and concluded a nationwide series of meetings with members of the public and received voluminous correspondence from interested citizens, who chose to participate in this facilitatory process. The Committee collated the inputs of these discussions and documents in a report entitled “We The People”, which was received by the Cabinet on August 02, 2024, and was later published on the Office of the Prime Minister’s website at *www.opm.gov.tt*, where it has been available to be accessed by any person.

Subsequent to the receipt of this document, the Cabinet agreed on August 08, 2024, to the extension of the life of the Committee to December 31, 2024. This extension was mainly for the purpose of furthering the improvement in national education on the contents of our national Constitution. To this end, some members of the Committee have already appeared on national television and engaged in useful discussions, which benefited the public in understanding the content and nuances of this fundamental document, which we commonly refer to as the Constitution.

The Government indicated that as part of an ongoing process, the Committee's report would have been the working document to facilitate a detailed national consultation process in November. However, it is the recommendation of the Committee that this event should take place a little bit later for two reasons:

1. The availability or unavailability of members of the Committee to participate in the process; and
2. The requirement for more time to advance public education.

The Government accepts this recommendation and is hereby laying the report in the House today, as it postpones the national consultation to a date to be fixed early in the new year.

I wish to take this opportunity, Madam Speaker, to very sincerely thank all the members of the Committee, who have given of their time and expertise in the furtherance of the advancement of this very timely, necessary and useful exercise. Thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

Madam Speaker: Leader of the House.

JOINT SELECT COMMITTEE

(APPOINTMENT TO)

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

Be it resolved that the House agree to the following appointment to the Joint Select Committee on National Security:

Mr. Marvin Gonzales, MP, in lieu of Mr. Keith Scotland SC, MP.

Thank you, Madam Speaker.

Question put and agreed to.

Madam Speaker: The Attorney General and Minister of Legal Affairs.

CIVIL DIVISION BILL, 2024.

Order for second reading read.

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

That a Bill to make jurisdiction for matters of a civil nature exercisable in a division of the Judiciary to be known as the “Civil Division” and to make jurisdiction for specified civil matters exercisable in a sub-division of the “Civil Division” known as the “Civil Court”, to make jurisdiction for small-valued claims exercisable in a sub-division of the “Civil Division” to be known as the “Small Claims Courts”, to make jurisdiction for estates administration business exercisable in a sub-division of the Civil Division known as the “Estates Administration Office” and for related matters, be now read a second time.

Madam Speaker, permit me to comment that, as I begin this debate, it is a remarkable coincidence in the context of the opening, today, of the new law term and the remarks of the hon. Chief Justice that this Bill is being debated for passage in this House today, this Bill having been first listed on the Order Paper on the 28th of June, 2024. It is one of those Bills which I met when I took office in March 2022, and which, encouraged by the very cordial and productive relationship which I enjoy with the hon. Chief Justice in my tenure, was reviewed by the Legislative Review Committee, a sub-

committee of the Cabinet, and was agreed to by Cabinet Minute on the 11th of October, 2023. The primary focus of the Bill before the House, Madam Speaker, is to establish a Civil Division, with clearly defined sub-divisions that can accommodate the civil High Court, handle smaller civil cases more efficiently and manage estate administration, that is to say, probate matters, more effectively, given that the expeditious management and outflow of the Probate Registry currently faces significant delays.

Madam Speaker, the Bill seeks to streamline judicial operations through the creation of three subdivisions within the Civil Division: One, the Civil Court subdivision, and that is Part III of the Bill; the small claims courts subdivision, Part IV of the Bill; and the estates administration office subdivision, Part V of the Bill.

The key points, Madam Speaker, with respect to the exercise that this Bill brings into being once passed, is that the Civil Division is expected to be structured similarly to other specialized courts in Trinidad and Tobago, examples of which are the Family and Children Division, and the Criminal Division and District Criminal and Traffic Courts. The Civil Division will focus on streamlining civil cases within a specialized court structure that can expedite the resolution of small claims as it affects the common men and women in the streets of Trinidad and Tobago, in our communities and other parts, and manage estate administration, that is to say, probate matters, much more efficiently and expeditiously.

2.10 p.m.

The legislative changes, that is to say the establishment of the small claims subdivision, is a critical element and the Bill proposes repealing the

Petty Civil Court Act to modernize the case management and case-flow management approach within the financial jurisdiction of small claims below \$50, 000. The Civil Division Bill will codify the creation of this new structure, enabling efficient procedures and processes for small claims and estate administration.

The current Petty Civil Court, Madam Speaker, has inefficiencies including lengthy time to dispose of cases—an average of two years and administrative bottlenecks. The Probate Registry is significantly delayed, completing only about 35 per cent of large estate cases filed each year causing understandable extensive public frustration. It is those ills that this Bill seeks to modify effectively and expeditiously, in order to make the delivery of the justice system as it affects all of our citizenry that much more effective.

In estates administration, the Bill proposes against the reality of a probate unit, which is insufficiently resourced to address and manage the complexity of legal, administration issues and caseload. The establishment of an Estates Administration Office within the Civil Division is proposed to tackle these inefficiencies through specialised staffing and procedural reforms.

As we speak of specialised staffing, we can think back to the remarks of the hon. Chief Justice this morning. The overall objective is to modernize the Civil Justice System in Trinidad and Tobago, making it more responsive and equally expeditiously to respond to the needs of the public and business sector, while reducing delays and improving accessibility. Proposed solutions, which this Bill is bringing therefore to the public of Trinidad and

Tobago—I have already spoken of the creation of the Civil Division, the repeal of the Petty Civil Court, which, mark the time, was passed in this country in 1911—and the enactment of new legislation to govern a Small Claims subdivision. Global benchmarking from jurisdictions like Canada, the UK and Singapore, which have been drawn on by the Judiciary, recommended to the Cabinet and accepted by the Cabinet in the establishment of a Small Claims Court.

The Probate Unit overhaul, with a dedicated Estate Administration Office to address backlog issues in estates administration. People pass on, they either make wills or they fail to make wills. The process at the moment of realizing the transfer intended or otherwise to the children and grandchildren of the deceased persons, is one which ought to be and deserves to be handled much more efficiently than we are handling it at this point in time. And it is that among other things that this Bill proposes to address. Technological advancements Madam Speaker, virtual courts, e-filing, and online dispute resolution platforms proposed to address delays.

In the global context, Madam Speaker, the introduction of the Small Claims Court—as I have already said, has been recognized as best practice in global jurisdiction. With 138 economies worldwide adopting similar specialised courts and in the draft, which the Judiciary brought to the Cabinet, which the Cabinet examined very carefully, that draft is now before this Bill with models drawn from Canada, Singapore, the European Union and the United Kingdom to ensure a robust small claims system.

Madam Speaker, the Civil Division Administration Department, which is addressed in Part VI of the Bill was established in fact by a Cabinet

decision in June of 2020 and has already been operational. But what this Bill is seeking to do, is to codify that department's formal establishment, outlining its key roles and responsibility to ensure that the Civil Division functions effectively and with appropriate oversight. That department will continue to be responsible for strategic planning for the division and supporting the overall operations of the Civil Court Division, small claims subdivision and estates administration subdivision, ensuring an integrated and efficient administrative system for all civil cases under the jurisdiction of the new Civil Division.

The intention, Madam Speaker, of the Civil Division Administrative Unit is to centralize all administrative processes for the Civil Division ensuring that there are clear operational guidelines and responsibilities. By doing this, the Judiciary aims to avoid the pitfalls of inefficiency and backlog, which have plagued other judicial functions, particularly within the jurisdiction of probate and small claims.

Similar to the Family and Children Division Act and The Criminal Division and District Criminal and Traffic Courts Act, the Civil Division is being established now, by this Bill by a specific statute, ensuring its former recognition and operation as part of Trinidad and Tobago's Judiciary. All of these divisions—that is to say, the Family and Children Division, and the Criminal and Traffic Court Division are being set up to address specific strategies and leaves within the compass of specialised courts improving efficiency and access to justice.

Madam Speaker, just as with the Family and Children Division and the Criminal Division and District Traffic Courts, rely on their own

administrative structures for support, the Civil Division Administration Department within the compass of this Bill now before this Parliament will function similarly to provide essential administrative services to the Civil Division. These administrative departments are vital in ensuring that each division can handle the distinct type of case under its purview, and to handle them efficiently. As with the Family Court Division and the Criminal Division and District Criminal Traffic Courts, staff can enjoy terms and conditions on fixed contracts for periods of up to five years and renewable subject to performance.

Madam Speaker, the focus on specialization in efficiency, the core similarity between the Civil Division of the Family and Children Division and Criminal division is that focus; a focus on handling specialised cases. The establishment of these dedicated divisions with their own subdivisions, reflects ongoing strategic focus by the Judiciary, which this Cabinet has accepted and has been supported as the Government of Trinidad and Tobago, of which I am proud to be part, to streamline the processes and deliver faster, more focused justice in areas, which have historically faced inefficiencies inherited from our antiquated systems, and I emphasize that. As I said in the beginning, it is remarkably coincidental that we are here today to debate a Bill against the backdrop of remarks of the hon Chief Justice this morning, in the context of his call for improving the justice system of Trinidad and Tobago.

If one were to go through—and if you give me leave Madam Speaker—just some sections of the Act. If we were to look at Part III of the Act, which brings into being the Civil Court, we see that section 7(2) says,

well first of all section 1 says:

“Sittings of the Civil Court shall be held at such locations and at such times as the Chief Justice may appoint in accordance with the Supreme Court of Judicature Act.”

And subsection 2 tells us that:

“Notwithstanding subsection (1), the Civil Court may, when required and appropriate, sit at any time, and may conduct hearings by telephone, video link or any other appropriate electronic means”

That is to say, bringing that Small Claims Court, administration of estates as well, into the 21st century and improving its efficiency.

Section 10 of the Bill tells us that:

“A Civil Court Master shall exercise all”—of—“the authority...of a Judge which are conferred on Masters under the Supreme Court of Judicature Act.”

And:

“...Where a Civil Court Master exercises jurisdiction in relation to”—those civil matters, he or she—“...shall have all the rights, powers, immunities and privileges of a Civil Court Judge in relation to that matter.”

Section 12 importantly, and very importantly, tells us that the staff of the Civil Court shall of:

- “(a) public officers; and
- (b) an appropriate number of other persons engaged on contract by the Court Executive Administrator and who shall hold office for up to five years, but may be eligible for re-engagement.”

And importantly, by section 12(2), those persons shall:

“...possess the requisite special training, experience and temperament suitable for appointment to the Civil Court, in accordance with the Court’s performance standards.”

We can pause there to reflect on the remarks of the hon. Chief Justice this morning about the conversation that he is trying to have with the Salaries Review Commission and the Chief Personnel Officer. Let me repeat, section 12(2) tells us that:

“The persons referred to in subsection (1)(a)...possess the requisite special training, experience and temperament suitable for appointment to the Civil Court, in accordance with the Court’s performance standards.”

This is a Bill that is before the Parliament today, that was approved by the Cabinet to be brought here for passage into law on the recommendation of the Judiciary, in the ongoing conversation that continues to take place between the Judiciary, represented by the Chief Justice and the Executive represented by the Office of the Attorney General and Legal Affairs, myself in an engagement with the Judiciary that does not rely on the artificiality of persons who claim to be a constitutional expert when they speak to the so-called separation of powers. The reality is this Government accepts that it must engage with, speak with and work with the Judiciary as an independent arm under the Constitution to progress the quality of administration of justice for the citizens of this country.

Part IV of the Bill before this House this afternoon, Madam Speaker, deals with the establishment of the Small Claims Court. The Small Claims

Court in section 14:

“...shall have jurisdiction to hear and determine any action in relation to—(a) a small claim; and
(b) a small claims matter,”

—and may I say that the small claims have already pointed out, by the passage of this Bill is going to repeal the Petty Civil Court, the jurisdiction of the Small Claims Court shall be with reference to matters of \$50,000 or less. So we are dealing with the small business people, small families and persons who have disputes who need quick access to justice and a ready and available court that will not be mired in inefficiencies that have been the hallmark of the Petty Civil Court system.

Madam Speaker, section 15 tells us as we specialize the jurisdiction of the Small Claims court that:

“...A Small Claims Court shall not have jurisdiction to hear and determine a claim for—
(a) libel;
(b) slander; or
(c) malicious prosecution.”,

That will remain with the High Court, in the Civil Division of the High Court.

Section 19 tells us consistently in with bringing our courts into the 21st century that:

“...A Small Claims Court may conduct hearings by telephone, video link or any other appropriate electronic means.”

—and the functions and duties of the Small Claims Court are set out in

relation to the functions and duties of the senior magistracy registrar and Clerk of the Court at section 22 and is lettered from (a) through (p).

Section 23 tells us:

“A Small Claims Court shall, in addition to judicial officers, be staffed with—

- (a) public officers...
- (b) an appropriate number of other persons engaged on contract by the Court Executive Administrator and who shall hold office for up to five years, but may be eligible for...—reappointment.

and (2) repeats the earlier subsection in relation to the Civil Division Court that those persons are required to:

“...possess the requisite special training, experience and temperament suitable for appointment to the Small Claims Court, in accordance with the Court’s performance standards”

Madam Speaker, the Small Claims Court section 25 may refer a small claims matter to mediation. So we are introducing, through the Small Claims Court, the concept of alternative dispute resolution. All matters do not have to go through the old adage of saying, I am selling my house to pay my lawyer because I am taking you to court until the last cent is done. You are going to have people being encouraged—and it is interesting that the Act also says that the Rules Committee under the Supreme Court of Judicature Act will have the jurisdiction to make rules for the Small Claims Court. We are going to have a mediation process by which claims of under \$50,000 can be resolved through mediation or alternative dispute resolution.

2.25 p.m.

And we are assured by clause 26:

“(1) Without prejudice to section 36 of the Supreme Court of Judicature Act, there shall be a right of appeal to the Court of Appeal from any judgment or order in any action brought under this Part...”—this part being the jurisdiction of the Small Claims Court—
“being an action in which the sum claim is more than two thousand dollars.”

Part V. of the Bill before this House, Madam Speaker, establishes the Estates Administration Office. That is the office that is going to take over the work and function of what we now know as the probate registry to make it that much more efficient. And clause 30 tells us:

“There shall be an Estates Administration Office in North Trinidad”

Clause 30(2) tells us:

“Notwithstanding subsection (1)...”—there will also be—“Estates Administration Sub-Offices in South Trinidad...”—and—“...in Tobago.”

We are told again by clause 30, harking back to the remarks that I made earlier with respect to the civil division and the Small Claims Court, that the office of the estates administration will be staffed with particular named offices, including subclause 2:

- “(a) public officer; or
- (b) a person engaged on contract by the Court Executive Administrator...who shall hold office for up to five years, but may be eligible for re-engagement.”

And importantly, subclause 3:

“...possess the requisite special training, experience and temperament suitable for appointment to the Estates Administration Office, in accordance with the Office’s performance standards...”

And then part VI, tells us, Madam Speaker, that there shall be appointed under this Act the civil division of the Judiciary. That civil division administrative department shall comprise a number of offices. Clause 33(2):

“The Civil Division Administration Department shall comprise—

- (a) a Central Coordinating Office;
- (b) a Civil Court Administrative Office;
- (c) an Estates Administration Administrative Office; and
- (d) a Small Claims Court Administrative Office.”

And that:

“The Central Coordinating Office shall comprise—

- (a) a Human Resources Unit;
- (b) a Finance and Accounts Unit;
- (c) a Records Management Unit;
- (d) a Mediation Unit,
- (e) a Civil Court Information Communications and Technology Unit; and
- (f) such other units as may be determined by the Chief Justice.”

We see that we are coming into the 21st Century with the structure of this Bill, which is currently before this House. Madam Speaker, the civil administration department at clause 36 tells us that:

“...in addition to the judicial officers...”—that department will—“be

staffed with an appropriate number of suitably qualified persons as determined from time to time by the Court Executive Administrator and shall include—

- (a) public officers; and
- (b) an appropriate number of other persons engaged on contract by the Court Executive Administrator...who shall hold office for a term not exceeding five years, but may be eligible for...”—reappointment.

We are told that there will be a number of managers within the civil administration department. So, clause 37, tell us that:

“The Civil Court and the Small Claims Court shall have in each location...”—remembering that there will be locations in San Fernando, Port of Spain and in Tobago—“...in each location a Court Manager who shall be responsible for the management of the particular location.”

The Estates Administration Manager, that is, clause 37(3):

“...shall perform the duties of a Court Manager in relation to the Estates Administration Office and may be assisted by Assistant Court Managers.”

We are told that clause 38, Madam Speaker, as we continue to take Trinidad and Tobago through the 21st Century:

“The Estates Administration Records Management Unit shall be headed by a Digital Records Manager who shall have overall responsibility for the Estates Administration Record Management Unit and shall report to the Estates Administration Manager.”

All of these are improvements, and I stress this, Madam Speaker, as I hark back to the remarks—I sat and I listened to the Chief Justice this morning—and he, in very frank terms, spoke to the challenges that the Judiciary is having. What I found very coincidental and remarkable coming from NAPA this morning, where I sat and listened to the hon. Chief Justice in his opening of term speech, here we are on the very day, in the afternoon, speaking to legislation which is the product of the collaboration and the conversation which has been taking place between the Chief Justice on behalf of the Judiciary and the Executive, that is to say, the Cabinet of Trinidad and Tobago, so that we can advance the system.

May I say in that context, Madam Speaker, we have had, and I have been privileged to be part of conversations in which the Finance And General Purposes subcommittee of the Cabinet has actually been sitting and is still sitting with the Chief Justice, and some of his nominated judicial and court executive administrators, to work through some of the Notes that are before the Cabinet, so that when the Cabinet eventually approves those Notes, it is done with full oversight, knowledge, and understanding of the needs of the Judiciary. It is out of that exercise, remarkably-coincidentally, that this Bill is before this House this afternoon for the creation of the civil division.

Part VII, of the Bill, tells us that:

“A member of staff of—

- (a) the Civil Division Administration...;
- (b) the Civil Court;
- (c) a Small Claims Court; and

- (d) the Estates Administration...”—Court—
“shall, prior to the assumption of duty, make an oath or affirmation of secrecy before a Judge or Justice of the Peace.”

Clause 40, importantly, tells us that:

- “(1) The Rules Committee established under section 77 of the Supreme Court and Judicature Act may make Rules of Court—
(a) stating the pecuniary jurisdiction of the Small Claims Court; and
(b) generally for giving effect to the purposes of this Act.
(2) Rules made under this section shall be subject to negative resolution of Parliament.”

Clause 41 saves everything that exists before this Bill comes into law, once passed by this Parliament. So, clause 41 tells us that:

- “(a) a small claims matter which was instituted in the High Court or the Petty Civil Court, the High Court or the Small Claims Court, as the case may be, shall have jurisdiction to continue to hear and determine the proceedings, notwithstanding any provision to the contrary in this Act.
(b) the High Court or a Petty Civil Court...”—which—“...was vested with jurisdiction to enforce, renew, vary suspend, revive, cancel or discharge an Order in respect of a small claims matter, and by virtue of this Act, such jurisdiction as vests in the Small Claims Court, the jurisdiction shall...”—continue to—“...be exercisable by High Court or a Small Claims Court.”

Where before the commencement of this Act:

“(c)an appeal was instituted in the High Court, or the Petty Civil Court, the High Court or the Small Claims Court, as the case may be, shall have jurisdiction to continue to hear and determine the proceedings notwithstanding any provision to the contrary in this Act and;”

Where before the commencement of this Act:

“(d) the High Court was vested with jurisdiction to conduct estates administration business and by virtue of this Act such jurisdiction vests in the Estates Administration Office...”—that—“...jurisdiction shall be exercisable by the Estates Administration Office.”

The written laws, clause 42:

“...specified in the First Column of the Schedule are amended to the extent specified in...that Schedule.”

And we see when we look at the Schedule that the laws that are referred to are the Bailiffs Act, the Summary Courts Act, and the Criminal Division and District Criminal and Traffic Courts Act. And clause 43 tells us lastly that:

“The Petty Civil Court Act is repealed.”

So, Madam Speaker, in conclusion, as I come to the end of my remarks on this important piece of legislation, which we are asking this House to pass, we see that the Civil Division Bill, when passed, will formally establish the civil division administration department, centralize the management of civil matters under three subdivisions, similar to that which already exist under the Family and Children Division Act and the Criminal

Division Act. These reforms, Madam Speaker, aim to enhance the efficiency to modernize judicial processes and align the civil justice system with global best practices, and with those few words, Madam Speaker, I beg to move.

Hon. Members: [*Desk thumping*]

Question proposed.

Madam Speaker: Member for Siparia.

Hon. Members: [*Desk thumping*]

Mrs. Kamla Persad-Bissessar SC (Siparia): Thank you very much, Madam Speaker, for this opportunity to join in this debate on a very major piece of legislation. You know, sometimes we must not play smart with foolishness, because the hon. AG keeps telling us that it is coincidental; coincidental repeated several times in his presentation, that today the law term is opening, and that we are debating this Bill about the civil jurisdiction of the court and establishing the Small Claims Court.

Madam Speaker, you may well know, being an attorney, a lawyer yourself, the notice of law term opening was issued since the 11th of September, the 11th of September. And the Bill, this Bill, came—we were given notice of this Bill Sitting on Tuesday, 17th of September. Which one was first, Madam, the 11th September or the 17th September? Clearly it is the 11th of September, we were given notice of the law opening. So it is no coincidence.

Hon. Members: [*Desk thumping*]

Mrs. K. Persad-Bissessar SC: It is no coincidence that you placed it here today to compete with the law opening taking place at NAPA.

Hon. Members: [*Desk thumping*]

Mrs. K. Persad-Bissessar SC: The hon. AG tells us that the Government is committed to working with the Judiciary. I will come back to that in a moment. So let us just deal with the Bill, the essentials of the Bill; AG gave us some of it, the hon. AG. This is a major piece of legislation with 43 clauses. It was introduced by the hon. Attorney General in the House on the 28th, June, 2024, just before the House went on its annual recess. The main purposes of the Bill:

“...repeal the Petty Civils Court Act...create a new Civil Division...”—to—“...treat with civil matters.” That civil division will comprise of the Civil Court.

Also in clause 3, the integration section it tells us what is meant by this new Civil Court. It says:

“Civil Court means a High Court established under section 5 exercising jurisdiction in civil matters.”

And then define for us a “civil matter” means:

“...a matter where the claim is civil in nature, but does not include a small claims matter or estates administration business.”

Clause 5 of the Bill:

“...provides that authority and jurisdiction in civil matters currently exercised by the High Court shall be exercised by the Civil Court.”

Clause 6 tell us expressly that:

“...the Civil Court...”—will have the power—“to hear election petitions.”

And clause 3, interpretation of “election petition” means:

“a representation petition questioning elections or returns referred to in section 129 of the Representation of the People Act...”

I heard the hon. Prime Minister earlier talk about money owing for cases brought in the election court, and so on. Those bills have not yet been taxed. How does the Prime Minister tell us it is \$20 million and \$30 million? Where is that coming from? No bills have been taxed in those matters before the court? And therefore, that will be done at a subsequent point in time. So, that is not true to say it is \$20 million and \$30 million in cost.

So, we talked about civil jurisdiction. This Bill establishes the Small Claims Court, which I think is the hallmark of the Bill, really, in establishing this new Small Claims Court. The integration of clause 3 tells us:

“‘a small claim’ or ‘small claims matter’ means a claim for—

- contract;
- tort;
- monies owed;
- insurance;
- recoveries of penalties or expenses contribution;
- landlord and tenant;
- recovery of land; or
- ejectment proceedings,

where the amount claimed or the value of personal property or service does not exceed the pecuniary jurisdiction court, excluded interest and costs...”

And clause 15 of the Bill provides that a:

“...Small Claims court”—does—“not have jurisdiction to hear and

determine”—cases involving—
“...libel,
...slander; or
...malicious prosecution.”

2.40 p.m.

Clause 14 further provides:

“A Small Claims Court...”—should—“...have jurisdiction to hear and determine any action in relation to—

- (a) a small claim; and
- (b) a small claims matter,

where the debt, demand or damage claimed does not exceed the pecuniary jurisdiction of the Court, whether on balance of account or otherwise, and excluding interest and costs.”

Secondly:

“On the commencement of...”—the—“...Act, authority and jurisdiction in all small claims matters exercised by a Petty Civil Court shall be exercisable by a Small Claims Court.”

Further provides 14:

“(2) On the commencement of this Act, authority and jurisdiction in all small claims matters exercised by a Petty Civil Court shall be exercisable by a Small Claims Court.”

Further:

“(3) Notwithstanding subsection (1), a Small Claims Court may exercise any other—
(a) civil jurisdiction as may be conferred under any other

written law; or

(b) pecuniary jurisdiction as may be prescribed by Rules of Court.”

Now, we have not had sight of any Rules of Court even though reference is being made to Rules of Court so we are blindsided in passing the Act without—

Hon. Members: [*Crosstalk*]

Mrs. K. Persad-Bissessar SC:—the regulations and proposed Rules of Court. The third office to be set up under this Bill—you know, Madam, they will have a turn you know, I did not once mumble and grumble when the hon. Attorney General was on his legs. Why are they disturbing us?

Madam Speaker: Okay, so Member.

Dr. Moonilal: And “dey continuing”.

Mrs. K. Persad-Bissessar SC: And continuing.

Madam Speaker: In terms of—let us try to comply with Standing Order 53, in terms of not having any running commentaries, and also keeping our volumes very low. Member for Siparia, please.

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

Hon. Members: [*Desk thumping*]

Mrs. K. Persad-Bissessar SC: You know the Opposition, the loyal Opposition, has a duty to raise our concerns.

Hon. Members: [*Interruption*]

Mrs. K. Persad-Bissessar SC: Madam, they are continuing with it. Who is in charge of this House?

Hon. Member: What?

Mrs. K. Persad-Bissessar SC: The Speaker is in charge of this House.

Hon. Members: [*Desk thumping*]

Dr. Moonilal: They cannot stay silent.

Madam Speaker: Okay, so you know, as we know we can have some conversations but really it should not be any long commentaries, it should not be disturbing to the Member. So let us try and comply with that, the people who want to carry on conversations I invite them, you can go out, have the conversations and return. Member for Siparia, please.

Mrs. K. Persad-Bissessar SC: I thank you, Madam.

Hon. Members: [*Desk thumping*]

Mrs. K. Persad-Bissessar SC: Further this Bill seeks to establish the estates administration office and again clause 3 tells us what this means.

“‘estates administration business’ means the business of obtaining probate and administration where there is no contention as to the right thereto, including—

- (a) the granting of probates and administrations in contentious cases where the contest has been terminated;
- (b) all business of a non-contentious nature in matters of testacy and intestacy not being proceedings in any suit; and
- (c) the business of lodging caveats against the grant of probate or administration;”

The Bill further provides in clause 29 that when the Act comes into force:

“...authority and jurisdiction in all estates administration business exercisable by the High Court shall be exercisable by the Estates Administration Office and may be exercisable by an Estates

Administration Sub-Office.”

So, on the face of it, it is in principle non-objectable to set up this civil division and demarcate what each part subdivisions of the civil jurisdiction of the court shall be. So far so good. The Schedule to the Bill, introduced by clause 42 makes consequential amendments to the following Acts: the Bailiffs Act Chap. 4:61; the Summary Courts Act, Chap. 4:20; the Criminal Division and District Criminal and Traffic Courts Act, 2018; and clause 43 of the Bill repeals the Petty Civil Courts Act Chap. 4:21.

Those are some of the Bill Essentials but there are some other contentious areas when it comes to staffing and the use of contract employment. And clause 2 of this Bill, like so many others says that this Act shall come into force by proclamation on a date to be proclaimed. Madam Speaker, we have had numerous pieces of legislation, we have spent hours in this House, and up to today they remain unproclaimed. We would appreciate it if the AG could give us in his winding up, at least a proposed time for proclaiming this piece of legislation. I have a list here from the Parliament which I requested, over 18 pieces of legislation since this Government came into office, had a clause, a proclamation clause, that remained to date, unproclaimed:

1. The Insurance Act, 2018; passed in the House on 16 February, 2018, Senate, 18 May, 2018. Partially proclaimed, it was assented to 04 June, 2018. Awaiting proclamation.
2. The Mutual Administration Assistance in Tax Matters Act, 2020—

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

please.

Ms. Ameen: “A-a.”

Madam Speaker: So, Member for Siparia, I understand the point but I would also seek to guide you and say, let us not go down the road to all the legislation, tie it back to this particular one, the ones that you want to highlight.

Mrs. K. Persad-Bissessar SC: Certainly, Madam, I thank you. Thank you, Madam. I am saying that clause 2 of this Bill says this will become statute law on a proclamation. And I am saying we will wait as forever as these 18 pieces of legislation—Madam Speaker, with due respect it is important to see that we have spent hours in this House and the other place, and these 18 pieces still remain unproclaimed.

Hon. Members: [*Desk thumping*]

Mrs. K. Persad-Bissessar SC: So, I am very confident the Government is on its last legs. I have very little confidence—

Hon. Member: [*Desk thumping*]

Mrs. K. Persad-Bissessar SC:—that this will come into effect within the time that they have left. So, if you wish me to move on I will move on, we can use other platforms to raise this point.

Madam Speaker, the hon. AG said to us that the Government is working assiduously in close conjunction with the Judiciary in order to deal with the issues affecting the Judiciary. Now, we know there is a great deal of dissatisfaction with the judicial system in our country, not necessarily because of the Judiciary itself, but because of the complaints made. The AG quoted from the words of the hon. Chief Justice in his address at the law

opening today. For this Bill to become fully operational, it will require financial autonomy to the Judiciary. That has been promised since 2015. Minister Imbert in his Budget Statement 2015 in October, his first budget statement, had this to say at page 40:

“Most importantly, consistent with our 2015 Election Manifesto promise, to improve the efficiency of the administration of justice, we intend to give the Judiciary the financial autonomy that it has asked for, for so many years, coupled with the ability to manage its...resources, projects...programmes...”—and so on.

“To achieve this...”—the Minister said—“...we intend to engage in detailed consultation with the Judiciary early in 2016, to...”—get—“...consensus...”

So, the AG is telling us we are working closely to make things happen to improve the workings of the judicial system. Those were the words of the Minister.

Madam, thereafter, every single statement of the Chief Justice, thereafter 2016, every single statement of the Chief Justice dealt with this issue of financial autonomy. And interestingly, it was never mentioned again by the Government in any budget document or any other document after they said—Mr. Imbert spoke about the Election Manifesto and so on.

Madam Speaker: Member for Siparia. Just be careful and if I could remind you about Standing Order 48(5), so it is either Minister of Finance or the Member for—alright, please.

Mrs. K. Persad-Bissessar SC: Hon. Minister of Finance in his budget statement, first budget statement promised the Judiciary financial autonomy.

Thereafter, up to the last budget statement last October, it was never mentioned in every subsequent, not a single time mentioned. However, the hon. Chief Justice, in every single statement that he gave, talked about this financial autonomy. And indeed the hon. Chief Justice on the 16th of September, 2016, after this was promised, was very clear, he was very clear in saying, “Listen, we are so happy...to other encouraging sign, it is in the area of financial autonomy”. After many years of repeatedly making the case, in the last budget speech, the Minister of Finance publicly committed to affording the Judiciary a greater degree of financial autonomy.

Thereafter, in every single statement, I have not heard the one from today. This issue, the financial autonomy 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, and today 2024 we will know shortly when the statement is released. Every single one, the hon. Chief Justice has been addressing this issue of financial autonomy. So, in their first budget statement, in the election manifesto, yeah, it is promised but the PNM is, “Promises Never Materialize”.

Hon. Members: [*Desk thumping*]

Mrs. K. Persad-Bissessar SC: On that issue—and when the Hon. AG tell us, you know, they are working with the Judiciary hand in hand. Every year the Chief Justice has been crying out on this issue of financial autonomy. Other issues he has been talking about have to do with staffing and I think my colleagues will address that shortly. Moving along, Madam Speaker, the hon. AG spoke about clause 25 which deals with the area of mediation. Of course, more mediation is needed, we know that, and it is relevant to persons to incorporate mediation, and ADR. The question that arises is whether the

AG declared that he may have a conflict of interest when he spoke of mediation.

Hon. Member: [*Inaudible*]

Mrs. K. Persad-Bissessar SC: Clause 25, yes. I have in my hand, Madam Speaker, records that the public has access to, with respect to declarations made at the Integrity Commission. And in that, we see where the hon. AG declared an interest in a mediation company Digital Solutions, 2021—

Hon. Member: [*Inaudible*]

Mrs. K. Persad-Bissessar SC: I will find it—'21, '22, '23, we do not have access to the '24 declarations, the Form B that the public has access to. And so I ask the hon. AG, does he still have an interest? Or does a close relative of his have an interest in Digital Solutions Limited?

Hon. Member: Dialogue Solutions Limited.

Mrs. K. Persad-Bissessar SC: On that website—I am sorry?

Ms. Ameen: Dialogue Solutions.

Mrs. K. Persad-Bissessar SC: Dialogue Solutions, yes, Dialogue Solutions. On the website of Dialogue Solutions, we do have what the company does, what it is about. It says this company, Dialogue Solutions Limited:

“...supporting and promoting the highest standard of”—ADR—
“Alternative Dispute Resolution through provision of excellent administrative and support services...”

Further on their website, speaks to:

“...the most effective resolution of all manner of disputes—from most personal to...largest of corporate...matters.”

Speaks to:

“...specialised support for all types of ADR ranging from mediation, adjudication, expert determination and arbitration, to facilitation and dialogue processes.”

So my question is, does the hon. Attorney General still hold a role which he held given his declarations to the Integrity Commission declared directorship in Dialogue Solutions 2021, 2022, and '23. And sources of income, dividends, interest from Dialogue Solutions Limited, '22 and '23, as I said, we have not yet had '24 declarations, we have not had access to that.

In addition, the Companies Registry tells us this company was incorporated on 29 January, 2008. It was incorporated by an executive director, Elizabeth Solomon. In 2019, directors first appointed Elizabeth Solomon and Reginald Armour, and also on the list of directors is one Anthony Vieira, I think he is one of our Independent Senators.

Hon. Member: “Ooo.”

Mrs. K. Persad-Bissessar SC: In 2022 on their latest annual return—

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

Madam Speaker: So, Member for Siparia, I myself have difficulty in the relevance with respect to what is being put before us. So, unless you could tie that up very quickly, I have heard you said conflict of interest but I am not certain where this is going so I am going to give you a few seconds to tie it up and then I will stand on a rule.

Mrs. K. Persad-Bissessar SC: Thank you very much. Madam Speaker, I will tie it up. Does the hon. Attorney General or a close relative have a conflict of interest in this matter, and if so that should have been declared at

the start of this debate.

Hon. Members: [*Desk thumping*]

Mrs. K. Persad-Bissessar SC: It does not mean the Member cannot contribute, but that should have been declared at the start of this debate. So I will move on because we have many other points to raise in this debate here today.

2.55 p.m.

Mrs. Robinson-Regis: Madam Speaker, is the Member imputing improper motives?

Hon. Member: Standing Order?

Mrs. K. Persad-Bissessar SC: Which Standing Order, please?

Mrs. Robinson-Regis: There is a Standing Order on imputing improper motives.

Mrs. K. Persad-Bissessar SC: Which one?

Hon. Members: [*Interruption*]

Mrs. K. Persad-Bissessar SC: Which Standing Order?

Mrs. Robinson-Regis: The Speaker is well aware of which Standing Order—

Mrs. K. Persad-Bissessar SC: No, no, no, no, no. Which Standing Order?

Hon. Members: [*Interruption*]

Mrs. Robinson-Regis:—implies imputing improper motives.

Mrs. K. Persad-Bissessar SC: Which Standing Order? Which Standing Order?

Hon. Members: [*Interruption*]

Madam Speaker: All right, so—no, no, no. All right, so, Member, I rule

against Standing Order 48(6). I believe that the Member for Siparia is moving on. She has asked a question. She has left it there. Please, move on.

Hon. Members: [*Desk thumping*]

Mrs. K. Persad-Bissessar SC: Thank you, Madam Speaker. How much more time do I have?

Mr. Lee: [*Inaudible*]

Mrs. K. Persad-Bissessar SC: Thank you, Madam Speaker. Just doing a time check. Thank you. Madam Speaker, it is laudable that the Government is trying to take action at a time when the wheels of justice are about to come to a screeching halt. But we must always be wary of hasty, ill-conceived provisions as stopgap measures to assuage an understandably fed up population, you know, to give the impression that we care.

It is well-known that the courts of lower jurisdiction—the Magistrates' Court, the Petty Civil Courts—are the workhorses of the justice system and any legislative attempt to modernize and bring them into sync with best practices of well-run civilized progressive democracies is to be encouraged. It is clear that certain of the provisions here in this Bill could run afoul of the law of T&T and encourage corruption in hiring practices, something which this Government, sometimes you think, is having hand-picked people being hired, and this Bill speaks to contract employment to a large extent. I will point to a few of these things and hope that the Government will take heed and take the necessary remedial action.

Firstly, I will say on this issue of hiring, clause 18 of the legislation states that magistrates are to sit in the Small Claims Court as small claims

judges. Now, in my respectful view, the Bill seems unclear as to the standing of magistrates against the masters and puisne judges. The latter has an inherent jurisdiction, whereas magistrates are creatures of statute. So, we are talking about fish and fowl here.

One set has inherent jurisdiction—these are the masters and judges—and magistrates are creatures of statute and therefore, are bound within the four walls of the statute. The clause does not seem to envisage how this may be reconciled. It appears on the reading of the said clause that a magistrate will be called upon to switch hats. It is the magistrate who is the small claims judge under the civil jurisdiction or division of the High Court.

Clauses 23 and 36 of Bill deals with recruitment under the Civil Division. Clause 23 allows the Court Executive Administrator to recruit persons on contract. Clause 36 provides that the Civil Division Administration Department shall be staffed with an appropriate number of suitably qualified persons, in addition to judicial officers, as determined from time to time by the Court Executive Administrator. The Civil Division Administration Department, I repeat, shall be staffed with an appropriate number of suitably qualified persons, in addition to judicial officers, as determined by the Court Executive Administrator.

Questions about recruitment process for these positions: What is the process? What are the names, the titles of these positions? Would these be approved by the Personnel Department? Furthermore, is this an unchecked power? The legislation does not limit the person exercising this power. The use of the word “persons” is highly inappropriate. The positions should be demarcated, elucidated, clarified. What positions are we talking about?

How many are we talking about that we are giving this Court Administrator the power to hire and fire persons on contract? Is it not the function of Cabinet to approve contract posts? Is that not the case? Then this clause is unnecessary. The Judiciary is an independent arm of government, but there must be checks and balances. This means it does not affect the Judiciary's independence and therefore, the legislation, in some sense, seeks to usurp the role of the Cabinet.

Clause 34 of the Bill provides for the position of Deputy Court Executive Administrator with overall responsibility for the administration of the Civil Division department and grants the ability to assign staff to the Civil Court, a small claims court or estates administration office. Clause 34 says that the DCA will either be on contract or a public officer, and that the terms and conditions would be those of a Deputy Permanent Secretary. There is a Cabinet decision that positions on contract do not carry the same title as those that are permanent. So, is this Deputy CEA a civil service post or a contract post, giving all this power—placing the power in the hands of the deputy and, of course, the administrative officer?

Some are looking at this as we are setting a fiefdom here. Because the legislation purports to set terms and conditions for this Deputy CEA. On what basis does the DCA equate to DPS? On what basis? Has there been a job evaluation of the position? If it is a contract position, has the CPO set the terms and conditions of this position, or are they going to set their own terms and conditions? Is this recommendation, does it come from the Personnel Department, the rightful legal body to deal with human resources in any department, any Ministry, any part of our Government

infrastructure/architecture?

If this post is permanent, has the PSA been consulted on this? Did the union agree to this? Is there no job evaluation exercise being conducted by the Personnel Department? Just like the JLSC Act, that recently we came here to amend, the state attorney's voiced strong opposition to changes in the name and the positions and what they were to do. The Government is bringing this legislation classifying jobs, when by statute and policy, this is to be done by the Personnel Department of the country.

Hon. Members: [*Desk thumping*]

Mrs. K. Persad-Bissessar SC: This opens up the creation of more jobs. What analysis has been done to indicate improved efficiency? Will services be improved? There is indeed a marked delay in the Probate Registry and that has now become the estates administration office.

Then clause 32 speaks to attorneys, but attorneys have been working there for some time. And then, again, there is a reference to persons. So on the one hand, reference to attorneys, reference to persons. This, again, is very vague. What is the proposed office or officers these persons are to hold? Are they permanent or on contract? That cannot be known at this point from the provisions in the Bill. The Probate Registry already exists. The masterminds of this legislation must know what positions are needed. So, what are we going to do with those who are already in the probate office? Are they going to be asked to move over to this new probate division, like the TTRA, like the RHAs and many others? We are concerned about the recruitment process of these persons.

What are the positions for the estates administration office? Are they

going to be permanent, or are they going to be on contract? Again, we remind the Government, there is a policy that job titles for permanent positions and contract positions cannot be the same; cannot be the same. And so, we look at the conflict, Madam. There is a conflict when we come to contract employment. Because you see, there is a guideline, approved guidelines, by the—

Madam Speaker: Member for Siparia, you have two minutes left of your ordinary speaking time. You are entitled to 15 more minutes extended time, if you wish to complete your contribution.

Mrs. K. Persad-Bissessar SC: [*Inaudible*]—

Madam Speaker: Please, continue.

Mrs. K. Persad-Bissessar SC:—the extra 15 on to the two. Thank you very much.

Clause 32(2)(b), in my respectful view, is a conflict with the Cabinet-approved guidelines for contract employment—and I have a copy of that here. As of today—I checked—it is still up on the website of the CPO, guidelines, Cabinet guidelines for contract employment.

All fixed-term contract positions must be approved by the Cabinet. That is what the guideline tells us. It is also a norm that contracts are three years at a time across the entire public service. Very few exceptions exist. The guidelines tells us three years is the norm. So this conflicts with the Cabinet-approved guidelines for contract management because you are speaking to five-year contracts—renewable five-year contracts. Why put a provision at five-year contracts in the legislation? That reduces flexibility in negotiations and there is a creation of a legitimate expectation. Why are you

advocating for these long-term contracts? That is a breach of industrial relations practices. Once you have a constant HR need, the positions should be permanent and pensionable.

Case laws from the Industrial Court have determined that renewed contracts over a period of time amounts to permanent employment. You see, contract employment is holding you like a slave, you do not have security of tenure and if you dare to raise an issue, you can be fired on spot; you can be fired on spot. We have been meeting the unions. We have met several unions over the past few weeks.

Hon. Members: [*Desk thumping*]

Mr. Indarsingh: A common thread.

Mrs. K. Persad-Bissessar: And the common thread, yes. As I said, the golden thread running through all the arguments is the proliferation of contract employment in the public service. And here we come today. This whole thing is to be staffed by contract employees. And when you are on contract, you do not have that security of tenure. It is difficult for you to go out and try to get a mortgage, try to even buy a car to get a loan because you are on contract. You do not know which day you are going to be fired, when your contract will expire. You have tremendous difficulties of living a decent human life, that everyone expects you to buy a house, you have a mortgage, buy a car, but when you are on contract, you are no better off than a slave. That is my respectful view on this matter. So this proliferation of contract employment is one that seriously needs to be reconsidered.

I am asking, why have you not created permanent positions instead? The obvious benefit to persons with permanent positions would allow them

to access, as I said, loans for their children's education, mortgages to buy homes, to buy a car, and to have security of tenure, you know, and live a decent life. But being on contract, on these short-term contracts, really places an individual in a very inhumane position, extremely difficult economic climate created by these policies—anti-people policies. You know, I always say, PNM, “people never matter”.

So here we come with a Bill where we want to make substantial changes in the Judiciary, which I said, in principle—we have no objection in principle, but then why you—90 per cent of the Bill is about this staffing, you know; 90 per cent of it is contained—small claims court and a few definitions, and so on, the estates part of it and a few provisions and then get to it, contract employment.

Clause 32(3): What entity is approving the job descriptions with the requisite special training and experience referred to? Should it be the Cabinet? Should it be the Cabinet Executive? Should it be the PMCD division, Public Management Consulting Division? They must be involved in the process. All employment contracts go through the PMCD. In this law, there is no reference to job titles.

Clause 33: Why is there need for a central coordinate office in the division of the Judiciary? Is that not a duplication of services? Human resource, finance and accounting, IT, they are already in the Judiciary. Is this reasonable? This is to be a waste of money. Ministries and departments have a centralized unit. Is it that the Judiciary will not have centralized human resources, IT, and finance and accounting? Can the hon. Attorney General please make this clear?

Clause 34(1): On what basis would DPS use as an appropriate comparative job for the Deputy CEA? Why is the AG and the Judiciary getting involved in classifying offices, a role that belongs under the Minister of Finance, it belongs to the CPO? The Personnel Department is supposed to be an independent department, an expert in job classification and job description drafting. Never before have we seen independent institutions kowtowing to the will of the political directorate as have we seen over the last nine years. Is this another attempt to continue with this policy, jeopardizing our democratic institutions?

I continue, Madam Speaker. Clause 36(b): Who determines the appropriate number of persons engaged on contract, and what kind of jobs they will perform? Who determines? It ought not to be him unto himself. It cannot be him unto himself. The legislation is loose and requires clarity. Again, the Cabinet and the PMCD have that role. Is the Chief Personnel Officer, the employer in law, to set the terms and conditions of these contract workers in the legislation, or is it intended for the Court Executive Administrator to set the terms? That will be ultra vires several pieces of legislation, where the CPO acts on behalf of the employer in negotiations or is deemed to be the employer under the Civil Service Act. CPO is the person. It cannot be this Court Administrator.

3.10 p.m.

Are we setting up a fiefdom here? Again, himself to himself. You are selecting the people. You are writing up the job descriptions. You would be doing job evaluations. That is a monster of a role for one officer in a small department to serve. This should not be happening.

So, the revised guidelines for contract employment, as I said, on the CPO website, recruitment policy, there it is very clear.

“The recruitment of persons on contract is governed by the following policy:-

(a) (i) The period of a contract shall not normally exceed three years...”

Why are we now setting up in this law, contract periods of five years?

“(ii) the Term of Engagement shall have a specified date on which it begins and on which it will end;

(iii) every contract shall constitute a separate period of employment: any period of extension granted being part of the original contract; and

(iv) the period of the contract shall not be extended by reason only of the grant of periods of leave of absence without pay to the person engaged...”

Further,

“(b) requests for a contract position shall be submitted for the consideration of Cabinet by the appropriate Minister with responsibility for the particular Ministry/Department/Statutory Authority...”

So, these are the guidelines set down by the Cabinet of the Republic of Trinidad and Tobago.

“(c) the Ministry/Department/Statutory Authority shall be required to:-

(i) justify the need for the contract appointment;

- (ii) provide the relevant job description/specification in respect of the particular position; and
- (iii) identify the source of funds for effecting the relevant contract appointment...”

Anyone who has served in the Cabinet would remember those Notes. Relevant Ministry/Minister would go to Cabinet and say, “the matter for consideration is...that the contract position of CEA, Deputy CEA, xypq, be considered. The job description is as follows...the necessity for that job is as follows...and the funds will come out of Head 20 whatever, “bla, bla, bla”, Item, and so on”. That is how it is done. Here we are legislating for this but the legislation is so vague. That is all the details of what will happen with that contract position. The guidelines state:

- “(e) once Cabinet has given approval for a contract position, the appropriate Minister may approve the selection of the person to fill the position, after ensuring where applicable that a fair and transparent process was utilized in the selection. The process should include advertisement of the position and the conduct of interviews by a Committee set up for the purpose...”

You know in my own Opposition office we had to hire persons, we were granted to hire persons on contract. We advertised the positions. We set up a committee before we hired the persons on contract in the Opposition office. Those are the following guidelines. Normally, it is not done. It is not done in certain Ministries and departments. But that is the process—that is the process that be.

So, the job titles, we are not given anything of that—

- “...(viii) the approved terms (...salary and allowances)...;
- (ix) ...written proposals made by the person...engaged on contract; and
- (x) comments...of the Ministry/...”

“...(h) once the Chief Personnel Officer has advised the relevant Permanent Secretary/Head of Department/Head of the Authority of the recommended...”—and reissued put by the personnel department under the cover of the circular memo that I mentioned, amended—“terms and conditions... should be applicable...”

- “...(i) the Permanent Secretary/Head of Department/Head of Statutory Authority shall offer such terms and conditions to the person being engaged...”

So, this is what the Cabinet gives us about the guidelines. I say, I will wait on the Attorney General to tell us. Are you now superseding those Cabinet guidelines, by now, legislating for contract positions is to be over the guidelines that was given by the Cabinet? Are you superseding who is dealing with—whether the CPO, personnel division, PMCD? All of whom should be involved. Because you cannot give this one entity—they do not have the expertise or the experience in hiring personnel and setting out the terms and conditions. They can give recommendations as every other body does, every other Ministry, statutory authority, departments, and so on. They are sent to CPO, they are sent to the PMCD and it is a contract employment sent to the Cabinet for approval.

Just some final points on the—five minutes? Thank you. Additional

points about the estate administration which this Bill sets up.

3.15 p.m.

Clause 31 makes provision for a subdivision of the Civil Division to focus on estate admin, which deals with issues of probate. It must be noted that probate has been a horror story for many persons in our country, many, many, many. There are some areas, some cases, where the simple issue of a full stop or hyphen has resulted in delays of five years because the file is corrected and the journey must be restarted.

It is important that we do not give false hope to hundreds who are still languishing and look to resolve key issues affecting probate. Remember, probate is when someone dies. Letters of administration is when someone dies. Their estates are involved, and their beneficiaries have to wait years upon years. So we welcome the consideration for this estate admin. But therefore, what do you propose to improve the delays? It is important, as I say, not to give false hope. Again, the issue is not a division or operation change, it must be a culture change to make impact. It is important to refer to issues highlighted by the Judiciary in their own statement on February 7, 2024, this year, February 7, 2024:

“Judiciary Addresses the Probate Concerns”

—where they highlight issues plaguing the probate department. These issues are staffing, staffing. I note today, again, the hon. AG advised us that in his speech today, his address, the CJ again referred to the issues of staffing.

“While this requires skilled and knowledgeable staff...the Judiciary is hindered by the...problem of inappropriate staffing. Probate staff are

required to review thousands of applications per year to determine whether they comply with the law...”
—or they do not comply with the law?

Question, hon. AG, has an HR assessment been done to quantify and qualify the number of skilled persons who are needed for the efficient review of the 5,000-plus applications which are made each year? Are we going to have the same understaffed unit within the Civil Division?

Further, the Judiciary raised the issue of the quality of applications:

“The issue of delay in probate processing cannot be addressed in full without noting that the poor quality of many applications presents a significant problem for the Judiciary. Of the thousands of applications filed annually...”—about—“...80% are returned to...”—lawyers—“...with significant...justified queries.

Any issues identified upon review are put to...”—lawyers—“...in the form of a query notice. Senior...”—lawyers—“...have been known to file probate applications without attesting witness affidavits or...application by common law spouses without the...orders.”

Lawyers—

“...are required to file supplemental affidavits...”

And the list goes on, Madam. So I would be happy if the hon. Attorney General could tell us how will this change increase the efficiency of the probate department, probate administration department.

In the final minutes, Madam, I want to thank you for this time. I want to say that there are some points in this Bill that we have no objection to, but there are others where we have concerns, and we have raised some of those.

My colleagues will delve further into the legislation, and I wish the Government good luck to make sure they proclaim this piece of law before they—

Hon. Member: Demit office.

Mrs. K. Persad-Bissessar SC:—demit office. I thank you very much, Madam.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for San Fernando West.

Hon. Members: [*Desk thumping*]

The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi SC): Thank you. Thank you, Madam Speaker. Madam Speaker, I am following upon the heels of the Member for Siparia, the Leader of the Opposition, who is also a member of the Inner Bar, Senior Counsel.

The hon. Member put before us a number of questions. Those questions, if I get to them immediately, started off with an indignation and a condemnation of a very critical point in this Bill. If I use just the concept of the Deputy Court Executive Administrator, the hon. Member said, and asked for clarification, putting the submission first, that this was a breach of Cabinet Note, that it is improper and unheard of to have legislation which creates contract positions of this type. The hon. Member went on to say that “there could be political malfeasance exercised in that.” The hon. Member went on to say that, in fact, “the CPO is the one to generate the provisions and we should be with three-year contracts.” And went so far as to say, and I quote, “They don’t have experience in hiring.”

Now, the hon. Member asked all of these questions, and therefore I

am compelled to go to the history from which we have had experience, the laws which we have passed, and how we have come here today. The hon. Attorney General started off by acknowledging that this particular Bill was one that the AG met when he came into office. In fact, that is absolutely true. A Cabinet Note was taken since 2020 and passed and became a reality for the administrative restructuring of the Civil Division. But Madam Speaker, I must take the hon. Member for Siparia back to answer these questions that she has put to the Family and Children Division, Madam Speaker. And permit me, in dealing with Act No. 6 of 2016, to remind that, as a government, we took a Family and Children Division Bill laid by the Member for Siparia, made some amendments to that Bill in my tenure as Attorney General, and we passed into law the Family and Children Division Bill.

The definition section of that Bill includes the definition of a “Deputy Court Executive Administrator.” Section 16 of that Act, section 31 of that Act, and section 8 of that Act are material in answering the Member for Siparia’s own submissions.

Section 8 says, that:

“...the Deputy Court Executive Administrator...”

Shall be the head of the Department for the—

“Family and Children Division...”—to be—“...assisted by a Family Court Administrator.”

In section 16, listen to this, Madam Speaker, it says as follows:

“The Family Court shall, in addition to judicial officers, be staffed with—

- (a) public officers; and.
- (b) an appropriate number of other persons engaged on contract by the Court Executive Administrator and who shall hold office for five years, but may be eligible for re-engagement.”

Permit me to take you, Madam Speaker, next to the Criminal Division. And in the Criminal Division, Section 19 of the Criminal Division—as I have just lost it on my screen—section 19 of the Criminal Division, Madam Speaker, treats with a very important clause. Section 19, specifically legislates the requirements of a Deputy Court Executive Administrator. And permit me, Madam Speaker, to go to Section 19. I wish to read it from the law as passed as I get to the Criminal Division. And that is an Act of 2018, which again repeated the 2016 Act. And listen to what section 19 of that Act says, because the Member for Siparia expressed surprise and odium at the concept of a five-year contract position.

Section 19 says:

“The Criminal and Traffic Court Administration Department shall be headed by a Deputy Court Executive Administrator who may be—

- (a) a public officer employed; or
- (b) employed on contract by the Court Executive Administrator for a term of up to five years but be eligible for re-engagement on terms and conditions equal to those of a Deputy Permanent Secretary and shall report to the Court Executive Administrator”

This Bill, Madam Speaker, makes reference to a “Deputy Court

Administrator” and that is to be found in clause 3 where we have a definition of “Court Executive Administrator.” It is also to be found on page 3 of the Bill, “Deputy Court Executive Administrator” is the entity referred to in section 34, and the Member for Siparia, in referring to section 34, put the following on the record, that this particular clause 34, the “Deputy Court Executive Administrator” in describing the positions, listen to what 34(1) says:

“Civil Division Administration Department shall be headed by a Deputy Court Executive Administrator who may be—

- (a) a public officer employed; or
- (b) employed on contract by the Court Executive Administrator for a term of up to five years but eligible for re-engagement on terms and conditions equal to those of a Deputy Permanent Secretary and shall report to the Court Executive Administrator.”

In other words, Madam Speaker, the 2016 Family and Children Division, which brought forward the law laid in 2015 by the Member for Siparia, the 2018 Criminal Division Law, and this Bill in clause 34, have exactly the same language, provision, concept equating a Deputy Permanent Secretary’s position to that of the Deputy Court Executive Administrator for the same contract period legislatively for five years, and today the Member for Siparia is surprised. Today the Member for Siparia is pouring scorn on the Government saying that this is going to be a breach of a Cabinet decision.

Well, Madam Speaker, let me remind the hon. Member, section 53 of

the Constitution says we, “...make laws for the peace, order and good government...”—of this country. Section 2 of the Constitution says, that it is “...the supreme law...” Legislation always trumps a Cabinet Note. Legislation is how we create provisions in the first place. Legislation gives you the authority to create an office. Legislation allows you to legislate whatever you wish, subject to proportionality and constitutionality, Madam Speaker, and I have proven without a scintilla of doubt by reference to the 2016 Family and Children Division, and the 2018 Criminal Division, that we have exact precedent passed already into law. But Madam Speaker, what goads me is the fact that the hon. Member, most respectfully, seems to have forgotten the tenure as the Prime Minister of this country.

Madam Speaker, the Court Executive Administrator, which is an office at the Court, was created by a Cabinet Note in 1998, Madam Speaker, in a government that the hon. Member sat in. In a government that the hon. Member for Siparia occupied the position for a while as the Attorney General of that government, Madam Speaker.

Mrs. Persad-Bissessar SC: Ten days.

Hon. F. Al Rawi SC: Madam Speaker, whether it is 10 days or not, the title was same there. That occupancy of the seat of Attorney General is what the hon. Member used to justify attaining silk as I have myself, Madam Speaker.

Hon. Members: [*Laughter and crosstalk*]

Hon. F. Al Rawi SC: After passing 600 laws and seven years as Attorney General, and passing through the Privy Council and all the laws up stood, Madam Speaker—

Hon. Members: [*Desk thumping*]

Hon. F. Al Rawi SC:—the hon. Member says today that she was a 10-day Attorney General. Her own words across the floor. Madam Speaker, the Cabinet Note that created the Executive Court Administrator, the Court Executive Administrator, came under the Panday Government. That executive position, the Court Executive Administrator, has always had the functionality of administering the Judiciary.

So today, the Member for Siparia forgets 1998, Cabinet decision, all the contract posts that happened in Judiciary's period 2010, May 2010 to September 2015. The hon. Member forgets the Family and Children Division laid in 2015 before the PP Government went out. The hon. Member forgets the 2016 Family and Children Division. The hon. Member forgets the Criminal Division Section 19. And then, the hon. Member comes today, perhaps because Naparima is no longer at her side to lend his assistance with the notes. But Madam Speaker, the hon. Member comes today and says, "Where does this contract position come from? It is unprecedented. They have no experience."

Now, Madam Speaker, let me put on the record this is framework legislation. What does that mean? It is a framework to allow certain other areas of the law to prosper and to assist. Madam Speaker, this law depends as clause 40 says, on the "Rules" of the "Supreme Court" coming to fill in the areas of the law. Framework legislation such as clause 34, which allows us to create the position of Deputy Court Administrator, allows us five-year contract periods, does not take away the role and functionality of the whole-of-government, where the Chief Personnel Officer and the PMCD Division of the Ministry of Public Administration look at the staffing

structures of all entities including the DPP.

3.30 p.m.

Madam Speaker, I can tell you, in what is referred to as Cabinet Notes that deal with administrative and job positions, in my tenure as AG, and in the current AG's tenure, we have already dealt with the positions and contract positions and how the management of positions are to be approved. The PMCD Division already went through that. The Chief Personnel Officer has already dealt with the Deputy Court executive administrator because they exist in the Family and Children Division. They exist in the Criminal Division.

So, Madam Speaker, one-half of the contribution coming from the Member for Siparia is completely decimated by the facts of the law, the *Hansard*, and the records of Trinidad and Tobago. And I am very disappointed that the hon. Member chose to stand on such a weak platform. Madam Speaker, let me deal with the allegation against the hon. Attorney General. The Member for Siparia in what appeared to be a substantive Motion against the Attorney General, asked if the Attorney General had a conflict of interest in mediation. The fact, and this is my own view, that a law refers to mediation in general, is no different, Madam Speaker, because it is a standing tool of the courts. Arbitration, mediation, and judicial conferences have existed in our law for years, Madam Speaker. They were brought alive by Greenslade, by *The Green Book*, by the rules of the Supreme Court, and by the new civil proceedings in movements in 2000.

Madam Speaker, if the hon. Member is correct, then every Member of Parliament must stand up in a budget debate and say, “I solemnly declare that I have a conflict of interest because we are talking about taxes and I pay taxes, and we are talking about NIS, so I declare conflict of interest because I pay NIS, and I declare a motor vehicle benefit because I...”—Madam Speaker, I am pointing you to what I consider to be the sheer insanity of the attack on the Attorney General. I do not subscribe to it. It is puerile, Madam Speaker, and it ought not to have been made, because the hon. Member knows better. So does the hon. Member not have an equal obligation to stand up and say, “I am a member of the inner Bar, I am an attorney-at-law, I can earn fees under this law, I declare a conflict of interest”? Madam Speaker, come on, it is just nonsensical. And I do not even think the hon. Attorney General should condescend to have to explain himself on a matter like that, Madam Speaker. I respectfully do not think so.

Madam Speaker, in framework legislation of this kind, we are repeating the formula that we began of plant and machinery, people, process and law, Madam Speaker. We did, historically speaking, the Family and Children Division, that was in 2016. We did the Criminal Division, that was 2018. In those Bills, I on behalf of the Government, said that we would be coming with the Civil Division. In 2020, the Cabinet confirmed the administrative restructuring. Madam Speaker, we introduced the Registrar of the court.

Madam Speaker, the hon. Member raised the issue of magistrates acting in this Act and the locus and position, and saying that magistrates correctly—the hon. Member made a submission that magistrates are

creatures of statute, but Madam Speaker, the hon. Member perhaps also forgot the Magistrates Protection (Amdt.) that we brought as a Government. And Madam Speaker, magistrates are still a feature of our law in the Summary Court jurisdiction. When they sit in the Criminal Division, they are district judges, Madam Speaker—in the Road Traffic Division. When they sit in the Family Division in the criminal side, the Children Court, they have a different nomenclature. But Madam Speaker, magistrates have existed as creatures of the petty civil law since the early 1900s and even in colonial times, back to the laws of the late 1800s, Madam Speaker. Back then, if you look to the ordinances, in the petty civil arena, lay magistrates sat, lay registrars sat, bailiffs, and justices of the peace.

So Madam Speaker, the judicial officer exercising discretion in the person of a magistrate has no new role or risk to be discovered, and certainly not the submissions coming from the member for Siparia. The issue of the impartiality of the magistrate, the jurisdiction of the magistrate, in particular, and the jurisdiction of the magistrate is vested in the law which the magistrate is called upon to exercise. In this Bill, and looking at the replacement of the Petty Civil Court Act and going to the small claims Act, the jurisdiction to act is set out in the law. What the magistrate has no jurisdiction over, the hon. Attorney General put it on record already. Things like libel and slander, et cetera. We were specific enough to even include in the court system as it relates to the summary jurisdiction, and as it relates to the puisne judges operating, that election petitions are still to be heard, lest they fall apart by way of implied repeal in the Representation of the People

Act, because election petitions are a critical feature where the appellate function of election petitions ends at the Court of Appeal in our jurisdiction.

And Madam Speaker, while I am on that point, the hon. Member, chastised the Prime Minister in the opening statements made by the hon. Member, for the bill of costs and the amount of taxation that is yet outstanding. And in response to her, very tersely, Madam Speaker, the Bills have been outstanding since 2015 and the sum is close to \$23 million. But every time the matters come up, they fire their lawyers, so we cannot continue with the matter—

Mr. Hosein: Madam Speaker—

Hon. F. Al-Rawi SC:—and I say no more.

Mr. Hosein: I rise on Standing Order 49. That is a sub judice matter. It is before the courts.

Madam Speaker: You are not saying anything more about it? I do not think what has been said so far has offended Standing Order 49. The Member has recognized and he says he will be moving on.

Hon. F. Al-Rawi SC: Thank you, Madam Speaker. One must answer answers to questions posed, so Madam Speaker, I reject that submission. The hon. Member also started by saying that the Attorney General must be honest, and there was no coincidence in coming here and referred to September 11th as the announcement, et cetera. Madam Speaker, this Bill came on the Order Paper in June of this year and the hon. Leader of the House gave notice that we intend on a date to be fixed, Madam Speaker, to

do the business that was urgent prior to the commencement of the budget, because all business must be suspended under the budget.

And Madam Speaker, why is this Bill important? It is important because we are at the point of delivery in significant reforms at the Civil Division, specifically by legislating what is already in existence in the Civil Division. Practically speaking, we are adding parity and comfort in law to office holders, to positions similar to the Family and Children Division, similar to the Criminal Division and Road Traffic Division. We are also dealing with two critically important areas of the law; that is small claims and that is estate administration, Madam Speaker. The data coming from the Judiciary in relation to both of these is that the areas of greatest concern for many people in this country concern both administration of estates and claims.

Madam Speaker, the hon. Member, constantly says about the call to people. As Minister of Rural Development and Local Government with the charge of local economic development in creating multiple areas for people to have business and commerce, claims that are under \$50,000 matter to people, Madam Speaker, and today, we are prescribing a pecuniary jurisdiction in the small claims court. We are saying to abolish the Petty Civil Court and abolish the petty civil rubric. Why? Because that rubric involves delay, expense and frustration. Under the petty civil arena as it stands, you have to get service of the documents by the court. You spend a year waiting for service, you have to then get a judicial officer, the claim may be small and a lawyer is involved, and the hon. Attorney General made reference to the cost of the candle being more than the funeral.

And Madam Speaker, what this law proposes, is that we move to what we introduced already; e-filing. Madam Speaker, when I was passing the amendments in 2016 to the law, to allow electronic filing, Members of the Opposition were violently opposed to it. Madam Speaker, when we pass the payments into and out of court legislation, the Members were violently in support of it. When we passed the laws in subsidiary form, the Civil Proceedings Rules, the Criminal Procedure Rules, and the family and children rules, Members of the Opposition went to court to challenge it, and they lost.

But Madam Speaker, what I am coming to here is that this formula for small claims to replace petty civil arena and for estate administration is now built upon the bedrock of the IT infrastructure that we have introduced, the manpower that we have introduced, and the improvements in the administration of justice. Because Madam Speaker, a small claim to someone where \$50,000 is more than 10 months of your salary, matters. And Madam Speaker, in reference to small claims, you will note that this law has a cure to the limit of, at first, \$15,000 in petty civil claims, then we moved it legislatively in 2015, to \$50,000. We have kept the \$50,000 limit but it allows for flexibility by rules of court. So, it can change.

Madam Speaker, it involves electronic filing and alternative service methods. It involves getting to a court from your laptop, from your phone, or from an electronic platform. It involves a hearing on a virtual platform, Madam Speaker. It does not involve you having to spend long lines in a court to hear your name called, only to hear it adjourned, Madam Speaker. The reference to mediation and judicial settlement in that regard is also of

equal importance because what that allows is a faster form of agreement or resolution on the dispute.

Madam Speaker, in that regard, you will recall that in 2018, 2019, and 2020, we introduced amendments to the law that operate with this. We increased the judicial age of retirement from 65 to 70. In the miscellaneous provisions in 2016 to 2017 and 2018 we increased the number of judges from 36 to 64 in the High Court. They work with this law. We increased the number of appeal judges from 12 to 15. We took the number of masters from two to over 34, Madam Speaker. And the hon. Member for Siparia comes today and says, “Well, the Government has passed a whole lot of law and not proclaimed it”. Madam Speaker, on that point, let me point out that the greatest effort and result in the changes and improvements to the administration of justice happened under this Government, beginning in 2015 to today’s date: in improving the manner in which you access the court, the number of divisions, the number of judges, the IT improvements, the virtual attendances, the electronic filings, the electronic payments and the E-Probate Registry. None of that happened under the Member for Siparia.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi SC: The only thing that happened under the Member for Siparia was the Administration of Justice (Indictable Proceedings) Act, proclamation of section 34.

Hon. Members: [*Desk thumping*]

Hon. F. Al-Rawi SC: That is the only thing. The only thing that was proclaimed of moment and measure was section 34. Free Ish, free Steve and run away. That was it.

Hon. Members: [*Desk thumping*]

3.45 p.m.

Hon. F. Al-Rawi SC: And, Madam Speaker, it therefore is incumbent upon us to remind the good citizens of this country that today, when the hon. Attorney General, in carrying out the work of the Government, is promoting, as an advocate, the work of this Government—I have told you the timeline. Since, 2020, we passed the division; 2021, I brought a Note to Cabinet. The FGP went to work. We had to iron out COVID. We had administration systems. The AG kept on the pedal. He advanced the work moving forward, baton having passed. Today, we come with this law. Why should people be denied small claims in an easier environment? Why should they be called “petty civil matters”?

You know, the jurisprudence and the learning behind the improvements to this law and the policy papers tell you, even the term “petty civil” is odious. Why is your \$10,000 petty and not big money? That is what the hon. Leader of the Opposition says, in saying that they have concerns and they will not support certain aspects.

Madam Speaker, in terms of the data coming at the registry for estates, there are three things rumoured, stated to be certain in life: Life, death and taxation.

Hon. Members: [*Laughter*]

Hon. F. Al Rawi SC: I am not the first person to say that. The last one is, of course, the method by which a community assembles itself under a social contract.

Hon. Member: [*Inaudible*]

Hon. F. Al Rawi SC: Could be.

Madam Speaker: Hon. Member, you have two minutes left of your ordinary speaking time. You are entitled to 15 more minutes extended time, if you wish.

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

Madam Speaker: Yes, please proceed.

Hon. F. Al Rawi SC: Yes, Madam Speaker. Taxation, unfortunately, is the method by which a community assembles its finances to be spent. But, Madam Speaker, everybody dies. The birth rate is about 17,000 people per year but, Madam Speaker, the death rate is coming close to that. We are an aging population with a declining population. But, Madam Speaker, a large estate is really anything over \$100,000 in essence, you know. If you look at medium, large and small estates, in a large estate, you have to certify that your value of your estate is over TT \$500. So unless you are a vagrant, your estate is over \$500—and maybe some vagrants have more—you need an attorney-at-law to handle a large estate.

Two-thirds of what is filed every year—roughly 2,500 matters are filed in the Probate Registry every year—two-thirds of that goes into backlog. You could only get through one-third. So that means you cannot pass the title to the car that your daddy owned, your mommy owned, and they wanted to leave you. The car title is still in a deceased person's name.

You cannot access the house to mortgage it, to pay for a medical, to send your child to school. You cannot access a bank account for a loved one. All of that is what is on the table today, Madam Speaker. When we treat with the law to come to the estate administration in the Bill put before us, Madam Speaker, it involves a practical approach. The hon. Leader of the Opposition asked: Why do you need people to administer? What is this court office about? Well, if you wake up, Siparia, you will find that we did it in the Criminal Division, the Family Division, we implemented it in the Civil Division, but we want to legislate it now. Because unless you can have administration of the law by management of the workflow, you will not get it.

Now, Madam Speaker, let me come to the concept of contract employment—because a lot was said about contract, and the Leader of the Opposition gave the example of saying, in her tenure as the Prime Minister of this country, positions at the Office of the Prime Minister were advertised. Yes, we know. The Member for Princes Town worked there. He applied, he got through. By some happenstance, he is now a Member for Princes Town. Progression, he did well, Madam Speaker, entering by way of application. Many people are in that circumstance. Not so fortunate, Member for Tabaquite, who also worked at the Office of the Prime Minister, now nearly out the door.

Madam Speaker, in this law, in the Bill before us, Madam Speaker, we are talking about contract positions mandatorily being required to satisfy the condition that they are acceptable to the Court Executive Administrator. What does that mean? The data shows that we are currently running the

Judiciary by way of Public Service Commission, by way of OJT and short-term contracts, with clerks that do not understand the law. Therefore, the enquiries at the Probate Registry are frustrating to the lives of people that cannot get the title passed to the car, or the house, or the bank account, and are in frustration, up and down to the court on a daily basis, Madam Speaker. So, what is wrong with the Judiciary replicating what was done in the Family and Children Division, the Criminal Division, in saying, “We want specialists”? What is wrong? Is that not a career path for people?

When I was passing the Criminal Division, and Family and Children Division, there was a protest outside the Hall of Justice, Watson Duke was leading it. They are going to have job cuts with the Criminal Division. Madam Speaker, 1,000 jobs were created. Is that what the Leader of the Opposition is opposed to, as we create more jobs in a specialist area today? Is that what the Leader of Opposition is trying to stir up today, Madam Speaker? Because if you look at the other areas of improvement in the law, you will see that it has happened in very good measure.

So, Madam Speaker, there is nothing odious about the contract positions. There is nothing sinister. You still have to advertise. There has to be a merit list. The jobs, in terms of their job descriptions, originate with the Judiciary, pass through the PMCD of Public Administration, go to the CPO for salary determination. But the Leader of the Opposition says, “The Minister of Finance didn’t get autonomy, they want autonomy.” Madam Speaker, this Bill is, in part, meeting that request for autonomy, autonomy to hire the right people to do the job for the people.

Madam Speaker, there was a time, borrowing the laws upon which this is drafted from, where the Magistrates' Court was run—as you see the term here, “Magistracy Registrar”, Madam Speaker, you remember for decades, the Clerk of the Peace was running the magistracy in breach of the Legal Profession Act because they were not qualified attorneys-at-law? They were granting bail. They were dealing with warrants. They were dealing with summonses. There was no court office in the registry. There was no Registrar of the Magistrates' Court. We introduced that, Madam Speaker. We introduced electronic filing.

Madam Speaker, I remember when the UNC in the Senate stood against me when we were piloting the Criminal Division in the Senate, which the parity provisions in section 19 of that law add up to clause 34 of this law, and we were talking about electronic appearances and virtual courts, and they said: “Nobody would ever go to court virtually. Is ah waste ah time. De whole profession go fall down.” Rubbish. The practice today is that most attorneys can go to court from their home, Madam Speaker. So all the drama, all the “jhanjat”, all the mayhem that they preach, Madam Speaker, is for naught.

Madam Speaker, there is no wonder that the Member for Siparia has left the Chamber because generally speaking, Madam Speaker, the submissions raised are poor.

Hon. Members: [*Desk thumping*]

Hon. F. Al Rawi SC: The preparation is lacking, the memory is no longer there, Madam Speaker. If that is the case, my recommendation, most respectfully, is just follow Naparima that way and move.

Mr. Deyalsingh: Leave her right there.

Hon. F. Al Rawi SC: Politically, we are extremely happy with the hon. Member being right there.

Mr. Deyalsingh: Leave her right there.

Hon. F. Al Rawi SC: But, Madam Speaker, if you are talking about progress, you cannot say “yes” to Criminal Division eventually. You cannot say “yes” to Family and Children Division. You cannot forget you laid the law in 2015, with the same clause. Oh gosh man, have a little shame, “nah”. I mean, we gave you an iPad, you could just pull it up. “Read de thing, nah”. “It eh hard tuh find” section 16 and section 31 and section 9, Madam Speaker, and section—it is not hard, Madam Speaker.

So, Madam Speaker, I reject the submissions coming from the Member for Siparia opposite. I condemn the personal attack on the hon. Attorney General. I thank the Office of the Attorney General and the Judiciary for bringing forward good law for us all to improve the lives of the citizens of this country, and I support this law 100 per cent. Thank you, Madam Speaker.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Barataria/San Juan.

Hon. Members: [*Desk thumping*]

Mr. Saddam Hosein (Barataria/San Juan): Thank you very much, Madam Speaker, and it is quite an onerous task to follow a senior counsel.

Hon. Members: [*Laughter*]

Mr. S. Hosein: Quite an onerous task. But, Madam Speaker, today is a day of coincidence.

Hon. Members: [*Laughter*]

Mr. S. Hosein: Today is a day of many coincidences. The Attorney General apparently piloted a Bill, coincidentally today, on the opening of the law term, when coincidentally, we knew about the opening of the law term last week, but this week, the Sitting was set for this Friday.

Then the Attorney General said something very special in his contribution, he said, well, he met this Bill there. Coincidentally, the Member for San Fernando West left that Bill for him there to bring today, because the Member for San Fernando West spoke about all of the things that the Member for Siparia forgot. “She forgot this and she forgot that.” When I listened to the Member for San Fernando West, I think he forgot he is not the AG, you know.

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

Mr. S. Hosein: I think he forgot he is not the Attorney General. And just to be clear, Madam Speaker, I know my friend recently got Silk, but a small estate is not \$100,000, it is \$4,800. So let us get the law right if we want to put facts on the record, Madam Speaker. Let us get the basics right, because if you cannot get the simple, small things right, how could you get the Bill right, Madam Speaker?

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: And I do not think it is a matter of memory.

Madam Speaker, today, we are here to engage in a very productive discussion on how we are going to improve our court system, in terms of the civil jurisdiction. Many Bills would have come through this Parliament with respect to improving the criminal justice system and now we are met with a

Bill here that deals with the other side of the Judiciary, which is the Civil Court jurisdiction.

Madam Speaker, when you listen to the Attorney General, or even the Member for San Fernando West, persons who are not attorneys will get the impression that there is nothing called a “Civil Division” in the High Court. Informally, Madam Speaker, there is a Civil Division. You have judges sitting in the Criminal Division, which was formerly the Assizes, and you also have judges sitting in the Civil Division. And matters are assigned to the Civil Division because of the rules of the court, which is called the Civil Proceedings Rules, which was consolidated in 2016, Madam Speaker. In order to initiate a civil action in this country, you have to file your action or your matter on various forms that are prescribed by the rules of court, be it a Form 1 or Form 2, a claim form or fixed date claim form, followed by a statement of case or an affidavit in the cases of a Form 2 if you are filing. Madam Speaker, different matters will have a prescription on how you are going to file and which form you use. So those are the nitty-gritty. So there is already, in Trinidad and Tobago, an informal Civil Division in the High Court.

Now, what the Bill is trying to do, is do a merger of bringing what we know as the Petty Civil Court, where that jurisdiction formally was exercised by a court of summary jurisdiction, be it a Magistrates’ Court, and now also compound on that, the probate and estate divisions under what we now call the Civil Division of the High Court. So we have Criminal Division, we have Civil Division, we have Family and Children Division, Madam Speaker. So we have all of those divisions. But when you have all

of these segregation of functions or the creation of what we might call “specialized courts”, Madam Speaker, it works towards efficiency, effectiveness and timeliness. Because when the Civil Proceedings Rules were introduced in Trinidad and Tobago, it was to deal with matters in two ways, expeditiously and justly, because justice cannot only be quick, but it must also be just, Madam Speaker. So at the end of the day, we want expedition, but we want fair hearings, and we have no issue with creating divisions of the High Court if that is going to give us a positive outcome at the end of the day.

The Member for San Fernando West spoke of the woes of the Probate Registry. All of us in this Chamber, Madam Speaker—I was called to the Bar, this will be my 10th year at the Bar.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: The Member for Arima, the Member for San Fernando West, the Member, probably, for Arouca/Maloney, Madam Speaker, may have experienced the same issues that I am experiencing as a young attorney with the Probate Registry. So, I am happy that we are now coming to modernize the Probate Registry because it augurs well on both sides of this Parliament once the Judiciary remains independent and remains effective, Madam Speaker.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: It augurs well. Be it whether you are in Opposition or in Government, the Judiciary is the paramount institution for the protection of our democracy of Trinidad and Tobago.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: It is the paramount institution, Madam Speaker.

4.00 p.m.

So, we have no issues or qualms with supporting a piece of legislation which at the end of the day will create effectiveness, efficiency and free access to justice. Nothing. We have no issue with that, Madam Speaker. But, what I have issue with, is what the Chief Justice would have raised this morning. The Member for Siparia spoke of it, the Member for San Fernando West, with respect to staffing.

Madam Speaker, I am informed that recently there was an appointment of judges in this country—I think about 2022, and those judges could not sit, simply because they did not have staff. You did not have a JSO, which is a judicial support officer; you did not have a JRC, which is a judicial research counsel; you did not have a judicial secretary; you did not have team, Madam Speaker. The Courts are now—each judge or judicial officer functions with a team. So when you go before a judge you will see team and whatever the name of that judge is, Madam Speaker. Because a judge cannot function on his or her own, Madam Speaker. That judge has to function in an environment with a lot of administrative assistance. Is the Bill going to do that, Madam Speaker?

We have seen that there is going to be an increase in the compliment of staff through these divisions, but we must also protect the staff that are going to be hired. They should not, as the Member for Siparia said, be at the mercy of anyone. Because an important point in the independence of the Judiciary, is security of tenure. That is why judges' salaries are a charge on the Consolidated Fund, so nobody, could harass judges. And we all know

the famous case of Rees against Crane. All of us know that case, that celebrated case, of Rees against Crane, Madam Speaker.

So, when I go into my debate now, Madam Speaker, I look into the context of what is the taking place, because everyone talks about the modernization of the Judiciary, about how well the Judiciary is doing, Madam Speaker, but coincidentally, of course, an article came out today in the Trinidad *Guardian*, and the article is entitled:

“Judge, attorneys unhappy with extended closure of Sando Court”.

Madam Speaker, we know the issues that are happening there. The Magistrate’s Court was unfit for occupation. That building was eventually demolished. You have the High Court also, because of the age of that building, has to undergo extensive renovation. We have the establishment of the Family and Children’s Court in Princes Town. Remarkably, Madam Speaker, I heard the Chief Justice say this morning that we may not have staff for that court and may have to eventually close down.

Hon. Member: “Yeah”.

Mr. Hosein: So, we are speaking about modernization, but we are not looking at the reality of the case. Because this Bill has to function in an infrastructure. It is not going to function out of thin air. There must be a backbone for this thing to be functional.

Madam Speaker, the article goes on to say—the Trinidad *Guardian* article, says:

“While today’s opening of the law term promises to be a grand affair, some legal professionals are raising concerns about the Justice

system's accountability and transparency, especially with the closure of the San Fernando Supreme Court for another year.

Court services in San Fernando continue to operate remotely or through scheduled in-person appointments at the Princes Town District Court, but only for criminal and family matters.”

Notice it is not civil matters. We are here dealing with civil matters, Madam Speaker. So, right now, half of this country, which is the south area, is cut off from physical—from a physical building in which courts have to function. And the article goes on, Madam Speaker, where an anonymous judicial officer was quoted, by saying and expressing issues, Madam Speaker, with—

“The High Court been shut down for two years...”—there have been—“no in-person civil hearings, yet we are having this big, swanky opening, without properly addressing the public's needs for justice...”

Madam Speaker, what it says, is this, that if persons live in the remote areas of Trinidad, for example Cedros, Point Fortin, they have to find themselves in Port of Spain International Waterfront Centre, for an in-person hearing or a trial. Is that fair, Madam Speaker? Is that ready access to justice in Trinidad and Tobago?

4.05 p.m.

We have a right to access the courts freely and without impediment. Is that really a reflection of where we want our Judiciary to be, Madam Speaker? And the Chief Justice said it; he said:

People say that the Judiciary gets a big budget, but it is really not

enough money. It is not enough money.

Clearly, it cannot be enough money that the Government was introducing because if this is the state of the court in San Fernando, Madam Speaker, which is about half of our population, it simply cannot be right.

You cannot be boasting about these virtual hearings and how well the Judiciary is doing when half of the country is cut off.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: Half of the country is cut off. Last time I remember, Madam Speaker, Trinidad and Tobago is a place where every creed and race has an equal place.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: So, these are some of the issues that we have identified based on matters on the public record, the physical infrastructure of the courts in Trinidad and Tobago.

Now, the Bill does several things, Madam Speaker, and I want to get to the heart of the Bill, and I will go through it based on how the Bill is set up in the various parts and divisions. Now, Madam Speaker, when you look at the clauses that deal with the establishment of the Civil Division, the Civil Division of the Judiciary comprises the Civil Court, the Small Claims Court and the Estates Administration Office. In the Civil Court at clause 5, Madam Speaker, it speaks about the High Court.

Long ago the High Court could have been criminal and civil, so now there is the distinction with the divisions being exercisable by the Civil Court. Civil Court is defined as “High Court” in the definition section of the Bill. But what it says is this, Madam Speaker, and I ask the Attorney

General if he can just provide clarification when he winds up, where clause 6 says this; it says:

“Notwithstanding section 5, on the commencement of this Act, the Civil Court shall have the power to hear election petitions.”

Now, I was, myself, involved in a recent election petition, Madam Speaker. We never had an issue with jurisdiction per se, because when you look at the Representation of the People Act, which is defined here in terms of the Civil Court and the election petitions, at section 129 of the Act it says:

“Subject to this Part and of the Rules made thereunder, the principles, practice and rules on which committees of the House of Commons of the Parliament of the United Kingdom used to act in dealing with election petitions shall be observed, so far as may be, by the High Court in the case of representation petitions questioning elections or returns.”

And then when you look at the Elections Proceedings Rules that are made under the Representation of the People Act, it says this at Rule 4:

“Subject to the provisions of the Act and these Rules, the practice and procedure of the High Court, including the rules relating to the discovery and inspection of documents and the delivery of interrogatories, shall apply to a petition or reference under these Rules as if it were an ordinary civil action within its jurisdiction.”

So why is it necessary to have this amendment with respect to the election petition? I do not think there is an issue with respect to jurisdiction, and I think, the Member for San Fernando West—

Mrs. Persad-Bissessar SC: Elections are due.

Mr. S. Hosein:—election is due. The Member for San Fernando West expressed that it may have some implied repeal, but I think he was just fluffing and telling people he knows what is implied repeal, but he really did not go on to explain what it means, Madam Speaker. But I do not think it might be necessary because there has not been an issue with jurisdiction.

The election proceedings rules are clear that it is a civil action within the High Court. It is a civil action.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: It is very clear, Madam Speaker, very, very clear with respect to how these election petitions are conducted. When the court sits in elections petition, it is not that they are sitting only as a Civil Court, but it is called an election court. When you look at the cases in various jurisdictions, it is called an election court, because the history of these matters are that you are questioning the return of an elected Member in some instances.

So what happened is that the Parliament in England used to be the sitting court determining elections petition, but in order to move away from the biasness and the political oversight over these matters, it was vested within the Judiciary because they thought that might be the more independent institution to impartially decide on these matters. So the court sits as an election petition court, but I do not know if this particular amendment may be necessary. I ask the Attorney General to clarify that particular matter. While I am on this smaller matter, Attorney General, there is a typographical error in one of your clauses at page 7, subsection (e), so that may have to be sorted out in the committee stage.

Madam Speaker, I go on now to deal with the Civil Division, in

particular the High Court. The High Court of Justice operates in various levels. You have a civil High Court judge; when a matter is filed, it is docketed before a judge. The judge will deal with at least two things in the matter. Let us assume—let us use an example, it is a negligence claim; the cause of action is a negligence. There are two various matters that have to be decided. You have the liability aspect that has to be decided and then you have the damages.

A court may rule on liability and then send the matter before a Master to be assessed for the damages. Madam Speaker, I am being informed, and I do not know if any of my colleagues on the opposite side may be able to provide some clarity, but I am being informed that there is only one Master of the Civil Court—one Master of the Civil Court. I do not know if that is true, but we have several matters in the criminal court, but I am informed that there is only one Master of the Civil Court. And then further from that, Madam Speaker, which is a conversation that the Member for San Fernando West wanted to get into, is that after the matter is decided on liability damages, you have the issue of cost, which may be referred to a Registrar to determine the issues of cost.

So I assume that all of those matters will be encompassed within section 4 of the Bill under what we call the Civil Court which is defined as the High Court, because all of those persons within those judicial offices exercise powers of a High Court. Madam Speaker, when—

Mrs. Persad-Bissessar SC: *[Inaudible]*

Mr. S. Hosein: And they are not expressly mentioned here. The Registrar is not expressly mentioned, but the civil Masters, they have been provided

for, and the Registrar is not going to be provided for in terms of the issue of cost. But I believe that can be a matter that we may be able to adjust with respect to if we have to do any necessary amendments to the rules of court, be it the Civil Proceedings Rules.

Now, we look at what is taking place there and, Madam Speaker, the Attorney General, when you are piloting Bills like these, it is incumbent when you are going to prove to the nation why you want to do something, you must have evidence and statistics. Madam Speaker, you know we did not get an iota, one piece, one statistic from the Attorney General on what we are working with or what we are trying to fix. Now, I do my research, Madam Speaker, and I try to get the most recent annual report coming out of the Judiciary, Madam Speaker, would you know that when we emailed the Judiciary's library, the last report that we are being told is the year 2020 to 2021. So these are the statistics I am working with and these are the statistics that would have existed at a time of the pandemic, being the year 2020 to 2021.

I want to give, Madam Speaker, some indication of where we are and what we are working with, with respect to the High Court, and some of the matters that are being filed, Madam Speaker. In terms of the Civil Division, Madam Speaker, in the Civil Division we are looking at—for example, I will give, in terms of the caseload and the average of the five-year, what is indicated in this report. So in the year 2020 to 2021, there have been a number of matters filed, 4,312; the number of matters determined, 3,025, which gives a clearance rate of about 70 per cent. The 2019 to 2020 year, around 4,086 matters filed; 3,009 matters filed; 74 per cent clearance rate.

And to be fair to those High Court judges, Madam Speaker, they are very hard-working judicial officers we have in Trinidad and Tobago, very hard-working.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: They exercise their functions with pride, Madam Speaker, and diligence and impartially, and I must commend our hard-working judicial officers in Trinidad and Tobago, but we must give them the administrative support in order to execute the administration of justice in Trinidad and Tobago.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: That is what we have to do, and I place that blame at the feet of the Attorney General and the Government simply because the Chief Justice has called for financial autonomy and they have failed to deliver on that promise.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: So, Madam Speaker, at the end of the law term, 2020 to 2021, there have been 4,312 matters filed for that particular year in the civil High Court jurisdiction. The Chief Justice, if I am not mistaken, gave numbers for January to June this year, and the number of matters that were filed—determined—sorry—were 3,012. So we seem to be doing very well, okay, with respect to the High Court civil jurisdiction, Madam Speaker.

Let us go on to what the Government is now proposing with respect to the Petty Civil Court, and this is where the matter gets a bit messy, Madam Speaker, with respect to where we are going with the Petty Civil Court and where we are going to the probate issues. Now, Petty Civil Court, let us get

to that. Current law: someone owes me money, I have a breach of contract claim; I have a negligence claim but the claim only amounts to under \$50,000, I cannot access the High Court. I have to go to the Magistrates' Court and file a petty civil claim. There are two forms, you have the ordinary summons and you have the default summons that you have to file, accompanied by particulars.

So let us look at a practical example, small business. Someone owes the small business \$10,000, the small business is dependent on his bills or their bills being paid in order for them to function, hire staff; \$10,000 I am owed, go to a lawyer; you have to pay a consultation fee. You have to pay the lawyer to draft the summons. You have to pay the lawyer to draft the particulars. You have to pay the lawyer to go to court and appear, Madam Speaker, and then when you go to court, you know what happens, the bailiff comes and says, "Well, we cyah find the defendant". You know what happens, matter adjourned. You adjourned for six months, eight months, sometimes a year, go back; "Matter served? No. Okay, we have to renew the summons and we have to look for the person again".

So this person, about a year now, is out of pocket with this \$10,000. You cannot find the defendant. You are paying court appearances, paying court appearances, when your matter may be finally determined, Madam Speaker, "you owing de lawyer more than what de man owe you, you know".

Mrs. Persad-Bissessar SC: That is right. [*Inaudible*]

Mr. S. Hosein: And that is the reality of what we are dealing with. And that is our suggestion on this side of the House, Madam Speaker. It is

simply this, you make the Petty Civil Court extremely accessible to litigants in person without the need for attorneys-at-law, make it easy for them.

If someone owes you a \$5,000, a \$10,000, a \$15,000, make it easier for that person to go before a judicial officer—

Hon. Members: [*Desk thumping*]

Mr. S. Hosein:—a lay assessor so they do not have to pay all this legal fees. I want to propose something to the Government, Madam Speaker, we are now establishing online everything, filing, appearances, why can we not have online forms for these litigants to fill out, drop-down menus, ease, user friendly so that they can file their claim? “What is your name? Saddam Hosein. What is your claim? Contract or negligence. Who owe you? X, Y and Z. How much they owe you? This. Why they owe you this?”, simple forms.

Mr. Indarsingh: Ten years now they—[*Inaudible*]

Mr. S. Hosein: And you do not need judicial officers to decide these petty—what we call petty civil court or small claims matters, there are lay assessors.

When we were in Government, Madam Speaker, there was a concerted move towards mediation and alternative dispute resolution. These are things that can rest in the Ministry of Sport and Community Development with having community mediation—

Hon. Members: [*Desk thumping*]

Mr. S. Hosein:—and by doing that, Madam Speaker, what you do is you ease up the caseload of the Judiciary, you create employment for persons within the community, Madam Speaker, and you have persons being able to

access justice freely without the need for an attorney-at-law. That is something we have to look at, Madam Speaker, because what this Bill is proposing is window dressing, you know. It is the same magistrate who is going to deal with the petty civil matter, he is now being called a small claims judge, but it is the same magistrate. We have not seen the draft rules of the court so we do not know what is the filing method. We do not know what is the service method. We do not know those things because that will come after, but, Madam Speaker, we are proposing, “make this thing easy for the ordinary person”.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: Make it easy for them, Madam Speaker, make it easy.

Mr. Indarsingh: [*Inaudible*]

Mr. S. Hosein: Look, I have a paper in my hand, Discussion Paper on the Petty Civil Court of the Judiciary of Trinidad and Tobago, a case for the establishment of Small Claims Courts, December, 2020. And in this paper, Madam Speaker, they quoted from the Gurley report, which is the Dennis Gurley report on the small claims, and it quoted this; it says:

“This Court should not be a Court of record...”

Let us start there. It then says:

“...pleadings should be informal and kept to a minimum...”

Pleadings are the facts of your case, what your attorney will put before the judge with your evidence.

“...legal representation should be discouraged, no legal costs should be allowed and there should be no right of appeal except with leave of a Judge of the High Court on a point of law.”

4.20 p.m.

And I want to get to this point of appeal, Madam Speaker, because this is an interesting point. When you look within the Bill, it gives an appeal as of right, meaning you do not have to seek leave. If you are dissatisfied with what the small claims judge says, you know where you are going, Madam Speaker? All the way up to the Court of Appeal. You know what is the panel there, Madam Speaker? Three senior judges of the Judiciary. You are going to give three senior judges of the judiciary a matter to determine, that deals with \$5,000, when you might have a matter dealing with the constitutionality of the TTRA. Is this a proper allocation of resources? Is this a proper allocation of resources? If we use the lay assessor method or even if you want to stick with the small claims judge, do you necessarily need to go to the Court of Appeal?

I have a decision, it is called *Zachary De Silva (Appellant) v Licensing Authority of Trinidad and Tobago and another (Respondents) (Trinidad and Tobago)*, it is a Privy Council decision, Madam Speaker. And in this Privy Council decision, this dealt with the demerit points. There was a point, what is the proper forum for an appeal where you get demerit points and your licence is being suspended. Justice Seepersad said, based on the law, it was drafted very, very vague. On Justice Seepersad's interpretation, he said the proper forum would be the Court of Appeal, not the High Court. The State was saying that it is the High Court—sorry—Justice Seepersad—yes—said it is the Court of Appeal and not the High Court. When the matter went to the Court of Appeal, the three-judge panel judgment, delivered by Boodoosingh, Justice of Appeal, indicated, Madam

Speaker, that the proper forum is the Court of Appeal.

When the matter eventually reached to the Privy Council, the Privy Council also decided, it is the Court of Appeal. But the Court of Appeal said this in the judgment. It said, while the judges did not touch with the resources of the High Court and the Court of Appeal to deal with these matters, they said, indirectly, is it really necessary for a matter dealing with the suspension of a licence to go to the Court of Appeal if the Transport Commissioner decides to suspend the licence? Is it really necessary to send the matter all the way up there? Because, Madam Speaker, if the claim is for \$10,000 or \$5,000, “yuh getting back no money if yuh go upstairs” to the Court of Appeal because you have to hire an attorney-at-law to file your record up there; argue your matter, Madam Speaker.

Hon. Member: In the Court of Appeal?

Mr. S. Hosein: In the Court of Appeal. So that bill will run very high, Madam Speaker, that bill will run extremely high. I know my colleagues on the other side, they pay very senior, eminent lawyers big fees Madam Speaker, to go to the Court of Appeal. So could you imagine what the ordinary man will have to pay on the street, if they have a Small Claims Court judgement that they do not agree with, and they want to appeal that particular matter? So really, we have to think about this practically for the ordinary man because this piece of legislation, while it is a legal Bill, we have to look at the environment we work in. This will deal with the small man and the small business and you want to ensure their survival but at the same time, you want to ensure that they get justice.

Hon. Member: Context.

Mr. S. Hosein: You have to look at the context of Trinidad and Tobago, Madam Speaker, when you are dealing with these legislations and I ask the Government, rethink this model with respect to the small claims court.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: Because, Madam Speaker, it is really the identical—

Madam Speaker: Member for Barataria/San Juan.

Mr. S. Hosein: Yes, Madam Speaker

Madam Speaker: You have one more minute of ordinary time left.

Mr. S. Hosein: Yes.

Madam Speaker: You are entitled to 15 more minutes extended time if you wish.

Mr. Hosein: Madam Speaker, today I will have to take that 15 minutes.

Hon. Members: [*Desk thumping*]

Madam Speaker: Please proceed.

Mr. S. Hosein: Madam Speaker, with respect to the rules of evidence and the rigid rules of procedure that exist, the Government, in their wisdom, need to relax those rigid rules of evidence and procedure in the small claims court if you are going to encourage litigants in person. We know how easy it is if someone does not plead properly, that that claim could be struck out. Negligence; you have to prove that there is a duty of care; there is a breach of that duty; damages resulted because of the breach, and the damages must not be too remote of the breach. You miss one step, Madam Speaker, we know what happens; claim out the window, because you have to prove those elements with respect to a cause of action.

But when you have a more relaxed court, you might be able to

encourage persons to go to that court. For example, the Industrial Court. Before you reach the Industrial Court, the matter is dealt with in the Ministry of Labour in the conciliation division. If you do not settle the matter at that stage, you go to the Industrial Court, and before the matter reaches the Court per se, you go through another level of conciliation because it encourages proper mediation before you reach to the Court because you do not want to usurp precious judicial time. And that is the point that we have to look at, whether or not we really want these small claims to go to a court and use up judicial time or whether or not we can look at another model to make it accessible and affordable for persons who may have causes of action or their rights being breached, Madam Speaker.

Mrs. Persad-Bissessar SC: New Zealand.

Hon. Member: New Zealand.

Mr. S. Hosein: New Zealand also, Madam Speaker. In my research, New Zealand has a similar model. Singapore has a relaxed model, Madam Speaker. I believe Kenya also has a relaxed model with respect to these courts, very, very easy with respect to these matters.

My friend from San Fernando West raised the Magistrates Protection Act because the magistrates are sitting as the small claims judge. Before, Madam Speaker, if a magistrate made an error, there was a personal action against the magistrate. We amended that, I believe, in 2018, when I was in the other place. I remember that debate. I told the then Attorney General, the Member for San Fernando West, I said, why do you not give the magistrates full immunity? Because they gave them something called functional immunity, whereas judges, they have what we could call

“absolute immunity”, basically, Madam Speaker, loosely speaking. The Government chose not to go as far as giving them the same immunity as judges and we should have given and protected the magistrates also in this country, Madam Speaker, with the same level of immunity as that of the Judges.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: In the Bill, Madam Speaker, the masters are given a similar immunity to that of a puisne judge, which is a High Court judge in the Judiciary. Madam Speaker, I want to just leave these simple suggestions and matters with respect to the small claims court, AKA, window dressing petty civil court, Madam Speaker.

Madam Speaker, I want to look at the Probate Registry. With respect to the Probate Registry, you might be alarmed, because, Madam Speaker, I go back to the 2021 Annual Report of the Judiciary, it says, Madam Speaker, matters pending in the Probate Registry the matters are—there is:

“...a total of 10,507 non-contentious probate matters remained pending as at July 31st, 2021...”

Hon. Member: Wow.

Mr. S. Hosein: Black and white, Annual Report of the Judiciary. Further research revealed, Madam Speaker, there is an article in the *Trinidad Guardian* dated, the 28th of January, 2024:

“Probate backlog causing distress”

—and the Guardian Media filed an FOIA and asked the Judiciary for numbers as at October 2023. The number of pending matters, Madam Speaker, went up to 14,915. The article goes on to say, Madam Speaker,

they used:

“Between August 1, 2020, to July 31, 2023, 7,690 probate matters were completed. With 7,690 probate matters completed in 1,095 days between August 1, 2020, and July 31, 2023, it works out to around seven...matters being completed a day.

Using this rate of seven completed matters a day, it is estimated that the 14,915 pending matters will take 5.8 years to complete...”

Hon. Member: Wow

Mr. S. Hosein: So we have a problem. How do we fix the problem? Hiring more staff? Maybe. Hiring specialized staff? Maybe, Madam Speaker. But as we said earlier on, give them the security of tenure.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: Give them the security of tenure. And you know what takes a while, Madam Speaker? It is this, the Member for San Fernando West is right, these matters tie up transactions. If you are going to do a deed you have to make sure you have this probate application, your grant of probate, because what happens is that you cannot convey, unless you go before a judge and explain, you might be able to get a different type of grant but that becomes contentious, Madam Speaker. Letters of administration, it takes very long.

And then there are simple, simple queries, Madam Speaker. When you get a simple query, you forgot what the deceased was employed as, let us just assume, right? You have to put what their last employment was. If you forget that, Madam Speaker, “yuh know wah is the process”? The Registrar has to compile a query notice, they have to email the query notice

to the lawyer, the lawyer has to call the client, sign an affidavit, let it go by a commissioner to get commissioned, file back that query notice in the Probate Registry. Madam Speaker, that one query, to answer, will take about six to eight further months, pushing your application down the road. “Da’is the reality of what we dealing with here” you know, Madam Speaker. That is the practical reality of what we are dealing with here today. So maybe the outdated Wills and Probate Act that we have, maybe the Government can look at it. Maybe let us look at that to see if we can probably try to adjust the forms. Maybe we could look at that to try to adjust the procedure. Maybe we could look at that, Madam Speaker, to try to speed it up because “I doh think this Bill alone could do it”. We have to look at the principal primary legislation that has been passed for decades in this country, Madam Speaker.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: We have to modernize the Wills and Probate Act also because the Probate Registry is confined by the four walls of the Wills and Probate Act, the Administration of Estates Act, the partially proclaimed Succession Act; we are confined by that. “Dey cah go out of dat.” So you could hire 10,000 people in the Probate Registry, but if you are tied up with an archaic procedure, what happens? “Yuh hands tied”, Madam Speaker. Your hands are tied. So those are matters, that we have to understand what the reality of is, in Trinidad and Tobago.

And then a next thing, you have to pay will duties in this country. You have to go to one institution to pay wills duty and then you have to go and file in the Probate Registry in the Hall of Justice. Why can we not

streamline all of these things? When you are registering a deed, you have to carry the deed, firstly, by the Board of Inland Revenue, to get assessed for stamp duty. Then your clerk has to go back, pick up the deed, carry it back by the lawyer office, tell the client what is the stamp duty payable, get your certified cheque, go back to the stamp duty, get it stamped. From there, they moved that to the Office of the Attorney General and Ministry of Legal Affairs, get it registered, wait for six to eight weeks to get back your certified copy. So, you are going to about two or three places to get one deed registered. Why can we not sit down in the office, pay these things online, Madam Speaker, streamline the processes; make it easier for the people of Trinidad and Tobago, Madam Speaker?

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: But, Madam Speaker, I have this to say. I have this to say, the Member for San Fernando West says it is coming soon, Madam Speaker, what I want to tell him, it will be coming soon with a UNC Government.

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

Mr. S. Hosein: That is when it will be coming soon. We have the ideas and the competency on this side, Madam Speaker.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: We have the ideas. We understand the issues because we are in the trenches every day.

Hon. Member: Yeah

Mr. S. Hosein: We understand what people are facing, Madam Speaker. Because this Bill, when I read it for the first time, I realized that the drafters

are not in touch with reality, Madam Speaker.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: “Dey not in touch, dey not in touch.” These are some suggestions, Madam Speaker, that we have put to the Government. We hope they will listen; let us modernize, let us use technology. We live in a virtual environment but at the same time, there were judges who were expressing concerns that you must have court sittings in public, so an ordinary man or woman in the street can walk into a courtroom and listen to any matter, once it is an open court matter, Madam Speaker.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein: When I was a law student, Madam Speaker, part of the exercise in trial advocacy was that we had to go to courts. We had to do a certain number of Magistrates’ Court visits, Court of Appeal and High Court visits. Students who have graduated since these virtual court hearings, Madam Speaker, have been deprived of that experience to go in court.

[MR. DEPUTY SPEAKER *in the Chair*]

We are a fraternity. It feels nice to go to court and sit down next to a colleague. You learn while you are hearing other matters being heard, Mr. Deputy Speaker. These are some of the experiences that we are asking the Government to look at. Let us also, at the same time, while we have the advantages of virtual court, we must also establish or re-establish in-person court by giving the Judiciary buildings; physical infrastructure.

Hon. Members: [*Desk thumping*]

Mr. S. Hosein:—physical infrastructure. And I want to ask, Mr. Deputy

speaker, whether or not the other associations that deal with the fraternity have been consulted, be it the Law Association of Trinidad and Tobago, be it the Assembly of Southern Lawyers, the Tobago Lawyers Association—I believe there is an Eastern Lawyers Association now, Mr. Deputy Speaker. What was the extent of these consultations? Is it that you have notes that you can share with us, with some of the concerns? Maybe you can share your notes with us, Mr. Attorney General. Mr. Deputy Speaker, we on this side have understood the issues, as I have said earlier on. We are ready, Mr. Deputy Speaker. We have the ideas. We have the people. All we are waiting on, Mr. Deputy Speaker, is the election date. I thank you very much.

Hon. Members: [*Desk thumping*]

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

Hon. Members: [*Desk thumping*]

Minister in the Ministry of National Security (Hon. Keith Scotland SC): Mr. Deputy Speaker, the hon. Member for Barataria/San Juan did not read the book *Waiting on Godot*. You continue to wait for the election date, Sir. What I will say though, is that that contribution coming from the hon. Member, it elides all reality and it is bereft of any substance. Mr. Deputy Speaker, it does not even sound attractive, here is why. The hon. Member has suggested that you have an informal court to deal with claims below \$50,000 and not a court of record.

4.35 p.m.

So it is not a court of record, Mr. Deputy Speaker, and it is done by

laypersons. What do you do? So file your claim on your own, you bring your claim for \$35,000, you wait eight months to have it deliberated upon and you get a judgment outside of a court of record. The person was not paying you in the first place, that is why you have to bring the matter to court. How do you enforce your \$35,000 judgment that you have just attained if it is not a court record? That is the analysis that the contribution from the hon. Member cannot sustain. A court of record gives the court the ability to make an order that is enforceable after you have gotten a judgment from the court, and that is where the hon. Member for Barataria/San Juan falls down in the first instance.

The next issue raised is that as it relates to infrastructure. Mr. Deputy Speaker, now you have in Trinidad and Tobago, where the NIPDEC House used to be, that is the infrastructure of the Family Court. Family matters can be dealt with, with respect, with confidentiality, in an environment where there is a playroom for children, where you can have your matters called and have it dealt with, with dignity. That is the Family Court. That is the building.

You have next door, Mr. Deputy Speaker, where, just a couple of years ago, you will be going from courtroom A to B, one may be civil, one may be criminal, that Hall of Justice is now exclusively on the first floor, allocated for criminal trials. You have O'Meara, you have Princes Town and, Mr. Deputy Speaker, if you have a civil matter and criminal matter, apart from being able to do it online, you go down to Tower D, which is opposite to the Hyatt. I know some Members—not you, Couva North—would know about, opposite to the Hyatt building, Tower D down at the

waterfront. And there are eight floors, with about three courtrooms per floor, exclusively dedicated to the hearing and determination of civil matters. That is the allocation of resources the PNM's way.

Hon. Members: [*Desk thumping*]

Hon. K. Scotland SC: The issue as it relates to contract labour—I am disappointed in Couva South. You must know, Mr. Deputy Speaker, now that the world is going in a hybrid manner. There are some persons who may be on the establishment and hired in a certain way, but employers and employees are now contracting and it is called “contract employment”, and that is by no means a novel development. But just in case—because I see the typical Opposition methodology of fearmongering—the Privy Council has spoken about contracts, or employees, or workers who are out with the general system of government or public officers.

Mr. Deputy Speaker, I refer you, respectfully, to the decision delivered on the 16th of September, 2024, of *Terrisa Dhoray v The Attorney General of Trinidad and Tobago* and the pronouncement of the Privy Council on none public officers performing public functions, and this is what the Privy Council had to say:

There are no expressed provisions of the Constitution which require that core government functions are only performed or delivered by public officers covered by chapter 9.

That is the clear pronouncement of the Privy Council, and it goes on to give the rationale. This is what the Privy Council had to say for those who are listening:

“...there must be adequate and effective safeguards to ensure that

there is in fact independence and sufficient protection for employees from political interference by the executive.”

When a contract is signed between an employee and an employer, there is the concept of terms and conditions that are negotiated bilaterally. The terms are negotiated bilaterally, Mr. Deputy Speaker. The conditions are unilaterally imposed because that is within the exclusive remit of the employer or the manager. But the bilateral terms can be, and always are negotiated with, between the employer and the potential employee. Where is the danger there? There is none.

Then the hon. Member for Barataria/San Juan made a hue and cry about the inclusion of the election petition court, but he did say he did not do a lot of election petitions and his submission manifested that. I will commend him to read the case—hon. Attorney General, you were involved—*Jacqui Quinn-Leandro v Dean Jonas* in the Court of Appeal. In that case, the Court of Appeal of the Eastern Caribbean States had this to say about election petitions. They require strict rules and strict compliances, and one slip-up can void an entire claim.

So for the avoidance of doubt, clause 6 says when it comes to the election petitions, the Civil Court still retains all the powers that they have and there is a reason for it, because when you have an election petition and you reach the Court of Appeal, your decision at the Court of Appeal is final. So to avoid any slip-ups, where you miss your timeline of filing within a certain time, putting in your reconnaissance for the petition, all of that, it is strict compliance; strict compliance, Mr. Deputy Speaker. So in order to avoid any slip-up and any mishap for such an important aspect of our

jurisprudence, we have put it in the rules, in the proposed legislation so that it is pellucidly clear that election petitions remain under the old civil rules. That is all it is.

And just for further edification for the hon. Member for Barataria/San Juan, he needs to read the case of *Chaitan v Khan and Peters v Khan*. Particularly, I refer him to paragraph 50, a decision of Justice Archie, as he then was, where he says that these petitions are *sui generis*, they have a life of their own, and that is why this piece of legislation—hon. Attorney General, well done. You have singled it out to make sure that those who are coming here after would know that in election petitions, the old rules apply and you must have strict compliance because if you do not, your petition may be void from the very outset. That is all we have to done here. We have protected them for themselves because they like to file an election petition after they lose the election. That is it. So we move on.

Having listened, again, to the hon. Member for Barataria/San Juan, he made a suggestion that the civil—the new rules that will replace the Petty Civil Court, and it is now the Small Claims Court, need some adjustments, it needs to be more user-friendly, it needs to be for the small man. That is why we have adjusted it. And do you know what I found, Mr. Deputy Speaker? He really did not read the legislation. Let me carefully take you through, what I consider, the improved aspects of the petty civil rules, which will now be—or the Petty Civil Courts Act, which will now be defunct.

If you turn to clause 5 of the Bill, it establishes the court and when you look at the composition, you would see, Mr. Deputy Speaker, that the small claims court will have the jurisdiction to hear and determine claims

and it would be under \$50,000. But what happens, Mr. Deputy Speaker—what the hon. Member who spoke before has suggested is that, you leave it where laypersons file. What will happen, Mr. Deputy Speaker, if someone wants to raise an issue of statute-barred, an issue of laches, an issue of part payment, an issue of bona fide, there is an issue of fraud, these are things that only lawyers may understand fully, and that is why we have left it like that because it does not take away the right from an individual. This legislation—unless I have read it completely wrong—does not take away the right of a person to represent themselves in the Petty Civil Court. What it does is that it makes it simpler and it makes it easier for them, by themselves or with an attorney-of-law, to have their matter heard in a timely fashion.

But more importantly, Mr. Deputy Speaker, what the hon. Member failed to point out is this. In determining the petty civil claim, if a matter is brought erroneously, the court has the power to inform the claimant that, “Look, you have exceeded the amount that this court is allowed to determine. You can abandon a part of your claim that exceeds the jurisdiction and continue with the part that this falls within, or you can amend.” The court may refer the matter to the civil court for assessment and enforcement, the court may enter a consent order. All of that represents the powers of the court. And this is the most important part:

“25(1) The Small Claims Court may refer a small claims matter to mediation and the mediation shall be conducted in accordance with Rules of Court.”

What does that mean? It means, Mr. Deputy Speaker, that exactly the fear expressed wrongly, in my view, by the hon. Member is dealt with. If it is a

matter that cries out for mediation, the court is entitled under section 23(1) to report it. And thereafter, Mr. Deputy Speaker, if the mediation is unsuccessful, there are strict timelines to bring the matter to a trial. That is where this Bill, it speeds up the process and it allows litigants to have their matters determined in a more timeous manner.

What does that mean for business people? A business owed five rounds of \$35,000—that is a lot of money, it adds up. You are now allowed to approach the small claims court because what you will say is, “Look, I am owed X amount by these persons,” and have your matter determined in a very quick manner, as opposed to having the system now where an errant partner—former business partner may avoid service of the document, so that will take you a year. When it is served, he retains an attorney, tries to get himself—you know, that will take you another six months. Then you will have to put in your witness—well, no, you then have to file your defence, then put in your witness statement, then set a date—well, there will be discovery. That process takes so long, Mr. Deputy Speaker, that it means that the system as it exists now is not working properly for these small claims under \$50,000, and that is why this amendment suggests the speeding up.

What does it do? It increases judicial efficiency and this is because you have specialized courts, and the concept—what the hon. Member forgot to say, Mr. Deputy Speaker, is that this legislation mandates specialized training. So you will have magistrates who would be trained in this area, and would be experts in the area, and would know how to deal with these matters more efficiently.

4.50 p.m.

It will improve access to justice because the creation of the Small Claims Court will simplify the process for citizens, who will now be able to pursue claims under \$50,000. And they may have more legal recourse, and it will be less costly. There was a submission made by someone who purported to be a representative of the small man. Hear what the submission was: “Well, why would you take a \$5,000 claim to the Court of Appeal because the Court of Appeal has to deal with matters such as *Dhoray v Attorney General*, et cetera.” Is that really somebody—\$5,000 to a small man is a lot of money, you know, but it is not a lot if you are “tiefing, eh”. But \$5,000 is a lot. So the person—sorry, Mr. Deputy Speaker—

Mr. Deputy Speaker: Member, again, I am sure you could use a better word. You could use a better word.

Hon. K. Scotland SC: If you are not frugal with the public purse, when you are in power, which you will not be in for a long while, \$5,000 is not a much amount of money, you could say something like that. But, Mr. Deputy Speaker, the person, the small man, who has a claim for \$5,000, must have the same access to justice as the person who has a claim to \$5 million. That is the point that I am making. But they purport to—just lip service, you know. But sometimes they slip. They purport to represent the small man, while espousing what is truly in their hearts.

So what we are saying with this amendment is we will also continue to use improved use of technology and also the enhancing of specialization. Mr. Deputy Speaker, I want to go directly, and I do not intend to be long, to the Civil Court and Estates Administration Office. Mr. Deputy Speaker,

how many of us have had estates where a loved one dies and he dies leaving one family member, and by the time the estate is finally proved, the family has grown tenfold because over 10 years have elapsed. What the hon. Attorney General and this Government are trying to do is speed up one of the most important aspects of legal endeavour in Trinidad and Tobago, which is the administration of estates.

I heard a submission that we have to amend the parent legislation. Do you know why that legislation is so strict, Mr. Deputy Speaker? Because dead men and women tell no tales. So, we have certain formalities as it relates to a will. You must have two witnesses who witnessed the signing of the testator at the time of the signing. That is to ensure that there is no corruption, and you must have the date. The persons who are beneficiaries or the persons who are witnessing the will, Mr. Deputy Speaker, they must not be beneficiaries under the will because that goes against the rule of self-interest. You must designate or you ought to designate someone who would administer your estate, and if you die in intestacy, the rules of intestacy may follow.

What proposal came from the hon. Member to amend the legislation—these are important safeguards. So that when you probate the estate, you would know that or the court will be satisfied that what you are doing is really expressing the will of the person who is no longer on earth to express their will. What are the pitfalls? Well, if you have to know, Mr. Deputy Speaker, the first pitfalls are the queries.

Queries in estate matters come hard and fast, and sometimes they are the slightest of matters but it takes long. When you have specialized persons

trained in this area, some queries may be unnecessary because you have persons who are experts who would know not to make those queries. That will speed up the process.

Currently, there is an approximate delay of six years. The hon. Member said that we did not present statistics. Well, we are presenting it now, six years in processing probate matters at the Judiciary. As of October 2023, there were 14,915 pending matters at the Probate Registry. Between the 1st of August 2020 and the 31st of July 2023, 7,690 probate matters were completed. With 7,690 matters being completed within 1,095 days, the math said—and that is between the 1st of August 2020 and the 31st of July 2023—that it works out to be around seven to six probate matters being completed in one day.

In July 2018 with the resources provided by this Government. The Judiciary launched the Probate Registry E-Service and that was an online service for lodging probate searches. That has been working extremely well. Because when you lodge a probate search, you get it back within 48 hours to 72 hours. The backlog occurs around the bend and at the stretch. Because what this did was ease the bottleneck with the creation of the Estate Administration Office, and that aspect of the bottleneck was eliminated completely.

The new civil division will have its own administrative department, Mr. Deputy Speaker, with a number of units to ensure the smooth running and operation of the division. The creation of these subdivisions is akin to the creation of a specialized court. So now what you really will have is a

specialized division dealing with the administration of estates. These will accomplish, in my respectful view, several desirable objectives.

The first one is getting the legal system, as it relates to estates, more efficient. The second one will be uniformity because, with specialized courts, you will have one set of training. You will have one set of officers who will be dealing with the matters on a daily basis. Repetition will bring familiarity, and familiarity and repetition will bring more efficiency. That is how this Government, by a systematic approach, is trying to assist in one of the most trying and testing areas of the lives of the people of Trinidad and Tobago, which is probate, getting the estate of a loved one who is no longer on this earth. That is what caring about people entails. That is not lip service. That is actual service.

So, Mr. Deputy Speaker, as I close my contribution in this debate, I say to the entire of Trinidad and Tobago, remember the example of Barataria/San Juan when he totally disregarded the claim for \$5,000. Is that a submission coming from someone who really cares? My answer to that is no. Because on this side, whether the claim is \$5,000 or \$50,000, we say it is an important claim. Whether it is \$50,000 or \$5 million, we say that is an important claim, and everyone—the small man, the not-so-small man, and the medium man must have access to justice with the same level and at the same level. I commend the Office of the hon. Attorney General for bringing this piece of legislation at this time, at this time to Trinidad and Tobago, and I support it, and I thank you, Mr. Deputy Speaker.

Hon. Members: [*Desk thumping*]

Mr. Deputy Speaker: Member for Caroni Central.

Hon. Members: [*Desk thumping*]

Mr. Arnold Ram (Caroni Central): Thank you very much, Mr. Deputy Speaker, for the opportunity this afternoon to contribute on this Bill, the Civil Division Bill, 2024. Mr. Deputy Speaker, let me also acknowledge and commend the Members who spoke before me on this side, and I fully endorse their sentiments in respect of the Bill before us. Mr. Deputy Speaker, when the Member for Siparia spoke, The Member for Siparia indicated that, in principle, there were no issues with respect to the Bill before this House. However, as a responsible Opposition and as a loyal Opposition of this country, there are certain concerns which the hon. Member sought to address.

Mr. Deputy Speaker, there is a submission from my friend, the Member for Port of Spain South, that with the implementation or the passing of the Small Claims Court, that this will assist in the service of claims on dependants. Because according to the hon. Member, when you file a petty civil matter, whether by summons or deferral summons, and you go before the magistrate sitting in the petty civil division or the Petty Civil Court, that it takes—sometimes you go after the first hearing six months and the matter is not served, and then you go another six months and it still remains unserved—that this piece of legislation would assist in that.

Let me clarify for my hon. friends, Mr. Deputy Speaker, that as it exists, you have an opportunity when you file a small claim, a petty civil matter, for the bailiff in the court to do service, or for you, as the attorney, to serve the documents on the defendant. That exists now, and that happens, Mr. Deputy Speaker, when you have a junior counsel in Laventille West leading a senior counsel in that Ministry. That is what happened. It is curry

duck on this side and it is duck curry on that side. A junior counsel leading a senior counsel, Mr. Deputy Speaker. But I will move on—

Hon. Scotland SC: I would like to rise on 48(1), relevance.

Mr. Deputy Speaker: Again, Member, tie in your point and let us stick to the debate, alright? Let us stick to the debate that is before us.

Mr. A. Ram: Thank you, Mr. Deputy Speaker. And that is what does happen. Mr. Deputy Speaker, it is clear—

Hon. Members: [*Interruption*]

Mr. A. Ram: Can I ask for protection, Mr. Deputy Speaker?

Mr. Deputy Speaker: You proceed. You will be protected accordingly.

Mr. A. Ram: From the small pin, thank you. Mr. Deputy Speaker, and that is what happens. As it exists today, you can—you have the opportunity to serve the claim yourself. So, Mr. Deputy Speaker, it is clear that based on the legislative agenda of this Government, they are here to create more problems for problems that exist. And that is what, Mr. Deputy Speaker, Part VI of this Bill does. It creates further problems for what is known as petty civil claims.

Mr. Deputy Speaker, there is already in existence, the Petty Civil Courts Act, Chapter 4:21; a comprehensive piece of legislation, might I remind you, with rules of the petty civil that caters for claims valued under \$50,000. All Part IV of this Bill, Mr. Deputy Speaker does, is simply change names and add problems to problems that already exist. A 50 per cent plaster on a \$50,000 claim. Under the present legislation, Mr. Deputy Speaker, magistrates sit as petty civil judges. The Bill does not change that. All we are doing here in this honourable House today, Mr. Deputy Speaker,

is debating legislation that will change the name of the Petty Civil Court to the Small Claims Court and change the name of the petty civil judge to the small claims judge. That is what we are doing here. Hooray for that. It does not solve the problems, Mr. Deputy Speaker. It does not.

Hon. Members: [*Desk thumping*]

Mr. A. Ram: As it stands, Mr. Deputy Speaker, the judges who sit as petty civil judges do that on a part time basis. What we have in some divisions with second court magistrates, and so forth, in those districts where there are two or more courts, those who sit, sit at an average of two times per month to hear petty civil matters. So in addition to a regular magistrate having to deal with a list of about 25 to 30 matters per day with criminal charges, private matters, and so forth, they also have to deal with petty civil matters. And those petty civil matters, Mr. Deputy Speaker, are heard once or twice for the month as I indicated, and when you look at the list sometimes, Mr. Deputy Speaker, it is 20 and 30 matters in addition to what the sitting magistrate has to deal with.

5.05 p.m.

So the question is, Mr. Deputy Speaker, does this Bill provide solutions to the problems or offer alternatives? That is the question. There is no indication by changing the name that there will be any change in the circumstances in which these matters are dealt with. It remains the same judge, the same magistrate, the same resources in the Small Claims Court to deal with the same amount of matters, Mr. Deputy Speaker. But they want to beat their chest about this Bill, the Civil Division Bill, by creating a Small Claims Court like that is going to solve the problems.

The hon. Attorney General spoke about online filing and virtual courts et cetera. Those things are in existence already. When the Attorney General spoke, one would get the impression that this is something that is now going to take stream in the petty civil division which is now called the Small Claims Court. That exists already, Mr. Deputy Speaker. So what is the alternative? Probably the alternative can be what the Member for Bartaria/San Juan spoke about, Small Claims Court could deal with matters under \$10,000 via some online systems.

In the United Kingdom, Mr. Deputy Speaker, I believe there is a Small Claims Court that deals with matters \$10,000 and less. There is a fast track court that deals with matters between \$10,000 and \$25,000, and there is a multi-track which deals with matters over \$25,000. There is a tiered system, Mr. Deputy Speaker. The one to deal with the multitrack system, if there are issues of complication, so it does not have to be over \$ 25,000, if the matter is complicated, it is dealt with in the multi-track system, Mr. Deputy Speaker. And I know hon. Members on that side are fully aware of the system as it relates to the United Kingdom.

So, Mr. Deputy Speaker, when you look at clause IV of this Bill, it repeals the petty civil—well at 43, Mr. Deputy Speaker, it repeals the Petty Civil Courts Act in its entirety. We have not been told about what will happen with the petty civil rules as it relates to this particular Bill, Mr. Deputy Speaker. So, we could have easily instead, Mr. Deputy Speaker, amend the Petty Civil Courts Act, if there was a need to amend. But, of course, because this Government has intention to create problems on problems that are already existing, we are debating on creating a parallel

legislation to add chaos and confusion.

Mr. Deputy Speaker, whereas a High Court matter takes between 18 to 24 months to complete, and that was mentioned by an hon. Member on that side, from the issuing of the claim and the statement of case, the petty civil matters take between four to six years to complete. So yes there is an issue to address, and so the question is, does the change in name address that? We are not sure, Mr. Deputy Speaker. So how does this Bill propose to deal with, really, the delays in the Petty Civil Court? Are there any resources to be added to the Petty Civil Court? We have not been told or given any statistics, Mr. Deputy Speaker, of what is the amount of matters in all the 14 magisterial districts in respect of petty civil matters. We have not been told that.

We have not been told if each of those magistrates will be given additional resources so that these matters can be addressed in a timely manner. We have not been told that. But we know that they are beating their chest because they changed the name to Small Claims Court. And again, Mr. Deputy Speaker, we are passing legislation and we have no idea about the framework and the structure for the implementation of the legislation. So what we have is a nice story tomorrow about the Civil Division being created and then shelve the Act to collect dust like the 18 others the hon. Member for Siparia spoke about.

Hon. Members: [*Desk thumping*]

Mr. A. Ram: To shelve while the Government then tries to figure out how they are going implement this piece of legislation. For example, Mr. Deputy Speaker, and what is more important to litigants and practitioners, is the

updating of the petty civil rules. Of course, Mr. Deputy Speaker, the petty civil rules are a matter for the rules committee and the hon. Chief Justice. But do we have any update on that? Can the hon. Attorney General who piloted this Bill say if and when the rules will be updated, or are we passing legislation and then hoping to put the framework in place for the legislation to work?

Mr. Deputy Speaker, the value of petty civil claims was raised from \$15,000 to \$50,000. And based on the prescribed cost regime in civil proceedings that regulates civil matters in the High Court, the cost on the claim for a \$50,000 claim is \$14,000. So what that means, Mr. Deputy Speaker, if there is a claim for \$50,000 they would institute those proceedings in the High Court of Trinidad and Tobago, the matter goes all the way to trial and it is ruled in your favour, you get a judgment in your favour, you are entitled to a cost of \$14,000. That is the prescribed cost regime under the Civil Proceedings Rules as consolidated in 2016.

Now, if you are dealing with a claim of \$49,999, it has to start and end in the low court—what we call the low court or the Magisterial Court or the Petty Civil Court. If you are dealing with a claim of \$49,999—and in those instances, Mr. Deputy Speaker, the judge can grant cost in the amount of—even after judgment—\$500. And that is an issue I think the Attorney General could also address. So you have a claim, a change of \$1 and the cost that you are able to recover as a litigant is \$14,000 versus \$500. And while the value of the claim drastically increased, the rules were never amended to cater for this, Mr. Deputy Speaker. But we sit here and we are going to change the name of the Petty Civil Court to Small Claims Court,

and that is addressing the issues. It does not, Mr. Deputy Speaker, that is my submission to you, it does not.

So a petty civil claim that is identical in all aspects to a High Court claim, save and except the value of the claim, in the High Court is \$14,000 as opposed to \$500. And, Mr. Deputy Speaker, it is no secret that many attorneys who are willing to assist those whom are needy persons and litigants, they are very unwilling to settle for a cost of \$500 and it takes four to six years. It just does not add up in terms of time and resources spent in dealing with some of these petty civil matters.

And that brings me to another issue, Mr. Deputy Speaker, and it has to do with the issue of enforcement in the petty civil—“allyuh” had called it petty civil regime, which will now be called the Small Claims Court. Enforcement of petty civil judgments. Attorneys will tell you that when a matter is won in the High Court, there are several ways in which you can enforce your judgment, including levying on the judgment debtor or garnishing orders and so forth.

That is not the case in petty civil matters. When you are finally given judgment in the Petty Civil Court, you cannot go and enforce it in the same way you can if it was a High Court judgment. You have to do so by filing a judgment summons. So it is not the same. You have to go back through a procedure in the Magistrate Court to file a judgment summons so it can bring back the party before the Petty Civil Court, go through a lengthy procedure, and remember magistrates in these courts, they sit part time. Under this Act or this Bill here before us today, it is not saying that they are going to sit full-time as petty civil small claim judges, you know, they are

still going to sit part time. And when you have to enforce judgment, you might get a matter every six to eight months, listed.

So, Mr. Deputy Speaker, and if the judgment debtor still does not pay, you have a further time consuming procedure to follow which entails making another application. So, how does this Bill address that, Mr. Deputy Speaker? How does the new rules, the rules which are yet to be laid, how does those rules address this issue of enforcement? Certainly not by changing the name of the court. It will not do that. Mr. Deputy Speaker, if someone is to change their name it does not mean that they are a changed person. One day they might be Johnny, next day they might be—

Hon. Members: Faris.

Mr. A. Ram: Faris, I mean whatever the case may be.

Mr. Deputy Speaker: Again, again, Member I think in terms of how you are using it, please, we know the rules of the House.

Mr. A. Ram: So, by changing the name—sorry, Mr. Deputy Speaker, by changing the name one does not mean that it is a new person, the same way by changing the name of the court does not mean that the issues and the real problems that practitioners and litigants experience do not mean that those issues will be addressed. Mr. Deputy Speaker, there are a couple of clauses in this Bill which I just want to look at, in particular, the issue with respect to mediation officers. At section 25:

“25. (1) The Small Claims Court may refer a small claims matter to mediation...”

Now, Mr. Deputy Speaker, that needs to be flushed out in my respectful view a lot more. Because who are the mediation officers that these courts

will utilize in this mediation procedure? We are not certain. Are they government social workers, government social mediators, or will these be private entities that the persons before the court will have to pay separately to access? We are not certain. Maybe the hon. Attorney General could indicate whether subsequent to this there will be a proliferation of mediation officers hired throughout all of the magisterial districts to deal with the mediation of persons before the court. That is one of the concerns I have in respect of this Bill.

And I want to turn very quickly to the issue of the “estates administration office”. Mr. Deputy Speaker, persons before me highlighted issues as it relate to the long wait to inherit properties, money of deceased, that was a *Sunday Guardian* article of Sunday January 28th, 2023. Two Members previously spoke about that. There was some issue raised by the Tobago lawyers who seek in this article, detailed on 15th January, 2023, which spoke about, and it says Mr. Deputy Speaker, I quote:

“Attorneys in Tobago are fed up and frustrated over the operations at the Probate Registry and are calling for an urgent intervention by Chief Justice Ivor Archie to address those issues.”

They said there are:

“Difficulties being faced by attorneys at law at the Probate Registry...”—throughout Tobago.

And there have been:

“...a growing number of complaints about...process surrounding applications for Letters of Administration and Grants of Probate.”

Mr. Deputy Speaker, the issues at the Probate Registry are well known to all practitioners and to all those persons who are awaiting grants, either letters of administration or grants of probate. And I can tell you, I had a client one time who sent a screenshot—because the client was frustrated about the process. And the client went on to ask me, “Is it anything else that we have done in respect of doing that probate application?” Mr. Deputy Speaker, this Government likes to say they like to help the small man, right, they like to sing that song. But let me give you one scenario, Mr. Deputy Speaker, of how this Government is not helping the small man.

Someone has a small estate, well, an estate, and the person who died—let us say your father who died—left a vehicle and that is the only substantial, so to speak, item in the inventory, the vehicle. That family has one car. You know, that family has to apply for letters of administration, wait five to six years for that grant before that car could be conveyed to somebody within the estate of that person. You know what is also troubling, Mr. Deputy Speaker, you know that family cannot then go to the licensing office and get their car inspected? It is not in their name. They will tell you, “Go and get the letters of administration.” Many people will call and say, “I went to the bank and I went to get my mother’s money, and they say I need a letter from the lawyer.” I say, “You mean you need a letter of administration”. They said, “Yes”. I say, “Well okay, if you want to go through that process”. It is not a letter, many persons do not understand, because they hear the word letter from the bank and they think that they have to get a letter from a lawyer. It is not so, it is letters of administration. You have to go through the procedure.

5.20 p.m.

They have to go through the procedure. And these are poor people; the same poor people “dey want to sing about dey help”.

But let us go back to the person with the vehicle, Mr. Deputy Speaker. That family has one vehicle. They cannot get it inspected. Well, they ought not to drive on the road. Because, why? No police officer wants to know that that family is waiting on letters of administration. They would issue them with a ticket of \$1,000 for driving without inspection and then six demerit points. Helping the poor on that side is just lip service, Mr. Deputy Speaker. How are we addressing this issue?

Hon. Members: [*Desk thumping*]

Mr. A. Ram: We are not. Mr. Deputy Speaker, I see in this Act, and it is something I also want to point out to the Hon. Attorney General, section 30(2), it states:

“Notwithstanding subsection (1)”

—when they speak about the Estates Administration Office locations.

“Notwithstanding subsection (1), there may be Estates Administration Sub-Offices in South...and in Tobago.”

—“may.” Why not “shall”? The Tobago Lawyers Association, when they wrote to the Hon. Chief Justice, they indicated the Association suggested that the Chief Justice consider—and this is the same article I am quoting from, Mr. Deputy Speaker, 15th of January, 2023. They said:

“The association...suggested that the Chief Justice consider the following either allow...applications for grants for Letters of Administration and Grants of Probate filed in...Tobago...”—to—“be

processed by...staff of the Tobago Registry...”

They come with a Bill now to say that there may be estate sub-offices in Tobago. I am asking, why not “shall”? Persons will file their matters and get the required response from within close proximity to their offices. So, Mr. Deputy Speaker, that is one of the issues I want the Attorney General to maybe provide some clarification on.

So, Mr. Deputy Speaker, that is the extent of my contribution this afternoon in respect of this Civil Division Bill, 2024, and I want to thank you immensely for the opportunity.

Hon. Members: [*Desk thumping*]

[*Sen. Armour SC and Mr. Paray stand*]

Sen. Armour SC: Oh, sorry.

Mr. Deputy Speaker: AG, you give way? Okay. Member for Mayaro, I recognize you.

Hon. Members: [*Desk thumping*]

Mr. Rushton Paray (Mayaro): Thank you very much for giving me the leeway. I will not be very, very long. There are a few issues that I wanted to raise about this Bill and I will do so, very, very quickly. So, Deputy Speaker, the speakers before—

Mr. Deputy Speaker: Members, Members.

Mr. R. Paray: Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, all of the speakers before have done a reasonably good job in terms of looking at a lot of the legal aspects—

Hon. Members: [*Crosstalk*]

Mr. Deputy Speaker: Members, please. The Member for Mayaro, I have

recognized and I am only recognizing the Member for Mayaro at this time please. We are going fine, proceed.

Mr. R. Paray: Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, I was saying that the Members who have spoken before, have done a reasonably good job in terms of looking at a lot of the legal issues, legal ramifications in terms of this Bill and I think it is important that I raise a couple matters on behalf of the people of Mayaro who this Bill will eventually impact.

Why it is important as well, outside of the legal ramifications, we have farmers and fishermen and small business operators who will ultimately be affected by this Bill. And while reviewing the Bill, Mr. Deputy Speaker, I saw nothing objectionable in terms of where it will hurt. But there are a few areas that I feel that are important, that I raise it with the Attorney General here for his consideration.

So, when we look at these Bills, Mr. Deputy Speaker, we look for mischief, we look to see how it will impact the man on the street. We also look at how this Bill, similar-type legislation, is effected in other jurisdictions and, perhaps, a bit of the effect it has had in those jurisdictions and, perhaps there are some shared learnings that we can pick up from it.

So, Mr. Deputy Speaker, by virtue of this Civil Division Bill, 2024, just for the records of *Hansard*, I will establish the fact that it is the right Bill I am speaking on where we are looking to break up the courts into small claims court, estates administration office and civil court.

Mr. Deputy Speaker, the Bill is designed, in my view, which has been articulated before a bit, to decentralize the civil jurisdictions by creating

these three courts. And it is being done by virtue of clause 5, which is establishing the civil jurisdiction by the High Court, it will now be vested in the civil courts; clause 14, which now outlines the jurisdiction of the Small Claims Court; and clause 29 which transfers estates administration from the High Court to a newly-established Estates Administration Office.

Mr .Deputy Speaker, in looking at the legislation, I saw no part of any of the legislation that infringes the rights of the citizens in any way that creates issues of constitutional rights. I did not see it. I looked for opportunities for abuse, if there were pieces of the legislation that will ill-effect the citizenry. I did not see much of that either. But there are a couple areas that I saw would raise some concerns. If I ask you to bring your attention to clause 7(2), which permits the court hearings via telephone or video links, that could raise some issues around access to justice for those without the necessary technological resources. So, when you look at rural communities, Biche, Matelot, Moruga, parts of Mayaro, where you do have these issues of getting access to telephones, cellular coverage, wireless Internet, I feel that there may be some challenges for those people who are seeking some justice and do not have this necessary technological background. And I will address that a little more as we go on.

Mr. Deputy Speaker, if I ask you to take a look at clause 15, in clause 15, the way how I read it, there seems to be some exclusion of certain matters, and I would probably refer to as, like, libel and slander, from the small claims court. And to me that could be a bit disadvantageous to some claimants, particularly if they are unable to pursue these matters in the higher court, obviously, because of financial impacts to themselves.

Mr. Deputy Speaker, the Small Claims Court, from my reading, it caps the monetary limits for claims, meaning that individuals with claims exceeding this limit may need to abandon part of the claim or transfer the case to the Civil Court, which could impose some additional delays or costs as well. Mr. Deputy Speaker, this is in my reading of it. The cost and complexity sometimes, Mr. Deputy Speaker, in the appeal—I think the Member for Port of Spain South, he did raise the matter of the Appeal Court and, you know, we need to be very careful that, because of the complexity, it does not become burdensome for some small litigants to get these appeals based on cost, and so on. Because if you have a small claim but the legal requirements to get your matter heard in the Appeal Court is three/four times the cost of your claim, well, then it really puts them at a disadvantage as well.

Mr. Deputy Speaker, in looking at the legislation as well, as I mentioned, I looked to see if there were opportunities for abuse. I did not see any in terms of any real way but, you know, with any sort of judicial reform by way judgments are enforced you have people who are participating, like bailiffs, and so on, you know, sometimes there are opportunities for misconduct, and so on, and, perhaps, I am hoping that these are things that will be addressed as the legislation is passed and it goes into operation, that we can look for some of these things.

Mr. Deputy Speaker, the issue of the judicial discretion as well, the Chief Justice in this legislation, he holds significant power in assigning Judges and court staff, which, while I am absolutely sure it is efficient for the administration but, you know, in our culture in our society, there is

always this perception of fairness and impartiality when you have a one-man decision in this process. So, perhaps, that can open room for some queries as well.

Mr. Deputy Speaker, if I were to ask you to turn your attention to clause 40, which allows for what I see they call the Rules Committee to set the pecuniary jurisdiction for the small courts to determine the values, this could potentially lead to decisions that may restrict access to justice for a lot of the small litigants, if some of these limits are too low. So that is something that we have to be cognizant of in terms of how do we make sure that we do not take these people away from the opportunity for their claims because the limits are set too low.

Mr. Deputy Speaker, there are some improvements that I would like to suggest to the Attorney General, and in doing a bit of the research on the Bill, I looked at some other jurisdictions where there is similar legislation and what they have done in those jurisdictions to deal with it. So, Mr. Deputy Speaker, one of the issues that I raised earlier on, is that the Bill allows for hearing via telephones, video links and we do have people in rural communities who may not have access to those services. So in the United Kingdom, Mr. Deputy Speaker, there is something called the online courts pilot which included—

Mr. Deputy Speaker: Excuse me, what is the term?

Mr. R. Paray: What the—?

Mr. Deputy Speaker: The term, what is the term? I did not hear it clearly.

Mr. R. Paray: The online courts pilot.

Mr. Deputy Speaker: Okay.

Mr. R. Paray: The online courts pilot, which included provisions for support services such as access to public computers that may be based in libraries, may be based in municipal corporations and with the guidance for persons who do not have access to that service in their home space. So in the UK they address that particular issue with this online courts pilot. And what that does, Mr. Deputy Speaker, it ensures that disadvantaged citizens can still engage in the judicial process digitally, without being left out due to the resource constraints that many of them may have. So my recommendation, Mr. Attorney General, is perhaps to incorporate some provisions to make digital access available for all, particularly in the rural and underserved communities.

Mr. Deputy Speaker, the second item that I just want to raise quickly is the issue of cost reduction and simplification for small claims. So the issue that I see at hand is that the current Bill, it limits the jurisdiction of small claims courts based on the pecuniary value, but it does not address the cost of accessing justice to the small claims litigants, which can still be prohibitive even if the case qualifies for the small claims court.

The improvement opportunity here, Mr. Deputy Speaker, is perhaps streamlining the filing process and fee waivers for low-income claimants. The example in my research, Mr. Deputy Speaker, I saw in New Zealand they have something called a Disputes Tribunal, which allowed for informal and low cost resolution of small claims without requiring legal representations, and many claimants benefit from the fee waivers if they can demonstrate financial hardships as well, Mr. Deputy Speaker.

So the recommendation that I would offer to the Attorney General is

that if in our small claims court we could adopt simplified procedures such as allowing claimants to submit cases without requiring the services of a lawyer or allowing lower income claimants to apply for fee reductions or waivers, Mr. Deputy Speaker.

The third item I want to raise quickly, Mr. Deputy Speaker, is on mediation. So clause 25 allows for small claims matters to be referred to mediation but it does not make it mandatory before sharing, and I think this is important because I think that some pretrial mediation is critical.

[MADAM SPEAKER *in the Chair*]

So in my research, Madam Speaker, Singapore has small claims tribunals, which they require mediation as a mandatory first step in resolving disputes. Most cases in that system, Madam Speaker, are settled at this stage without the need for a full court hearing, thus saving time and reducing the burden on the judicial system.

5.35 p.m.

So, Mr. Attorney General, perhaps if we can consider making some level of mediation mandatory as the first step before the hearing for these claims at the court, this may as well reduce the caseload of the courts and help parties settle disputes amicably without the cost and complexity of full trial.

In saying that, Madam Speaker, having read, recently, a book by the name of *Courage in Caroni* by Ramnarine Binda, he spoke about the power of the village councils long ago, in terms of the mediation powers that village councils had and many matters never ended up in the courts. So, the power of mediation, if we were to draw in the experience from our local

village council systems 30/40 years ago, I can see the validity in having mediation as something mandatory in these cases.

Madam Speaker, enhanced consumer protection: The issue that I am seeing coming up here is the exclusion of certain claims—I referred to it before, like libel and slander—from the jurisdiction of the small court. It could leave some individuals vulnerable and without affordable avenues for legal redress, especially in cases involving defamation on social media. Now, Madam Speaker, that is a big issue today with the push on social media and the uncontrolled way how, you know, you can be defamed very, very easily.

So, in looking at how that was remedied in other jurisdictions, I saw Australia has something called a consumer and trader dispute tribunal, where it allowed for small valued defamation claims, related to online disputes of consumer complaints, to be heard, providing a forum for ordinary citizens to address grievances that may not meet the high bar that is required for the higher court, the larger courts. So, I would like to recommend, Mr. Attorney General, that we consider allowing limited jurisdictions for defamation claims or consumer protection disputes within the small claims court, particularly focusing online and digital cases, where damages are small but the reputational damage can still be significant at the end of the day.

Madam Speaker, public awareness and legal education: In looking at the Bill, I did not see any explicit opportunity for provisions of public education to support the navigation of this whole new legal framework, and I am thinking that is a big issue that perhaps we ought to address, if not in the legislation, but as you go out to operationalize the changes, that it remains

part of the focus of your office as well. Again, the research showed that in South Africa, there is something called a small claims court user guide, where public education campaigns were launched to educate citizens on how to use the small claims court very effectively, and that works very well. In the United States, Mr. Attorney General, many jurisdictions provide pro se self-representation, which I think was spoken about by one of the speakers before, but we can do guides to assist the individuals to navigate these small claims procedures. So, perhaps, if you can look at that as you go to operationalize these changes going forward.

Lastly, Madam Speaker, in terms of court specialization and training—I know my colleague from Caroni Central did speak about the issue of specialization and training. The Bill introduces these specialized courts, but it does not specify detailed training for requirements for judicial officers. So, in the United Kingdom, in my research, judges and magistrates, they receive specialized training when they are assigned to specific divisions like family law, civil disputes and small claims. This insures that the judicial officers are well prepared to handle the nuances of these types of cases that may arise.

5.40 p.m.

So if that is something in the operationalization of this legislation that some sort of specialized training happens, I think it will work well in terms of the delivery of the service.

So Madam Speaker, by drawing on these best practices from other jurisdictions, which I have now spoken about, I think this Civil Division Bill can be refined to better service the needs of the public, reduce costs, ensure a

fair and transparent judicial process. Implementing these improvements would provide more equitable access to justice and enhance the accountability and efficiency of these new judicial structures. So Madam Speaker, thank you very much for the opportunity to raise these few matters, and I trust that the Attorney General will look at it. Thank you very much.

Hon. Members: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Madam Speaker, and if I may be permitted to address the remarks that have been made on the other side. I am grateful first of all to my colleagues on this side, who have responded quite comprehensively.

The Member for San Fernando West, the Member for Port of Spain South, who have responded quite comprehensively—

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC:—and make my wind-up comparatively straightforward. In particular, I was encouraged by the institutional memory and recall of the Member for San Fernando West, who was able to demonstrate beyond a shadow of a doubt that the quality of the contribution of the hon. Leader of the Opposition was in the shadows. Because it was quite remarkable to be reminded by the Member for San Fernando West that the very terms that the Leader of the Opposition sought to shadow as being some sort of concerns, were terms which were in legislation, which she brought before this House during her period in government, including her period in the Opposition, including her period as Attorney General. So that I do not intend to spend any further time on responding to shadows.

With respect to the comments that have been made by the Member for Caroni Central, I found it remarkable that he spent as much time as he did, he repeated himself from the beginning to the middle, to the end of his contribution, asking for the Government to improve the rules for the Petty Civil Court. And I have to confess that I went back to the Bill because I thought for a moment that I was in another place. Because the Bill before this House, Madam Speaker, it is very clear. The Bill before this House says, as indeed the Member said, that at clause 43:

“The Petty Civil Courts Act is repealed.”

So I was at a loss to understand how, in the face of the repeal of the parent legislation, I could be asked to dedicate time and valuable effort towards improving the Petty Civil Court Rules.

And the Member spent time suggesting that the population out there would find itself in a vacuum because in the absence of the improvement of the Petty Civil Court Rules, and in the face of the repeal of the Petty Civil Court Act, the population out there would not know what to do. But when one reads clause 41 of the Bill before the House, it is regrettable to think that in his involved and elaborate attempt at a contribution, the Member had not read clause 41(b). Clause 41(b) says:

“Where, before the commencement of this Act—”

So that presumes that the Act will be passed in the Parliament and it will commence. So after the commencement, we will then know under the provisions of this Act, which will become known as the Civil Division Act, 2024, clause 41(b) will apply:

“Where, before the commencement of this Act—

- (b) the High Court or a Petty Civil Court was vested with jurisdiction to enforce, renew, vary..."—et cetera.

Anything that was done previously under the Petty Civil Court Act or under the Petty Civil Court Rules, this Act tells us that the jurisdiction under the Civil Division, under the Civil Court Act, 2024:

"...shall be exercisable by the High Court or a Small Claims Court;"

So there is no vacuum, there is no lacuna.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC: And I really was at a loss to understand where I was or where the hon. Member was because he did not seem to be addressing what we are here today concentrating on.

The Member for Barataria/San Juan, made many submissions, all of which I think have been answered quite comprehensively by my learned colleagues, Port of Spain South and San Fernando West, and I do not think that I need to trouble myself in any detail at all to answer the several things made by the hon. Member.

And so in the totality of the comments that I will make, in addition to some substantive material I will shortly come to, I have to commend the contributions of the independent bench of the Opposition that came from—

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC:—the hon. Mayaro, the Member for Mayaro, because those were the only remarks that were made with any objectivity and with any substance.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC: And I will respond first by thanking him

for the remarks which he made because they address legitimate concerns, which the listening public and the viewing public would be interested to get clarified. And therefore it enables me in my response to address the task which we are voted in, or selected, to come to this Parliament to discharge, and that is to assist the public out there when we are passing legislation to understand how it addresses their particular needs.

So on the question that the Member for Mayaro asked legitimately with reference to the provisions in the Bill that deal with access to justice through e-courts, digital access, telephones, virtual access, I can give him the assurance that already in the existing system where we have had virtual courts that started with the pandemic, and has taken hold and continues to be part of our continuing reality, the Judiciary has established, Member for Mayaro, and members of the listening public, virtual access customer centres. And what that does is that the Judiciary has different kiosks around the country and staff who will assist persons who have challenges with e-courts and the digital world that we live in now. And to that extent, the passage of this Bill will see the continued expansion of that assistance to the population out there so that persons are not disadvantaged by the passage of the legislation.

The Member for Mayaro also spoke to the need for public education. And let me address the substantive part of the response in my winding up, that I had intended to look at because the Member for Mayaro engages precisely what I was going to speak to. The process of education began before this Bill came to the Parliament, as it will continue after the Bill is passed. So the Judiciary, and you will recall, Madam Speaker, I made the

point that the Judiciary had approached the Executive with this Bill. I took the Bill to the Cabinet, the Cabinet approved it with the recommendations that came from the Judiciary. The Judiciary engaged in a comprehensive stakeholder engagement exercise before we brought this Bill to the Parliament. That engagement exercise involved consulting with the legal fraternity, consulting with academia, consulting with the mediators, consulting with banking and insurance, commercial lenders, debt collectors, consulting with the large business entities, state agencies, service industries and small business owners, and importantly individual persons, citizens of this country in different age groups. So the age groups who were engaged and consulted were between the ages of 18 to 24, 23 to 34—years of age I am speaking of—35 to 44, 45 to 64, and over 65. So the gamut, the entire gamut of persons who would have concerns about their ability to use this Small Claims Court and to get access to justice was identified through the engagement, the stakeholder engagement that was engaged in by the Judiciary.

There is also in terms of classification of the professional areas that those stakeholders were engaged in: retired persons; unemployed persons; students; small business sector; banking insurance; retail sector; large business and manufacturing sector; public sector and legal. So the entire gamut of representative groups and persons of this society were part of the engagement that led into the Bill that we are debating today. And at the end of that exercise, that engagement exercise, some of the findings that came out of that engagement in the pre-education process, which the Government will continue to address the remarks of the independent part of the

Opposition Bench from Mayaro, some of the education that will continue, will be to address ease of access—continuing ease of access—to the Small Claims Court. Because one of the concerns that came out of the consultation was that people complained that there was a lack of access to the Petty Civil Court. There was a lack of access to information. There were complicated and intimidating processes and procedures, high costs, lack of timeliness, efficiency, shortfall in training and experience of judicial officers and staff and archaic legislation. Remembering that the Petty Civil Court was passed in this country in the year 1919.

So to think that we could have any self-respecting Members of Parliament that would suggest that there is something askew or wrong about the passage of this Bill, to bring the citizens of this country into an access to justice system in their small claim mediation, and small claim litigation disputes, is testimony to the value that the public will judge at the end of the day.

The monetary claim limit was looked at and part of the engagement that was engaged in was to get persons to acknowledge what are the limits that the Small Claims Court could go up to. And we have come here, we have the accepted limit of 50,000, we are dealing with that, but there were persons who said, “Perhaps you want to take it up to 100,000.”

Now, one of the points that the Member for Mayaro made is that we will need to keep it under review. And yes, only earlier this week I was in the other place, and I was responding to another Opposition Member on the Senate Bench, the hon. Sen. Mark, who talked about the fact that the Government is coming to Parliament so often to bring more and more, and

more, legislation. And I made the point then, as I will make the point now, we come to Parliament with legislation and we return to Parliament with legislation that has already been passed because we are always sensitive to refining the legislation to meet the needs of the public.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Armour SC: So we are going to start with the \$50,000 limit and if we find it is working well enough, we already have a pool of respondents who have said, “Perhaps, given that it is now working so well you may want to take it up to \$100,000.” So we will return and we will not apologize if we return to amend to increase it. It is because it is a working example of access to justice that this Government is providing to the citizens.

Hon. Members: [*Desk thumping*]

5.55 p.m.

Madam Speaker, the conclusion that came out of the consultation was that the improvement of the administration of justice for small value claims through the establishment of a Small Claims Court was deemed necessary by stakeholders. We are here to improve access to justice for the small men and the small women. We talk all the while about small and medium industries. Those are the categories of persons that we want to give access to. So that at the end of the day, Madam Speaker, I think that what this Government is doing is to be commended, even if I say so myself, and I can dare to say so myself, because—

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Amour SC: I dare to say so again, because we are doing

it through a process of consultation with the public and the consultation involves everybody who has been consulted with, as well as working with the Judiciary, the point I started with this afternoon, so that we have a better system.

There is one small part of the Bill that I am going to address at the committee stage, one very small amendment that we will be seeking, and that is that in clause 22. That clause says:

“The functions and duties of the Senior Magistracy Registrar and Clerk of the Court and the Magistracy Registrar and Clerk of the Court, referred to in section 20...”

Well, that should say sections 20 and 21, so I will be moving for a small amendment at the committee stage. Madam Speaker, I think that I have said enough. I think that my colleagues on this side have said enough. I accept and thank the independent Member from Mayaro on the other side for his contribution, and with those few words, 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.

Mr. Hosein: Thank you, Madam Chair. Madam Chair, if I could just take you to clause 3(2)(e), which can be found at page 7 of the Bill. In, the

definition of a “Clerk of the Court”, there is a typographical error on the third line. It should read “Clerk of the Court”, not “Clerk or the Court”, because “or the Court” will be given a different interpretation so it has to be “of the Court”.

Sen. Armour SC: No objection at all. That would normally be corrected at the proofing stage, but I am grateful to the Member for Barataria/San Juan.

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

At clause 3(2)(e) to delete the word “or” after the words “and Clerk” and substitute the word “of” so it will read “and Clerk of the Court”.

Question put and agreed to.

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

Clauses 4 to 21 ordered to stand part of the Bill.

Clause 22.

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

“In the chapeau, delete the words “section 20” and substitute the words “sections 20 and 21 respectively”.

Sen. Armour SC: Thank you. Thank you very much, Madam Chairman. As I indicated in my winding up, and I have circulated the proposed amendment, we wish to amend clause 22 in the third line. So, in the chapeau, delete the words “section 20” and substitute the words “sections 20 and 21 respectively”.

Madam Chairman: Member for Barataria/San Juan.

Mr. Hosein: Yes. AG, let me take you to clause 22(i). It says it will now read that:

“The functions...of the Senior Magistracy Registrar...”

Hon. Member: [*Inaudible*] not hearing you.

Mr. Hosein: Oh, you are not hearing me? Sorry. Clause 22(i). So I will now—:

“The...Senior Magistracy Registrar and the Clerk of the Court and the Magistracy Registrar and the Clerk of the Court...”—will—
“be ex officio a Justice of the Peace and Commissioner of Oaths;”

So now that is one of the functions. But if you look at clause 20, the Senior Magistracy and Clerk of the Court is already deemed to:

“be ex officio a Justice of the Peace and Commissioner of Oaths;”

Is it that the intention is that we are going to make the two offices Justices of the Peace, or we are just restricting it to that of the Senior Magistracy Registrar? I do not know if I am making the point clear for you to understand.

Sen. Armour SC: One minute.

Mr. Hosein: Sure.

Sen. Armour SC: Thank you for that Member. Clause 21, as you correctly pointed out, says that:

“...the Senior Magistracy Registrar and Clerk...”—shall—“be ex officio a Justice of the Peace...”

—and we have now made the amendment which you, I think, accept. And if you look at clause 22(i), it says that those offices, which we have now amended to include both 20 and 21 shall:

“be ex officio a Justice of the Peace”

So the answer to your question is yes. The intention is that both sets in 20 and 21 shall:

“be ex officio a Justice of the Peace”

Mr. Hosein: The only reason I raised this point is because I do not know if

it was a duplication because 20 already took care of the Senior Magistracy Registrar.

Hon. Member: [*Inaudible*]

Mr. Hosein: Yes. Well, they would have to be “ex officio” to exercise the function. Clause 20 deemed them to be “ex officio” already.

Mr. Young SC: May I? Just to assist in the conversation, Madam Chair, 21 is really the assignment, and then—by the Chief Justice. And as the AG was saying, clause 22(i), this is now the functions and duties. So, one is the definition of the office—well, not definition in terms of—and then the next one is now—these are the functions and duties they are performing. So there is no duplicity there whatsoever in my opinion.

Mr. Hosein: Madam Chair, if I just may then? If—and I take that point, Member for Port of Spain North/St. Ann’s West, right?

Hon. Member: [*Inaudible*]

Hon. Member: Small claims, et cetera.

Mr. Hosein: If we said that in 20 there is an “...ex officio a Justice of Peace and Commissioner of Oaths”, then we should also include it in clause 21, because 21 is not saying that they are “ex officio”, but they would now be able to function or exercise the functions as a Commissioner of Oaths.

Mr. Young SC: It talks about Registrars—[*Inaudible*]

Mr. Hosein: Right. Clause 22 is what we are amending.

Mr. Young SC: No, it is just the functions and duties—

Mr. Hosein: No, no. If you watch clause 22, we are giving the Magistracy Registrar the function of a Justice of the Peace and Commissioner of Oaths, right? But we are not saying that they are “ex officio” like what we did in 20. Clause 20 is one position and 21 is another position. Clause 20 deals

with the Senior Magistracy, and 21 deals with the Magistracy Registrar.

Mr. Al-Rawi SC: Madam Chairman, just for my two cents in supporting Minister Young, the adumbration is different for each one. Clause 20 is the CJ assigning an appropriate number. Clause 21 is the assignment of an appropriate number to small claims. Clause 22, where the confluence comes, is because we have now added the functions of these people referred to in 20 and 21 shall be, and then they list it this way, but it is normal to disaggregate the legislation that way, so they are all mutually exclusive, but operate together. So I see no objection to its subject, of course, to the AG's guidance to us all.

Madam Chairman: AG.

Sen. Armour SC: Thank you, Madam Chair, and to the Member for Barataria/San Juan, and my colleagues on this side. I think the concern which the Member for Barataria/San Juan is pointing out, and there is no objection to that concern, and out of an abundance of caution, if we were to take the words—looking at 20(1) in the third line after “Small Claims Court”—if we took the words:

“...and such officers shall be ex officio a Justice of the Peace and Commissioner of Oaths.”

—and introduce that to end clause 21(1), so it would continue from “Small Claims Court” with those words:

“...and such officers shall be ex officio...”

6.10 p.m.

Mr. Hosein: That is precisely the point, AG, I think if we import that part into 21(1), that will cure the issue of the functions in 22.

Madam Chairman: One minute, we have already done 21, we are at 22?

Mr. Hosein: Yes.

Madam Chairman: Yes?

Mr. Hosein: Yes.

Madam Chairman: So that let us settle 22 and I guess we could then revert to 21, right? Let us settle 22.

Question put and agreed to.

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

Clause 21 reintroduced.

Question again proposed: That clause 21 stand part of the Bill.

Madam Chairman: Attorney General.

Sen. Armour SC: Thank you, Madam Chairman. So to address the concern which has been raised by the Member for Barataria/San Juan, I would propose the amendment to 21(1) to add after the words “Small Claims Court” in 21(1), the words:

and such officers shall be ex officio a Justice of the Peace and Commissioner of Oaths.

Madam Chairman: So we delete the “full stop”?

Sen. Armour SC: Yes. We delete the “full stop”. Yes. Thank you.

Madam Chairman: Do we put a comma or anything, or we just delete the “full stop”?

Sen. Armour SC: Just delete the “full stop”. Yes.

Madam Chairman: Member for Barataria/San Juan.

Mr. Hosein: Yes, Madam Chair.

Madam Chairman: Okay, so the question is that clause 21 be amended as follows: that after, in subclause 21(2)—21(2), I am sorry.

Clerk: Clause 21(1).

Madam Chairman: Clause 21(1) yes, I am sorry, we delete the comma after the words small—

Member: The “full stop”.

Madam Chairman:—the “full stop”, sorry, after the words “Small Claims Court”. Right? We delete the “full stop” and we then add the words:

and such officers shall be ex officio a Justice of the Peace and Commissioner of Oaths.

Question put and agreed to.

Clause 21, as amended, again ordered to stand part of the Bill.

Clauses 23 to 43 ordered to stand part of the Bill.

Schedule.

Question put and agreed to.

Schedule ordered to stand part of the Bill.

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

House resumed.

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

ARRANGEMENT OF BUSINESS

Madam Speaker: Hon. Members, I seek your leave to revert to two items of business which were dealt with earlier.

SESSIONAL SELECT COMMITTEES

(APPOINTMENT OF)

Madam Speaker: Hon. Members, pursuant to Standing Order 89(2), I have appointed the following Members to serve on the sessional select committees of the House of Representatives for the Fifth Session, Twelfth Parliament.

Standing Orders Committee

Mrs. Bridgid Annisette-George	Chairman
Mr. Faris Al-Rawi SC	Member
Mrs. Camille Robinson-Regis	Member
Mr. Keith Scotland SC	Member
Mr. Dinesh Rambally	Member
Dr. Rishad Seecheran	Member

House Committee

Mrs. Camille Robinson-Regis	Chairman
Mr. Colm Imbert	Member
Mrs. Ayanna Webster-Roy	Member
Mrs. Lisa Morris-Julian	Member
Mr. David Lee	Member
Mr. Barry Padarath	Member

Committees of Privileges

Mrs. Bridgid Annisette-George	Chairman
Mrs. Camille Robinson-Regis	Member
Mr. Fitzgerald Hinds	Member
Mr. Stuart Young SC	Member
Dr. Roodal Moonilal	Member
Mr. Saddam Hosein	Member

Statutory Instruments Committee

Mrs. Bridgid Annisette-George	Chairman
Mr. Stuart Young SC	Member
Mr. Keith Scotland SC	Member
Dr. Nyan Gadsby-Dolly	Member

Mr. Rudranath Indarsingh	Member
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Mr. Dinesh Rambally	Member
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Business Committee

Mrs. Bridgid Annisette-George	Chairman
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Mrs. Camille Robinson-Regis	Member
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Mr. Colm Imbert	Member
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Mr. Stephen Mc Clashie	Member
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Dr. Rai Ragbir	Member
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Mr. Ravi Ratiram	Member
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Madam Speaker: Leader of the House.

JOINT SELECT COMMITTEE

Standing Order 79(3)

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

The Minister of Housing and Urban Development (Camille Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, having regard to the decision of the House on Monday, September 09, 2024, made pursuant to Standing Order 79(3), I beg to move that the Representation of the People (Amdt.) (No. 2) Bill, 2020 be referred to a joint select committee established to consider and report on the Bill. I also beg to move that this Committee be mandated to adopt the work of the Joint Select Committee appointed in the Fourth Session, 2023 to 2024 and report by March 28, 2025, and that subject to the concurrence of the Senate on the establishment of the Joint Select Committee on the Representation of the People (Amdt.) (No. 2) Bill, 2020, that the following six Members be appointed to serve with an equal number from the Senate:

Mrs. Camille Robinson-Regis	Member
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Mr. Colm Imbert	Member
Mrs. Ayanna Webster-Roy	Member
Ms. Shamfa Cudjoe-Lewis	Member
Mr. Davendranath Tancoo	Member
Mr. Saddam Hosein	Member

Thank you, Madam Speaker.

Question put and agreed to.

ADJOURNMENT

Madam Speaker: Leader of the House.

The Minister of Housing and Urban Development (Camille Robinson-Regis): Madam Speaker, I beg to move that this House do now adjourn to September the 30th, 2024, at 1:30pm.

Madam Speaker: That is a Monday, right? That is a Monday.

Hon. C. Robinson-Regis: Yes, Madam Speaker.

Madam Speaker: Okay.

REPUBLIC DAY GREETINGS

Madam Speaker: Hon. Members, as we all know, next Tuesday, 24 September, 2024, we will celebrate Republic Day. I will now invite Members to bring greetings on the occasion of Republic Day. Member for Diego Martin Central.

Hon. Members: [*Desk thumping*]

The Minister in the Office of the Prime Minister (Hon. Symon de Nobriga): Thank you, Madam Speaker. Madam Speaker, I rise today on behalf of the Government of the Republic of Trinidad and Tobago to bring greetings to our citizens as we look forward to the 40th Anniversary of us taking that momentous step towards claiming complete self-governance.

Madam Speaker, the ideal of republicanism as a form of government in which the State is ruled by representatives drawn from within the body politic, and sovereignty rests on the shoulders of each citizen, is one from which this Government will not waiver.

Madam Speaker, 48 years in the life of a country's development is but a drop in the bucket of history. Trinidad and Tobago, like so many of its Caribbean neighbours and other former colonies of the British Empire, remains one of the world's newest democracies, and even newer still is our ascent to republican status. Indeed, as in so many other areas, we would have led the region in dispensing with the British Monarch as our titular head.

This, Madam Speaker, is because our founding father and the framers of our Constitution always had a broader, more ambitious vision for this country. It was a vision founded on an absolute faith in the goodness and greatness of our people to rise above the limitations imposed on us by those who considered us less noble than themselves, and it was a vision founded on a firm belief that deep within our "Trinbagonianness" was a desire to be better, to do better and to live better.

6.25 p.m.

In so many areas, Madam Speaker, we have justified the faith reposed in us by those whose names are now etched in our memories. But even as we rightly celebrate that, we have a long road to travel.

We on this side hold steadfastly to the reminder offered by former Secretary-General of the United Nations, Kofi Annan, when he said:

“...no one is born a good citizen; no nation is born a democracy.

Rather, both are processes that continue to evolve over a lifetime.”

By that yardstick, I believe we would be justified in saying that we should be extremely proud of the republican journey because while there will always be challenges, which we must confront, the journey has indeed been characterized by significant wins and admirable progress. As we approach 48, we, the citizens of this great Republic, can look forward to the future, one filled with both opportunities to grasp together and challenges to overcome together.

I know that we on this side will continue in our relentless determination to forge new paths that would enhance the quality of our lives, of the lives of our citizens, as the Civil Division Bill, debated and passed today, bears testimony. And I know, Madam Speaker, that when faced with the obvious choice of embracing the future, the good citizens of this great Republic will underscore their boundless faith in our collective destiny and choose to build bridges that will take us solidly into the next century.

Madam Speaker, on behalf of the Government of the Republic of Trinidad and Tobago, I wish you, the Members of this House and all our citizens, a happy 48th republic anniversary.

Hon. Members: [*Desk thumping*]

Madam Speaker: Member for Siparia.

Mrs. Kamla Persad-Bissessar SC (Siparia): Thank you very much, Madam Speaker. As we celebrate this very momentous national holiday, on behalf of my colleagues on this Bench and, of course, on behalf of the UNC, I extend my very best wishes to all Members of this House, staff of the

Parliament and every citizen of our beloved Trinidad and Tobago, a happy Republic Day. We proudly call this honourable House, the Republican Parliament, and that is the reminder of the importance of this holiday and the sacred covenant of democratic service that it binds us all to as privileged Members of this esteemed Chamber.

In essence, republicanism is the sovereignty of the people, a belief that no human being is not good enough to govern another person without their consent. It holds fast to the basic social contract, where citizens agree to follow the laws, pay their taxes and devote their loyalty to their country, and in exchange, the elected government commits to preserve, protect and serve their interests, and to safeguard their freedom, and return to them, in kind, their loyalty.

Our attainment of republican status on August 01, 1976, was, therefore, no ordinary feat for a nation that only gained independence a mere 14 years before in 1962. Our decision to replace that bastion of our colonial past, the British Queen, with our very own President as our Head of State was a very powerful statement. It was our bold declaration that despite our global status as a tiny, fledgling, developing nation, we were determined to chart our way forward in complete freedom and self-autonomy, with pride, dignity and faith in our newly attained nationhood. But more than that, it ushered in our new republican Constitution after years of struggle with the shortcomings of our independence Constitution, which had simply afforded to much executive power to a Prime Minister. This led to significant abuse of power by the Government of the day, resulting in many years of social rebellions, particularly in the 1960s and early 70s.

6.30 p.m.

It took the continuous and determined defence of our democratic principles by the Opposition forces of the day to ensure that our republican Constitution took effect. Therefore, by establishing the Office of the President, a new set of independent checks and balances were intended to be established in our system of government. From Independent Senators to the Auditor General, Service Commissions, then new institutions of the Integrity Commission and the Ombudsman and joint select committees. These were designed to add another layer of non-political oversight over Government in addition to the official Opposition. This was to allow the people's interest to prevail in our Republic and not just that of politicians.

Even in 1976, the much more substantial constitutional reforms of the Wooding Commission were rejected by the then Government. Then in 1995, under the first UNC Government, which I had the honour to serve in, we introduced major constitutional reform to advance the interest of the public. This includes the Freedom of Information Act, the Judicial Review Act, the Equal Opportunity Act, and the radical expansion on joint select committees of this Parliament. These have revolutionized politics and government in T&T.

During the years 2010—2015, they further undertook a major constitutional reform exercise to bring the whole society on board. We updated the Standing Orders of this Parliament for the first time since independence, introducing new mechanisms such as Prime Minister's Questions. We introduced proportional representation in our local government system for the very first time in our history to ensure that every

vote, the popular vote, counts.

We passed historic procurement legislation to prevent corruption. We introduced many other important mechanisms, which were in the process of being debated in Parliament, such as term limits, fixed election days and equal budgetary allocations to each Member of Parliament. All of this and more in service to our great republican status, an ideal.

Unfortunately, some of our independent institutions and all our significant gains are today, once more, under direct threat. Also, our celebration this year is significantly marred by the unprecedented horrendous crime wave which has engulfed our once peaceful nation. A sense of general despair and unease prevails in the national psyche and our society as a whole. Indeed, this may convince us that we have nothing to celebrate as a nation because we face some of the darkest days in our history, yet Republic Day is perhaps one of the most powerful reminders of the very reason we must, against all odds, fight on as a collective people to preserve our great democracy.

In the words of the great American President, Abraham Lincoln, I quote:

“Our safety, our liberty, depends upon preserving the Constitution...as our...”—forefathers—“...made it inviolate. The people...are the rightful masters of both...”—Parliament—“...and the courts, not to overthrow the Constitution, but to overthrow the men who pervert the Constitution.”

Today, I call upon all hon. Members of this House to recommit to our fundamental duties as legislators, entrusted with the sacred duty of

safeguarding and preserving our cherished democratic tenets of liberty, equal opportunity and equal access to justice, safety and human dignity. Again, on behalf of those on this Bench, I say happy Republic, Trinidad and Tobago. May we always be proud of our great history and always be compelled to continue our struggle for true freedom so that decades from now our future generations will look back and be grateful that we never gave up on the great nation that they will ultimately inherit. I thank you very much, Madam Speaker.

Hon. Members: [*Desk thumping*]

Madam Speaker: Hon. Members, I would like to join in extending greetings to the people of Trinidad and Tobago on the occasion of the 48th anniversary of becoming a republic. Hon. Members, as a Member of Parliament and as a citizen of this Republic, I take great pride on the occasion of the celebration of another anniversary of our republican status in our country's past achievements and the potential that lies in our fellow countrymen and women for greatness and excellence.

As a Republic, we became the masters of our own destiny. Our citizens enjoy the right and freedom to vote and we have been fortunate to be able to do this in a free, fair, safe and transparent manner. We have a stable democracy in which the Legislature, Executive and the Judiciary are each able to function in a manner which allows each branch of government to discharge its duties in an effective manner. We have free education, free health care, well-developed social safety nets, and legislation that protects the working population.

Our athletes, professionals, students and cultural ambassadors have

done us proud and have put us on the world stage in myriad fora, and there is still much more being done by our nationals in different spheres of society, all towards improving our twin-island Republic. We are a nation of ingenuity, creativity and diversity, which have merged into a melting pot to produce the uniqueness that defines us. Our light-heartedness, which sometimes we take for granted, may be the panacea that is missing in other places as that necessary valve that averts the eruption of mass social conflict.

Our potential for greatness is only limited by our mindset, our attitudes and beliefs. Our small nation has accomplished so much in a timespan, which is considered short in the life of a nation. It is my sincere belief that our potential for further greatness is not elusive and that if we return to the values and virtues of the olden days, if we return to being our brother's, our sister's keeper, "to each one, help one; two together, we are stronger", we shall once again lustily join in that chorus of one of our calypsonian bards:

"Trinidad..."—and Tobago—"...is nice, Trinidad..."—and Tobago—"...is a paradise".

Hon. Members, admittedly, there are many challenges that we continue to face and we must as a nation confront and resolve them, but there is still so much as a nation for which we must be thankful. Let us on the occasion of this 48th anniversary as a nation and as individuals, commit and rededicate ourselves to work together to rebuild the foundations of trust, mutual respect, strong moral and spiritual values, and to revitalize in action, our national watchwords of "Discipline, Production and Tolerance".

On behalf of the Parliament of the Republic of Trinidad and Tobago,

Greeting – Republic Day
Madam Speaker (cont'd)

2024.09.20

my family, and on my own behalf, I wish you all a happy Republic Day, and may God bless our nation.

Hon. Members: [*Desk thumping*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.38 p.m.