

SENATE

Monday, September 09, 2024

The Senate met at 10.00 a.m.

PRAYERS



[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. Lawrence Hislop, Sen. Dr. Maria Dillon-Remy, and Sen. Dr. Sharda Patasar all of whom are out of the country and to Sen. Anil Roberts who is ill.

SENATORS' APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from Her Excellency the President Christine Carla Kangaloo, ORTT:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA KANGALOO, O.R.T.T., President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

/s/ Christine Carla Kangaloo

President.

TO: MR. VYASH NANDLAL

WHEREAS Sen. Lawrence Hislop is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do

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hereby appoint you, MR. VYASH NANDLAL to be a member of the Senate temporarily, with effect from 9th September, 2024 and continuing during the absence from Trinidad and Tobago of Sen. Lawrence Hislop.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 6th September.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of the
Republic of Trinidad and Tobago and
Commander-in-Chief of the Armed Forces.

/s/ Christine Carla Kangaloo
President.

TO: DR. TIM GOPEESINGH

WHEREAS Sen. Anil Roberts is incapable of performing his duties as a Senator by reason of his illness:

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, DR. TIM GOPEESINGH to be a member of the Senate temporarily, with effect from 9th September, 2024 and continuing during the absence of Sen Anil Roberts by reason of illness.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and

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Tobago at the Office of the President, St. Ann's, this 9th September.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA KANGALOO, O.R.T.T., President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

/s/ Christine Carla Kangaloo

President.

TO: MR. FRANCIS M. LEWIS

WHEREAS Sen. Dr. Maria Dillon-Remy is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, MR. FRANCIS M. LEWIS to be a member of the Senate temporarily, with effect from 9th September, 2024 and continuing during the absence from Trinidad and Tobago of Sen. Dr. Maria Dillon-Remy.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 6th September.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA KANGALOO, O.R.T.T., President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

/s/ Christine Carla Kangaloo
President.

TO: MR. JOSH DRAYTON

WHEREAS Sen. Sharda Patasar is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, MR. JOSH DRAYTON to be a member of the Senate temporarily, with effect from 9th September, 2024 and continuing during the absence from Trinidad and Tobago of Sen. Sharda Patasar.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 6th September."

OATH OF ALLEGIANCE

Senators Vyash Nandlal and Dr. Tim Gopeesingh took and subscribed the Oath of Allegiance as required by law.

AFFIRMATION OF ALLEGIANCE

Senators Francis M. Lewis and Josh Drayton took and subscribed the Affirmation of Allegiance as required by law.

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PAPERS LAID

1. Annual Administrative Report of the National Flour Mills Limited for the year ended December 31, 2022. [*The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon)*]
2. Annual Administrative Report of the Ministry of Trade and Industry for the fiscal year 2021/2022. [*Sen. The Hon. P. Gopee-Scoon*]
3. Annual Administrative Report of the Ministry of Tourism, Culture and the Arts for fiscal 2022. [*The Minister of Tourism, Culture and the Arts (Hon. Randall Mitchell)*]
4. Ministerial Response of the Ministry of Works and Transport to the Sixteenth Report of the Public Accounts Committee on the examination of the Reports of the Auditor General on the Financial Statements of the Airports Authority of Trinidad and Tobago (AATT) for the financial years ended December 31, 2013 to 2019, and follow-up on the implementation of the recommendations contained in the Committee's Eighteenth Report from the 11th Parliament. [*The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan)*]
5. Response of the Police Complaints Authority to the Fifteenth Report of the Public Accounts Committee on the examination of the Report of the Auditor General on the Financial Statements of the Police Complaints Authority (PCA) for the fiscal years 2015 to 2021. [*Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC)*]
6. Response of the Service Commissions Department to the Fourteenth Report of the Public Accounts Committee on the examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and

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7. Tobago for the financial year 2022. [*The Minister of Public Administration (Sen. The Hon. Allyson West)*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Telecommunications Authority of Trinidad and Tobago for the financial year ended September 30, 2021. [*The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne)*]
9. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Point Fortin Civic Centre for the financial year ended September 30, 2015. [*Sen. The Hon. Dr. Amery Browne*]
10. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Point Fortin Civic Centre for the financial year ended September 30, 2016. [*Sen. The Hon. Dr. Amery Browne*]
11. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Point Fortin Civic Centre for the financial year ended September 30, 2017. [*Sen. The Hon. Dr. Amery Browne*]
12. Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Point Fortin Civic Centre for the financial year ended September 30, 2018. [*Sen. The Hon. Dr. Amery Browne*]
13. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Point Fortin Civic Centre for the financial year ended September 30, 2019. [*Sen. The Hon. Dr. Amery Browne*]
14. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Point Fortin Civic Centre for the financial year ended September 30, 2020. [*Sen. The Hon. Dr. Amery Browne*]

15. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statement of the Point Fortin Civic Centre for the financial year ended September 30, 2021. [*Sen. The Hon. Dr. Amery Browne*]
16. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Regulated Industries Commission for the year ended December 31, 2019. [*Sen. The Hon. Dr. Amery Browne*]
17. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Regulated Industries Commission for the year ended December 31, 2020. [*Sen. The Hon. Dr. Amery Browne*]
18. First Annual Report of the Office of Procurement Regulation of Trinidad and Tobago for the period April 26, 2023 to April 25, 2024. [*Sen. The Hon. Dr. Amery Browne*]
19. Annual Administrative Report of the Export-Import Bank of Trinidad and Tobago Limited (EXIMBANK) for the year ended December 31, 2021. [*Sen. The Hon. Dr. Amery Browne*]
20. Annual Administrative Report of the University of Trinidad and Tobago for the fiscal year 2020/2021. [*Sen. The Hon. Dr. Amery Browne*]
21. Annual Administrative Report of the National Institute of Higher Education, (Research, Science and Technology) (NIHERST) for the fiscal year 2018. [*Sen. The Hon. Dr. Amery Browne*]
22. Annual Administrative Report of the National Training Agency for the fiscal year 2019/2020. [*Sen. The Hon. Dr. Amery Browne*]
23. Annual Administrative Report of the Land Settlement Agency for the fiscal year 2019/2020. [*Sen. The Hon. Dr. Amery Browne*]
24. Annual Administrative Report of the Land Settlement Agency for the fiscal year 2020/2021. [*Sen. The Hon. Dr. Amery Browne*]

25. Annual Administrative Report of the Land Settlement Agency for the fiscal year 2021/2022. [*Sen. The Hon. Dr. Amery Browne*]
26. Annual Administrative Report of the San Fernando City Corporation for fiscal year 2018/2019. [*Sen. The Hon. Dr. Amery Browne*]
27. Annual Report on the Exercise of the Functions and Powers of the Ministry of Health for the fiscal year 2015/2016. [*Sen. The Hon. Dr. Amery Browne*]
28. Annual Report on the Exercise of the Functions and Powers of the Ministry of Health for the fiscal year 2016/2017. [*Sen. The Hon. Dr. Amery Browne*]
29. Annual Report on the Exercise of the Functions and Powers of the Ministry of Health for the fiscal year 2017/2018. [*Sen. The Hon. Dr. Amery Browne*]
30. Annual Report on the Exercise of the Functions and Powers of the Ministry of Health for the fiscal year 2018/2019. [*Sen. The Hon. Dr. Amery Browne*]
31. Annual Report on the Exercise of the Functions and Powers of the Ministry of Health for the fiscal year 2019/2020. [*Sen. The Hon. Dr. Amery Browne*]
32. Ministerial Response of the Ministry of Finance to the Fourteenth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2022. [*Sen. The Hon. Dr. Amery Browne*]
33. Response of the Tobago House of Assembly to the Twenty-Fifth Report of the Public Administration and Appropriations Committee on an Examination into the Development Programme for fiscal year 2018/2019 and follow-up on the Ministerial Response to the Sixth Report on the Tobago House of Assembly (THA) from the Eleventh Parliament. . [*Sen. The Hon. Dr. Amery Browne*]
34. Ministerial Response of the Ministry of National Security to the Tenth Report of the Public Accounts (Enterprises) Committee on the examination

- of the Audited Financial Statements of the National Maintenance Training and Security Company Limited (MTS) for the Financial Year 2018 and follow up on the implementation of the recommendations contained in the Committee's Eleventh Report from the 11th Parliament. [*Sen. The Hon. Dr. Amery Browne*]
35. Ministerial Response of the Ministry of Rural Development and Local Government to the Ninth Report of the Joint Select Committee on Finance and Legal Affairs on an inquiry into the State's strategy for implementing un-proclaimed legislation passed by Parliament during the last 20 years (Part II) with specific focus on the Dog Control Act, Chapter 67:56. (By the Minister of Rural Development and Local Government. [*Sen. The Hon. Dr. Amery Browne*])
36. Annual Audited Financial Statements of the Trinidad and Tobago Bureau of Standards for the financial year ended September 30, 2021. [*Sen. The Hon. Dr. Amery Browne*]
37. Annual Audited Financial Statements of the Trinidad and Tobago Bureau of Standards for the financial year ended September 30, 2022. [*Sen. The Hon. Dr. Amery Browne*]
38. Annual Audited Financial Statements of the Trinidad and Tobago Bureau of Standards for the financial year ended September 30, 2023. [*Sen. The Hon. Dr. Amery Browne*]
39. Annual Audited Financial Statements of the National Commission for Self Help Limited for the financial year ended September 30, 2017. [*Sen. The Hon. Dr. Amery Browne*]

40. Annual Audited Financial Statements of the National Commission for Self Help Limited for the financial year ended September 30, 2018. [*Sen. The Hon. Dr. Amery Browne*]
41. Annual Audited Financial Statements of Trinidad and Tobago International Financial Centre Management Company Limited for the financial year ended September 30, 2022. [*Sen. The Hon. Dr. Amery Browne*]
42. Annual Audited Financial Statements of First Citizens Holdings Limited and its subsidiaries for the financial year ended September 30, 2022. [*Sen. The Hon. Dr. Amery Browne*]
43. Annual Audited Financial Statements of First Citizens Holdings Limited and its subsidiaries for the financial year ended September 30, 2023. [*Sen. The Hon. Dr. Amery Browne*]
44. Annual Audited Financial Statements of National Investment Fund Holding Company Limited for the year ended December 31, 2022. [*Sen. The Hon. Dr. Amery Browne*]
45. Annual Audited Financial Statements of Palo Seco Agricultural Enterprises Limited for the financial year ended September 30, 2019. [*Sen. The Hon. Dr. Amery Browne*]
46. Annual Audited Consolidated Financial Statements of Telecommunications Services of Trinidad and Tobago Limited for the year ended March 31, 2023. [*Sen. The Hon. Dr. Amery Browne*]
47. Annual Audited Financial Statements of National Maintenance Training and Security Company Limited for the year ended December 31, 2022. [*Sen. The Hon. Dr. Amery Browne*]
48. Annual Audited Financial Statements of the Betting Levy Board for the year ended June 30, 2021. [*Sen. The Hon. Dr. Amery Browne*]

49. Annual Audited Consolidated Financial Statements of ExporTT Limited for the financial year ended September 30, 2019. [*Sen. The Hon. Dr. Amery Browne*]
50. Annual Audited Consolidated Financial Statements of ExporTT Limited for the financial year ended September 30, 2020. [*Sen. The Hon. Dr. Amery Browne*]
51. Annual Audited Financial Statements of Trinidad and Tobago National Petroleum Marketing Company Limited and its subsidiaries for the year ended March 31, 2020. [*Sen. The Hon. Dr. Amery Browne*]
52. Annual Audited Financial Statements of the University of Trinidad and Tobago for the financial year ended September 30, 2019. [*Sen. The Hon. Dr. Amery Browne*]
53. Annual Audited Financial Statements of the University of Trinidad and Tobago for the financial year ended September 30, 2020. [*Sen. The Hon. Dr. Amery Browne*]
54. Annual Audited Financial Statements of the University of Trinidad and Tobago for the financial year ended September 30, 2021. [*Sen. The Hon. Dr. Amery Browne*]
55. Annual Audited Consolidated Financial Statements of the Urban Development Corporation of Trinidad and Tobago Limited for the year ended December 31, 2019. [*Sen. The Hon. Dr. Amery Browne*]
56. Annual Audited Consolidated Financial Statements of the Urban Development Corporation of Trinidad and Tobago Limited for the year ended December 31, 2020 [*Sen. The Hon. Dr. Amery Browne*]
57. Annual Audited Financial Statements of Caroni (1975) Limited for the year ended June 30, 2021. [*Sen. The Hon. Dr. Amery Browne*]

58. Annual Audited Financial Statements of the National Information and Communication Technology Company Limited (iGovTT) for the financial year ended September 30, 2023. [*Sen. The Hon. Dr. Amery Browne*]
59. Annual Audited Financial Statements of the Sports Company of Trinidad and Tobago Limited for the financial year ended September 30, 2023. [*Sen. The Hon. Dr. Amery Browne*]
60. Annual Audited Financial Statements of MIC Institute of Technology Limited for the financial year ended September 30, 2021. [*Sen. The Hon. Dr. Amery Browne*]
61. Annual Audited Financial Statements of MIC Institute of Technology Limited for the financial year ended September 30, 2022. [*Sen. The Hon. Dr. Amery Browne*]
62. Annual Audited Financial Statements of the National Schools Dietary Services Limited for the financial year ended September 30, 2023. [*Sen. The Hon. Dr. Amery Browne*]
63. Annual Audited Consolidated Financial Statements of Trinidad and Tobago Creative Industries Company Limited (CreativeTT) for the financial year ended September 30, 2020. [*Sen. The Hon. Dr. Amery Browne*]
64. Annual Audited Consolidated Financial Statements of Trinidad and Tobago Creative Industries Company Limited (CreativeTT) for the financial year ended September 30, 2021. [*Sen. The Hon. Dr. Amery Browne*]
65. Annual Audited Consolidated Financial Statements of Trinidad and Tobago Creative Industries Company Limited (CreativeTT) for the financial year ended September 30, 2022. [*Sen. The Hon. Dr. Amery Browne*]
66. Annual Audited Financial Statements of Development Finance Limited for the year ended December 31, 2023. [*Sen. The Hon. Dr. Amery Browne*]

67. Annual Audited Financial Statements of the National Entrepreneurship Development Company Limited for the financial year ended September 30, 2021. [*Sen. The Hon. Dr. Amery Browne*]
68. Annual Audited Financial Statements of the National Entrepreneurship Development Company Limited for the financial year ended September 30, 2022. [*Sen. The Hon. Dr. Amery Browne*]
69. Annual Audited Financial Statements of the National Training Agency for the financial year ended September 30, 2023. [*Sen. The Hon. Dr. Amery Browne*]
70. Annual Audited Financial Statements of the National Training Agency for the financial year ended September 30, 2024. [*Sen. The Hon. Dr. Amery Browne*]

10.15 a.m.

Mr. President: Leader of Government Business.

Sen. The Hon. Dr. A. Browne: Mr. President, I wish to advise that paper No. 1 on the Order Paper will be laid at a subsequent Sitting of the Senate.

ANSWERS TO QUESTIONS

Mr. President: Leader of Government Business.

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Thank you, Mr. President. Mr. President, there are four questions for oral response on the Order Paper. The Government is prepared to respond today to 100 per cent of the questions on the Order Paper.

Mr. President: Sen. Mark.

Hon. Senators: [*Desk thumping*]

Sen. Mark: Thank you, Mr. President. Question No. 131 to the—Should I say outgoing Minister of Finance?

Hon. Senator: Former Prime Minister.

Sen. Mark: To the Minister.

Mr. President: Sen. Mark.

Sen. Mark: No, to the hon. Minister of Finance. The hon. Minister of Finance.

CLICO/Methanol Holdings (International) Ltd

(Details and Status of Shareholding Sale)

131. Sen. Wade Mark asked the hon. Minister of Finance: Can the Minister provide the details and status of the sale of CLICO's fifty-six point five three percent (56.53 per cent) shareholding in Methanol Holdings (International) Ltd. (MHIL) to the Proman Group in late December, 2023?

Hon. Senators: [*Desk thumping*]

Mr. President: Minister of Finance.

The Minister of Finance (Hon. Colm Imbert): Thank you, Mr. President. At least I have won nine consecutive elections. The information and answer to this question has been in the public domain for almost one year and the matter has already been extensively addressed inside and outside of the Parliament. It is therefore curious that Sen. Mark continues to beat this dead horse. The facts already in the public domain are as follows. As at April 2023, CLICO's remaining liability to the Government for the CLICO bailout was \$1 billion. In addition, CLICO had a statutory obligation under the Insurance Act 2018 to reduce its interest in MHIL to less than 20 per cent.

In July of 2023, the other shareholder in MHIL, Consolidated Energy, approached CLICO to acquire the full 56.53 per cent of CLICO's interest in MHIL. A sale price of US\$337 million for the shares was agreed based on a valuation done by an independent and reputable global valuation consultant, Charles River Associates, plus an additional US\$10 million as CLICO's share of

dividends for 2023. All issues were thus satisfactorily addressed. CLICO's satisfaction of its obligation under the Insurance Act 2018, with respect to its shareholding in MHIL being reduced to less than 20 per cent, and CLICO's obligation to repay the Government the \$1 billion that was still owed in 2023.

Mr. President: Sen. Mark.

Sen. Mark: Thank you. Let me address my honourable friend. Mr. President, can the hon. Minister advise this Senate when did the Government receive the outstanding \$1 billion owed by CLICO to the taxpayers of the Republic of Trinidad and Tobago to settle its final outstanding debt obligations to the citizenry. Can I ask the Minister of Finance?

Mr. President: Minister of Finance.

Hon. C. Imbert: In 2023.

Mr. President: Sen. Mark.

Sen. Mark: Can I ask the Minister if he can be a little more specific by indicating to us the month that that money was received in 2023, because I do not have a clue, Mr. President. So can he advise us?

Mr. President: Minister of Finance.

Hon. C. Imbert: Mr. President, you know, when I come to this place, I have to expect strange questions from Sen. Mark. That was not part of the question. All Sen. Mark complained about was the sale of MHIL shares by CLICO. He said nothing about any debt owed by CLICO to the Government. It is therefore absurd to expect me to walk with that date.

Hon. Senators: [*Desk thumping*]

Sen. Mark: I know he is a bit—

Mr. President: Sen. Mark, ask the question.

Hon. C. Imbert: “Ah, get on with it nah man.”

Hon. Senators: [*Crosstalk*]

Hon. C. Imbert: Get on with it.

Sen. Mark: I know he is uncomfortable these days.

Hon. C. Imbert: Get on with it.

Sen. Mark: Yes.

Hon. Senators: [*Crosstalk*]

Sen. Mark: Yes. Mr. President—

Mr. President: Alright Members, Members. Sen. Mark, have a seat. Sen. Mark, just get to the question, please.

Sen. Mark: Yes, yes, yes, I am trying to Sir. Mr. President, may I ask my honourable friend, who seems to be under the weather—

Mr. President: Sen. Mark, what is the question?

Sen. Mark: May I ask my honourable friend to explain, or should I recast it, Mr. President? May I ask him where, in accordance with the Central Bank Act, section 4—

Mr. President: You do not need to quote the section, just ask the question.

Sen. Mark: Can I ask the hon. Minister when he will be tabling a copy of the valuation report of Charles River Associates that determined the final value of the assets of CLICO, 56.3 per cent, in the MHIL, Mr. President?

Mr. President: So, I will not allow that question Sen. Mark. Next question.

Sen. Mark: You will not allow that. Okay, Mr. President. Mr. President, given the sell-out of the MHIL/CLICO 56.53 per cent shares, can the Minister indicate what role, if any, the Minister played in allowing Consolidated Energy Limited, Proman, to purchase not only the 36 per cent shares, but also the additional 20 per cent shareholding, totaling 56.53 per cent? Can the Minister indicate to you, Mr.

President, and to the Senate, what role did the Minister of Finance play in encouraging that process?

Mr. President: So, I will not allow that question either.

Sen. Mark: You are not allowing that.

Mr. President: Sen. Mark, next question on the Order Paper.

Sen. Mark: Can I ask another supplemental?

Mr. President: No, Sen. Mark, that is all the supplementals for 131. Next question on the Order Paper.

Sen. Mark: I think—

Mr. President: Sen. Mark, Sen. Mark, you are well rested, and I get that, we have had two months of recess. Please move to the next question on the Order Paper.

Sen. Mark: Mr. President—

Mr. President: Next question on the—

Sen. Mark: Yes, Mr. President.

Mr. President: Good.

Sen. Mark: Mr. President, I am rested. I want a general election!

Hon. Senators: [*Desk thumping*]

Sen. Mark: [*Inaudible*] I want the election.

Mr. President: Sen. Mark have a seat, have a seat.

Hon. Senators: [*Laughter*]

Mr. President: Regardless of what you want, we are dealing with the Sitting here today. Next question on the Order Paper.

Sen. Mark: Mr. President, welcome back.

Mr. President: Thank you.

Sen. Mark: Thank you. Can I ask my hon. Acting Prime Minister—

Sen. Lyder: New Acting Prime Minister.

Sen. Mark: New Acting Prime Minister I should say. Can I put this question Mr. President, through you?

**National Energy Corporation of Trinidad and Tobago in Guyana
(Establishment of)**

132. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries: With regard to the efforts of the National Energy Corporation of Trinidad and Tobago to become established in Guyana, can the Minister indicate the following:

- (i) The quantum of money spent on these efforts for the period January 2017 to May 2024;
- (ii) the projects that the Corporation has participated in or made Investments in as part of these efforts; and
- (iii) The achievements arising out of these efforts in the last five years?

Hon. Senators: [*Desk thumping*]

Mr. President: The Acting Prime Minister.

The Acting Prime Minister, Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister (Hon. Stuart Young SC): Thank you very much, Mr. President—

Hon. Senators: [*Interruption*]

Mr. President: Sen Mark or whoever is speaking, please allow the Acting Prime Minister to answer the question. Continue.

Hon S. Young SC: Mr. President, through you to the population. National Energy has spent as part of Trinidad and Tobago's investment profile, TT\$3,693,765 over the period of January 2017 to May 2024 on efforts related to establishing business in Guyana.

10.30 am

Over the period of January 2017 to May 2024, National Energy has participated in the following: On behalf of the NGC Group, National Energy coordinated the submission to the pre-qualification proposal for gas to energy projects issued by the Government of the Cooperative Republic of Guyana. The NGC Group was subsequently short-listed for the request for bids.

Upon issuance of the RFB, requests for bids packages, the NGC Group declined to participate further. They were also contracted by a Guyanese company to provide technical assistance and jointly explore potential for partnership in the area of port infrastructure, development, and operation.

National Energy has also entered in the strategic partnerships for the provision of marine support services for operations in both Guyana and Suriname. Ongoing assessments and evaluation of business opportunities to determine feasibility for investment.

The achievements over the last five years are as follows: Revenues of \$36,262,827 or 10 times National Energy's expenditure on establishing business in Guyana; for the provision of technical services, \$350,000; and marine vessels services in the Guyana and Suriname basin of \$35,912,363. And on behalf of the citizens of Trinidad and Tobago, I congratulate National Energy for this outstanding revenue earned.

Hon. Senators: [*Desk thumping*]

Hon. S. Young SC: They have also, based on a memorandum of understanding executed between Staatsolie and the NGC Group in 2021, explored opportunities for greater cooperation. The NGC Group worked with Staatsolie to prepare a gas monetization study for Suriname. National Energy's Guyana office is used as a base for engagement with senior officials from both Guyana and Suriname. This

office demonstrates Trinidad and Tobago's commitment to working with Guyana. It is also made available for use by other state companies and the Trinidad and Tobago High Commission in Guyana.

Arising out of the work done in Guyana, a meeting of the three leaders of Guyana, Suriname and Trinidad and Tobago was hosted at National Energy's head office in 2022, to lay the groundwork for further discussions on energy matters. National Energy serves as the focal point for the implementation of the Government to Government memorandums of understanding with both Guyana and Suriname. The MOU between the Government of the Cooperative Republic of Guyana and Trinidad and Tobago on renewed and enhanced cooperation, which was executed on the 22nd of May, 2022. Areas of cooperation include agriculture, food security, energy, infrastructure, trade and investments.

Then an MOU between the Government of the Republic of Suriname and the Republic of Trinidad and Tobago, concerning cooperation in energy and energy related matters was executed on the 6th of July, 2023, with the key objectives including an assessment of the regional gas supply opportunities, renewable energy, clean petchems, industry development, capacity-building, knowledge exchange, public-private partnerships. They have also extended MOUs and NDAs with Guyanese partners for exploration of business opportunities. We have established closer relations with PETRONAS in Suriname. And in June 2024, the MOU between Staatsolie and National Energy was signed for the joint study of sustainable energy projects, as well as a letter of intent for knowledge exchange and capacity-building. Well done, National Energy.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Sen. Mark: Let me just congratulate my colleague as you move towards becoming the next political leader—

Mr. President: Sen. Mark.

Sen. Mark:—of the PNM.

Mr. President: Sen. Mark.

Hon. Senators: [*Laughter*]

Sen. Mark: I want to congratulate you in advance.

Mr. President: Sen. Mark.

Sen. Mark: No, I am offering—

Mr. President: That is fine, just ask your supplemental question please.

Sen. Mark: Okay, I am sorry, Sir. I am sorry. I thought I was congratulating—sorry, Sir. Sorry, Sir.

Hon. Senators: [*Crosstalk*]

Sen. Mark: Sorry, Sir. Sorry, Sir. Sorry, Sir. Sorry, Sir.

Mr. President: Members, Members. No. Have a seat, Sen. Mark. Sen. Mark, have a seat. Sen. Mark, Sen. Lyder, Members, this is question time, and I expect there to be silence so the procedure, can continue. Sen. Mark, just ask your supplemental.

Sen. Mark: Mr. President, I am energized whenever you rise, you know. Mr. President, may I ask the hon. Minister of Energy and Energy Industries, whether he can share with this honourable Senate, an understanding of this initial investment of the over \$3 million by the National Energy Corporation in Guyana? In other words, Mr. President, can he outline to us the areas that this \$3 million and over, were expended? That is the initial investment, he told us that the NGC—

Mr. President: Acting PM.

Hon. S. Young SC: Thank you very much, Mr. President. I have listed in detail all of the particulars where that TT \$3.6 million was spent over the period of time. It has not been particularized by what paper clip, what pen, what piece of paper, et cetera, but on behalf of the citizens of Trinidad and Tobago, that \$3.6 million was multiplied tenfold to a revenue from National Energy on that expenditure to \$36-plus million.

Hon. Senators: [*Desk thumping*]

Hon. S. Young SC: So, if I can tell Sen. Mark as to where it was spent, on what paper clip, what meeting, what bottle of water, the answer is no. But what I can tell the population through you, is it resulted in 10 times the amount in revenue earned by National Energy.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Sen. Mark: You are preparing well for your new office. Mr. President, may I continue. Can I ask the hon. Minister, through you, whether Mr. President, the Government is prepared to table in this honourable Senate, a copy of the two memoranda of understanding signed between parties, NGC and the Government of Guyana, and NEC and the Government of Suriname. Would he be prepared to table those two memoranda of understanding?

Hon. S. Young SC: Mr. President, those agreements, as is normal in agreements of that type, do contain confidentiality clauses as one would expect. Part of the process of being able to lay any such agreements would be a request being made to the Republic—to the Governments of both Guyana and Suriname, seeking their concurrence to such a step. So, I cannot give any such assurance today in this honourable House.

Mr. President: Sen. Mark.

Sen. Mark: Thank you again. Can I ask the hon. Minister whether at this time and during the set period under review, whether the National Energy Corporation has established a permanent office in Guyana, and what is the cost of this particular office? Can I ask the hon. Minister?

Mr. President: Acting PM.

Hon. S. Young SC: Thank you very much. Mr. President, the answer is yes, as I set out in the previous answers. There is a permanent office, permanent meaning that a space is rented, a commercial space in Guyana by National Energy that is used not only by the Government but also by National Energy, the NGC Group and others who make request for it. I cannot today give the cost of the monthly rental or outfitting of this office. But, I do remind once again whatever that cost is, it was minuscule, I am sure in comparison to the \$36-plus million earned for the people of Trinidad and Tobago, by these ventures by National Energy.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, I do not know if the hon. Minister has any information—any information on projections given the—let us say glowing picture that the hon. Minister has painted, as it relates to the National Energy Corporation. Can the Minister indicate, what are the projected forecasts for continued advances on the part of the NGC in its quest to solidify its presence in Guyana and earn and generate appropriate revenues for the Republic of Trinidad and Tobago? Can the hon—

Mr. President: Acting PM.

Hon. S. Young SC: Thank you very much. Mr. President, I can assure the population that part of the expansion and diversification of the NGC Group is being carried out by National Energy in Guyana and Suriname. As we have seen the preliminary revenue earned is quite good, they will continue along that

trajectory and they are also looking at further investments. What I can say is that they are well respected in both Guyana and Suriname and they are often consulted not only by the Governments, but also by private sector companies, and coming out of that, I expect that there will be continued growth on behalf of the people of Trinidad and Tobago, in Guyana and Suriname on their behalves by National Energy.

Mr. President: Sen. Mark, next question on the Order Paper.

Sen. Mark: My hon. friend, the outgoing Minister of National Security. Let me just put this question to him. Mr. President, through you—

Sen. Dr. Browne: Mr. President, on a point of order, Sen. Mark, repeatedly is making insinuations and casting comments at colleagues on this Bench, I would ask you please to have him cease and desist from doing this when posing questions.

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

Mr. President: So Members, this part of the proceedings as it relates to any Sitting of the Senate, is pretty straightforward. There is nobody in this Chamber who is not aware of what needs to happen during this time, and they are also aware that there is a time limit to this particular procedure. As such, Sen. Mark, I would ask you to keep it very succinct and just ask the question on the Order Paper, so it can be answered and the supplementals can be put. Continue.

Sen. Mark: Thank you very much, as usual, I am guided by your ruling. Mr. President, may I ask—direct, I should say, direct question No. 133 to the Minister of National Security.

**Trinidad and Tobago Police Service
(Officers' Erroneous Promotion)**

133. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

In light of reports that twenty-nine officers within the Trinidad and Tobago Police Service were erroneously promoted due to a glitch in the process, can the Minister indicate what actions will be taken to address this issue?

Mr. President: Minister of National Security.

Hon. Senators: [*Desk thumping*]

The Minister of National Security (Hon. Fitzgerald Hinds): I thank you, Mr. President. Mr. President, it is not so much a matter of what actions will be taken as the question posits, it is more a matter of what has already been done. It is not a simple matter to rescind promotions in the TTPS or for that matter, anywhere, as there are complex legal issues involved. In short, if you give or grant a benefit to someone, it cannot be taken away whimsically.

The principles of natural justice embodied in the law of judicial review, become very relevant. In fact, there are also legal proceedings before the courts in respect of the matter raised in this question. The issue is therefore sub judice. With respect to the 34 police officers who were not promoted as a result of the same glitch, this matter was easier to resolve. They were denied a benefit to which they were lawfully entitled. As such, these officers have since been promoted and have received all of the entitlements and benefits due and owing to them. Mr. President, I thank you.

Mr. President: Sen. Mark.

Sen. Mark: Thank you, Mr. President. Can I ask the hon. Minister, colleague and friend, have you—has the Minister, Mr. President, received a report from the Commissioner of Police as it relates to the discrepancies that arose in this particular matter that he has outlined?

Mr. President: Minister of National Security.

10.45 a.m.

Mr. President: Minister.

Hon. F. Hinds: Mr. President, I thought in my response to the question, I did precisely that. I indicated that there is a matter in the court in relation to 29 officers who were denied promotion as a consequence of the glitch. I further indicated that for those who were—sorry, the first category, those who were promoted as a result of the glitch, that matter is before the court, as I indicated. And as for the second lot, those who were denied as a result of it, that matter has been properly addressed. I was certain that those answers would have been an adequate response to the supplemental question now being asked by the hon. Senator.

Mr. President: Sen. Mark.

Sen. Mark: Yeah. Can I ask the hon. Minister, as it relates to the former, that is the officers who were promoted wrongfully, allegedly wrongfully, can the Minister indicate whether from his analysis of the report received by him, there exists in the police service a paucity or a deficiency in professional manpower resources to aid and assist the Police Commissioner in dealing with this sensitive matter, so that there would not be a repetition of what we have experienced in Trinidad and Tobago with this discrepancy resulting in court proceedings? Mr. President, can I ask the Minister, through you?

Mr. President: Well, that was a very long-winded question. So I think on behalf of the Minister, if you could just shorten it and ask it again, it might be easier for him to answer it.

Sen. Mark: Can I ask the hon. Minister whether there is need to strengthen the professional manpower resources to aid and assist the Police Commissioner, so that the error that has occurred would not be repeated?

Mr. President: Minister.

Sen. Mark: That is all I am asking.

Hon. F. Hinds: Mr. President, the glitch of which we both speak was a computer or therefore, a technical issue. I indicated that the matter is before the court. I consider it imprudent to enter into any further details given that reality. Thank you.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, can the Minister indicate, finally, whether he is prepared to provide the Senate with a copy of the report that was generated, and he has a copy of, pending the outcome of the matter before the courts or after the matter has been settled in the court?

Mr. President: Minister.

Hon. F. Hinds: I really admire his second thought in terms of his last words, “or after the matter”, because anything before that would have been for the reason I have already stated, imprudent. But at any rate, might I tell the Senator that the report of which I spoke a while ago was an oral report and therefore, no document exists.

Mr. President: Sen. Dr. Paul Richards.

Sen. Dr. Paul Richards: Thank you, Mr. President. Good afternoon, colleagues. Question No.—

Sen. Mark: Good morning or good afternoon?

Hon. Senators: Good morning.

Sen. Mark: “Oh”, good morning.

Sen. Dr. P. Richards: Good morning, sorry. Question No.—

Sen. Mark: [*Inaudible*]—at 1.30.

Mr. President: Sen. Mark, please, please.

Sen. Mark: Sorry, Sir. Sorry, Sir.

Simple Possession Marijuana Charges

(Release of Inmates)

142. Sen. Dr. Paul Richards asked the hon. Attorney General and Minister of Legal Affairs:

Can the Attorney General advise how many inmates on simple possession marijuana charges have been released or had their records expunged, since the Dangerous Drugs Act was amended to allow for the possession of small amounts of marijuana for personal use?

Mr. President: Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you, Mr. President. Mr. President, the Dangerous Drugs (Amdt.) Act, 2019, the Act, was proclaimed by Legal Notice No. 29 of 2019 and came into operation on December 23, 2019. The Act, among other things, decriminalized certain quantities of cannabis and cannabis resin, and created a tiered penalty system premised upon the quantity of the substance in possession. Pursuant to section 5D(3) of the Act:

“...any offence on the criminal record of a person prior to the commencement of the...Act...for the possession of not more than one hundred grammes of cannabis or not more than fourteen grammes of cannabis resin shall be expunged”—from the record—“by the Commissioner of Police.”

According to the Act, persons in this category may apply to the Commissioner of Police for expungement.

In an effort to ensure a comprehensive report in response to the question

posed, the Office of the Attorney General and Ministry of Legal Affairs formally communicated with key stakeholders, including the Ministry of National Security, the Judiciary, the Office of the Director of Public Prosecutions, the Trinidad and Tobago Police Service, and the Trinidad and Tobago Prison Service to enquire about the number of records expunged in connection with the implementation of this Act, if any.

The Trinidad and Tobago Police Service has informed us that since the proclamation of the Act, there have been no applications by inmates, as posed by the question, for the expunging of records pursuant to the Act. And consequently, the Criminal Records Office is unable to particularly confirm whether any inmates have been released or had their records expunged as a result of this legislation.

As it relates to non-prisoners, the Trinidad and Tobago Police Service has informed us that, to date, 46 applications have been received for expunging, of which 45 have met the criteria, were processed and consequently expunged. The one remaining application is pending clarification on the quantity of drugs for which the charge was laid. Efforts to resolve this issue are ongoing.

The Trinidad and Tobago Prison Service has further informed us that since the implementation of the Act, the warrants department of the prison service has not received any instructions indicating that any inmates, who were arrested and charged for possession of marijuana and consequently brought into prison custody in accordance with a court order, have been pardoned, have their matters dismissed or have been released as a result of the application of the Act and its principles.

Finally, the Judiciary has informed us that this type of information is not maintained within its database, and the Office of the DPP has informed us that the information requested is not within the possession of the DPP. Thank you.

Mr. President: Senator.

Sen. Dr. Richards: Thank you, Mr. President. Thank you, AG, for the response. Can the hon. Attorney General indicate if the authorities, whether it be prison or any other relevant authority, have had information that would have indicated to inmates that this opportunity exists if they fulfil the criterion for having their records expunged and/or their matters dismissed even while they are incarcerated, so that they may avail themselves, if so qualified?

Mr. President: Attorney General.

Sen. The Hon. R. Armour SC: Thank you, Mr. President. I have not received any such information from any of the authorities. Thank you.

Mr. President: Senator.

Sen. Dr. Richards: Can the hon. Attorney General indicate also, one of the issues articulated earlier on with inmates who may qualify for this, or may not qualify for this, surrounds the fact that many of those who may qualify under simple possession offences may also have had more serious offences running concurrently and an audit was to be conducted to see who qualifies and who did not qualify as incarcerated, if that sort of audit has been completed or conducted so that we have a clear indication of who inside the prison may qualify for this as it was part of one of the mandates articulated when the Bill was proposed to the honourable Houses?

Mr. President: Attorney General.

Sen. The Hon. R. Armour SC: Thank you, Mr. President. Given the precision of the question which was asked, that enquiry was not made of the authorities but, of course, if it is articulated further in writing, I will make the relevant enquiries.

Mr. President: Senator.

Sen. The Hon. R. Armour SC: Thank you, AG, for that commitment. I will certainly do that. And finally, can the Attorney General indicate if he is also willing to make a commitment to make an enquiry of the authorities in the prisons

to find out if they have articulated the option available to inmates who have qualified and may not have been aware of it so that they may be able to make these applications for having their records expunged, et cetera?

Mr. President: Attorney General.

Sen. The Hon. R. Armour SC: Thank you, Mr. President. I am certainly prepared, once that question is properly articulated, to follow up on that with the relevant authorities.

Sen. Dr. Richards: Thank you.

STANDING ORDER 77(3)

Shipping Bill, 2020

Mr. President: Leader of Government Business.

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Mr. President, in accordance with Standing Order 77(3), I beg to move that the Shipping Bill, 2020, be restored to the Order Paper and proceedings on the Bill be resumed in the Fifth Session of the Twelfth Parliament.

Question put and agreed to.

MISCELLANEOUS PROVISIONS

(JUDICIAL AND LEGAL SERVICE) BILL, 2024

[Third Day]

Order read for resuming adjourned debate on question [July 04, 2024]:

That the Bill be now read a second time.

Question again proposed.

Mr. President: Those who spoke on the last occasion were Sen. The Hon. Reginald Armour SC, Attorney General and Minister of Legal Affairs, and Sen. Wade Mark. Sen. Vieira.

Hon. Senators: [*Desk thumping*]

Sen. Anthony Vieira SC: Thank you, Mr. President. There is a lot to unpack in this relatively short Bill. I do not propose to cover all aspects of the Bill, but I do agree with its central tenet, which seeks to bring sense and order to what has become an out-of-touch regime within the department of civil law, the Registrar General's Department and the Intellectual Property Office. While we are just off the first quarter mark in the 21st Century, we are still mired in 20th Century attitudes, systems and regulations.

The consequential disconnect to the needs and circumstances of our time is not just cumbersome and unwieldy in terms of bureaucracy, but it is also a cause of injustice and suffering on some of our best, brightest and most promising lawyers. So I support this legislation where it enhances the delivery of legal services within the country's civil law department, and in this vein, I have no issue with the provision of a chambers manager who shall be responsible for general administration support.

That person need not be a lawyer as the operative words are, administrative support. In fact, it is now commonplace for law firms and sets of chambers to have administrative support managers. Whether law firm or chambers, there are good reasons for having an administrative support manager or a chambers manager, given that lawyers are not the best managers or administrators, given that the management of day-to-day operations, such as ordering and maintaining supplies, managing office budgets, and pretty much managing everything which has to do with the office environment is a hands-on, demanding affair. When senior lawyers take on that responsibility, their billing hours and their law practices suffer, and that is not an effective use of valuable time and resources.

I do not see what all the excitement is about because the chambers manager serves the chambers, serves the law firm and the attorneys practising there. The

chambers manager helps the office run smoothly by taking responsibility of the day-to-day administrative or managerial tasks. They have no power to tell any attorney how to do their work and they must act under the directions of either the head of chambers or the managing partner, and this is reflected in the proposed legislation. Clause (4A) makes clear that the chambers manager does not give orders and directions on their own but must act in accordance with the general or specific directions of the Solicitor General.

11.00 a.m.

The provision makes clear that the primary role of Chambers Manager is to provide general administration support to the department of civil law. I support this legislation where it enables the State to attract and to keep competent lawyers. And I support this legislation if it can alleviate some of the injustice and suffering affecting those who are on short-term fixed contracts. Let me say, however, that I do not regard this legislation as a panacea. It is a plaster on a sore, which has been allowed to fester for far too long, and the plaster though necessary, can only serve as a temporary solution. For the wound to heal and the patient to reach full recovery, omnibus legislation is necessary, including reform of the service commissions—well that is a battle for a different day. Today, let us content ourselves with what I regard as a holding-measure.

In considering some of the key provisions before us, let me start by posing this question; is it right and proper that workers should have consistency in their employment, especially as it relates to their remuneration and other terms of employment? And before answering that question it may be helpful to put things in context by sharing some real-life examples of what is happening at the Intellectual Property Office, in fact, what has been happening there for well over a

decade. Now I can speak about the Intellectual Property Office, as it features at Clauses 5 and 7 of the Bill and because that office is the department within the State's civil law regime, of which I have first-hand knowledge. But as one would appreciate, the problems affecting workers at the IPO are not exclusive to that department and as other workers in other departments are similarly affected. One can say that the situation at the IPO is analogous to what is happening throughout various departments within the Office of the Attorney General and Ministry of Legal Affairs.

At the IPO it has become routine for workers to get successive three-month contracts over prolonged periods. Now the problem with these short-term fixed contracts is that they place the employee at a great disadvantage. Now just to be clear, as originally contemplated and when used correctly, there is nothing inherently wrong with a short-term fixed contract, especially when it is goal-specific. For example, a bespoke agreement to provide specific services or supplies. Typically, a fixed-term contract would be an outsourcing arrangement governed by a bilateral contract between the State and an outsourced supplier, the contract being tailored to a specific service, over a certain term, for a fixed fee. The supplier would typically be an independent contractor as opposed to full-time employee. And for those who may not know, the Public Management Consulting Division (PMCD) at the Ministry of Public Administration is responsible for fixed-term contracts.

The problem, which has arisen, is that because of failings within the civil service recruitment and promotion system, fixed-term contracts have been adapted by the PMCD to fill gaps in employment. Take for example the case of the Chief Technical Examiner at the IP Office who has been with the department for over 15

years. Now this is a critical post at the IP Office, as the Chief Technical Examiner plays a crucial role in the examination of patents, industrial designs, integrated circuits and new plant varieties. Because there is no public service post for a deputy comptroller technical, which is really a failing in the classification system, the current Chief Technical Examiner has retained a long-term contract, which expired some time ago. Now, I should point out that a good technical examiner is hard to find and attracting them to a career in public service is even harder. So, when the IP Office is lucky enough to find a good technical examiner, the idea should be to keep him, not to chase him out of sheer frustration.

So with a view to providing continuity, the Chief Technical Examiner was required to sign successive three-month contracts, pending renewal of a long-term contract. However, given the bureaucratic constraints, that proved to be a frustrating, unpredictable and protracted process. Those caught in the throes of this process will tell you that it takes forever. Happily, the Chief Technical Examiner's position has been resolved and he is back on a three--year contract but the situation of the Chief Technical Examiner is not unique.

The same situation currently applies to the three Madrid trademark examiners; each of whom have been with the IP Office for over a decade; each of whom as senior trademark examiners play a critical role in the administration of our trademark system, a necessary and critical part of our country's commercial and industrial system. The three senior trademark examiners are also on short-term fixed contracts pending renewal of hoped-for long-term contracts. They are all waiting on the PMCD to regularize their positions and yet, stability of these highly qualified officers is critical especially as they administer important treaties such as

the Madrid Protocol and the Patent Cooperation Treaty, which have very strict timelines.

And so, while these valuable employees are in a state of limbo, let us consider their situation in real-life terms as I attempt to answer the question I posed earlier. Because when you are on a fixed-term contract, you are in a very precarious and unfair situation: you cannot take sick days and if you stay home, you do not get paid even if you submit a medical. You are not entitled to vacation leave. You are not entitled to any gratuity and you cannot get a car loan or a mortgage. And since the paying arrangements for fixed-term contracts are different from those in regular full-time employment, fixed-term contract employees get their pay at a later date, assuming that they would even get paid at the stipulated time because we are having problems with that as well.

So in practical terms, employees on fixed-term contracts encounter difficulties when paying rent, making mortgage payments and meeting their commitments and that is not just embarrassing but it is downright dangerous in terms of economic sustainability. And that is the unhappy reality that is facing valuable employees at the IP Office every day, and that is one of the reasons why the public sector encounters difficulty in attracting and keeping good people in important positions.

How can we seriously talk about transitioning to the orange economy and making innovation on intellectual property a centrepiece of this economy, when we mistreat and wear down the very people who can bring this about? It is not fair; it is not right. When workers enter into an employment contract they expect that terms like salary, benefits, working conditions and other critical aspects of their job will be honoured consistently, that is a fundamental principle of fairness in any

employment relationship. Consistency in employment, especially concerning remuneration and other key terms, is essential for promoting fairness, stability and trust in the workplace. It is both a legal and an ethical obligation for the State to honour the agreements it makes with its employees and doing so benefits not just the workers but also the overall productivity and health of the public sector.

The State has a duty to provide predictability for workers allowing them to plan their personal and financial lives with confidence. Changes and inconsistencies brought about by these fixed-term contracts create unnecessary stress and hardship. I can tell you that the situation at the Intellectual Properties Office is fraught. If we do not regularize and stabilize employment contracts with these important employees, a mass exodus is possible and that would not be good news for the country. By allowing the Permanent Secretary—on the advice of the comptroller at the IP Office—to appoint intellectual property examiners as public officers or on contract for a period of five years or less, by doing so a potential crisis may be averted.

Now as I mentioned earlier, this is not perfect legislation and in fact, I have a very different vision for the Intellectual Property Office in the long-term, but that is a matter for a different time. The critical thing now is getting this legislation as a necessary stopgap measure. A necessary stopgap measure calculated to stave off a clumsy bureaucratic process, desperately in need of overhaul. And I am not alone in this view.

In the case of *Green, Ian v The Public Service Commission* in relation to the legislative framework and constitutional premises, which underlie appointments and promotions in the public service. This is what the hon. Chief Justice Mr. Ivor Archie said. He describes the current set-up as a “dysfunctional landscape”. A

dysfunctional landscape, I could not have said it better. In that case, the learned Chief Justice astutely points out that many of the injustices which arise, are not necessarily the result of malicious intent but as a result of the decision-making process, in other words, because of shortcomings and failings in the system and I entirely agree with him. So that is the background against which I will lend my support to this Bill.

It falls to us as responsible legislators to repair and restore the dysfunctional landscape described by the Chief Justice. This Bill is a small but important step towards that laudable objective. If we want to transform our skill system and drive growth within central and local government to meet the skills/needs over the next decade, we need to revise the classification of posts, we need to boost our nation's skills and we need to make employment within the public sector attractive for our best and brightest.

I now turn to an aspect of the Bill that I do not quite support. Now while I have no problem including the Registrar General as a Chief Judicial Officer, and for the consequential changes in that regard, I really do not see any benefit flowing from the proposed change of designation from Chief State Solicitor to Chief State Attorney, especially when the title, Chief State Solicitor, is an established and recognized designation throughout the Commonwealth. The Chief State Solicitor is a recognized, professional, legal position. You could call it a brand and that brand recognizes the Chief State Solicitor as a senior legal officer who plays a critical role in the legal operations of government.

So while the Attorney General is recognized as the country's top legal advisor, most people would or should recognize that the Chief State Solicitor manages the practical legal work for the Government including representing the

State, government departments and agencies in legal proceedings; providing legal advice to the Government, its departments and agencies; working closely with the Attorney General and other legal officers to coordinate Government's legal strategy, and ensure consistency in legal positions; negotiating and settling contracts on behalf of the State, and generally working to achieve outcomes that are in the best interest of the State. While the Attorney General sets the legal strategy and advises at the highest level, it is the Chief State Solicitor who implements and manages the legal tasks that flow from that strategy.

So I do not see the proposed change of name adding value to what currently obtains, especially when section 64 of the Legal Profession Act already makes clear that any reference to a barrister or solicitor in any written law, in any document, shall be construed as a reference to an attorney-at-law. So under the law, solicitor means attorney and as such the proposed name is superfluous. Indeed, one wonders whether a change in name could cause unnecessary confusion with an already well-established, readily recognizable brand. Further, and in any event, if we are changing the Chief State Solicitor's title to Chief State Attorney, does consistency not require us to change Chief Parliamentary Counsel to Chief Parliamentary Attorney?

11.15 a.m.

Now these are the only substantial aspects of the Bill that I propose to speak about. But, before taking my seat, there is another matter I would like to raise. This pertains to the unwarranted vicious attack made against Court Executive Administrator Master Christie-Anne Morris-Alleyne on the last occasion.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: I should point out that it was the IP Office that went to Master

Morris-Alleyne, asking her to use her vast experience with the civil High Court in the criminal court system, in the Family Court, with the CCJ, to help assist in finding a solution. According to the controller at the IP Office and I quote:

Master Alleyne has a good heart and she listened actively during the consultations.

It is she who came up with the elegant solution under clause 7 of the Bill. Now, there is a saying that no good deed goes unpunished and what we saw and heard on the last occasion is a clear example of that. Master Morris-Alleyne did not deserve the rebuke and condemnation, which was levelled at her.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: She should have been commended. I will disclose that I have known Master Morris-Alleyne since my days at university. We were in the same year. But having seen all that she has done in terms of developing our legal systems and processes—

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC:—I have nothing but strong admiration and respect for her. What occurred on the last occasion is a matter of regret, both on public and personal grounds to a great many people. What occurred on the last occasion was uncalled for. It was disrespectful to the holder of a national award—

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC:—and it is a shame on this Senate.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: I have no problem with anybody coming down hard on issues. If you are philosophically against a particular measure or policy, give your reasons and come down as hard as you want, but to savage a person who is not even here to

defend herself, to engage in ad hominem attacks under cover of parliamentary privilege, that is inappropriate, it is improper, and an abuse of process.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: Mr. President, I am ashamed that I did nothing to stem the onslaught as it was happening. True, it caught me off-guard, and we were all physically and mentally exhausted at the time, but the episode left me with a bad feeling. I went home embarrassed and disappointed with myself. But, as they say, better late than never. I would like Hansard to record that what occurred on the last occasion does not reflect and does not represent the views and feelings of most of us in this Senate.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: I will not expatiate, but Master Morris-Alleyne deserves an apology. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Minister of Public Administration.

Hon. Senators: [*Desk thumping*]

The Minister of Public Administration (Sen. The Hon. Allyson West): Thank you, Mr. President. I would like to start by thanking Sen. Vieira SC for bringing some sobriety to this debate because I reflect back on Sen. Mark's comments, to put them mildly, and they do not in any way reflect what is included in the Bill before us today.

The Bill before us today is a relatively innocuous Bill where we are trying, as Sen. Vieira SC said, to bring some order to our civil law operations within the State. That is all we are seeking to do. If you listen to Sen. Mark, he talked about the reclassification of jobs, undermining of the civil law department, weakening of

the civil law department and its officers, seeking to destroy the civil law department; all comments coming out of Sen. Mark. The terms and conditions he says we are interfering with, and that he indicated was the sole responsibility, and fell within the sole purview of the Salaries Review Commission which we were seeking to interfere with.

He talked about abolishing offices. He talked about turning persons into contract officers and interfering with job descriptions. All of those are irrelevant, not part of the legislation, completely—I would not even say a misconception, because I have no doubt that Sen. Mark—Either he did not read the Bill at all or he understands what is in the Bill and is seeking to mislead the House and the public. Because what is in the legislation in no way resembles the comments made by Sen. Mark on the last occasion. His arguments were spurious. They need to be ignored and we need to focus on the actual provisions in the Bill. There is no solid basis for anything that Sen. Mark said.

Now when Sen. Mark is on his feet, I think about always a stage because he acts as though he is on a stage and not in a positive sense. But I always remember the term of “ham” when you are talking about actors, and I looked at the definition of “ham” because I always understood the concept but I never actually looked at the definition. When I looked at the definition of “ham”, it talks about somebody who is overacting to the point of incredulity. You talk about somebody who can only be believed by the most gullible, and that excellently describes Sen. Mark’s contribution on the last occasion.

Finally, before I get into the merits of the Bill, I certainly want to thank Sen. Vieira SC and fully endorse his comments and condemnation of the comments made by Sen. Mark on the last occasion against the well-respected, hardworking,

dedicated officer who is Christie-Anne Morris-Alleyne.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West: Mrs. Morris-Alleyne is known throughout the Caribbean and beyond as somebody who has a vast amount of experience, and who has contributed significantly to the development of the legal structure, not only in Trinidad and Tobago, but throughout the Caribbean. She is called to deliver papers and provide advice around the world because she is that respected. She has to be given credit for the current state of our judicial structure. It is because of the work that she and her team did that the Judiciary was able to continue uninterrupted during COVID to carry on courts virtually. So, rather than condemning her as Sen. Mark did, in the most vile way, we should be congratulating and recognizing the work she has done for Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West: So in anticipation of Sen. Mark not apologising as he has been called to do, I would like to apologize—

Sen. Mark: [*Inaudible*]

Sen. The Hon. A. West:—on behalf of this Bench, for the attack—

Sen. Mark: [*Inaudible*]

Sen. Mitchell: Mr.—

Mr. President: Have a seat. Have a seat. Have a seat. Sen. Mark—

Sen. Mitchell: Put him out.

Mr. President: Since the beginning of this Sitting I have had to raise to my legs repeatedly to speak to the interruptions of the day's proceeding. This is the final warning. There will be no more interruptions for today's proceedings. Should it happen again, I will take the necessary action. Continue, Minister.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West: Thank you, Mr. President. So, as I was saying, I would like to apologize humbly to Master Morris-Alleyne on behalf of this Bench for the vile attack that was taken against her on the last occasion and to let her know without doubt that there are people in this place who recognize the contribution she has made to Trinidad and Tobago and appreciate it.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. A. West: So let me get into the merits of the Bill that has caused so much controversy. As I said, the Bill seeks to do a few simple things that are focused on improving the organizational structure and the operation of the civil law department of the State. So, one of the first things it does is that it elevates the Registrar General to the category of a Chief Legal Officer. At the moment, we have three Chief Legal Officers, the Director of Public Prosecutions, the Solicitor General, and the Chief Parliamentary Counsel. We are adding to that list the Registrar General who currently serves in a position below that of Chief Legal Officer. And why do we see the need to elevate this office? It is because, as we should all remember, over the last couple of administrations we have been seeking to improve the operation of the civil law department. We have been seeking to give the State more authority to treat with, especially, white-collar crime. In so doing we have placed significant responsibility on the shoulders of the Registrar General.

The Registrar General is required to ensure that all entities that are required to be registered, register. An important amendment that we made during the last term was a requirement to be able to identify beneficial interest which is an integral part of treating with white-collar crime and also the creation of assets so

we can follow wealth. That places a burden on the Registrar General coming out mainly of the FATF legislation requirements and Global Forum legislative requirements. It places a burden on the Registrar General that was not previously there. In recognition of that, we on this side believe it is only reasonable to elevate the Registrar General to the position of Chief Legal Officer and that is one of the main things that this Bill is seeking to do. As a Chief Legal Officer, the Registrar General will now be able to retire not at 60, as he or she is required to do, but at 65 as all other Chief Legal Officers are able to do. That is another provision in the legislation. Currently, the functions of the civil law department are carried on by two divisions, the Solicitor General Office on the one hand and the Chief State Solicitor on the other hand.

Now, in 1986 Trinidad and Tobago introduced the Legal Profession Act and under that Act we abolished the dichotomy between solicitors and barristers. As a result of that abolition, all attorneys are now trained in the same way. We graduate, we go to university, we go to law school and we graduate with the same skills, the same ability to treat with legal issues. Then, depending on where affinities lie, and where our skills lie, we determine whether we will handle the full range of legal activities, which we are able to do, but many of us chose to be either litigators or instructing attorneys. But, that is not as a result of our education and our ability and our training. It is because of our affinity to one type of practice as opposed to another. So there is no reason why the practice should remain divided as currently occurs in the civil law department in the State.

One of the issues that arises out of this continuing division of the two of the civil law departments is that the job descriptions currently say for you to become a State Counsel II or anything above that in the Solicitor General's Department you

have to have significant experience as a State Counsel I. It means that people working in the Chief State Solicitors unit, let us say at a level of Chief State III who want to become State Counsel II in the Solicitor General's Department have to start over at State Counsel I, get significant experience to be promoted to State Counsel II, and then up to where they were at Chief State III. That is completely untenable.

11.30 a.m.

Because as I said they came out of training with the same qualifications, the same experience, the same ability. Why should you have to start over because there is an arbitrary unjustifiable division of the Civil Law Department? So this will treat with that anomaly.

[MR. VICE-PRESIDENT *in the Chair*]

Sen. The Hon. A. West: The proposed section 18 of the legislation talks about a reference of any written law contract or any other document to X office: State Counsel I, State Counsel II, Senior State Counsel:

“...shall be construed as a reference to the...office...”

So all it is saying is where the law says “this is the office”, it will now replace that with the word “attorney” so it will be “State Attorney” rather than “State Counsel”. So “Chief State Attorney” instead of “Chief State Counsel”, “Chief State Attorney, Senior State Attorney”. There is no re-classification as Sen. Mark was alluding to, there is only a renaming.

So the State, the Government, is not seeking to interfere with the roles of the CPO, the Service Commission, the LRC, no intentions to interfere in any of their roles. So the Constitution at section 111 gives the Judicial and Legal Service Commission the power to appoint, to confirm, to promote, to transfer, to remove,

and to discipline all officers falling under the Judicial and Legal Service Commission. Included in the offices falling under the purview of that commission are the attorneys in the Civil Law Department of the Attorney General's office. So that power that has always resided in the JLSC under section 111 will continue to apply, because section 111 has not been amended to reduce or remove that authority from the JLSC.

So contrary to the impression that Sen. Mark was trying to create, that the Government, well, now the Attorney General, would now have the authority to treat with the discipline to appoint, to fire and hire persons employed in the office of the Civil Law Department, that is far from correct. Section 111 continues to maintain that authority in the commission, the Judicial and Legal Service Commission.

Section 114 of the Constitution which we also have not touched says that the SRC, the Salaries Review Commission may periodically review the salaries and other conditions of these officers. So, again, that power to review, that power to determine terms and conditions falls under the Salaries Review Commission who is aided by the CPO, Chief Personnel Officer. So, the Government, the Ministers, the Attorney General do not get involved in those activities and will not get involved in those going forward. Nothing, about the separation of powers to protect the offices of the State has been changed.

What we have changed is the nomenclature. We are calling them different things to be consistent with the Legal Profession Act and to do what the private sector legal practice did in 1986. The State is way behind in doing this. It really should have been done in 1986, when the law was changed to merge the profession; it was not done, we are now seeking to correct that, but we are not, in

seeking to correct that, interfering with their rights, their independence, their terms and conditions, or anything of the sort. No classification changes, no job description changes, none of that has been done under this legislation, and anybody who reads the legislation will see that clearly being the case.

The only constitutional change being sought to be made in this Bill is at section 111(2) where it says the Judicial and Legal Service Commission is required to consult with the Prime Minister before it makes appointments to named senior legal posts including the Chief State Solicitor, that was changed to Chief State Attorney. So that is the one constitutional change and it too only has to do with what you call the officer. It does not change any power, it does not change any rights, it does not deprive anybody of anything, so it is just for consistency.

Sen. Thompson-Ahye, on the last occasion asked the Attorney General or expressed concerns about depriving the Sol. Gen. of his or her authority to run her department through the intention to appoint a chambers manager. The Attorney General's response to that made a categorical statement with which I will not agree, that attorneys cannot manage their affairs. I am sure that is true of a lot of attorneys, but I am sure there are other attorneys who can, who are good managers, but that is not the point. While they are undoubtedly good, there are attorneys who can manage their affairs, I would say there are tons more attorneys who do not have the time to manage their affairs. And I have always been of the view that you should give people the space to focus on their areas of strength.

So the Solicitor General is about providing legal advice to the Attorney General in the State, you need to give her or him the freedom to do that, and how do you do that? By relieving him or her of the burden that is significant and increasing of managing a complicated law office. As we seek to improve the

performance of the public service, to make it more efficient, to serve the public better, to organize affairs better, to more efficiently deal with the judicial system, we are putting increasing burdens on the managers of these offices to do more things.

So for example, we are digitalizing the Attorney General's office, who is currently responsible for that? The Solicitor General. Does he or she have the time? No, he or she does not. So, either the substantive work suffers or the digitalization is delayed and we can afford neither. So why not find or create a position that will provide that kind of support in that office and relieve the Solicitor General to do her core work, and I keep saying her because I have only ever know female Solicitor Generals.

We also are, as I have indicated, introducing a holistic electronic human resource management system that will increase the burden on office managers to ensure that assessments are done in time, that people's HR matters are handled more expeditiously. We are looking into introducing a work from home system that will require people to manage who is in the office, who is out of the office, if they are out of the office, are they actually working, are they taking their calls? We had the disaster of the matter with the missing file. All of these things suggest to me that management of the administrative part of the office is key, and is going to become more key and more burdensome.

So in those circumstances, bringing in somebody to provide that kind of administrative management to support the Solicitor General, the management of the overall office is imminently reasonable, and I do not see how anybody could object to that. We are not seeking to deprive the Solicitor General of any of her power and authority, we are just seeking to provide her with help in an area that

she does not need to devote her time to, to allow for her to properly function. This is something at the moment that we are introducing initially on a five-year renewable contract, I guess we will review that in time to determine how it progresses and may eventually make it a permanent position, but at the moment it is five-year renewable.

The final significant amendment or series of amendments under the Act, have to deal with treating with matters to do with children. So, it allows for the appointment of children's attorneys, and what I like about this is that it legislates that in choosing these people you are not only required to look at the qualifications and aptitude and length of experience, but the person's attitude in respect of children, because there are only certain kinds of people who can properly treat with children and we are recognizing that you need to have the right kind of attitude to be appointed to this position. So it requires somebody with at least three years' experience with a family law practitioner, a person from the Civil Law Department may be assigned to be a children's attorney, and must have a suitable temperament for dealing with children.

That, Mr. President, Members, the public listening in, those are the significant provisions in this legislation. Nothing in there is scary, nothing in there is threatening, nothing in there is depriving anybody of any rights or entitlements.

So, the conclusion I have come to is when Sen. Mark goes off on a tangent and focuses on things that do not exist and creates these ghost arguments, it is because the legislation itself is innocuous, and he cannot find a valid reason to object to it and so he makes up things. So what has he made up, "oh, we are trying to destroy the Civil Law Department, oh, we trying to give briefs to our friends who have just become SCs". All of these ridiculous comments have been made by

Sen. Mark, and none of that is true. We are trying to bring reason, order, and good operation to the Civil Law Department by taking a few relatively innocuous amendments to the legislation to allow us to allow that department to operate as a merged profession, as was contemplated by the Legal Profession Act over what—over almost four decades ago. So we are way behind the time in seeking to deal with that and we are now trying to correct it.

Nothing, nothing at all to promote the kind of objection and venom that we are seeing in respect to this legislation. So let me treat with a couple of the comments that Sen. Vieira has made, and Sen. Mark also referred to the PMCD, the Public Management Consulting Division which falls within the Ministry of Public Administration for which I am responsible. PMCD, contrary to what Sen. Vieira said, is not responsible for contract officers. We advise the Cabinet on whether contract positions should be created, how the job description should be worded, what they should be called, because they try to ensure that contract officers who hold similar positions, the establishment officers, are not known by the same names so that we can easily differentiate between the two. We advised on organizational structures for organizations and that kind of thing.

So, because we are not renewing contracts, we are not advising, we are not changing the organizational structure, we are not changing job descriptions, there is no need for PMCD to advise on this, because there is nothing in here that impacts the work that PMCD does with the possible exception of the job description for the officer manager, which is a new position within that office. It exists elsewhere, but there was no need for us to seek PMCD approval. I will tell you that the office of the Attorney General did consult with the Ministry of Public Administration in what they plan to do, before they went to Cabinet to ensure we

did not have any concerns. We did not have any concerns, so they presented the proposed Bill to Cabinet, and Cabinet signed off on it.

11.45 a.m.

Sen. Vieira expressed concern—I understand his concern about what he called “fixed-term contracts”, but there seems to be a little confusion because in the public service there are essentially three categories of workers. We have establishment workers who are permanent and pensionable. It is the term that we generally use. We have fixed-term contracts, which are minimum, three years. And we have short-term contracts, which are three months, and it is only in the last category that you have people who do not get vacation and who have to wait somewhere around mid-month to get paid and those kinds of things because they are paid for the actual days’ worked.

Now, those short-term contracts should only exist in exceptional circumstances and usually exist where there is a break in a fixed-term contract. So at the end of the three-year contract, what should happen though—sorry. As we approach the end of a three-year contract what should happen is that the relevant division, or Ministry, or agency should reach out to PMCD and say, “We continue to need these contracts, so we wish to go for a renewal. Give us your view.” And PMCD would look at it and do investigations and say, “Yes, we agree,” or “No, we do not agree,” or “We agree with these changes,” and then it goes to Cabinet.

When that is done too late, people who are on fixed-term contracts, come to the end of their fixed-term contract, get their gratuity and their pre-end-of-contract leave, and the contract comes to an end. Cabinet has not approved the renewal, so it cannot be renewed until that process is done, and so people are rehired on short-term contract. That is usually the circumstance. So it really is up to the MDAs to

initiate the process earlier and to ensure that they have all the information that is required to satisfy PMCD. We are also looking at the resources in PMCD to make them more efficient.

More importantly, as we introduce and roll out the Electronic Human Resource Management system, PMCD will not have to wait on the agency to tell them that the contract is coming to an end because they will have that information readily available on the module for which they are responsible. So that should become, more and more, a thing of the past. So we are treating with that.

I am not aware of the IPO office being under reorganization with PMCD. So I will look into it. I am not aware. Because as I am made aware of these things, I try to spur things on for greater efficiency. So I will look into that because I do understand the pain of people on short-term contracts, where it is not their fault that they are in that position and we should do what we can do to alleviate those concerns.

So there are other HR issues that are being addressed to alleviate some of the pain that is being faced. We have completed a job evaluation exercise for the people at the JLSC, and so that should be coming to Cabinet so that we can take decisions on the outcome of that. We are in the process of finalizing the job evaluation exercise for the civil service. That should come to an end early next year and we should be able to take decisions based on that, like: Are there any positions that are redundant, do we need job description changes, will that have an impact on terms and conditions? All of these things are to come once the job evaluation exercise is done and we are pushing to get that done. So we understand there are challenges and we are working to erase the challenges.

One of the things that the EHRM system should allow us to do is become

more strategic in our HR management because at the moment, HR people manage how much vacation leave you take and you know, those things will be automatically recorded in the system, so the HR manager will have the ability now to look at career progression, and training needs, and those kinds of things. So we are in an HR restructuring mode in the public service. There is a SHRM council that is working on that and we are seeking to treat with the matters that cause our employees concern.

We are also—Sen. Vieira, as you know—looking at constitutional reform and hopefully that will address the issue of whether Service Commissions, and if so, how they should operate to make this more efficient. Because the Service Commissions will tell you they have tried to delegate authority to make themselves more efficient, but the accounting offices are not accepting the delegated power, and in my view, the delegation is not as complete as it should be. There is still a release and hold. So we are working on that too.

And while we look at a more holistic reform of how the public service operates, how public officers are engaged and how they become more efficient, this legislation before us, in my view, is a step in the right direction. It addresses a need that ought to have been addressed, as I said, four decades ago. It seeks to get rid of an artificial dichotomy that is serving nobody. And as I said, it is an innocuous piece of legislation that treats only with operations. It does not touch rights, it does not touch responsibilities, it does not touch terms and conditions, it does not touch job descriptions. So, in my view, there is absolutely no basis for objecting to the amendments that are before us today. So I commend this legislation. I am hoping for the support of all Members of this place so that we can move this forward. I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Jayanti Lutchmedial-Ramdial

Sen. Jayanti Lutchmedial-Ramdial: Thank you, Mr. Vice-President, for the opportunity to join the debate on a Bill entitled, the Miscellaneous Provisions (Judicial and Legal Service) Bill, 2024. Mr. Vice-President, between the debates that commenced here before the recess and then today, and even when this particular Bill was debated in the other place, I wish I had a dollar for every time someone from the Government Bench used the word “innocuous”, “harmless”. I feel like they are trying to convince themselves, but it has to be that because they are not convincing anybody else. They have portrayed this piece of legislation as very, very harmless, it is just a change of name, it is nothing to worry about and yet, they have not addressed what I think is the significant elephant in the room, which is that the people who are directly affected by this legislation have expressed concern. They have expressed grave concerns.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: And whilst I have heard Senators stand here and talk about how people should have, you know, certainty in how they do their jobs, and what their job description must entail, and what is the outcome of their job evaluation exercise, and what are their terms and conditions, and where they fall in the rank and so in the hierarchy and structure of an organization, they have not addressed a critical issue in this Bill, which is that it interferes with—and I do not care what anybody says, and I will get to it, and I refer to public documents that will tell you exactly how the ranking, and the seniority, and the way people are—where they fall within the organizational structure as that currently exists within the public service, how it is affected by this piece of legislation. That is exactly

what makes this legislation the furthest thing from innocuous, the furthest thing from harmless, and why it is necessary to have further discussion on a piece of legislation like this—

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial:—not even getting yet, but I will get to it very shortly about what was the genesis of this piece of legislation as the Government says was the genesis of this legislation, because we did not say that, this is what they have said and I want to address that. But I will start today where I will usually end and I would say to the Government, withdraw this Bill, send it—

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial:—to a committee of the Parliament, whether it is a joint select committee—we have Finance and Legal Affairs—or send it a special select committee of the Senate and give us the opportunity to examine this Bill carefully.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: Give us the opportunity to hear from the public officers who will be affected and whose jobs are being affected by this piece of legislation, and give us the opportunity, most importantly, for us to examine the report that you say is the genesis of this piece of legislation.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: So let me get to that point because we are told that the reason why this entire exercise is necessary for the restructuring of the Civil Law Department stems from the recommendations of the Justice Stanley John report. Why has that report not been made public? Why has it not been laid in this Parliament?

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: Mr. Vice-President, I had cause just before the recess to ask again about legal advice and opinions that the Attorney General procures and that he says leads to certain pieces of legislation being brought here. And the Attorney General stands up and says he is not disclosing it because we vilify people and so on, and we make comments about them, but he names the person. So we have the names of the persons who has produced the report that led to this piece of legislation. What is there in the report that you want to hide? Is there something—

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: Because you know what they do not realize, Mr. Vice-President? They do not realize that by keeping these reports and opinions and so on from respected persons within our society a secret, they are, in fact, inviting speculation. They are inviting from the public to say that these people are getting jobs and are being paid by the Government to produce reports that the public cannot see, and they foster that sense of distrust. So if you want to not have persons who you appoint and who you select being the subject of debate, and speculation, and criticism by members of the public, then you should make the reports public.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: Mr. Vice-President, any legal opinion, any report, any investigation that takes place that is paid for by the State of Trinidad and Tobago, belongs to the citizens of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: If you want to take your report and your legal

opinion and thing, and hide it, let the Balisier House pay for it.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: Right? If only you could read it, let the Balisier House pay for it. It cannot be that the citizens of—it could have a next cake sale, and raffle, and car raffle and thing, and pay for it—

Hon. Senators: Bingo.

Sen. J. Lutchmedial-Ramdial:—bingo and pay for it. But you cannot decide—you cannot choose and select who it is—

Hon. Senators: [*Interruption*]

Mr. Vice-President: To all Members, the volume is raising a little too much. Allow the Member to contribute in silence, please.

Hon. Senators: [*Interruption*]

Sen. J. Lutchmedial-Ramdial: Mr. Vice-President, I have a lot to say, so I am moving on.

Mr. Vice-President, if it is that—I lost my train of thought, sorry. I want to—what was I talking about? Right. We want to look very carefully—because if we have to comment on legislation, and if you are asking people in this Senate to support legislation, well, should we not know that the legislation is correcting the mischief as identified in the investigative report?

Sen. Mark: Exactly.

Sen. Nakhid: Exactly.

Sen. J. Lutchmedial-Ramdial: It is passing strange that this Government—there are two Justice Stanley John reports, eh. There is one that they were rushing to bring to Parliament and they ended up getting injuncted and they could not lay that one, and then there is this one that they want to hide. So you see what happens is

that there is selective vilification of people.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: When they want to vilify somebody, when they want to find fault with somebody—

Sen. John: And run “dey” mouth all over—

Sen. J. Lutchmedial-Ramdial:—and run “dey” mouth all over people in this country, they could bring reports that they procure and that they pay for with State money. But when they have something probably that they want to hide, the report cannot be laid. So we are asked to support a piece of legislation, the genesis of which is a report that we cannot see.

We are then told that a consultant is hired to implement the report and the consultant had meetings with the State attorneys. I think they had meetings up to the day before the Bill was debated in the other place because there seems to be some really mad rush to get this Bill through and to be passed. I do not know what is the rush. And again, I want to spend some time later on, on process because I think that a lot of process that we know, and persons who would have worked in the public service would know, there is a lot of process that goes into departments and structure and so on, and all of that process was bypassed in there.

So there seems to be some real urge to get this Bill passed and to put things in place. I do not what it is, if they know that their time is limited—

Hon. Senators: [*Desk thumping*]

12.00 p.m

Sen. J. Lutchmedial-Ramdial:—and they trying to get things done because there is something they want to do and accomplish and put in place before they get kicked out of office. But it seems that—

Sen. Nakhid: Booted.

Sen. J. Lutchmedial-Ramdial:—when the consultant now was hired—and we were told that the consultant had meetings with the legal officers and so on, we do not know what—has the consultant produced a report? Has the consultant then worked on this legislation? But there must have been something—some policy to underlie legislation. You always have policy documents underlying legislative amendments. Whether it is simply a Note that is taken to the—inform the Note that is taken to the Cabinet, but you have a process that you follow. Why are we deprived of all of this information but asked to support a piece of legislation? That is very unfair and is very unfortunate.

So again, if you withdraw this Bill and send it to a committee we can have the opportunity to look at the recommendations of Master Morris-Alleyne.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: And we could have an opportunity to speak to Master Morris-Alleyne and ask her whether or not she believes what she has recommended will really meet what has been outlined in the Justice Stanley John Report. This Government thinks that we should come here and just blindly say yes or no, based on what they say. We do not trust you all.

Sen. Lyder: Exactly.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: Nobody trust you all, but you know something? And I was thinking about this on my very long commute in traffic this morning—three hours from San Fernando to Port of Spain, but I was thinking about this whole thing about why we do not trust them. And it is not that I do not inherently trust—I mean kind of. I do not inherently trust them, but there is a reason too, you

know. I remembered very clearly, a Bill was brought to this Parliament to discuss bringing on, after the Commissioner of Police's term had expired, and having a person appointed as an Acting Commissioner of Police and so on. And the former Attorney General when the matter was challenged, he said "no, no, no I drafted this legislation myself I have full confidence in it." I do not know if this one of the things that contributed to his demise and his demotion.

Hon. Senators: [*Laughter*]

Sen. J. Lutchmedial-Ramdial: But not too long afterwards somebody who obviously did not have his interest at heart leaked a legal opinion from former Justice Nelson, I think it was.

Sen. Lyder: Stick a small pin there.

Sen. J. Lutchmedial-Ramdial: From Justice Rolston Nelson who agreed that the legislation was bad and they had to come back to Parliament to change it. So they themselves got legal advice, and they themselves passed a bad piece of legislation, and they themselves were trying to defend that piece of legislation until that legal advice was leaked. So we have good reason not to trust them when they say—

Hon. Senators: [*Desk thumping*]

Sen. Lyder: Stick a small pin there.

Sen. J. Lutchmedial-Ramdial: And that was within the time that I have been here. So that was within the last few years. This is not something from a long time ago. This is within the last couple of years. I remembered it very carefully, because the same concerns raised about the legislation when Justice Nelson's opinion was made public, whether it was through whatever means—

Sen. Lyder: Stick a small pin.

Sen. J. Lutchmedial-Ramdial:—he agreed with all the concerns that we had

raised. Sen. Mark and myself had debated that piece of legislation here. So we have good reason not to trust them and when they come here and say that Justice Stanley John has recommended so and so, that Master Christie-Anne Morris-Alleyne recommends this is the way that we should move forward. No, we want the opportunity to look at it ourselves. So let us—and that has to do—

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: As I said this Bill and my contribution is a lot about process and that has to do with the process of being bringing legislation here. There is a process that ought to be followed if you want support and if you say that there is some sort of issue or some sort of mischief that you want to correct. No problem, follow a process and give everybody the opportunity to examine it and be confident that we are doing the right thing because we are here to make laws for the good governance of Trinidad and Tobago, not just to take the PNM's word for it when they say they are coming to do anything.

Hon. Senators: [*Desk thumping*]

Sen. Nakhid: This is not a dictatorship.

Sen. J. Lutchmedial-Ramdial: Now what does this Bill do and why is progress so important when you are coming to deal with legislation like this? Well firstly, let us look at the amendments made to section 12 of the Judicial and Legal Services Act Chap. 6:01. Now, the offices we are dealing with are not ordinary offices. They are offices mentioned in the Constitution of Trinidad and Tobago. So if you are going to make challenges and if you are going to affect the role and function of this offices who are named in the Constitution of Trinidad and Tobago that is a very serious matter it is not a matter to be taken lightly.

Anybody who knows what the departments of the Solicitor General and the

Chief State Solicitor General do, will understand how serious this legislation is because you do not interfere with people's role and function, and their job descriptions, and their duties and their responsibilities when advising the Government and every department of the State of Trinidad and Tobago and everybody carrying out a public function falls to those particular offices.

I worked in other Ministries and I remembered when there were very serious issues to be determined, you wrote to the Solicitor General and you asked for an opinion. There was a time in country where the Solicitor General was the only person who would be able to sign and proffer advice to the President of this country when they wanted advice on a particular matter. There was a time. Now they have hired contract officers and so on and you see the flood of contract positions into the public services has created a number of problems, but that is a discussion for another time.

But, you know, it is interesting that recognizing persons who have debated in this Bill, recognizing the problems created by contract positions in the public service, do not have a problem with the creation of another contract position in this piece of legislation that really is meant to—what they intend to do is to hive off a certain amount of administrative responsibility to that position, but I will get to that shortly.

So what are they doing in section 12? Section 12 of the Judicial and Legal Service Act creates the department within the Office of the Attorney General and Ministry of Legal Affairs, and it says well:

“The Ministry of Legal Affairs shall comprise the
Departments of Civil Law...Criminal Law... Legislative Drafting and of
Accounting”

So there are four departments. When you add the Registrar General there and then you say and you do go on to add in at the end of it:

“shall be headed...by the Solicitor General, the Director of Public Prosecutions, the Chief Parliamentary Counsel and a public officer”

And you add there the Registrar General, you have now created a new department within a Ministry and you have created a new head of department within a ministry.

So you have—and that is a very serious thing and it is not something to be done by the way. I was very, very disappointed to hear the person holding the position of Minister of Public Administration saying that there was no need for PMCD to get involved in this.

You are restructuring and essentially creating a new department, and the Minister herself talks about the importance of the role of the Registrar General and role of that department having regard to new legislation that is being brought to deal with certain things and beneficial ownership and so, but does not see the need for a proper process to be followed when creating a new department and now designating a person—a State functionary as a head of department. Mr. Vice President that is madness—

Sen. Mark: Shocking.

Sen. J. Lutchmedial-Ramdial:—and it is really shocking and it is sad and it is a very sad day for the public service of Trinidad and Tobago where a Minister of Public Administration—public administration from my recollection, they do not do nothing except look at process. They do nothing but make sure everybody else—they are like the gatekeepers and the watchmen and women who ensure that every other Ministry follows process.

Sen. Lyder: Respectable.

Sen. Dr. Browne: Not Sen. Mark.

Sen. J. Lutchmedial-Ramdial: Yes, Sen. Mark was an excellent Minister of Public Administration because he knows and he believes in process.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: And Sen. Mark when he sat as Minister of Public Administration—you know what you need in a Minister of Public Administration and in a Ministry of Public Administration? You do not see PNM and you do not see UNC, you see what is proper and what is right and what is process.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: So you have created a new department and a new head of department; and designated a person now to become a head of department; and designated a whole new department in the Ministry and you have never gone to PMCD; you have never carried out job evaluation exercises and so on. They say that they are carrying out job evaluation exercises for positions within the JSLC and it will come sooner or later. Well, why not wait until the job evaluation exercise comes? Why not say that this is the proposal that we have for the restructuring of the department and carry out the job evaluation exercise in line with your proposal and again coming back to process. That is why you have a policy. That is why you develop a policy for what you want your Ministry to look like, what you want your departments to look like and then you deal with job revaluation exercises. You allow the SRC—and that is a whole other area we have to get into—the SRC to do their work but this Government insists that they could just trample all over everybody's terrain.

Hon. Senators: [*Desk thumping*]

Sen. Nakhid: “Everything, everything. Dais de point. Everything.”

Sen. J. Lutchmedial-Ramdial: They trample over everybody’s terrain and say. “We coming here to solve all the problems.”

Sen. Mark: Autocrats, autocrats.

Sen. Nakhid: Dictatorial.

Sen. J. Lutchmedial-Ramdial: Before we went on recess, they said “We are coming here to solve all the crime problems. Alyuh have to support us with bail. You know we stepped on the toes of the Judiciary, we did not support them, dey come back here, dey whatever.” I do not know so far they lock up Chris Must List three times and that is about it. “What dey doin’?”

Sen. John: They will lock up Santa next.

Hon. Senator: [*Laughter*]

Sen. J. Lutchmedial-Ramdial: Nothing else.

Hon. Senators: But they will come here and make you believe that they have the biggest problem in the world and this is the solution that them and them alone could come up with but they trample over the domain of everybody else. So the PMCD, there has been an incursion on the role and function of the PMCD here. There has been an incursion on the role and function of the SRC with this piece of legislation.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: And no responsible Member of this Senate should permit that. Nobody should vote in support of that. You really ought not to permit that sort of behaviour by a government because we have a process. People might have all the complaints in the world about bureaucracy and how long things take in the public service; that is fine. We need to change those things, yes, we need to get

things done faster, probably digitalization, all of those things could help. I mean there are ministries where they literally still walk a document from one building to the next and that takes about five days, right.

I know that, I deal with Ministries. I know how it is. They do not have proper document management systems. They do not have all of those there, it could help. But you do not simply come here with a piece of legislation amending a Bill and saying that this is going to change everything and approve the changes, when there are people whose role and function it is to deal with those types of changes and you have not even consulted them. You have not given them a chance to do their job and you are rushing the thing, for God knows what reason, when you know that later on down the road you will have to redo people's job evaluation exercises. You will have to redo—look at—compensation is linked directly to your hierarchy within an organization. Compensation is linked directly to what functions you carry out. So they have to do those things in any event. Why rush and try to pass a piece of legislation and do certain things when you know that all of this is part of the process that has to happen.

For those who do not know and for the benefit of members of the public, when I talk about PMCD, Public Management Consulting Division, it deals with public sector, organizational design and development and that I am taking it directly from their website. The website of the Minister who said it did not need to go there, right. And here is what that says, what is their role. Here how they describe their role.

“The Public Management Consulting Division (PMCD) is responsible for organizational design and development in the Public Sector. Their services include the provision of job descriptions and organizational restructuring.”

That is what we are coming here to do, so we have become PMCD?

Sen. Mark: Exactly, exactly.

Sen. J. Lutchmedial-Ramdial: You are asking us to give you permission to carry out-organisational restructuring with a piece of legislation when you have not gone to the people whose role and function and job it is to make recommendations when it comes to organizational restructuring.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: Organizational design and restructuring and development and so on, my learned friend the Minister of Tourism, Culture and the Arts would know because he would have studied in that area with me.

Sen. Nakhid: He missed that day.

Sen. J. Lutchmedial-Ramdial: No, no, no. He was there. He was there. He was there so he would know. He would know that these are very—

Sen. Nakhid: He is a not a bad fella.

Sen. J. Lutchmedial-Ramdial: He would know that these are very specialized areas, very specialized areas and I do not think that many people in here would have the knowledge and experience with those things. But we have a whole division within to the public service with people who have that specialization and whose job it is to do that; and we bypass them; and we come here to restructure an entire Ministry; and create departments; and create divisions and change people's job titles and so on.

So let us go on now, apart from the new divisions, this is the part that I find very troubling and this is in section 12 when they repealed subsection (2), and this is part of clause five of the Bill and I am looking at where they said they repeal subsection(2) and they are saying:

“(2) Subject to subsection (2A), the Department of Civil Law shall be responsible for such functions and duties with respect to civil proceedings and other civil law matters”

Which—

“(a) immediately before...”—would of been dealt with by the—“Solicitor General or Chief State Solicitor....

(b) are conferred or assigned to a legal”—officer as—“Set out in Part I of the First Schedule”

And (c) is where I find very strange because it says:

“(c) are assigned by the Attorney General.”

Sen. J. Lutchmedial-Ramdial: Now—

Hon. Senator: What is the Attorney General doing in that?

Sen. Lyder: Yes, yes a political appointee.

Sen. J. Lutchmedial-Ramdial: I do not know why the Government seems to see fit—because again we are all practitioners. I practised all the time with attorneys from the Ministry of the Attorney General, in particular these two departments, and we know that the Attorney General might sometimes send a matter down and so on in practice.

12.15 p.m.

But you have come here now to legislate and directly put a political figure in the assignment of matters into the civil law department.

Sen. Lyder: We need an amendment for that.

Sen. J. Lutchmedial-Ramdial: Constitutionally protected offices. We “doh” need an amendment. We need this to be withdrawn immediately.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: Constitutionally independent offices appointed by our service commission at the offices of the Solicitor General and Chief State Solicitor, and they are supposed to manage the assignment of work to the legal officers. Why is the Attorney General inserting himself, by way of this clause, into this process? The civil law department shall be responsible. Now, again, I believe that heads of department should be allowed to run their departments. There is no need to legislate here that the Attorney General can assign matters to these departments.

Sen. Mark: It is illegal.

Sen. J. Lutchmedial-Ramdial: That is totally uncalled for, and it is not necessary, and I would like to know why, and perhaps in his winding-up, the Attorney General can tell us why he believes it is necessary to insert himself into this process. We totally object to that please, Mr. Vice-President, and we will not have that position there. Now the other thing, when I hear people talking about it is just a change in the nomenclature and this simple thing and name change and all of that. Do you know that the titles that they are changing here today are mentioned in the SRC Report? I think the 117th Report of the SRC was laid. The Minister of Finance, following the outcry, when he decided to send it back to them, put out a media release saying that listen, “The SRC report is not simply just a report that deals with raising salaries now. There is a job evaluation exercise that is carried out.”

So the salaries recommended in every SRC Report, whether it is the one that is in existence now—I think 2013 was the last time a complete report was approved by the Parliament. Whether it is that one, or the one that was sent back, or whatever it is, the salaries there are linked directly to what you do. Your job

titles are in there. I do not know if they did not recognize that categories of persons who are affected by this Bill, and where they are changing their titles will now cause a little bit of chaos and confusion.

Because what you have happening here is that they have kept the position of Solicitor General, and the Attorney General said that that is a well-known term, “Solicitor General”, throughout the Commonwealth, and so on and so forth. Well, I think the same applies to the Chief State Solicitor. That is also a term that is very well known. And I do not understand—is this what Justice Stanley John recommended, that you change people’s titles? That is supposed to prevent a next \$20 million file from going missing?

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: What is the need? And that is why we need to see the report, because I “doh” know who came up with this, but I “doh” think it is Justice Stanley John who came up with this notion that you need to change people’s titles. Because you know, throughout public service we have always known people by the term “state council”. Everybody is state council; we have all these positions, but more than that, there are groupings within the SRC Report where people were formally grouped.

So, you have the Solicitor General, I think the DPP, and the Chief Parliamentary Counsel, they are in one group. They are in, I think they call it group L 1 or something like, right, or L 1A, and then you have L 1B and so on going down the road. They are in a separate category from the Chief State Solicitor, who now becomes the Chief State Attorney. You have the Deputy Solicitor General, and then, you have—and I think the Chief State Solicitor is in the same bracket as the Deputy Solicitor General. But, Chief State Solicitor now

becomes a Chief State Attorney. The Deputy Chief State Attorney, and the Deputy Solicitor General both become Deputy Chief State Attorneys. So the Deputy Chief State Solicitor and Deputy Solicitor General now become the same thing, but they are in different brackets. They are in two different brackets under the SRC Report, and that is why process is important.

Hon. Senators: [*Desk thumping*]

Sen. Lutchmedial-Ramdial: That is why all the entities, as you could criticize bureaucracy from now till thy kingdom come and say, well, we just trying to get things done, we just trying to fix the problem, whatever.

Sen. Lyder: Right is right, and wrong is wrong.

Sen. Lutchmedial-Ramdial: Right is right and wrong is wrong, and you have processes to avoid issues like this. So, is it that you are going to have two people with the same title functioning in two different salary brackets? That is what you all think is good management? They are saying that this Bill is about good management. You all obviously never studied management.

Hon. Senators: [*Desk thumping*]

Sen. Lutchmedial-Ramdial: Now the Attorney General, confession is good for the soul. “He say lawyers are not good managers.” Well, he should speak for himself. I am an excellent manager.

Hon. Senators: [*Desk thumping*]

Sen. Lutchmedial-Ramdial: But clearly he does not understand management. He obviously does not understand management if he thinks that it is okay to change people's titles and have two people carrying the same title when they are in two different brackets under the SRC Report, and they have to continue with these under the terms and conditions as defined by SRC.

Again, if you have a job evaluation exercise in progress, as the Minister of Public Administration has said, if your Minister of Finance has sent back the SRC Report to the SRC for consideration, and that has to come back now because there was public outcry over some of the things included in there by the Judiciary and members of the public, and so on. What is the rush? Wait. Let the SRC now send a policy. Develop a policy paper on the restructuring of the civil law department, send it to the SRC, and let them do their work.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: Let people do their jobs. Let them do what they are supposed to do.

Sen. Lyder: What is the rush?

Sen. Lutchmedial-Ramdial: What is the rush? The SRC is established under our Constitution, and they have a very specific role, and they carry out a very specific function. Let people do their jobs, and let us have a proper process to be followed. This is nothing new, Mr. Vice President. Mr. Vice-President how much more time do I have?

Mr. Vice-President: You started at 12.32, so you have 11 minutes.

Sen. Lutchmedial-Ramdial: Eleven minutes, right. So it is nothing new because in 2013, there was a—and I am getting to the next section in this provision that deals with the creation of a contract post called Chambers Manager. In 2013 there was a Note taken to Cabinet to create a position of Chambers Manager in the Office of the Director of Public Prosecutions. That was very important because they also required—and you know, I have, right now, in front of me, the Cabinet minutes and the Cabinet Note, No. 1450 of 2013, and I have looked at the Cabinet Minutes and I have looked at the Cabinet Note. The Cabinet Note set out a lot of

things, not just the creation of the Chambers Manager, but it set out a whole restructuring of the departments.

It is worth mentioning that some 11 years later, this Government has not implemented what was asked for and recommended and approved by Cabinet in 2013, right? But it called for the division of the office of the DPP and the creation of specialized departments, the hiring of more staff, the hiring of a lot more administrative staff, and it included the hiring of a chambers manager.

They said hire that position of Chambers Manager. I wish I could share this document and show it to you, Mr. Vice-President, because you will see what the real process looks like. You would see that there were several appendices to this document that showed the existing org. structure, where everybody sat in the organization. It showed a proposed new structure and where everybody would sit in the organization, and it showed a clear demarcation of a role and function of the legal staff, the administrative staff, and the proposed Chamber Manager, who I understand is still to be hired some 11 years later.

Sen. Lyder: This was under the UNC?

Sen. Lutchmedial-Ramdial: Yes, obviously, it is good management. It was under the UNC that this happened.

Hon. Senators: [*Desk thumping*]

Sen. Lutchmedial-Ramdial: Right, because the UNC did not try to whittle away the powers of the DPP. We tried to help them, and to enhance that department, and to make that department more functional. We were not paying rent for empty buildings. We were doing what we had to do. So, when you look at this process, Mister, and the Cabinet Note specifically says, and I would read from it at paragraph 19 of that Cabinet note it said:

Cabinet is advised that approval of the Public Management Consulting Division, PMCD, of the Ministry of Public Administration was obtained in July 2009 for a revised structure of the department.

Process. There is a way to get things done. So even under a former PNM Government that had a little more, I think, scruples—

Sen. Lyder: Manning was decent.

Sen. J. Lutchmedial-Ramdial: A little more decency, they understood that if you want to restructure a department, if you want to change names, if you want to hire more staff, if you want to create divisions, or if you want to merge divisions or departments, or whatever you want to do, you go to the public service professionals, whose job it is.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: And you know there is a reason for that. You do not undermine public servants. But that is what this Bill about, you know, this Bill is not just about—and that is danger here. We understand that by looking at it, that they are trying to undermine the staff at the Office of the Attorney General and Ministry of Legal Affairs. But it is wider than that. They are undermining the SRC. They are undermining the PMCD. They are undermining entire public service because this is a precedent that they are trying to set out where they will ride roughshod over everybody to put people where they want them to be going forward as they make their way and ride off into the sunset.

Sen. Mark: [*Inaudible*] in control of the Cabinet.

Sen. J. Lutchmedial-Ramdial: **And,** Mr. Vice-President, this is not a job for Cabinet. Cabinet is supposed to act on the advice of public servants, and there is a

reason for that. Cabinet should act on the advice of the professionals. Why do you think they do a Note for Cabinet? Who “does” write the Note?

Sen. Mark: Exactly.

Sen. Lyder: The Permanent Secretary does send it to “all yuh”.

Sen. Mitchell: That is madness—

Sen. J. Lutchmedial-Ramdial: They take a Note to Cabinet and talk about the process that they went through and the justification for these things. That is why you need it. They have a report from somebody that they handpicked, that they have kept secret, and say that that is what informed this piece of legislation. So no public officer without political affiliation has been able to examine that report and say that this is the process going forward. And that is the reason why you have public officers in departments like PMCD to make sure that it is not a politically motivated move, but one that is in the best interest of the public service.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: And, it is to ensure that the concerns of the public officers are addressed. They came to Parliament here despite the fact that 31 lawyers signed. If that is not disrespect and total disregard for professionals, I “doh” know what is. I “doh” know what is. But 31 lawyers, I am told, signed a letter expressing concerns, and they did not have the decency to meet with those officers, the people who they have to work with, the people who, when they finish and pass this today by simple majority, they have to go back to them and face them and ask them to work on behalf of the people of Trinidad and Tobago. They disrespect those people and refuse to meet them and address their concerns but brought a Bill in the House of Representatives.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: But when the Opposition asked questions about how people are retained, and how do you choose consultants, and whether people have a conflict of interest, and whether proper procurement is being followed when you retain these consultants and how much it cost the State to pay for all these reports and to pay for these consultants, and so on, we are told that we vilifying people because apparently that is ‘somebody friend’, and you are not supposed to talk about their friends. You are not supposed to talk about their friends. You know something? I find this selective outrage very unbecoming for people who stand in this House, because when I sat here before the recess—

Mr. Vice-President: Senator you have five more minutes.

Sen. Lyder: Call them out.

Sen. J. Lutchmedial-Ramdial: Thank you. When I sat here before the recess I heard the worst and, you know, the tarnishing of the professional reputation of a professional woman in the public service by the name of the—who held the post of the Auditor General by Minister sitting opposite there in both this place and the other place. Everybody denigrated that woman's character. They made the most— They tried their best to make her out to be some sort of villain—

Hon. Senators: [*Crosstalk*]

Mr. Vice-President: Members Members—

Sen. Mitchell: That is not true.

Mr. President: I am sure we will have time to respond to those statements. Proceed in your last five minutes.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: Nobody had a problem with it then, but when the Opposition wants to ask about the cost to the taxpayer of handpicking people to do

reports, more than one report, about choosing a consultant, and so on, and asking whether those consultants are conflicted because of other perhaps permanent positions or consulting positions that they hold in other arms of the State, all of a sudden everybody is offended because “Dah” is people that we know long time and “yuh” should not talk about “dem” and we must apologize, and so on. No, no, no, no, no, no. Miss me with the selective outrage.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: Miss me with selective outrage and miss me with all of this, you know, pretend self-righteousness, and so on, right. I “doh” want to hear about that. Is it either we have standards or we do not. Is either we do not speak that way about people or do, alright?

12:30 p.m.

Now, I want to just mention one other thing with the Chambers Manager and I think—again it goes to the fact that why this Bill should be withdrawn, and why they should have a total reconsideration and consultancy on this. Mr. Vice-President, the creation—first to begin with, it is vague as to what exactly this Chambers Manager is going to do because it says here that the Chambers Manager is responsible for—including strategic and operational planning to the department of civil law and this department that they are going to create.

Mr. Vice-President, I have looked at the advertisements for Solicitor General, the most recent one—because I think there is a vacancy there still—maybe the AG should apply because like he wants to become the Solicitor General.

Hon. Senators: [*Laughter*]

Sen. J. Lutchmedial-Ramdial: This is at 2024, the deadline was March 2024 for an application to be made, right.

Sen. Nakhid: Underqualified.

Sen. J. Lutchmedial-Ramdial: The job description of the—there is a link to the job description as approved by the JLSC—and the job description for Solicitor General, you know they give you percentages of your role and function and so on, management responsibilities: 50 per cent.

Sen. Nakhid: Fifty?

Sen. J. Lutchmedial-Ramdial: Fifty per cent of that job is management responsibilities. I have no doubt that it is the same for the Chief State Solicitor. I have not been able to put my hand on the job description but I would like to know, what portion of responsibilities for that position is supposed to be management? Because that person is now going to fall beneath the Solicitor General or whatever they renaming it and so on, and becoming Chief Legal Officer or Chief State Attorney and all of those things.

But if you are creating the position of Chambers Manager and your intention is to hive off some of the management responsibilities from the Solicitor General—let us say—and give it to this Chambers Manager, should a job evaluation exercise not be conducted? Because it is linked to compensation, it is linked to terms and conditions, it is linked to what requirements you must have. Because one of the things that they ask you to have—notably five per cent of your responsibility as Solicitor General is litigation. But one of the things that you are asked to have because of the amount of supervisory responsibilities, is that you must have a certain number of years of experience in a supervisory position, and in management within the public service so that you can actually apply for this position.

And if you are creating a new post that is going to take away some of that

responsibility, you cannot simply say, “Well, we leaving your name, we changing everybody else name, we reconstructing your whole department, but we leaving you there in the bracket that you belong in”. No, Mr. Vice-President, that will not do. It will not do because these are things that will create a lot of chaos and confusion.

And I have to say that anybody with knowledge of how the public service operates would understand that. And that is why, that is why there is so much apprehension and concern, and there is a lot of anger amongst the attorneys in the Ministry of the Attorney General.

Sen. Nakhid: 30 seconds.

Sen. J. Lutchmedial-Ramdial: And they have been very freely expressing so. So today I want to say, I stand with my colleagues at the Bar who represent the State of Trinidad and Tobago, the real patriots, the hard-working state lawyers—

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial:—who work for far less money than they could perhaps make if they were in private practice, and I say that they deserve better than this, Mr. Vice-President. They deserve better than to have an Attorney General, and to have a government, and a Cabinet ride roughshod over their concerns—

Sen. Nakhid: Correct.

Sen. J. Lutchmedial-Ramdial:—neglect all of the—and just bypass all of the process and procedures that are in place to protect them, to protect their jobs, to ensure that they are not treated unfairly. And persons who have worked for decades within the public service, and have made their way to the top of the public service like the Chief State Solicitor, the Deputy Chief State Solicitor, the Deputy

Solicitor General—I do not even know who the people are, I do not know who those post holders are right now. But I know the work that they do, and I say today that they deserve the protections that are offered when you follow proper process when you bring legislation.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial-Ramdial: And so I say withdraw this Bill, send it to a committee, and follow the process that you need to follow, thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Hazel Thompson-Ahye.

Hon. Senators: [*Desk thumping*]

Sen. Hazel Thompson-Ahye: Thank you, Mr. Vice-President. This Bill titled the Miscellaneous Provisions (Judicial and Legal Services) Bill, 2024, is an important Bill. It deals with the administration of justice. It has been said that the main job of the administration of justice is to protect people's rights, make sure laws are followed, and punish those who break the law. Administration of justice refers to the system and processes through which laws are enforced, and disputes are resolved within a society.

It is a comparatively short Bill but with long-term implications as it alters the very way justice is administered in the civil law arena. It changes how we do business, and alters even the very Constitution which is the supreme law of the land, and it proposes wide-ranging changes to the Judicial and Legal Services Act, the Children Act, the Patents Act, and the Legal Profession Act.

From what I can glean from the Attorney General's remarks which were delivered in the vein of transparency, more honoured in the breach than in the observance, this Bill is a response to the finding of the report of retired Justice

John who was hired to enquire into the circumstances of a missing file. This was a file that mysteriously disappeared and miraculously reappeared. And in between the disappearance and the reappearance, cost the State or more accurately the taxpayers, millions of dollars and generated a report that few eyes have seen, or ears have heard. To cut a long story short, it would seem that the investigation into the event of the phantom file resulted in a recommendation for restructuring government civil law department.

This Bill creates a merger of various government departments, it has created newly named positions under the Constitution that are governed by the Judicial and Legal Services Act, and affect some other pieces of legislation. I have no doubt in my mind that this is a well-meaning piece of legislation designed with the intention of increasing the efficiency of operations. But it is a sea change that must be carefully crafted and wisely managed. Let us examine the Bill. And I start with clause 1, the short title. It states:

“1. This Act may be cited as the Miscellaneous Provisions (Judicial and Legal Service) Act, 2024.”

I am not a legal draftsman, and legal drafting was not my favourite subject at law school, although I quite liked the team of draftsmen who were teaching us. But I not only passed the course but I even drafted a law sometime after which is in our statute books. The Attorney General did not give me credit but he adopted it wholesale and I got no money. I “doh” mind, it was a service I was happy to perform for the blind welfare association who had asked my assistance, so they could vote in secrecy.

The unkindest cut of all—and I have said it here in this Chamber before—was that my visually impaired dad, who had benefited from the law announced that

he was not taking me to the booth with him as he did not trust me not to put his vote for NJAC but for the DAC.

Hon. Senators: [*Laughter*]

Sen. H. Thompson-Ahye: And they say children are ungrateful. As I was saying before I was interrupted by my own stream of consciousness, I do know a bit of legal drafting. For example, I know that a short title is the name by which a Bill when passed in Parliament would be known. And thus it should reflect accurately the content of the Bill. This present Bill, its long title states:

“An Act to amend the Constitution of the Republic of Trinidad and Tobago; the Judicial and Legal Service Act, Chap. 6:01; the Children Act, Chap. 46:01; the Patents Act, Chap. 82:76 and the Legal Profession Act, Chap. 90:03 with respect to the administration of the Ministry of Legal Affairs and for related matters.”

Does this short title reflect the contents of this amendment Bill? No. This short title says the Miscellaneous Provisions (Judicial and Legal Service) Bill. The impression given thereby is that only one piece of legislation is being amended, the Judicial and Legal Service Act. When in fact this Bill is amending five pieces of legislation, the short title is therefore is misleading and needs to be redrafted.

Hon. Senators: [*Desk thumping*]

Sen. H. Thompson-Ahye: We had a number of amendment Bills in the last Parliament, all of them were correctly named so there are numerous precedents that can and should have been followed. Let us get it right.

Clause 2 provides for its proclamation, no problem with that. Clause 3 confesses that the Bill alters the Constitution, and so it does as we shall see. Clause 4 now alters section 111(2) of the Constitution. It deletes:

“...the words ‘Chief’ State Solicitor’ and substitutes the words ‘Chief State Attorney’.”

Is that really simply a change of nomenclature and does not offend any rule? Is it a case of a rose by any other name would smell as sweet? The original section 111(2) states:

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

So this section clearly spells out that the Judicial and Legal Services Commission has to consult with the Prime Minister before making an appointment of a head of a legal unit in the Office of the Attorney General and Ministry of Legal Affairs. But this Bill makes it clear that the head of department of civil law is the Solicitor General. So my question is, why does the Judicial and Legal Service Commission have to consult with the Prime Minister before making an appointment to the office of Chief State Attorney, who is not a head of department, but second in the hierarchical structure after the Solicitor General? Pray tell.

Clause 5 amends the Judicial and Legal Service Act at several points.

- “(a) In section 2...”—it inserts into—“...the definition of ‘Chief Legal Officer’...after the words ‘Solicitor General’, the words ‘, Registrar General’;
- (b) in section 8A, by inserting after the words ‘written law,’ the words ‘a Chief Judicial Officer...’;”

And:

- “(c) by inserting immediately after section 8A, the following section...”

Section 8B(1) to which:

“8B. (1) A Chief Legal Officer or Chief Judicial Officer shall vacate office on attaining the age of sixty-five years.”

Section 8B now states:

“(2) Nothing done by a Chief Legal Officer or Chief Judicial Officer shall be invalid by reason only that the officer has attained the age at which the officer is required under this section to vacate office.’;”

This subclause presents a problem for me, and I humbly require and request the assistance of the hon. Attorney General for clarification, please.

If the Chief Legal Officer is required to vacate office at age 65, what is the authority under which he or she could be acting that is envisaged under clause 8B(2)? The Chief Legal Officer is not a judicial officer under section 15 of the parent Act. That office is defined under section 4 of the Miscellaneous Provisions (Age of Retirement of Judges, Interpretation and Chief Judicial Officers) Act, 2020. And it says:

“‘Chief Judicial Officer’ means a Master of the High Court, the Chief Magistrate, the Registrar and Marshal of the High Court or the Court Executive Administrator;”

In that Act, the retirement age of a judge was increased to 70 years in the 2020 legislation. This amendment did not apply to legal officers, so I find this clause a little confusing. Clause 5(d)(i) inserts the Registrar General into section 12 to include that post into the Department of Civil Law. And (2) defines the ambit of the civil law department, that is the functions and duties—namely the duties—which the Solicitor General or the Chief State Solicitor was performing before the commencement of this Act. And:

“(b) are conferred or assigned to a legal office set out in Part I of the First Schedule; or

(c) are assigned by the Attorney General.”

Mr. Vice-President, therein lies the rubber. The words “assigned by the Attorney General” have caused some to pause or I dare say, aroused some concern among not only legal officers but also some right-thinking members of the community.

You see, Mr. Vice-President, when we legislate, we do not do so for today, we do not look to see who is in the chair, because that chair does not go with the officer when he leaves office. So we eschew ad hominem law. Someone else may sit in that AG chair tomorrow, change is constant. The next office holder may be wide on brains, even girth, but slim in integrity. History will not absolve us if we “make track for ’gouti to run”, Mr. Vice-President. “Beware the Ides of March”, hearten to the Privy Council in the oft quoted, celebrated Endell Thomas case, *Endell Thomas v the Attorney General of Trinidad and Tobago*, Privy Council Appeal No. 47 of 1980. It was based on the 1962 Constitution but is relevant to the 1976 Constitution. At page 5 of the judgment Lord Diplock stated:

“The whole purpose of Chapter VIII of the Constitution which bears the rubric ‘The Public Service’ is to insulate members of the civil service, the teaching service and the police service in Trinidad and Tobago from political influence exercised directly upon them by the Government of the day.”

The Attorney General is a political appointee, section 76(2) of the Constitution states:

“(2) The Attorney General shall, subject to section 79, be responsible for the administration of legal affairs in Trinidad and Tobago and legal proceedings for and against the State shall be taken—

- (a) in the case of civil proceedings, in the name of the Attorney General;
- (b) in the case of criminal proceedings, in the name of the State.”

Section 79 now of the Constitution, speaks to allocation of portfolios to Ministers by the President acting in accordance with the advice of the Prime Minister.

12.45 p.m.

The Attorney General is responsible for the management of legal services in the Republic of Trinidad and Tobago, but his management must be in the context of and within the parameters of Lord Diplock’s words in the Privy Council judgment in the Endell Thomas case:

The principle is as enduring as Endell is.

I saw him recently at his wife’s funeral and he was still there, still going strong, very old, but he was able to give me a big bear hug and shower me with kisses. He has changed the history and the course of history in our country.

Clause 5(d)(iii) inserts into the Bill the concept of chambers manager. To hear the Attorney General speak last month, when he introduced the Bill, about the concept of chamber, I thought it was a completely novel idea. Lo and behold, I learned recently that this was an idea already implemented in the Attorney General’s Office some years ago and there was in existence a paper titled:

“Chamber Manager
Job Description”.

The “Job Summary” states in part:

“The incumbent will provide executive management support to the Chief Legal Officer. He/She will assist with strategic planning and management, financial and business planning, process mapping, work flow systems

design,”—very important—“periodic reporting,”—again, very important, supervision of support staff and customer service in order to promote and maintain the highest standards of effectiveness and efficiency.”

The scope of works is long. There are 21 items on the list, including:

“Assists in development of the policies, initiatives, goals, action plans, work plans, programme and other objectives of the Department.

Manages, supervises and co-ordinates the work of the administrative, secretarial, clerical and other support staff...”—of—“...the Department.

Provides executive management advice and guidance to ensure integration”—very important—“of the policies, initiatives, goals, action plans, work plans, programmes and other objectives of the Department with the strategic plan of the Ministry.”

Frankly, I am puzzled as to the reason that the Attorney General did not tell us that there was, in fact, already in existence a chambers manager concept that needed to be streamlined, rejuvenated, reorganized, rather than sell it as a completely new idea that had just been born. I can only surmise that he was, to quote a well-known politician, “He was not advised.”

I trust that the newly renovated idea of a chambers manager system would provide a system of mentorship and training of junior lawyers in the department of the Attorney General that would facilitate the professional growth of young legal officers in the department and thus, slow down the haemorrhaging of financial resources in the form of fees to private attorneys. Perhaps, it will mark the beginning of the end of the regular system of handing out so many outside briefs to a chosen few attorneys-at-law, of which Senior Counsel Martin Daly has written extensively in a spirit of patriotism.

What I found interesting too is that the qualification for the chambers manager included qualifications in Human Resource Management. Another Senior Counsel, not of recent vintage, has also expressed to me the need for the reorganization of the Attorney General's chambers to be assisted by an experienced human resource expert and asked me to include that among my recommendations. I do so now. He also advised that I should ask, at the very least, for the Bill to be a pilot project Bill, which will return for review within a specified period, and I adopt that recommendation as well.

Clause 6 speaks to the office of the children's attorney. It is an extremely important office. I note the words, "may be assigned" and I know it is of some concern to legal officers. No wonder they wonder if there is an element of choice there. I am also concerned as to who can determine who possesses a suitable temperament for dealing with children. We have had too many failures in the child protection and child justice system. We cannot afford any more mistakes. We are now reaping the whirlwind of our failure in child rights and child protection. We still do not have officials who understand the child rights convention. We still think, having so long ago, since 1991, ratified the convention and we still do not understand that we have to educate all the children in the jurisdiction, whether they are documented or not. We do not have to go through this nonsense that we are doing all the time and say, "They must go to this and get this." No, once they are in the jurisdiction, we are responsible for them. That is what we signed up for. We had an opportunity to say, "Okay, we do not want this particular provision," but we did not. So every child that is here, we are responsible for the child. Every single person dealing with children must understand child rights.

I had occasion to speak to a senior member of our premiere child protection

agency and imagine, I heard something that had me so sad: “All dis ting about rights and rights and rights. That is what is causing the problem.” This is our premier agency. And I have sat with the premier agency in Jamaica as well, when they were amending their child protection legislation, and it is a different mindset. What is wrong with us? We have to get it right. Every person dealing with children must understand.

I want to end by quoting John Eekelaar, the Oxford don. He came to one of my conferences in the Bahamas on child—we were talking about families. I remember Justice Nelson saying, “But how you get that Oxford professor to come to Bahamas, Hazel?” And I said, “I wrote him a Dear John letter and he came.”

One of the things that he has said that I will always remember is the importance of thinking that children have rights, and he said it is a grievous mistake to see the convention as applying to childhood alone. Childhood is not an end in itself but part of the process of forming the adults of tomorrow; adults of the next generation. The convention is for all people. It could affect their entire life. If its aims can be realized, the convention can truly be said to be laying the foundations for a better world. So, we must understand what we are doing with children. We must understand that we are preparing them for the future. Otherwise, we will continue to reap the whirlwind. So let us be careful about who we put as children’s attorneys. Let us be sure that they are well trained and they know what they are going to do. Otherwise, we will keep going downhill. I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Gopeesingh.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Tim Gopeesingh: Mr. Vice-President, it is an honour and a privilege for me to make a few comments and ask some questions in relation to this Bill presented by the hon. Attorney General in the other place and also, here.

What we are discussing here this midday are basically the amendments to the Judicial and Legal Service Act, and they are clearly because of the \$20 million missing file; the so-called report which has not seen the light of the day. I want to proffer that the hon. Attorney General must level with this Parliament and the population and let us know whether the changes to the Civil Law Department are being brought about because of his Ministry's, the Office of the Attorney General and Ministry of Legal Affairs, negligence in misplacing the file in the Vindra Naipaul-Coolman accused malicious prosecution case, the so-called \$20 million default judgment.

Mr. Vice-President, taxpayers' money was spent on this so-called Stanley John report, commissioned by the Attorney General more than a year ago. I understand that it is probably close a million dollars between two attorneys. Yet, the public has not been allowed to see the findings of this report, as has been mentioned by speakers previously.

So, we are here today making changes to the Civil Law Department, which one can only assume is as a direct consequence of the negligence which occurred in the AG's Office when the file was misplaced. So, you have negligence by the Attorney General's Office, the Ministry of the Attorney General and Legal Affairs, costing the State \$20 million because the people who were affected went to the court and asked for justice and they were awarded \$20 million by the courts.

And then, as soon as that happened, the Attorney General's department wanted to file a defence but the case files for that went missing. And then, when

he appointed the team of investigators to investigate it, the file suddenly reappeared on a desk in a chamber. Now, what have we found out about that file? What has happened? No answers have been brought forward as to who accepted the file, what happened to the file, where the file went. And here it is today, we are making a whole new law because of somebody's incompetence in the Office of the Attorney General and Ministry of Legal Affairs.

Hon. Senators: [*Desk thumping*]

Sen. Dr. T. Gopeesingh: So we are here assembled in the Lower House and in the Upper House for days because somebody could not find out who put the file there and where the file disappeared to. But that is the crux of the matter. So, here it is we are trying to find all sorts of things—you are changing names of Solicitor General—well, we did not change that name because we put it to—and then the names of the Chief State Solicitor to Chief State Attorney and Deputy State Attorney, all cosmetic; all cosmetic. You just bring people into Parliament, Members of Parliament, to make a name change from Chief State Solicitor to Chief State Attorney and Deputy State Attorney and so on, and is that a big thing for them?

[MR. PRESIDENT *in the Chair*]

I want to make the Attorney General aware when he addressed the other place and what he indicated in his opening statement in the other place. And there were about eight areas he said that he asked for the team to look at. I want to quote from the Attorney General's presentation in the other place:

“Madam Speaker, the need for these amendments and changes to the structure of the Civil Law Department culminated in the drafting of the Miscellaneous Provisions (Judicial and Legal Service) Bill, 2024 which if

you will permit me, I will refer to the Miscellaneous Provisions Bill, primarily came to the fore from circumstances surrounding the now infamous court case Civil Action 2020 of 01243 Shervon Peters and others against the Attorney General of Trinidad and Tobago...”

And he went on to what the claim is, and so on.

So, he said:

“I decided to appoint an investigative team, an independent investigative team on the 2nd of February consisting of Retired Mr. Justice Stanley John and Retired Head of the Special Branch of the Trinidad and Tobago Police Service to do the following...”

Mr. President, I want to bring to the attention of the House what he asked for to be done. First:

“To enquire...”

—there are nine areas, Mr. President. There are nine areas. Where are the answers to these nine areas that he sought for when he asked the committee to investigate them?

1.00 p.m.

There are nine areas, Mr. President. Hon. President, there are nine areas. Where are the answers to these nine areas that he sought for when he asked the committee to investigate them?

1. “To enquire into the facts and circumstances relating to...”—CV 2020-001243—“Shervon Peters...against the Attorney General... commencing from June 22, 2020, when service of the claim form and statement of the case were effected including the decision of the High Court dated January 30, 2023...culminating in the handing over of the file

to the acting Solicitor General on February 6, 2023.”

So, he asked for—to enquire into the facts and circumstances into relating to that file. There is no answer to date. Mr. President. That is number one.

2. “To enquire into and establish the facts and circumstances regarding the role or roles played by any minister, member of the civil law department, or any other person employed by the Office of the Attorney General and Ministry of Legal Affairs in the management and conduct of...”—that case.

There is no answer to that request from the Attorney General to the team that was doing the investigation of Justice Stanley John and the other person. So, two areas of the nine, we have had no response from the hon. Attorney General.

3. “To enquire into and establish whether there has been any dereliction of duty, violation of any law, conflict of interest and/or breach of trust on the part of any minister, member of the civil law department or any other person employed at the Office of the Attorney General...in the management and conduct of...”—that case.

So, to repeat: to enquire and establish whether there was any dereliction of duty, violation of any law, conflict of interest.

Mr. President, the Attorney General has hidden or has he gotten any report on these issues which he sought to have answers for when he appointed this committee of Justice Stanley John and the other person? So, the first three areas I have just mentioned, there are no answers. And if the hon. Attorney General will possibly try to give some answers to these, I would sit and let him speak about if these answers have been forthcoming.

So, three areas which he sought to have questions so far, form no basis for

this Bill which we have before us. So where is the relevance for this Bill, when there are nine areas that he sought to have answered? Three have gone and without any answers.

Number four—so, what did that committee do? What did Justice Stanley John's committee do, when there are nine areas that were sought for answers from the Attorney General when I just mentioned three so far, and there were no answers forthcoming? So, what did that committee do? I have great respect for the hon. Justice of Appeal Stanley John who had a phenomenal career and we respect his judicial prominence and legal ability and knowledge, second to none. But, if the Attorney General asked this committee to do certain things and which the Attorney General spoke about in the lower House, these are the things he asked for, it is on *Hansard*, and no answers are forthcoming. So permit me, Mr. President:

4. "To enquire into and examine the...procedures of the Office of The Attorney General and Ministry of Legal Affairs and the civil law department relative to the management and conduct of civil litigation..."—generally—"...involving the State."

Nowhere in this Bill, have we seen any answers, to examine the current procedures of the Office of the Attorney General. Nothing is mentioned about this, about the procedures from the report. We have not seen the report. So, why has the Attorney General not provided this report to the country when he asked for these nine things—

Sen. Mitchell: Excuse me. Mr. President. On a point of order, please. 46(1), we are not debating a report. There is no report being laid here.

Hon. Senators: [*Crosstalk*]

Sen. Mitchell: And 53(1)(b) while I am at it.

Mr. President: So, Senator just remember what is before us. There is eight clauses in the Bill. In your, you know, observations just always tie it back to the Bill that is before us, and you could do so by simply indicating the clause that you are referring to and then your observations are such and then you can make your statements that you are making.

Sen. Dr. T. Gopeesingh: Thank you. So, the fourth area is very relevant to this Bill, because we see nothing in this Bill that answers the questions that the Attorney General asked the committee to bring forward. And I will make it short. Five, six, seven, eight, nine.

5. “To make recommendations to improve the management and conduct of civil proceedings taken by and against the State and the Office of the Attorney General and Ministry of Legal Affairs...”— and so on— “...and to have recourse through such...”—information—“...technology and expertise as necessary.”

Well they said that they want to form these chambers in the Attorney General’s department, Ministry of Legal Affairs. But, there is difference in the thinking between the hon. Senator Allyson West, Minister of Public Administration and the Attorney General. The Attorney General says lawyers “doh” make good administrators, and Sen. the Hon. Minister of Public Administration says she differs from the hon. Attorney General because she believes that lawyers can make good administrators. So, here on—the Government bringing a Bill to us—

Sen. Lyder: “Dey confused.”

Sen. Dr. T. Gopeesingh:—and they themselves are confused as what to do.

Sen. Nakhid: They are chaotic.

Sen. Dr. T. Gopeesingh: Yes. They are chaotic in their thinking.

Sen. Lyder: They “doh have” long.

Sen. Dr. T. Gopeesingh: So, the Minister of Public Administration who this falls, I mean, undoubtedly squarely upon, and the Attorney General differ in their thinking. So, do you all sit as a cabinet and discuss this? It would seem not.

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

Sen. Dr. T. Gopeesingh: The citizens of this country have already stated that this is the most chaotic Government, the most unprepared type of administration.

Sen. Nakhid: Correct.

Sen. Dr. T. Gopeesingh: Yeah. They do nothing, they cannot say what they have done for this country, but that is for another time, we will talk on the platform about that. So, Mr. President, as you said I referred to number five, and it is not in this report.

6. “To report in writing to the Judicial and Legal Service Commission... any facts, circumstances or evidence which may, in the opinion to the investigative team, may give rise to, show or establish the commission of any disciplinary offence by any officer...”—or officers—“...in the judicial and legal service relating to the management and conduct of...”—that.

There has been no answer to that question, whether that was ever contemplated by the committee. There is nothing for the remit of the hon. Attorney General asking for this to be done and it has not been done.

7. “To report in writing to the Director of Public Prosecutions...any facts, circumstances or evidence...”—to report to the DPP any issues that may

require—“...show or establish...any criminal or fraudulent act contrary to the laws of T&T...”

Mr. President: Senator you have five minutes.

Sen. Dr. T. Gopeesingh: So, Mr. President. The other one is number eight. So, my point here, the Attorney General has this investigative team comprising, Justice of Appeal Stanley John, and another person who worked obviously for long period of time and has experience. But, we have not seen the report which we have said, and why has this Attorney General hidden this report?

Hon. Senators: [*Desk thumping*]

Sen. Dr. T. Gopeesingh: Is he hiding some of the findings and the recommendations from the Stanley John report, in terms of prosecution or any matter related to—

Sen. Dr. Browne: Mr. President, point of order. Standing Order 46(6).

Mr. President: Senator, you have a few more minutes to wrap up. Just—so, again, Senator just be mindful of your statements. Continue.

Sen. Dr. T. Gopeesingh: So Mr. President, that interim report has been delivered since 31st March, 2023, more than a year ago. And the final report was delivered on the 29th June, 2023, which we have not seen.

The *Guardian* article dated 1st July, 2023, quoted and I quote:

“Overhaul legal unit in AG’s office—Justice John at end of missing file probe.”

That is the *Guardian* quote.

“Overhaul legal unit in the AG office.”

So, Justice John was asked about nine things, and he has made one recommendation, that is, to overhaul the AG’s office. Overhaul the legal unit in

the AG's office, but fails to answer or to make recommendations on any of the nine areas.

So, the State—people taxpayers' money has paid a million dollars. We question now whether we have to pay 20 million to the people who filed this matter. So, the taxpayers are being asked to take money out of their pockets because it is the taxpayers who pay their money for their country. And they do not seem to know what they are about.

The Attorney General asked for nine things in that report and he brought a Bill to—what is the Bill, Miscellaneous Provisions (Judicial and Legal Service) Bill, 2024. And as Sen. Thompson-Ahye said just a while ago, if I am to quote her properly, “this is a misnomer of a Bill.” Because it is not a Miscellaneous Provisions (Judicial and Legal Service) Bill, it has about six areas here—

Mr. President: Senator, my apologies. You finish at 1.33. So, you can continue.

Hon. Senators: [*Crosstalk*]

Sen. Dr. T. Gopeesingh: Thank you very much, Mr. President. So, Mr. President retired Justice Stanley John has called for a complete restructuring of the civil department of the Ministry of the Attorney General and Legal Affairs, and so, his recommendation came after a five-month probe into the State's failure to defend a malicious claim by nine accused of kidnapping and murdering business woman Vindra Naipaul-Colman, and so on. We all know about that. The overhaul John said that, is Justice Stanley John, “would avoid any recurrence of missing files.” How in God's name overhauling the Ministry of the Attorney General and Legal Affairs prevent any recurrence of a missing file? This is pure negligence and probably a motive to have that file removed.

So, when we are moving in to create different names and nomenclatures for

the top people, the Solicitor General, the Chief State Solicitor, would that obviate from anything—a missing file? That has no direct relation to any file that could go missing. They could change anything from now and you have a new nominator of people in the law department civil law department and missing files could still go. Where is the answer to it? It would entail digitalizing most of the work and getting rid of the paper.

So, you have to bring a Bill to Parliament for us when you could digitalize everything right there in the department of legal affairs. What prevents that? You have two Ministers; our distinguished Minister, Minister Bacchus of the Ministry of Digital Transformation and you have Sen. The Hon. Allyson West, the Minister of Public Administration. They have the competence to move into the department of civil law and do any digitalization that is needed and necessary, and, assist those inside there.

So, why you have to bring this? It is a Bill to strengthen—he says it will entail digitalizing most of the work and getting rid of the paper. Of course, we need that. So, will creating different nomenclatures for the different positions in the Ministry of the Attorney General and Legal Affairs help this? No. It is also a bid to strengthen the Office of the Attorney General and Ministry of Legal Affairs given the volume of litigation it now faces. You know why we have a volume of litigation? Because of the incompetence and the mismanagement of the State, of the Government—

Hon. Senators: [*Desk thumping*]

Sen. Dr. T. Gopeesingh:—and people, they are not doing things properly from a legal perspective and people have to resort to the courts to find justice for themselves.

1.15 p.m.

It is all over in the newspapers. This one wins a case against the State; that one has \$2 million in damages to be paid by the State. So this increase in the litigation is because of widespread mismanagement and incompetence by the State in different areas and the Office of the Attorney General and Ministry of Legal Affairs now has to pick it up. He said—Justice Stanley John Report said:

“In addition, it would make the department more efficient, which would support other departments in” the Attorney General and Legal Affairs “in the administration of justice.”

How can they say it would make the department more efficient? What is in this Bill that will help us to understand how this will assist the Ministry to make it more efficient?

All of this was contained in a detailed report that Justice Stanley John handed over to the Attorney General at that time.

“In an interview with Guardian Media”—Justice Stanley John said at that time—“the complete restructuring of the”—civil law department—“would ensure that the Solicitor General’s Department performs a critical role in the administration of justice.”

But the Solicitor General was playing a critical role in the administration of justice. Nothing in this Bill says the role of the Solicitor General changes. But you now want to merge the Chief State Solicitor’s Department, which is now chief state attorney, with the Solicitor General’s Department. Merging that would show what? Who is in charge? Would there not be confusion? One dealing with—the Solicitor General’s Department dealing with advocacy and the Chief State Solicitor dealing with instructing.

Now, I have heard about that since the 1980s. I was married to my dear wife who was an attorney from since 1975. In fact, she was within the first graduates of the law school in 1975 and that class produced nine Attorneys General for the Caribbean. God bless her soul. She passed away two years ago. But I remember when they fused that. They had a law firm of Gopeesingh Martineau Edwards & Co. who were all instructing attorneys. They instructed the lawyers and so on. And so, they did no advocacy. So that came to, I think in 1989 or '86 or something. But here it is now, 38 years later, we are now trying to say we are going to fuse them so that we will have one department of civil law. So instructing attorneys and advocate attorneys will come together. Was it not better that you have them separate? What is it about?

So he went on to say:

“It also represents the State in both Constitutional and civil proceedings, assists in the formulation and execution of Government policy within the limits of the law, and vets financial documents relating to loan agreements and bond issues in the domestic and international markets.”

So there is a lot more I can say on the question of the missing files and so on, and the voluminous file disappearing for the State case and so on. You know soon after the team was announced the file was returned and handed over to acting Solicitor General Karleen Seenath.

Sen. Dr. Browne: Mr. President, Standing Order 46(1), 53(1). This is just going on.

Mr. President: Senator, at this point in time in your contribution, I think we have heard quite a bit in relation to the report. Do you have any other statements to make in relation to the other clauses in the Bill? I ask you to bring it forward now.

Sen. Dr. T. Gopeesingh: Yes. So, Mr. President, as my colleague mentioned earlier on, Sen. Lutchmedial-Ramdial, that on this side we are perplexed on the issue of why this Bill is before us. It should not be before us because it means nothing. It is superfluous. It does not answer any question in terms of the administration of law and order by the Office of the Attorney General and Ministry of Legal Affairs. And therefore, if the Government is serious about wanting to have this piece of legislation enacted, the team on both the Lower House and the Senate here on the Opposition side, are willing to meet and discuss it whether it is a special select committee of the Senate, or a joint select committee of Parliament.

We believe that this Bill strangles upon the Constitution in section 111 of the Constitution. It strangles over the question of the Salaries Review Commission under section 142. So it impinges upon negatively on both these areas.

Sen. Armour SC: Would my learned friend way just so I could ask a question for clarity?

Sen. Dr. T. Gopeesingh: Yes. Yeah, yeah, I will give way.

Sen. Armour SC: Is he saying that the Bill strangles or straddles? I think he is saying strangles and I do not follow the argument.

Sen. Dr. T. Gopeesingh: Well, they are both. They both straddles and strangles.

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

Sen. Dr. T. Gopeesingh: So we believe that this piece of legislation is not needed at this time. You are interfering with the lives and the sanctity of the legal personnel in the Solicitor General's Department and the Department of the Chief State Solicitor.

As the Leader of the Opposition said in the Lower House—

Hon. Senator: In the other place.

Sen. Dr. T. Gopeesingh:—in the other place, that she had received a letter from 31 attorneys who were extremely worried—and mentioned by Sen. Lutchmedial-Ramdial just a while ago as well—that they are worried about the sanctity of their positions and what is happening to their positions because of this crossover and this new piece of legislation that they are seeking to enact.

Those questions remain unanswered. These attorneys are extremely worried and, therefore, things will come to a head in the Office of the Attorney General and Minister of Legal Affairs because of these unanswered questions from these attorneys working in that Ministry. So we say that we will not support this in its present state and that it must come—either you withdraw it or you bring it to a select committee or a joint select committee of Parliament. Thank you very much, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Maharaj.

Sen. Sunity Maharaj: Thank you, Mr. President. Any discussion of this Bill must of necessity discuss the circumstances that the Attorney General has discussed in terms of why we are looking at this Bill. If we throw our minds back to the infamous \$20 million default judgment that threw the entire population into a state of angst and conspiracy theories and criticism of all and sundry, it is difficult to proceed to this Bill without asking the questions about the investigation into that incident. Let us remember that that default judgment has not been disposed of and taxpayers have a right to know what layer of accountability, and you cannot discuss accountability in that incident without knowing the findings of that investigation.

So are we to proceed to this Bill, close our eyes and forget what happened

and give it a bligh, \$20 million? Does the finding support initial suggestion of a conspiracy, corruption, or carelessness? I am inclined, because we are talking about strengthening the Attorney General's Office, that it is most likely to be carelessness. Something fell down and we are now trying to buttress the systems. But if that is the case, is there nothing within the existing system that can hold any person or persons who are responsible for that to account? Is there not a normal existing procedure and process within the public service, within that Ministry to hold the errant person responsible?

Hon. Senators: [*Desk thumping*]

Sen. S. Maharaj: And are we just going to cover up that, forget it and come to a Bill and say, "In the future"? Now what guarantee do we have that in the future if we do not know what the findings are, what was the cause of the problem, why are we to believe that the system being put in place now, very properly and directly, is aligned to the lapses that occurred?

I understand that the Attorney General may have some issues. We have had enquiries and investigations. The Scott Drug Report being one of those that, when released through the Parliament, made it impossible to take prosecutorial action because people are compromised, witnesses, things have been said, sub judice. You know it will be thrown out. But there is a way to bring to the public, to tell, explain to the public what happened. I think that is a serious responsibility that we must say there has been an investigation, it has cost our country—The investigation alone cost the country \$800,000—\$500,000 for one person, \$300,000 for another.

There must be, with all the great luminaries around this issue, legal luminaries, a way to redact a report, to precis a report, or whatever it is. Explain to

the public what happened in that critical period between papers being served and the judgment of the court and the confusion that reigned thereafter when we were all woke up to read headlines that a judgment has been given in default against the State. So we cannot skip that. We cannot skip that. That is what Parliament is about, demanding accountability.

So onto the next point of buttressing what you are saying, making—Nobody can object to making any part of public service more effective. I heard a lot of the points that my colleagues, Sen. Vieira and Sen. Thompson-Ahye raised. But, where I disagree is, I am not a fan of shortcuts and plasters. I believe in fundamentally addressing the source of problems and we have been playing with public service reform for at least 40 years. We have taken so many shortcuts, including the whole long list of contract employees that create new problems, that this particular Bill to address one particular problem that emerged makes me worry, given the history of plasters and sores, whether we may not be creating more problems in trying to solve one. Because I know that is what happens so often, that we do not see the consequences and I think Sen. Thompson-Ahye alluded to some of that. We do not always see the consequences because we are so focussed on fixing a problem that is right before our eyes.

1:45 p.m.

So, I think those are reasonable requests under the circumstances. I think the move to close gaps which, as I said, the persons who I spoke to, in their learned estimations, needed to take place even before this issue arose because we all know laws have to change to more effectively deal with the evolving circumstances and certainly, they have—the persons that I have spoken to did not raise any major concerns based on the provisions in the Bill but, of course, they too would have

liked to see the report, to see if it remedied the circumstances that would have arisen. With those few words, Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Lewis.

Sen. Francis Lewis: Thank you, Mr. President, colleagues. My comments will be brief. I feel like I am joining a conversation in the middle. So let me confine myself to the specifics of what was presented to me over the weekend. In looking at the Bill, I am reminded of the metaphor, “fixing the engine while the plane is flying.” Literally, it refers to the incredibly difficult task of performing maintenance and repairs while operations are ongoing, and it is complex, and it is urgent, somewhat like the task of Sisyphus because you are changing something with many moving parts.

Not to repeat comments that have been made by my colleagues, I have two basic questions. The first has to do with—when I reviewed the Bill Essentials, page 2, it referred to, in item 7, and it reads: “Clause 5(b) of the Bill amends section 8A of the Judicial and Legal Service Act to include a judicial officer among other judicial officers who are eligible for an extension of service of three (3) years...”—upon—“...reaching the prescribed age of retirement.”

And when I looked at the Bill—and I am admitting to an abundance of ignorance—I could not see that referenced in the Bill in clause 5(b)—

Mr. President: So, Senator, just some guidance. The Bill Essentials is really for your knowledge and for the edification of Senators. When we are debating on the Floor, what we are really looking at is the Bill itself. So whatever is in the Bill, is what is before us. The Bill Essentials is for your education and for the education of all other Senators.

Sen. F. Lewis: Thank you very much for your guidance, Mr. President. My second concern is—and let me say at the outset, I applaud this. It reads on page 6, going on to page 7, clause 6(c), in addition to the qualifications, et cetera, children’s attorney must possess the required training:

“...related to family or children matters and a suitable temperament for dealing with children.”

I support very much that we go beyond technical competence or qualifications to something like a temperament for dealing with children.

The challenge—and I am not sure how to solve this challenge—is that in expressing it as “a suitable temperament for dealing with children”, would further definition of “suitable temperament” be useful? And I am not sure of an excuse because I do not want to lock it in unduly. The possibility of just leaving it as a “suitable temperament” is that it becomes or can become quite subjectively difficult to standardize, leading to inconsistencies in application and in enforcement. So I support the intent to ensure high-quality representation of children, but I recognize the challenge of balancing the requirements and the practical considerations, and wonder if some further work may be required in that section. With that, I thank you.

Mr. President: Ministry of Digital Transformation.

Hon. Senators: [*Desk thumping*]

The Minister of Digital Transformation (Sen The. Hon. Hassel Bacchus):

Thank you, Mr. President, for recognizing me and giving me the opportunity to say just a few words on this Miscellaneous Provisions (Judicial and Legal Service) Bill, 2024. I first would want to congratulate the Attorney General and his team for the work and the significant effort, I am sure, that was involved in the creation

and the development of these proposals that are presented in the Bill, and it does represent their vision of trying to modernize and organize things as it stands with those areas that they want to address.

I am also of the firm belief that the measures included in this Bill, once enacted of course, will have a profound and positive impact on the Office of the Attorney General and Ministry of Legal Affairs, and on the delivery of legal and other services to the members of the public, the private sector and the wider Government ecosystem. I have said many times in this Chamber that I am not a lawyer. We have many eminent counsels here, I do not need to call all of them. But to understand it—and I think Sen. Thompson-Ahye had put it quite succinctly, in that to make sure I got the full grasp of this, I actually read the long title of the Bill, and I am not going to re-read it, we all know what it is. But when you read it, you get the idea that, you know, there is significant change happening when you look at the number of Acts that are being amended in what we are doing here today.

It is also quite interesting the timing in which we are doing this. I mean, I have been working with lawyers and attorneys for a very long time for various reasons, obviously, in the parts of what I do. But when I wanted to research the thesis for this, I did what a digital person does, which is go to the Internet. So according to what this says:

“The Legal Profession Act Chap. 90:03 of the revised Laws of the Republic of Trinidad and Tobago came into force on January 1st 1987, and brought with it the ‘fusion’ of the traditional roles of solicitor and barrister...”—and then the—
“...novel profession called an ‘Attorney-at-Law’.”

So this has been going on for some time. And if you want to know where I got this from, it came from M.G. Daly & Partners, a quote on the website from *mgdaly.com*.

So a lot of what we are trying to do was in the making for some time in the past. So the Bill is seeking to include in our Constitution the well-established practice that has been existing now for more than, you know, three and a half decades.

I believe that the insight brings us to, you know, what the hon. Attorney General and his team were seeking to accomplish, and that is, effectively, the optimization and modernization of the Government's legal affairs ecosystem. It is not just one department. It is not that. It is the entire ecosystem itself that is being overhauled. And, of course, the impetus for this came from the final report of Justice Stanley to the Government in 2023. Sen. Gopeesingh read out nine items from the terms of reference, to which items 4 and 5 are the ones that I would want to anchor my brief contribution around, and please, just to refresh item 4 was:

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

And:

“5. To make recommendations...to improve the management and conduct of civil proceedings taken by and against the State...the Attorney General and the Ministry of Legal Affairs and the Civil Law Department to have recourse to such information, technology and expertise as necessary.”

So we wanted to make the necessary changes that surround that.

The reason for that is actually quite simple, you know. Digital technology is increasingly holistic, and ubiquitous, and universal as an integral part in the way in which we conduct ourselves and our lives all the time. And we have no choice but to embrace that if we are planning to address and fix the items that are happening, that would have led to some of the things that we would have had to deal with today.

Mr. President, to give a sense of what we are discussing, a quick perusal of the civil law portfolio of the Office of the Attorney General and Ministry of Legal Affairs will show what this portfolio entails. And I know we have been discussing it and I think the general public knows that is important, but I do not know if they realize how big it is, and how wide and broad it is. So with your leave, I will just go through some of it. I certainly will not go through all of it, but it will give some idea as to the breadth of what we are dealing with.

What does the portfolio include? The appointments of quasi-judicial bodies, construction of court facilities for the Judiciary, law reform, legislative agenda. Under the Office of Chief State Solicitor, you have: Administrator general, conveyancing, custodian of enemy property, government contracts, legal services and provisional liquidator. I will not go through all of those. Under the Office of Solicitor General: Civil litigation, commissioners of affidavits, Justices of the Peace, legal advice to the Government, simple things like marriage licences.

You go further under Chief Parliamentary Counsel: Legal drafting, law revision, legal service complaints, alternative dispute resolution and constitutional reform. Under the Registrar General, you have: Civil Registry, Companies Registry, Land Registry, rent restriction, intellectual property, and as Sen. Vieira was pointing out during his contribution, copyrights and related things, trademarks.

All of this fits under what we are trying to address, and for those who want to know where all this came from, it is actually from the Parliament website. So this is not stuff that we are making up from anywhere, it is simply in the budget guide of the Parliament website. And I mean, in order to fully assess the impact and the implication of this Bill, we need to understand the full extent and the very considerable civil law ecosystem to which it will be applied. So you get it. All of those things have to happen, and it is the ecosystem in which it is happening that we are making the adjustments.

At the very fundamental level—and again, this speaks to the changes that we are making. The mission and intent of the Office of the Attorney General and Ministry of Legal Affairs can be summarized as follows—and again, this information is on the Parliament’s website. The Office of the Attorney General and Ministry of Legal Affairs resolves to create public value through the development of specialist legal services in the area of law that are of importance to the State and simultaneously, to provide to you, the stakeholder, a safe and enabling environment delivered with respect, equality and integrity, so as to stimulate increased productivity and greater confidence in the rule of law and in the Office of the Attorney General and Ministry of Legal Affairs. This is what is stated, as it is in the budget guide, and again, this is on the Parliament’s website.

It is these things that we are trying to encompass and that is the reason why this Bill is before us today. It is not about changing names as the only thing that is there. It seems to be what everyone is highlighting. I think, you know, Sen. Lutchmedial-Ramdial mentioned a number of things, as did Sen. Gopeesingh, about, you know—that we could fix these things easily. Myself and the Minister of Public Administration could just walk into the Office of the Attorney General

and Ministry of Legal Affairs and change everything. Well, it does not work that way.

If you want things to remain and to have some level of sustenance, they have to be anchored in law or else you can find yourself going into doing things that represent different levels of interpretation by different people. The types of transformation that we are talking about that we have to execute, which this Bill is trying to allow us to provide, revolve around the changes that are needed in, and you have heard me say this before, people, process—in this case, we are dealing with the legislation—and the technology itself. I will speak a bit about how all of that comes together in the harmony of what we are trying to do—to eliminate the mischief that everyone wants quantified.

You know, there are a couple of observations I have about the Bill and again, Mr. President, I am trying to—coming so late in the batting order—make sure that I do not find myself repeating the things that were there before, but these are observations that I would think of. The first observation is that—and again, I think there will be no question of this coming from all Senators—there is considerable and growing importance of digital technology in the way in which we work and the way in which we interact with the Government, which means that the road that we are travelling in, in the pursuit of this digital transformation, is taken one out of necessity.

We are not doing this because it is nice or we want it. This is something that we have to do. It is made out of necessity and with that, come the levels of persistence, integrity, quality and management controls. That comes with successful implementation of digital technology. I do not know if it will be lost on anybody—if anybody puts anything into cyberspace, I would like to see you try

and erase it. Can you imagine having all of the files that we are talking about locked in secure cyberspace, and we ask somebody to go and try to move them to a place where we can not find it?

So when the newspaper article that was quoted, the *Guardian* article that was quoted by Sen. Gopeesingh, it spoke to things that Justice John said when he was interviewed, and in it he spoke about the changes that had to be done, the levels of change management that had to happen, the revolution that needed to happen inside of there, some people seemed to not be comfortable with that.

2.00 p.m.

The second observation that I have is effective adoption and utilization of technology in the work of the Office of the Attorney General and Ministry of Legal Affairs will clearly play a pivotal role in ensuring that the vision that we have, as articulated above, will happen. And so the transition that we have to make is critically important, that is anchored in the Bill in which we are dealing with today.

If you break down what we mean by the effective adoption and utilization of digital technology, we are speaking to some very specific things. And again why is this important? Because this is also part of what has been managed for example by the Chambers Manager. But what are we talking about specifically? Let me take the time, and again with your leave, Mr. President, just to say what those things are.

The digitization of the data relating to a civil law service system is having procedures. The digitalization of the systems and processes of the Office of the Attorney General and Ministry of Legal Affairs, the ability to leverage digitization of data, and the digitization of MAGLA's work to enable digital transformation in a way that we administer civil law to deliver services to users.

And I know the word “users” is a funny word, I use the word customers, but I know people do not like the word. Let me define it so that there is no question about what I am speaking about. When we speak about users from a digital transformation perspective, Mr. President, I am referring both to the members of the public—and I should not say both but the members of the public, the private sector, the various agencies that use the service, as well as the hard working and dedicated staff at the Ministry of Attorney General and Legal Affairs, who are responsible for providing the services.

A lot of times we concentrate almost exclusively on the consuming part of this, what does that mean? It means that we are looking to make things right for the people who are going into the offices to extract a service. But that does not work if the people providing the service are not catered for as well, and hence the reason why this has to be anchored in law. We must be able to do both at the same time.

There are some parts of the Justice John report that are in the public domain, specifically some of the recommendations. And some of those excerpts seem to be quite—you know, they lost on what it is but if you take what was said, then it is not difficult to understand why we are where we are in this Bill. It has become evident that there have been weak processes which have resulted in unfortunate outcomes. I do not know that anybody will dispute that, the disappearance of a file that potentially cost the state \$20 million et cetera, et cetera, is something that we need to address.

But that really was an incident that highlighted something that has been in decay for a significant period of time and required urgent and imminent attention. When I was taking my notes with Sen. Lutchmedial-Ramdial, she was pointing out

good processes and she was talking about the greatness of what happened back in 2013. And indicating that, “If you follow the right process, this thing went to PMCD and would have found its way in the right place.”

So, the note in 2013 indicated that a Chambers Manager would have been created. But guess what? That went to PMCD in 2009. But how is that serving the purpose? I did not make this up. We have to find better ways to do this. Part of digital transformation is not just changing what you do, you know, but changing how you do what you do.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. H. Bacchus: We have to make these kinds of changes. What are the other things that we have gleaned from what is happening here? People review these changes that we are trying to make as IT things. Everything I am talking about everybody saying it is an IT thing, it is not. This is process reengineering. This is so that the purpose when somebody take something—you want to know what the process is? Let me tell you what the process is, let me tell you what the process is now, today. Because I realize people must think I want to do this because I am the Minister of Digital Transformation, I am going to digitalize everything. No, let me tell you what the process is.

The process is one with this watch, the documents received by a clerk, reviewed by an attorney who proceeds to undertake the role not in keeping with someone being served, and you know what that means? The documents are left there to lie until an officer from IT from another building—IT, an officer from IT from another building—comes to collect the day's documents, physically removes them to another building—this is somebody from IT “eh”—moving it to another building. And the reason why they are moving them to the other building is for

somebody from IT to do the data entry. You understand what I am talking about?

You take a document that is reviewed by a lawyer, going through a process, with somebody from IT picking it up, carrying it somewhere else for somebody else from IT to put it into the system for—this has nothing to do with IT, this is process reengineering and changing the way things go. And the way that has to happen is that the people who understand the tenets and how we make those changes, have to be the people that running the offices. That is just the way it works. So, when you hear that and you say it is not an IT task but process reengineering is to cause things to function in a particular way, strangely enough, if you have a proper running chamber that is what it looks like. We have many lawyers here, I am sure you understand what it is.

Another key component of this is—which is why we cannot just walk in and change everything. Think about this, you are asking someone to stop doing something that they have been doing for years wrong as it may be, and then ask them to do something else, that is change management. It involves training, retraining, adjustments to regulations, and in some cases like we are doing now, adjustments to legislation. Because it has to be anchored somewhere.

Let me say some of the things that I know. More often than not processes are the outcome of systems and organization structure. And it continues to be evident that when you have bad structures, it lends itself to bad things. When you have sound structures, what do you get? Well, good things, but what do the bad ones leave you with? Limited accountability, process failure, limited stakeholder engagement, and in some cases as we found in what happened in here things disappear.

To say it again just so I am clear, data entry was something that was seen to

be done by IT, everybody knows that, that part of it was there but look at what happened in the process that got you to that place. The whole chain of command, the whole ecosystem that was not seen as the responsibility of people was just looked at something that IT used to do, and everything was just a way to get the document to them to put it where it needs to go. You have to change that. The design of the new organizations must be such that if you are looking at people, they have to be accountable for not just what they have going in front of them but the systems and the processes to allow for the efficiencies that you want to have to work. This is collective responsibility, we will not be able to do it anywhere else.

Now, it is interesting that when you examine the roles that people have, you could find yourself in some issues. Let us talk specifically about what is happening in the civil law department. The Government's thrust towards digital transformation must not pass the civil law department by. In other words I cannot continue marching going down the road, doing what I am doing and leave the civil law department by itself. The courts for which we are dealing with, they are way advanced now. Look at where we are in terms of what is happening, are we going to leave the civil law department behind? They have to keep pace if this is going to work.

And while, you know, people talk about cashless, and I use the words less cash, paperless is very similar, it is less paper. For some reason lawyers like paper. I am not going to ask why, I have a number of lawyers with me on this side, I am sure they do, they like paper, right. That is one of the wars I have with them. So, a less paper environment is there but a less paper environment can still incorporate the benefits of digital technology. Why? Because it means that things become a lot more difficult to lose. They are easy to track, you can check when they have

been changed—“oh oh, or, or. Loss meh ting, I now see why people like paper”.

Hon. Senators: [*Laughter*]

Sen. The Hon. H. Bacchus: Yeah, yeah, things could disappear, yeah. Mr. President, the Government’s thrust towards digital transformation, I say it must not pass the civil law department. And basically, all leaders, all professionals, all the people, and all of those people with these new names that people are making such heavy weather about, must create their own—they have to create their own record digitally, and they must all do the same thing in accordance with new digital processes. It is not the old thing and, of course, once you start to use the technology you have to have a zero-tolerance approach to people not adhering to the processes and rules that are there. Hence the reason why they still have to be anchored in law.

The Office of the Attorney General and Ministry of Legal Affairs has been in transformation for some time and if you go all the way back to, and I mean going further back than 2000—and I am going back to 2006, there are recommendations that prefer the rise of a holistic programme. You know, the people, process, legal technology rubric which I just spoke about, that has traditionally been used in the assessment planning and implementation of projects in the digital space, will now include various programmes that will work under this said area of operation. In this case, even the Office of the Attorney General and Ministry of Legal Affairs, they are going to do the necessary to embrace what is there. What are we going to get? The Miscellaneous Provisions (Judicial and Legal Service) Bill, 2024, therefore signals an intent—

Sen. Thompson-Ahye: May I ask?

Sen. The Hon. H. Bacchus:—an intent. Sorry, excuse—please.

Sen. Thompson-Ahye: Has your Ministry been conducting training in this area across various Ministries or are there personnel that you know of—not within your Ministry—who can actually conduct this training across the board? Because from what you say, this is vitally needed if you have to get this system working. So, over to you.

Sen. The Hon. H. Bacchus: Thank you, thank you, Senator. And I could give you a two-hour discourse on that but within the Ministry of Digital Transformation and our partner Ministry, the Ministry of Public Administration—we are a partnership Ministry. And so, what we sought to do very early, was to embed within Ministries, all of the Ministries with which we work—the Ministries, divisions, departments, and agencies—people who do the thing exactly what most people cannot, which is to take technical requirements and translate them into normal speak.

So, the idea of understanding what a Ministry needs normally will happen at the level of a PS. A PS will call my PS and say, “Listen, I need this”. Well that is his interpretation or her interpretation of what something is. It is not necessarily saying it in the speak—in which you could get it from a request to an implementable thing. So we have created within the Ministry specific divisions that are there to do a number of things.

One, embed themselves and work specifically with the Ministries for which they work in, the Office of the Attorney General and Ministry of Legal Affairs is no stranger to that. We have been doing that, we have just completed something with the Ministry of Agriculture where they were trying to launch an app to allow for farmer registration, we have been trying to do that for a few years. We got invited, we sent our team to work with the people that were already there, and it

was done in two weeks. Something that was taking three years. Now to implement, that requires other things, the same thing we are talking about, training, making sure the correct resources are there, making sure that there is complete acceptance and utilization of this new process as opposed to going back to the old one and say bring the documents let me sign it. All of that is being handled at that level. In the specific case of the Office of Attorney General and Ministry of Legal Affairs, we have been working with them and the Registrar General and others because there are things that are not being said here.

2.15 p.m.

One of the things that is not being said here is that they do not have enough people. They do not have enough people. They do not have enough people in critical areas of what we are talking about; cybersecurity.

When you look at what the Registrar General is responsible for, an example, remember those things that I talked about, the registry, the business registry, the Civil Registry. All of those things exist already in electronic and digital formats. Who is taking care of them? Who is going to run them? Who is going to make sure that they continue to remain integrated into the other places that they are? We provide assistance and guidance, but there is still a critical human resource that has to be there. A lot of that is being addressed in this Bill.

So, when you look at it, and the people see the forward-minded part of it, you have to remember that there is an existing ecosystem that has to continue to be operated while we build the new one. Sen. Lewis, I think, put it best. What is it? Flying the plane and fixing the engine at the same time? A lot of what we are doing requires exactly that.

I was telling someone that if you drive in a circle at the same speed, you are

constantly accelerating. And they could not get the picture of that. And the reason for that is, even if you are driving at the same speed, because the definition of speed is rate of change of distance with respect to time, when you put acceleration in it there is an additional component in that and that is a vector. It means that it has to be in a particular direction. But if you are going in a circle, you are continuously changing direction. We are trying to get people to understand things like this happen and you have to find ways to work around it.

So, thank you. Yes, we have done that. Yes, we continue to add ways for people who, if you have issues and you want to find out how to solve the issue, we have built all of those things already. We are deep in the implementation part of what we have to do. But this is the difficult part. The people and process part represent the significant and most difficult. The technology is easy. And, of course, you see what happens here when we try to adjust the legislation; that also is a difficult part. So, yes, we do and yes, we will continue. And we continue to ramp up that as we add more services into the digital space.

This Act signals the intent, as I was saying, to take on board and implement a number of things. This is what we want to do. Obviously, as outlined in the Bill, there is a fusion between the Solicitor General and the Chief State Solicitor Department into one law chamber. That is an easy one; you read the Bill you get that.

The establishment of an office of Chambers Manager, which would manage a lot of these things that we are talking about; provide chamber management significantly improving administrative and operational capabilities entities. You put technology behind that, with the help that we would provide, it makes a significant difference.

We talk about the resources required; the creation of a Registrar General's Department as a separate department of the Office of the Attorney General and Ministry of Legal Affairs and make the Registrar General Chief Legal Officer. Why is that important? Look at the number of things that fit under that place and how it has to work.

There is one IT Department in the Office of the Attorney General and Ministry of Legal Affairs, with a few people. You have all of these "sub things" that I was talking about happening around there. How is it going to work? The Office of the Registrar General, as an example, has a certain level of autonomy in what it does. So, what you would want to happen is that the Registrar General must go and seek help from the AG to fix a problem that is happening with a technology that they are using? You need to be in control of it. If you are going to manage something run it.

And, of course, we have to strengthen the human resource management of the civil law ecosystem; we have to. We just do not have enough people. Sen. Vieira talked about a critical part of that. A critical part of that is improving the terms and conditions of work, training. And if you do not do those things we are not going to be able to attract or retain the staff that we need. It is not that we are rehashing what we said before. I am saying to you the importance of all of those ingredients that went into this Bill that is getting us to where we need to go.

I believe that a strong case has been made for data in Trinidad and Tobago being one of the three strategic resources. This department, this whole area, has some of the most important information; data that Trinidad and Tobago has. And so, when we are talking about what we are going to do with it, well, data is one of the few things in the context in which we speak, as a resource that the more we use

it the more it increases. It is not like natural gas, the more you use it the less you have. Oil, the more you use it, the less you have. Data, the more you use it, the more you get. And so, its importance would only continue to increase in what we are doing.

What are we going to do? What happens with that data? It drives digitalization; it does. Data enables the digitalization of government and the delivery of e-services to citizens. It is the same data by the same system that this Bill is trying to put together for us to have in a safe and effective place. Data provides the raw material on which we are growing as a digital economy. All of this is tied to what we are trying to do with this very simple Bill.

I just want to give, maybe, a small example of countries that have used that and used the same information that is under the purview of this group to significant advantage. The easy one everybody likes is Estonia; number one in the world in the ease of doing business, and so on. But, it constructed its digital infrastructure around what it calls its people hub. Guess what is in it? Business directory, companies directory, land directory. Guess who is responsible for all of that? It sits in the same place. Could you imagine trying to do that if it is built in paper?
Senator.

Sen. Thompson-Ahye: Should we not get into a state of readiness before we launch?

Sen. The Hon. H. Bacchus: Certainly, and this is a big part of it. This is a big part of it. Remember, when you go back, we have been working on a number of these things for some time. Currently—and I mean I am not saying this, because of—it actually happened because of another bad incident. The Office of Attorney General and Ministry of Legal Affairs now has, probably, one of the most secure

environments in Trinidad and Tobago. Before we start putting data into anything we better secure it. We have done that to a certain extent. We have not done all of it. Guess what? The RG needs help to get that done as well. That understanding, that question, that you are asking, Senator, is lost on a number of people. Before you leave home "know wey yuh going." It is lost on a number of people. That is what we have to do. So, we have been preparing. But "yuh cyah" change what does not exist. We have to fix it. The passage of this Bill helps us in that regard in a very, very significant way. Because now when we talk about the changes, the changes are anchored in something, and in this case it is anchored in law.

So, I was talking about Estonia and Singapore. Estonia is another one, we are very close to Estonia. We have people from Estonia working here with us and have been here with us for the last year and a half. But they have done exactly the same thing; tied everything together and they are using the same data to make things simpler and easier. But it has to exist in a digital format. It has to exist in a safe place. The processes have to be along that line. We are going to get that done.

I want to reassure the national community, Mr. President, through you, that we will not be sparing any effort—and to answer your question, Sen. Ahye—in dealing with the integrity and the data of the systems associated with any of the things that we are dealing with here today. We have to do that. We have some fundamental principles from which we work. So anything that we are doing here will hold through to these same civil law chambers. These wider ecosystems that they have, we will put that in there.

What are those things? Fundamental design principles that guide everything we do, and that is resilience by design and cybersecurity by design.

Mr. President: Minister, you have five more minutes.

Sen. The Hon. H. Bacchus: Thank you very much. The work that we are doing to ensure—and this is the piece I think that gets everyone scared, when they talk about putting data into place, people worry about what is happening with the security, and so on. Well, we are working on a number of things to protect that. Cyber resilience and cybersecurity policies are already in place. Cybersecurity and disaster recovery mechanisms are continually being updated, and especially in our computer security and incident response teams in the Ministry of National Security, the CSIRT. We are working on a listing of critical protected infrastructure, of which what we are dealing with today will form a significant part; and, of course, the transformation and change in the culture we are talking about, is making cybersecurity in the workplace part of your normal and everyday culture.

Mr. President, as I close, the agenda that the hon. Attorney General and his team have developed to implement—and again a lot of this deals with what is happening from the Stanley John report. But I am sure it incorporates the principles of which I expound, people, process, technology, legislation. And so, we have to continue to work towards strengthening the administrative processes we have, working towards effective process reengineering, doing the change management correctly, getting the training continued and bringing people up to speed; and of course getting attractive salaries, et cetera, et cetera, in the human resource side of what we are doing. All of this continues but has a significant part to play in the—well, all of this depends, in a lot of ways, but it continues the thrust to keep the momentum going in the change that is required.

So, this Bill, the passage of this Bill, this Judicial and Legal Service Bill,

speaks directly to the transformation of the delivery of legal services to citizens, businesses and government. This is the kind of thing that we need to do if we want to be progressive and continue to walk towards the place where everything that we want comes to us in an easy, simple, secure and robust way and that is why I support this Bill. With these few words, Mr. President, I thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. President: Attorney General.

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much Mr. President. May I start by saying that I am grateful to my colleagues, Sen. West and Sen. Bacchus, who have made my windup comparatively easy. So, comprehensive has been the contributions which each has made to this important piece of legislation. And I am not going to repeat much, if any, of what either of them has said, in my wind-up.

Mr. President, there is a level of rationality and a level of seriousness that we are expected to bring to our debates in this august Chamber, and it is sad sometimes, for me, to acknowledge that level of rationality. It does not find itself as widespread and accepted as we ought to expect. And the exhortations that have been made of me, to make the John Report, and I refer to it meaning no disrespect to Mrs. Pamela Schuler-Hinds who was the second member of that team. And let me repeat, Justice Stanley John, Justice of Appeal (Retired) and Mrs. Pamela Schuler-Hinds (Retired Head of the Special Branch), and I mean no disrespect, nor do I undervalue the remarkable contribution of Mrs. Schuler-Hinds by using the shorthand phrase the Stanley John Report. It really is to allow me to make my remarks with more brevity than I might otherwise do. But the exhortations that I have listened to here today, from the Opposition Bench, led by the most irrelevant,

the most saddened contribution of, and I regret to have to say it in his absence, but he chose to leave, of Sen. Dr. Gopeesingh.

Sen. Dr. Browne: A travesty.

Sen. The Hon. R Armour SC: It is a travesty. It was wholly irrelevant. It was a disrespect to the—what we come to expect.

2.30 p.m.

Sen. Dr. Browne: Not from him.

Sen. The Hon. R. Armour SC:—and it is proof of the eating of the pudding when I have said I am not going to make the report public. Because, if the hon. Senator could stand here today and purport as he did, to say and to make submissions on the report which has not been made public and which he has not seen, and to make the quality of remarkably irrelevant scurrilous remarks that he did today, far less if that report were put into the public debate. Because, there are, and I have said it in the other place, and I say it again, there are very serious remarks made in that report. The language that is used is that they are grave but do not amount to justiciable material, but grave remarks that point at named persons in there. And I have taken the decision, and I stand on that decision, that I am looking to the future of improving the Civil Law Department, and I am not going to be distracted by the media or the Opposition going after named persons in that report, if I were to make it public.

Sen. Maharaj made the point, sotto voce almost, but it was a valid point. That we have had the history of the Scott Drug Report in this country which when it was made public, a very serious report that up to this day underlines a quality of rot in, among others, the Police Service of Trinidad and Tobago. If that report had not been made public and could have been properly acted upon by a responsible

government, much of what we are bemoaning today about problems within the police service, could have been cured.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: It was rendered impotent, the Scott Drug Report, and that is the point made by Sen. Maharaj, sotto voce in her remarks. The Scott Drug Report was rendered impotent on very serious findings of fact against very serious members of the police service starting with, God rest his soul, Commissioner Burroughs. But nothing could have come out of it because it was prematurely and wrongly put into the public arena and rendered useless. Well, I am not going to do that with the Stanley John report.

I prefer to look to the future, not to go after named individuals but rather to say, how can we fix the institution going forward? And how can we fix the institution going forward, bearing in mind, that there are other reports in the public domain. If those who wish to have this report to be able to comment on it—had taken the time and the trouble to unearth them, which have spoken to the systemic dysfunction of the Civil Law Department. One of those reports is the report which was produced, a 2008 report which was produced under the then Attorney General John Jeremie SC. And this is a quotation in this Stanley John report, pages 22 and 23, out of the 2008 report produced under Attorney General John Jeremie and this is what Stanley report says quoting from that report:

The core function of the Ministry is the delivery of legal services to external customers. These services are delivered by departments, each of which is headed by a chief legal officer who is designated a permanent secretary (PS). The general administration is expected to support this core function. Towards this end, the legislation provides that there is a permanent secretary who is PS for finance

purposes and may be assigned other functions by the Attorney General.

Let us pause there for a minute, 2008, and this is an aside but I am mentioning it. The John report is talking about assignments by the Attorney General. We will come back to that.

This arrangement of several permanent secretaries has continued to be a difficult one for all concerned, but especially for the non-legal permanent secretaries for whom the limited role of permanent secretaries is inimical to their experiences as a permanent secretary or head of department. The organization cannot be addressed without addressing the relationship between general administration and the various departments, and the relationship between the Permanent Secretary for finance and the chief legal officers. The supporting role, and let us pause as I read this to reflect on the introduction in this Bill on the role of a chambers manager.

In 2008 this is what the Stanley John report was saying:

The supporting John Jeremie—

—I beg—I apologize to him. The John Jeremie report.

The supporting role of general administration has changed as public administration generally has become more complex and sophisticated. Unlike when the role of general administration involved accounting, personal administration, non-legal, simple office management and general registry, general administration now includes—and let us reflect on my learned colleague, Sen. Bacchus—general administration now also includes information technology, financial administration, security management, human resource management, training, strategic planning and development. The extent to which these can be effectively undertaken by a central administration for diverse legal chambers, is in

doubt. These are supportive elements which require substantive specific input, understanding and direction from each legal chambers. The existing structure—in 2008—the existing structure does not allow for this. In seeking to design a structure for the Ministry of Legal Affairs which was created by statute, it appears that an attempt was originally made to use the structure of a Ministry to deal with something that requires a very different structure. A law chambers. Law chambers have a particular structure and what we continue to see operating and causing a problem is the clash between these two structures. What we need to decide is what type of structure should take the forefront. The committee maintains that the structure of the chambers should take the forefront because that is really the core business of the organization. There must be a civil law chambers, a criminal law chambers—and we will come to that in due course later on, not now—drafting and law revision chambers, and a law reform commission chambers. There must also be a policy and government chambers which is within the Office of the Attorney General as opposed to the Ministry of Legal Affairs.

The point that I make by quoting this, Mr. President, is that since 2008 there has laid fallow on the shelves that have gathered dust in our public service in this country, a report that has called on the Ministry of the Attorney General to undertake that which I am attempting to do now, and we are in 2024. It is the genesis of why we are here today. The catalyst was in 2023, when that file disappeared and Sen. Gopeesingh allowed himself to say the Office of the Attorney General “chose not to” or words to that effect, to file a defence. But we did not choose to file a defence. The file was filed and it was caused to disappear and we did not know it existed until two years later when somebody picked up a judgment and brought in—

Hon. Senators: [*Crosstalk*]

Mr. President: Alright. Enough is enough. Continue, AG.

Sen. The Hon. R. Armour SC:—the catalyst was that \$20 million debacle. But the genesis of the need for a structural systemic change to the Ministry of Legal Affairs Civil Law Department has been crying out for attention since 2008, and Sen. Thompson-Ahye when she asked Sen. Bacchus to give leave suggests that perhaps we should wait for something else to happen before we begin this process. The time to begin is not now, it was 2008.

Hon. Senators: [*Desk thumping*]

Sen The Hon. R. Armour SC: We must be serious about our responsibility to govern. When we are not in government we can make very nice statements and we can make statements that appeal to persons who will be happy to listen to those statements. But the responsibility of Government is a serious undertaking. And part of the concern I have about the quality of submissions that I have heard from the Opposition Bench among which there are respected lawyers, is the absence of proper legal analysis of what we are seeking to do here, in preference for trite political statements that will appeal to people out there.

We must not forget, Mr. President, we must not forget Act No. 21 of 1986 was the Legal Profession Act. And I correct the record, because I have previously, in my opening remarks referred to 1985, it was 1986. Act No. 21 of 1986, was the Legal Profession Act. That is the Act which brought into being the attorney-at-law as we now all are. And let us remind ourselves, those of us who are lawyers and who will ask for persons to respect us when we stand to speak, what Act No. 21 of 1986 was. It is an Act to provide—this is the Act that created the legal profession of attorneys-at-law, it is known as the Legal Profession Act. It is:

“An Act to provide for the reorganisation and regulation of the legal profession for the qualification, enrolment and discipline of its members and for other matters relating thereto.”

Whereas, and I read from the preamble.

“*Whereas* it is enacted inter alia by subsection (1) of section 13 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly.”

And I can continue. The point is, the Legal Profession Act was an Act that was required to be passed by a super-majority because it was amending—interfering with constitutional provisions. And that is the Act which governs us. It binds us. And that is the Act, Mr. President, which in the definition of “practise law” in Section 2 says:

“‘practise law’ means practise as a Barrister or Solicitor or an Attorney-at-law, or the undertaking or performing of the functions of a Barrister or Solicitor or Attorney-at-law as provided or recognised by any law whatever before or after the passing of this Act;”

Mr. President, the Judicial and Legal Service Act which is one of the Acts that we are amending by the Bill before the House today, is Act No. 22 of 1977. So, the Judicial and Legal Service Act pre-existed. The Legal Profession Act which says that that Legal Profession Act takes pre-eminence over any law whatever before or after the passing of the Act. This Act, the Judicial and Legal Service Act was amended by the Legal Profession Act, which had to be passed by a special majority and binds us.

It is a travesty, notwithstanding the passage of the Legal Profession Act No. 21 of 1986, that the Judicial and Legal Service Act has remained unamended since 1977, and has allowed the existence of two departments within the Government legal service, of solicitors and barristers, which is inconsistent with the Legal Profession Act. All we are seeking to do is to bring the 1977 Act through the passage of years to 2024. That is all we are seeking to do by the name changes, of changing “counsel” to “attorney-at-law”, and “solicitor” to “attorney-at-law”. I have spent a considerable amount of time on that already, in my opening in this House. I am not going to revisit it, Mr. President. But the short point is, what we are about, is nothing sinister, it is bringing our existing legislation up to and in conformity with an Act that was passed in 1986, as being permissibly by this House inconsistent with the Constitution and passed by a three quarters majority.

2.45 p.m.

So we created the Registrar General by an amendment as a Chief Legal Officer—I have spoken to that, I am not going to repeat myself, in my opening—and we made her Chief Legal Officer of her own department. And Sen. West has reminded us—because we are here on other occasions, on the CFATF legislation, the Financial Action Task Force legislation. We are here—at the moment, as we speak, the Minister of Finance is probably piloting the Global Forum Bill in the other place, which is casting significant responsibilities on the office of the Registrar General in relation to issues of beneficial ownership and all of those things that are going to keep our financial economy in tandem with international standards, the point there being that the Registrar General is a very serious office, and by giving the Registrar General the designation of a Chief Legal Officer and adjusting her department so it stands alone under his or her leadership, we are

empowering our Government, our nation, our citizenry to get into the 21st Century with so many things that are the responsibility of the Registrar General. What is wrong with that? What is sinister about that? What is too early about that? Nothing.

Sen. Vieira spoke tellingly, when he made his contribution, about the simple amendment that we have been able to accomplish by giving a degree of permanence, either by a public office position or a contract position for five years, to very important offices in the Intellectual Property Office created under the Patents Act. And we brought it across by—we hope to bring it across, the Intellectual Property Office, by the amendments that we are seeking in this Bill before this House, so that those offices can get a degree of permanence, so that those very critical offices can continue to discharge the pivotally important jobs that they are required to discharge, without having to go out of existence every three months with no security. What is wrong with that? What is sinister about that?

The Civil Law Department, the Chief State Solicitor's department, the Solicitor General's department, we are bringing them under one roof and we are hoping by that, to combine an amalgam of very competent attorneys who have been functioning in a dysfunctional way, and we are bringing them together so that they can work in teams, we are giving them the proper name under the Legal Profession Act of attorneys, and there is nothing sinister about that.

Sen. Dr. Browne: Should not be.

Sen. The Hon. R. Armour SC: And we are hoping by the process of training that my Ministry has committed to—and I will come to that, in answer to, among others, the contributions, very useful contribution of Sen. Richards—we are hoping

to transform the department under one roof into project teams, and teams who will deliver quality service.

If I were to go back, just for a minute, to the Legal Profession Act again, when we remind ourselves:

“The purposes of the Association...”

—section 5(c):

“to protect and assist the public in Trinidad and Tobago in all matters relating to the law;”

That is the function of an attorney-at-law.

Section 5(f):

“to promote, maintain and support the administration of justice and the rule of law;”

In 1986, we passed the legislation to assign that function to the attorneys who worked dysfunctionally in the Chief State Solicitor’s and Solicitor General’s department. And in 2024, we simply saying, “Let us bring everybody together, so you can discharge your statutory mandate as the legislation intended in 1986.” We are in 2024, Mr. President, with respect.

When we look at section 3 of the Judicial and Legal Service Act—among other things, we are amending the Judicial and Legal Service Act by the clause. But when we look at section 3, which is unamended—the Judicial and Legal Service Act, as I have said, is Act No. 22 of 1977. Section 3 of the Judicial and Legal Service Act tells us—and this is unamended, we have not touched it, by this Bill or otherwise.

“There is hereby established a Judicial and Legal Service.”

Subsection (1).

Subsection (2):

“The public offices in the public service set out in the First and Second Schedules shall be deemed to constitute the Judicial and Legal Service.”

So that involves all the lawyers in the Chief State Solicitor’s department and in the Solicitor General’s department.

Subsection (3):

“Section 111 of the Constitution applies to the judicial offices and legal offices.”

And that is one amendment we made so that the name Chief State Attorney—Chief State Solicitor is changed to Chief State Attorney. That is the amendment that we are hoping to make by the Bill before this august House, in the one amendment to the Constitution that does not require a three-fifths majority. So we are asking this House today—in clause 4, section 111(2) of the Constitution is amended by deleting the words “Chief State Solicitor” and substituting the words “Chief State Attorney”.

So, section 3, where it says:

“Section 111 of the Constitution applies to the judicial offices and the legal offices...”

—will continue to apply to the Chief State Attorney. And very importantly, Mr. President, section 3(4) and (5) of the Judicial and Legal Service Act, which goes back to and speaks to the arrant nonsense that was put out in this House, when we opened this debate in July, by Sen. Mark—

Sen. Dr. Browne: Arrant.

Sen. The Hon. R. Armour SC:—section 3(4) says:

“Section 141 of the Constitution applies to the holders of the judicial offices and legal offices.”

What does section 141 provides for? It provides for the existence of the Salaries Review Commission. So the unamended language of the existing Judicial and Legal Service Act of 1977, tells us that the Salaries Review Commission applies to all office holders in the Civil Law Department.

And subsection (5) tells us:

“An officer who immediately before the commencement of this Act...”

—and it will continue to apply to the amendment that we are seeking to make, because those of us who are lawyers and those who are good parliamentarians know that an amendment takes effect from the date when the Act was originally proclaimed. So section 3 sub-section (5) says:

“An officer who immediately before the commencement of this Act held or was acting in a public office set out in the First or Second Schedule shall, as from the commencement of this Act, continue to hold or act in the like office in the Judicial and Legal Service and with the same remuneration and conditions of service as obtained immediately prior to the commencement of this Act...”

So nothing in the Bill before this august Chamber today is altering, or attempting to alter either the function of the Salaries Review Commission or the existing terms and conditions which apply to those attorneys in the First and Second Schedules. So all of this nonsense that we heard in early July, that we are interfering with the Salaries Review Commission, we are interfering with the Chief Personnel Officer, we are can changing people’s terms and conditions, it is just so much hot air, with respect.

Sen. Dr. Browne: Arrant nonsense.

2.55 p.m.

Sen. The Hon. R. Armour SC: Let us come to section 12(2)(c), but before we come to section 12(2)(c), let us remind ourselves, Mr. President, of our Constitution. Section 76 of our Constitution tells us that:

“The Attorney General...”—

This is section 76(2):

“The Attorney General shall...”

—that is a mandatory term, “shall”, not “may” or “perhaps”:

“The Attorney General shall, subject to section 79, be responsible for the administration of legal affairs in Trinidad and Tobago and legal proceedings for and against the State shall be taken—

(a) in the case of civil proceedings, in the name of the Attorney General;”

So the Constitution endows the Office of the Attorney General with a constitutional remit that is beyond doubt.

Let us go to section 12(2)(c) which is introduced by an amendment to clause 5. Section 12(2)(c) says:

“Subject to subsection (2A), the Department of Civil Law shall be responsible for such functions and duties with respect to civil proceedings and other civil law matters, which –

(a) immediately before the commencement of...”—this Bill.

I—shorthand there:

“...Miscellaneous Provisions...”—et cetera—“...a Solicitor General or Chief State Solicitor was entitled to perform by virtue of law or practice;”

So section 12(2)(a) is preserving all of the powers, functions and duties of the

Chief State Solicitor and Solicitor General.

Subsection 2(b) is:

“(b) ...conferred or assigned to a legal officer set out in Part I of the First Schedule; or

(c) are assigned by the Attorney General.”

So the amendment of section 12(2)(c) is simply giving effect in this piece of subsidiary legislation to the language, purport, intendment and meaning of section 76 of the Constitution. That is to say, the Attorney General shall be responsible for the administration of legal affairs by and against and in the name of the Attorney General.

It does not say—subsection (c) does not say that the Attorney General is assigning jobs to officers. It simply says:

As may be assigned to the department.

The section preserves the job of the Solicitor General to be the head of that department. There is nothing sinister about that. And I will make this point and it is perhaps appropriate that I move to that other point while I make it. In the consultations, which I have had with members of the Chief State Solicitor’s Department and the Solicitor General’s Department, I have had conversations with them about this piece of legislation. I have had conversations with them particularly about section 12(2)(c), and they have suggested that—and, you know, it is interesting where the concern stems from, and I hope that I do not do a disservice. I will not name them.

I hope that I will not do a disservice to those persons who made representations to me in the consultations I have had. They have said to me, “Attorney General, we know we can trust you. We don’t think that you will abuse

your office by subsection (c), that is to say the Attorney General having the power to assign, but we know that there are other Attorneys General who have done it”.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: What they did not say to me, but I remind this House, we have case law in this country in which a certain Attorney General tried to take over the Chief Justice, Chief Justice de la Bastide at the time, and tried to tell Chief Justice de la Bastide that he, the Chief Justice, was answerable to the Attorney General. That is the concern that has prompted members of the current staff of the Solicitor General and Chief State Solicitor, saying, “Well, perhaps it might be a mistake. Even though, Attorney General, we trust you we don’t know who will be in office after you”.

It is the concern stemming from the history of attempted interference by the Opposition, UNC Government, through the office of Attorney General at the time who tried to make the Chief Justice of this country answerable to him.

Hon. Senators: [*Crosstalk*]

Hon. Senator: “Aya yai”.

Sen. The Hon. R. Armour SC: That went all the way to the Privy Council and it was rejected. And we had two commissions of enquiry in Trinidad and Tobago, one headed by Mr. Chief Justice Telford Georges and the other headed by Lord Justice Mackay. And both those, the one of Chief Justice Telford Georges was appointed by the then Law Association, and Lord Mackay was appointed by the then Attorney General, Mr. Ramesh Lawrence Maharaj, and both commissions of enquiry came to the conclusion that it was not appropriate for the Attorney General of the day to try to make the Chief Justice answerable to him in the administration of justice.

Sen. Browne: “Wow”.

Sen. The Hon. R. Armour SC: That is the concern that has prompted in the consultation discussions I have had on this Bill, the fact that, “AG, don’t you think that subsection (2) might be giving a power to another Attorney General that might be once more abused?”

Well, I am confident that it cannot be abused because all it does is repeat the language of the Constitution, which is already there, and has been there since 1976 when we passed this Constitution as we became a republic. That takes me, Mr. President, to the point of consultation. I have touched on that aspect. Since we debated this Bill here in the first week of July, I spoke in my wind-up to the previous consultations that had existed. Those previous consultations have been ongoing since the John report was produced in June of 2023, and were undertaken in the first instance by Master Morris-Alleyne, under the direction of Justice Stanley John and Mrs. Schullera-Hinds. And after the John report was produced, at my invitation, with leave of the hon. Chief Justice, while she was still Court Executive Administrator, Master Morris-Alleyne was allowed to do consultative work to help implement the Stanley John report and consulted with the members of the Chief State Solicitor’s Department; the Solicitor General’s Department; the Intellectual Property Office; Controller and staff, and the Registrar General and staff.

That consultation has been ongoing since June, but since we debated here in the first week of July, I have held consultations with the members of the Chief State Solicitor’s Department and the Solicitor General’s Department. The first of those consultations at my request of the Chairman of the Judicial and Legal Service Commission, the hon. Chief Justice, took place on the 12th of July. Representatives

of the Judicial and Legal Service Commission, in the persons of the hon. Chief Justice, Mr. Chief Justice Ivor Archie, met on the 12th of July with representatives of the Chief State Solicitor and Solicitor General's Department.

The Judicial and Legal Service Commission was represented by the Chief Justice, Dr. A. Persad, Madam Justice of Appeal Pemberton, and Mr. Winston Rudder. And they were given 46 questions which had been provided to me by letter of the attorneys in the Solicitor General and Chief State Solicitor's Department, and I asked the Chief Justice, as chair to the JLSC, to meet with them to answer their questions. Their questions fell under different rubrics; one was the new structure and expansion of the establishment. Among the assurances given by the Judicial and Legal Service Commission to the members of those two departments, represented by their heads and a team of others, was that there will be no—by this Bill there will be no abolition of positions, just a re-designation of positions for persons on the establishment. That was one of the assurances given by the Judicial and Legal Service Commission.

In relation to concerns about the establishment of permanent positions, they were told that there would be no abolition of positions, just a re-designation, and there would be no interviews for persons to regain one's substantive position. And that goes back to section 3 of the Judicial and Legal Service Act that I just read, because all of those positions are already secured by statute. There were other questions that were asked in relation to seniority and ranking, and the answers were, "After the merger and re-designation of positions, seniority will be based on the date of appointment to that grade". In other words, if you were appointed in 1995, your seniority goes back then. This Bill is not going to affect that.

On the question of promotions, factors can—they had concerns about

promotion and they were told by the Judicial and Legal Service Commission, in the consultation that took place on the 12th of July, “Factors to be considered remain the same as stated in the public service regulations. See sections 11 to 28 of the Public Service Commission Regulations”. So there has been that fairly detailed process of consultation that took place on the 12th of July. After that, we had a workshop that went for three days, the 23rd, the 24th and the 26th of July, 2024. It was held on the floor in Tower D of the Judicial Education Institute with the blessings of the hon. Chief Justice. He went as far—at my request because concerns had been expressed to me by the officers of those two departments that they would be in court because the workshops were from 9.00 to 4.00 on those three days.

The Chief Justice wrote to all of the judges of the High Court and the Court of Appeal, explained to them that the officers would be undergoing the start of a training process on those three days and to give them latitude if they needed, either to have their cases stood down or adjourned. That latitude was given. I attended those three days. The Chief Justice attended those days as well and we had the most engaging process of training on how to work as teams. When you come now under one department, you are no longer dysfunctionally in building A and dysfunctionally in building B. You are working under one roof as teams in projects to deliver quality service to the client, and that is only the start of the training programme that my Ministry has committed to delivering. Master Morris-Alleyne has already given me her further timetable for the training that will continue from this month once the Act becomes a reality.

So that over the course of the next year, we will have ongoing training for persons in the Chief State Solicitor’s Department and the Solicitor General’s

Department who now come together under the merged Civil Law Department to get training to help them to understand how to work in teams. This is just the beginning of the process and it is the beginning of a process that we are starting in 2024 that begged to be started back in 2008. I will not say, “We are too late”, but we certainly are not too early. So that workshop process has taken place. After that workshop process took place in the continuing consultation process that I committed to, on the 12th of August, all of the attorneys of both departments met again in a hybrid session. Some were in my conference room—the Attorney General’s conference room on the 21st floor, Corner of Richmond and London Street, and some were hybrid on the big screen, and we went through the Bill clause by clause.

We addressed all of the concerns, tough concerns, concerns that were articulated quite honestly. That was when I was asked about section 12(2)(c), and the concern that some other Attorney General, other than myself, would seek to abuse that position. I have since, in conversations I have had with some of those attorneys, given undertakings, “Let’s see how it will work out and if it turns out that your fears continue to be with some substance, but let’s meet on it, I will come back to Parliament and amend it to tweak it”, but right now we want to get this process started. And after that meeting of the 12th of August, I have had individual meetings with individual attorneys of the Chief State Solicitor’s Department and the Solicitor General’s Department, persons for whom I have the healthiest of respect for, with whom I worked before I became Attorney General and I had developed a good, cordial, healthy working relationship and I have listened to the concerns, and I have given the undertaking that we are going to be in the most novel of positions, novel, and perhaps unique.

No other government department will be able, five years from now, to look back and say, “We all, every member of the Chief State Solicitor’s Department, now Chief State attorneys, and every member of the Solicitor General’s Department, now attorneys under the Civil Law Department, we all started this process on the ground floor of rebuilding our department”.

Mr. President: AG, you have about four more minutes.

Sen. The Hon. R. Armour SC: Thank you very much, Mr. President.

So we have been engaged on the ground floor of a start-up operation in 2024 that is going to give the benefit to the citizenry of this country for years to come on something that should have started back in 2008. And the members of this department will be able to look proudly back 10, 15 years from now and say, “I was at the start-up of that and this is the result”.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: And that consultation process is ongoing, that engagement process is ongoing.

3.10 p.m.

The only thing that is left for me to say, Mr. President, is to join—and I am happy to join—in the concerns that have been expressed in this House at the absolute abuse of privilege, the abuse of process, the manifest unfairness of what Sen. Mark allowed himself to do in the first week of July in this House. Master Christie-Ann Morris-Alleyne is one of the most hard-working, talented members of the public service—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC:—and she has done it on a public servant’s salary. She could have accepted any number of invitations to go into the private field and

to make a hundred times the amount of money that she is making now. She loves this country. She has worked to improve the Judiciary of this country and she is on call every other day by other Judiciaries of the Caribbean to help them improve their Judiciaries and Sen. Mark abused parliamentary privilege—

Hon. Senator: Shame on him.

Sen. The Hon. R. Armour SC:—to do and to say what he did and I wish to associate myself with the utter condemnation of that abuse. This House must not lend itself to that.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: And with those few words, Mr. President, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in Committee.

Mr. Chairman: Hon. Senators, the Bill before us has eight clauses and we have amendments proposed from Sen. Lutchmedial-Ramdial, which were circulated via e-mail and is also up on the *Rotunda*. So I will take it that everybody has received that. Alright, as such we will now begin.

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

Clause 5.

Question proposed: That clause 5 stand part of the Bill.

Sen. Lutchmedial-Ramdial: Thank you, Mr. Chairman. We are asking that the subclause that deals with matters being assigned by the Attorney General be removed. It is very clear that the department functions now and it is clear from the

definitions and the wording of the previous clauses that all civil proceedings would be handled by the particular department. If it is the intention of the Government to fuse both departments, civil matters would only be handled by that fused department. I do not see the necessity for matters to be assigned by the Attorney General and for that particular subclause to be in there because at the end of the day, civil proceedings when they are filed are served on the Solicitor General, they are not served on the Attorney General. They are served on the Solicitor General and the Solicitor General being the head of this new fused department can assign matters accordingly.

Mr. Chairman: Attorney General.

Sen. Armour SC: Thank you, Mr. Chairman, I do not accept the amendment. As I have already said in my closing remarks, section 12 (2)(c) is nothing more than a restatement in small bit of the provisions of section 76 (2) of the Constitution and it is already the practice that in the Office of the Attorney General and Ministry of Legal Affairs, the Attorney General assigns work to the department. The department is led, and under this Bill, will continue to be led by the Solicitor General and therefore, there is no threat or otherwise by the introduction of this. So I reject the application to amend.

Mr. Chairman: Sen. Vieira.

Sen. Vieira SC: I join with the Attorney General. I reject the proposed amendment as well. The Constitution is quite clear. The Attorney General shall be responsible for the administration of legal affairs in Trinidad and Tobago and legal proceedings for the State or against the State and in the case of the civil proceedings in the name of the Attorney General. So what can there possibly be in terms of an objection, that he can assign matters? I think it is an absurd suggestion, quite frankly.

Mr. Chairman: Sen. Mark.

Sen. Mark: I do reject the suggestion made by both Anthony Vieira—

Hon. Senator: Senator.

Sen. Mark:—Vieira and the Attorney General.

Hon. Senator: Sen. Vieira.

Mr. Chairman: Sen. Vieira.

Sen. Mark: Yes, I said Sen. Vieira.

Mr. Chairman: Okay Sen. Mark, continue.

Sen. Mark: Yes. I think it is an absurdity. Now Mr. Chairman—

Hon. Senator: So we are agreeing that the amendment is absurd?

Sen. Armour SC: [*Laughter*]

Sen. Mark: I am saying simply this. The Attorney General seems to be speaking from both sides of his mouth. Earlier on, he told this Senate—a short while ago—that if the staff believe that this particular provision will result in an abuse, he will come back to the Parliament and have it removed. The question that has to be asked is that it has never been inserted in the legislation—in any piece of legislation. But in 2024, the Attorney General is seeking to insert his Office in legislation, dealing with the assignment of responsibilities, even though he admits that it will not really make a fundamental difference. It is already in the Constitution. So if it is already in the Constitution, Mr. Chairman, why are you seeking to have it inserted in law, in this legislation? It has been there for several years, since 1976 rather. So why are you seeking to now bring it into law? Mr. Chairman—

Mr. President: Attorney General.

Sen. Mark:—we do not support that position being advanced by the Attorney General and Sen. Vieira.

Mr. Chairman: Attorney General.

Sen. Armour SC: Thank you, Mr. Chairman. Sen. Mark has added nothing new to the debate. I do not accept his suggestions.

Hon. Senators: [*Laughter*]

Mr. Chairman: Okay Sen. Lutchmedial-Ramdial, you have comments on proposed amendment to clause 5 (e) and 5 (f)(1)?

Sen. Lutchmedial-Ramdial: Yes. Mr. Chairman, they are essentially the same. We do not accept the name changes and particularly the issue raised of both the Deputy Solicitor General and the Deputy Chief State Solicitor now having the same title, when they fall into different categories in terms of the classification of posts under the SRC and so on. We believe that that is a recipe for some confusion and so we do not accept that it is even necessary to have these name changes, even if you have a fused department. If, as the Government says, they maintain that people will continue to carry out their functions but they are just going to be functioning under one department. I do not accept that it is necessary to have those name changes and title changes and also that I think they need to look at it again if they are trying to change titles in terms of how they will classify different posts that exist currently.

Mr. Chairman: Attorney General.

Sen. Armour SC: I do not accept the arguments advanced and I do not accept the proposed amendment, Mr. Chairman.

Mr. Chairman: Sen. Mark.

Sen. Mark: Yes. Mr. Chairman, from my reading of the 113th Report of the SRC and the 117th Report, that commission made it very clear that this Parliament, through a piece of legislation that we passed in 2020, breached their functions and their responsibilities as it relates to titles, as it relates to classifications. We think

that the Government is undermining with those amendments, the office of the Salaries Review Commission, as it relates to the carrying out of their functions in terms of job titles, classifications and even compensation. So we do not support that approach being taken in this particular set of amendments to the legislation.

Mr. Chairman: Attorney General.

Sen. Armour SC: Thank you, Mr. Chairman. I know that Sen. Mark has been in and out of the Parliament in the last hour or two, so he probably was not here when I read section 3 of the Judicial and Legal Service Act, which is unamended. In light of section 3, subsections (3), (4) and (5) of that section, I absolutely reject the remarks just made by Sen. Mark. They are inaccurate, inappropriate, inapplicable and irrelevant.

Hon. Senator: Nonsense.

Mr. Chairman: Sen. Lutchmedial-Ramdial, the proposed amendments, you wish for the question to be put?

Sen. Lutchmedial-Ramdial: Yes, Mr. Chairman.

Question put.

Sen. Lutchmedial-Ramdial: [*Inaudible*] division.

The Committee divided: Noes 22 Ayes 5

NOES

Browne, Dr. A.

Armour SC, R.

Gopee-Scoon, Mrs. P.

Sinanan, R.

Hosein, K.

West, Ms. A.

Mitchell, R.

Cox, Ms. D.

Bacchus, H.

Singh, A.

Ibrahim, Dr. Y. I.

Sagransingh-Sooklal, R.

Sookhai, R.

Lezama-Lee Sing, Mrs. L.

Nandlal, V.

Richards, Dr. P.

Vieira SC, A.

Teemal, D.

Hutchinson, Prof. G.

Francis, H.

Lewis, F.

Drayton, J.

AYES

Mark, W.

Lutchmedial-Ramdial, Mrs. J.

Nakhid, D.

Lyder, D.

Gopeesingh, Dr. T.

Ms. Maharaj abstained.

Mr. Chairman: Hon. Senators, the result of the division is as follows: five Senators voted for, 22 Senators voted against and there was one abstention. As such, clause 5 is not amended as circulated by Sen. Lutchmedial-Ramdial.

Amendment negatived.

Clause 5 ordered to stand part of the Bill.

3.25 p.m.

Clauses 6 to 8 ordered to stand part of the Bill.

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

Senate resumed.

Bill reported, without amendment.

Question put: That the Bill be now read a third time.

Sen. Mark: No. Division.

The Senate divided: Ayes 22

Noes 5

AYES

Browne, Hon. Dr. A.

Armour SC, Hon. R.

Gopee-Scoon, Hon. P.

Sinanan, Hon. R.

Hosein, Hon. K.

West, Hon. A.

Mitchell, Hon. R.

Cox, Hon. D.

Bacchus, Hon. H.

Singh, Hon. A.

Ibrahim, Dr. M. Y.

Sagransingh-Sooklall, Hon. R.

Sookhai, Hon. R.

Lezama-Lee Sing, Mrs. L.

Nandlal, V.

Richards, Dr. P.

Vieira SC, A.

Teemal, D.

Hutchinson, Prof. G.

Francis, H.

Lewis, F.

Drayton, J.

NOES

Mark, W.

Lutchmedial-Ramdial, Mrs. J.

Nakhid, D.

Lyder, D.

Gopeesingh, Dr. T.

Ms. S. Maharaj abstained.

Mr. President: Hon. Senators, the results of the division is as follows: 22 Senators voted for, five Senators voted against and there was one abstention. As such the Bill will now be read a third time and passed.

Bill accordingly read the third time and passed.

ADJOURNMENT

Mr. President: Leader of Government Business.

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Mr. President, I beg to move that this Senate do now adjourn sine die.

Mr. President: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised on the Motion for the Adjournment of the Senate. Sen. Vieira.

Hon. Senators: [*Desk thumping*]

Government's Support to Haiti

UNREVISED

Sen. Anthony Vieira SC: Thank you, Mr. President. Mr. President, I quote:

“Haiti I’m sorry
We”—have—“misunderstood you
One day we’ll turn our heads
And look inside you
We are outing fires in faraway places
When our neighbours are...burning
I refuse to believe that we good people
Will forever turn our hearts
And our eyes...away...”

David Rudder’s lament about Haiti is just as poignant, powerful and relevant today as when it came out in 1988, 36 years ago. In fact, today the situation in Haiti is even more dire. It remains one of the poorest countries in the world. Economic instability hampers development and exacerbates poverty. Frequent disasters like hurricanes and earthquakes have devastated the country’s infrastructure, economy and communities leaving lasting impacts.

Today Haitians face significant health care challenges, cholera outbreaks for example, with limited, if any access to medical care. Ongoing political turmoil and weak governance continue to hinder progress and development efforts. Mr. President, Haitians in the 21st Century are centuries behind in terms of having access to basic necessities like clean water, food, education and shelter. Deforestation and contrary to popular belief, caused by foreigners like the Haitian American Sugar Company (HASCO) and American lumber interests as opposed to the Haitians themselves, deforestation and soil erosion have degraded the environment impacting agriculture and increasing vulnerability to natural disasters.

And if that was not bad enough, to compound matters the country is now

prey to a proliferation of violent warring gangs, organized crime, drug trafficking and arms smuggling. The good citizens of Haiti are entangled in a dangerous web of increased crime, violence and corruption. Innocent men, women and children are caught in a deadly crossfire between ruthless and merciless warlords and still we turn a blind eye. The expression means “not to notice” even though we know something is wrong we deliberately ignore it. Mr. President, that expression is attributed to Lord Nelson who during the siege of Copenhagen in 1801 was ordered to withdraw, but he pretended not to see the flagship's signals by putting his telescope to the eye that had been blinded in an earlier battle. As Rudder so poignantly laments, we continue to turn our eyes away.

Today I call on the Government in addition to condemning the atrocities taking place in Gaza and Ukraine, to look closer home, to help our neighbour, not to turn a blind eye to the atrocities taking place in our very backyard. If we are not motivated to do so out of a sense of moral obligation to support a sister Caribbean state in crisis, then let us do so in our own self-interest because if Haiti becomes a centre for international crime as is happening now, it is going to have significant repercussions for the entire region and that has the potential to impact on our own security, economy and social stability.

The proliferation of organized crime, drug trafficking and arms smuggling is going to spill over into nearby countries leading to a broader regional security crisis. If gangs are allowed to take control of a country, that is going to set a terrible and terrifying precedent for the region. Unchecked crime and instability in the region can deter investment, tourism and trade not only in Haiti but in nearby countries. Regional communities will suffer from reduced economic activity and increased cost for security measures. If we do not put out this fire when it is small,

and it is still growing, it is going to be that much harder when it becomes a raging conflagration. Haiti urgently needs the assistance of its Caribbean neighbours and I am calling on the Government of Trinidad and Tobago to take the lead on this.

In April this year, tens of thousands of people fled the Haitian capital Port-au-Prince to escape the surge of gang violence and more than that, 1,500 people have been killed. The country has been plunged into an unprecedented crisis and we have a duty to help. The first order of business must be to send troupes to help stabilize the situation. Let us help the Haitian people and the Kenyan Special Forces by being part of the UN-backed Support Mission tasked with establishing order, addressing insecurity, pushing back the advances of criminal gangs and allowing the government time and space to function effectively. It cannot do for the necessary military intervention to comprise white soldiers. The situation on the ground is complex and it is going to be difficult for them to gain the trust and support of the local population. It is going to be difficult for them to differentiate between who is good, and who is bad, far less for the optics. Who wants to see white soldiers from Europe, the U.S. and elsewhere shooting at Haitians?

[MR. VICE-PRESIDENT *in the Chair*]

And it would be unfair, it would be wrong just to rely solely on Kenyan-led forces who are both understaffed and under-equipped. At present, the support mission comprises around 3,000 troupes facing well over 25,000 armed gang members. They need help.

The second order of business after stabilizing the catastrophic human rights situation, must be to help rebuild Haiti, a failed state, from the ground up. Haiti needs a reset and it needs a reconfiguration. We can help rebuild infrastructure and

institutions, we can help with the reforestation and we can assist in providing support to foster democratic processes. I do not have time to say more, I wish I did. Suffice it to say, we have a moral obligation to support a nation in crisis to help address the critical socio-economic and humanitarian issues that beleaguer the Haitian population. Over 600,000 people have been displaced and nearly 5 million are facing starvation. Assisting Haiti will align with global commitments to human rights, poverty reduction and sustainable development. Now is the time, now is the time as Rudder has said, to turn our heads and look inside Haiti, let us not turn a blind eye. I thank you.

Hon. Senators: [*Desk thumping*]

3.40 p.m.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: The Leader of Government Business.

Hon. Senators: [*Desk thumping*]

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Thank you, Mr. Vice-President. I would like to begin by thanking Sen. Vieira for demonstrating a high degree of awareness and concern for a matter that really should be pressing on the minds and hearts of all citizens of the Caribbean Community and members of the Western Hemisphere, including the society of Trinidad and Tobago.

Much of what Sen. Vieira offered in his contribution on this matter resonates with me, and should with all right-thinking citizens of Trinidad and Tobago. Yes, we have our own challenges, every country does, but the circumstances in Haiti rises above the normal, the ordinary and certainly, far above the acceptable, and I agree with the premise of the Senator's submission, that those circumstances

require collective and concerted action. So I want to thank Sen. Vieira, in the first instance, for also demonstrating that matters on the adjournment are not just fora for innuendo and scandal and old talk, or attacks necessarily, but also opportunities to raise a matter of overriding concern and—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. A. Browne:—mobilize the thoughts and minds of the Government, Senators, as well as our population.

So it is all very much in order. The Government of Trinidad and Tobago has not been unmindful of this challenge. Sen. Vieira and others would be fully aware of a number of interventions and outreaches that we have been making, but I want to start by saying that Haiti is in crisis, and has been for quite a long time now. This latest surge in the strength of the gang environment, the rise in leadership of some gangs, and the horrific toll it has taken, particularly on women, children—women and girls and other children, as well as the wider population, has drawn the attention and priority action of the Caribbean Community, of which Trinidad and Tobago is a vibrant part. Haiti is the largest member of CARICOM. It has an amazing, interesting and important history, and that antecedent is very important to the actions that can assist.

The people of Haiti are vibrant and beautiful. It is a young population, and that country has been the subject of unjust treatment and unjust circumstances, some of which have been imposed by larger countries and colonial powers. That is a historical fact and also relevant to where we are heading.

The current situation in Haiti, Mr. Vice-President, is characterized by institutional collapse, widespread gang violence, as the Senator has indicated, political turmoil, humanitarian emergency, and a breakdown of security and

governance. I want to say though that the decline has been abated, to some extent, based on interventions that have been made outside of Haiti, in support of Haiti, and some progress in the civil circumstances and the movement involving civil society and other groups within Haiti itself. And I will touch a little bit on that as well, because I do not want it to come across as just doom and gloom.

The CARICOM Heads of Government have stepped in, in this process and decided to establish, in 2023, something called the Eminent Persons Group, the EPG, comprising the distinguished former Prime Ministers, Bruce Goulding, Perry Christie and Dr. Kenny Anthony. The Eminent Persons Group has been working alongside CARICOM Heads of Government and alongside COFCO, comprised of foreign ministers, including the foreign minister of Trinidad and Tobago. And this issue of assisting Haiti and working with Haiti has been the subject of many, many, many hours of work and dedication at the level of these CARICOM entities.

Through sustained dialogue and collaboration with international partners, CARICOM has been playing an important and pivotal role in creating conditions for the success of a transition government arrangement within Haiti. Some of that work has been bearing fruit. Trinidad and Tobago absolutely supports the work undertaken by CARICOM and its good offices initiative. We speak with one voice of the Caribbean Community on this and other issues, and this has, as I said, borne some fruit in our efforts to address the multidimensional crisis.

Trinidad and Tobago affirms our commitment to CARICOM's ongoing efforts to bring stability to Haiti. We are not out there on our own or trying to be a star in what is happening there because those types of efforts have not borne fruit in the past. And if you look at past initiatives in trying to assist the Haitian crisis, sometimes the effort produces more harm than the circumstance it is trying to

assist, so we have to bear all of that in mind.

In February 2023, Trinidad and Tobago joined with other key representatives from CARICOM states and the Secretariat on a special mission to Haiti. We went in there, represented by His Excellency Dennis Moses, our High Commissioner of Canada, who is no stranger to this Senate at all. The Organization of American States has also established a Working Group on Haiti in the Permanent Council led by Trinidad and Tobago. We chaired that group in the form of our former Ambassador to Washington, D.C., the very distinguished Retired Brigadier General Anthony Phillip-Spencer, who, again, has dedicated considerable sweat and effort in treating with Haiti from the OAS perspective.

At the 47th CARICOM Heads of Government Conference in Grenada just a few weeks ago, I was very pleased to note the presence of His Excellency Edgard Leblanc Fils, President of the Transitional Presidential Council of Haiti, who actually came and joined us there, and the deliberations were then enriched by a Haitian representative who is the President of the TPC and represents the embodiment of the fruit of some of the efforts that we have been making. And at that meeting, it was agreed that the EPG will continue to work with the Haitian transitional arrangement.

So, yes, Trinidad and Tobago has not committed any troops. We are not in a circumstance that would allow us to send troops overseas to Haiti, given the domestic realities here. We have been in support to the overall process underway in Haiti. We are not in a position to put boots on the ground in that country at this time. We are supporting in other ways.

In this regard, Trinidad and Tobago has made financial contributions to the Haiti good offices fund to cover CARICOM's Haiti initiative to the sum, thus far,

of US \$202,000. Trinidad and Tobago stands ready and willing to continue to find ways to support the efforts that have been bearing fruit, particularly to the Eminent Persons Group and to support the CARICOM good offices fund, as the region seeks to assist Haitians in finding Haitian-led solutions to the current crisis. This is one of our priorities. We continue to work on it.

I am glad that the Senate is now seized of some of these realities and some of these efforts. The people of Haiti must have a future and have a right to development, as do we all. We recognize that we have a role in such. Thank you very much, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Mark.

Hon. Senators: [*Desk thumping*]

Strategies to Address Murder Rate

Sen. Wade Mark: Mr. Vice-President, Trinidad and Tobago is virtually drowning in the blood of citizens who have been butchered, slaughtered by criminal elements over the last nine years, going into 10 years. Close to 4,500 citizens have been butchered, slaughtered, murdered in our country, and it continues unabated, Mr. Vice-President. Data is showing that the rate of crime in our country is three homicides every two days, sometimes more, Mr. Vice-President.

In 2023, the homicide rate in our country stood at around 37.6 victims per 100,000 in terms of our population. For the first eight months of 2024, data is revealing that it is almost 23.5 homicides per 100,000 citizens in our country, and there is no let up, Mr. Vice-President.

The first responsibility of any government is to protect, safeguard, and ensure the safety and security of life of every citizen in our nation.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: That is the first responsibility. What we have witnessed is an utter and manifest failure of this current administration to provide elementary safety and security for our people in Trinidad, and all you have, Mr. Vice-President, are blame games, mind games taking place: Blame the Opposition, blame Kamla, “Doh blame me, blame somebody else.” Mr. Vice-President, that is what the Government has been preaching. But, Mr. Vice-President, we have to face the hard truth. There are fundamental root causes for the escalating wave, the literal tsunami of deaths in our country over the last nine and a half—or nine years, I should say, going into 10. Mr. Vice-President, polarization, skewed resource allocation to different regions of our nation is a fundamental factor.

We also have to take into account the politicization, in terms of the legitimization of the police in our country. They seem to be taking instructions from the political directorate and they are not operating as an independent, impartial body in Trinidad and Tobago, and that is causing a lot of concern in our nation today.

Mr. Vice-President, this situation also has to be seen in the context of the social disorganization visiting our nation. Homelessness, poverty, unemployment, underemployment, lack of economic growth, all of these are factors that are bringing about decay in our nation, Mr. Vice-President.

Mr. Vice-President, another factor, in terms of thinking about strategies to address this escalating murder rate, in terms of identifying the root cause is the growing inequality of wealth and the growing disparity of income in our nation.

3.55 p.m.

One per cent of this population controls almost 95 per cent of the wealth in

Trinidad and Tobago, between 90 and 95 per cent of the wealth. And the Gini coefficient is showing that there is over 45 per cent income inequality in Trinidad and Tobago. When you combine that Mr. Vice-President, with the drugs that is being imported by the elite in Trinidad and Tobago and being distributed to our youths in Port of Spain, San Fernando, Tobago and the Government's failure to go after the real elite who are bringing in drugs, who are bringing in guns, who are trafficking human beings.

The extortion that is taking place among business people in this country is not only coming from the local gangs, but we now have a report coming from the United Nations showing, Mr. Vice-President, that Venezuelan gangs are now in Trinidad and Tobago, Mr. Vice-President, and they are fueling, they are marrying, they are in communion with local gangs. And that is why, Mr. Vice-President, the kind of murders you are seeing taking place; granny is not escaping, nanny is not escaping, children are not escaping, Mr. Vice-President. Fathers and mothers are victims of horrendous criminality in our nation, Mr. Vice-President.

So the Government, Mr. Vice-President, is sleeping like Rip Van Winkle while the nation is drowning in blood, Mr. Vice-President. How long can we continue with this absurdity, Mr. Vice-President? And we have a Government that will do everything and say everything, blame everybody except taking decisive action to arrest the surge and scourge and plague that is destroying our nation, Mr. Vice-President. What you have is PNM propaganda as it relates to what is going on. Could you imagine, Mr. Vice-President, I looked at a press conference some days ago and I saw our Chief of Defence Staff.

Mr. Vice-President: Senator, you have one more minute.

Sen. W. Mark: Yes. The Chief of Defence Staff telling Trinidad and Tobago

there is no boat. There are no vessels.

Hon. Senators: Shame.

Sen. W. Mark: We have two Cape-class vessels that cost this country \$600 million and Mr. Vice-President, it came in July of 2021 and today they are down. All the Damen vessels are down and nothing is taking place, and the Government is sleeping whilst people are dying. Mr, President, I call on the Government, if they cannot deal with crime, get out. Call general elections—

Hon. Senators: [*Desk thumping*]

Sen. W. Mark:—and let somebody get into office who can deal with the arresting of this scourge in Trinidad and Tobago because nothing is being done to provide safety and security for the people of Trinidad and Tobago. This is the issue and I call on the Government to use the Parliament today to account and to tell the people, what new strategies they are putting in place, Mr. Vice-President, to arrest this scourge called crime and particularly, Mr. Vice-President, murders of our citizens in our beloved twin-island Republic. I thank you, Mr. Vice President.

Mr. Vice-President: Minister of National Security.

Hon. Senators: [*Desk thumping*]

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you, Mr. Vice-President. Mr. Vice-President, I listened to the Senator, and he gave a number of sociological and economic explanations as reasons for the circumstances. But alongside the reason, whatever you think they are, there are different schools of thought about the causes of crime. Whenever you think about the reasons, the reality is on the ground that people are being murdered, people are being killed and there is tremendous crime in our land as indeed in others. The Government of Trinidad and Tobago, yours truly as Minister of National Security,

as a citizen here, I fully understand and acknowledge the pain and the trauma that the citizens are experiencing as a consequence of this.

The Senator went as far as to talk about wealth and income, and the structure of the economy. All these are valid subjects for discussion but what we are dealing with on the ground here is the loss of life on a very regular basis and the trauma that the citizens are having to deal with. As a result of this, within the past few days, the National Security Council of Trinidad and Tobago representing the Government and the people of Trinidad and Tobago with those concerns in mind, got the leaders of national security, the law enforcement platform together and asked them “What are you doing about this situation? What are the strategies?”

And of course, they would have outlined them and out of that meeting, the press conference to which the Senator alluded was established and they came to say what they are doing about the issues regardless of the causes or the reasons for them. Of course, those things are important and the Government is dealing with the economy, not stealing from it. The Government is seeking new gas supplies and all of those things. The Government maintained employment through the worst economic times including the COVID-19 experience. Not a single gazetted officer would have been sent home. All of these sociological things are being done.

I attended a graduation on Friday from the MiLAT youth programme where youngsters who did not do well in school for a thousand reasons went into that programme; about one hundred-and-something of them, and many who went in empty-minded and empty-handed came out with full certificates—

Hon. Senators: [*Desk Thumping*]

Hon. F. Hinds:—CXCs, high grades. Dealing with the young people, the Ministry

of Youth Development and National Service is designed for that and all of these things. But, at the end of the day, there is the prevalence of illegal guns in this country. And of course, it was this Government that purchased those two Austal vessels when another Government, we having had three offshore patrol vessels, dispatched them from Trinidad and Tobago. During the time we have been in office, we have acquired two again, but of course, when you have two vessels of that ilk working as hard as they were made to work, then the need for service, not just routine service, but maintenance issues arises and there is where we are at.

These are the realities if you are talking economics and circumstances. And as for the Damen vessels, we met them in a state that required attention and we put in place a contract where they would go intermittently outside of here, the hands of the Damen people, for re-certification and upgrade, and that is being done. In fact, one of them came back about a week and a half ago. I came to this Parliament and I explained what we are doing about that but we have a situation on the ground here where we have a proliferation of firearms and ammunition. And some of the people who are complaining the loudest may have been wittingly or unwittingly complicitous at causing some of the problems we have now. But that is for another time.

So the police told us in the press conference to which the Senator alluded, that they have decided to—and they should, and they must—intensify their activity in terms of anti-crime operations. The Commissioner of Police told us that. That would include more patrols, mobile, static and foot patrols. And as Minister and citizen, I pay close attention to those things and I am looking around and getting feedback from across the country to see that, and I am getting reports that that is happening. Not new—he is calling for new measures. There is nothing new under

the sun and what the Commissioner is promising here is an intensification of these presences. More obtaining and execution of warrants, searches for these physical things called guns in a place where when a man came on a crime scene five years ago with a handgun, a 9 mm pistol, and he fired two at one at his enemies, the others might have an opportunity to run away.

But when you have an automatic weapon, military-grade 5.56 and 7.62 ammunition that was banned by the United Nations because of its inherent danger, and you pass that through an arc and you spray, you are ending up with multiple killings, murders, in one event. Double murders—and I call that statistics in this Parliament already—triple murders, quadruple murders, quintuple murders in one event. So the task of the police as was explained last Friday, is to go out there and find these things. Break down doors, sheds, whatever, and find them while we take action as I have described to protect our borders.

And of course, inside of all of this, focusing on prolific offenders, known gang leaders and gang members. The police have told us that they intend to stay in their faces and I am seeing—every day I get reports of some of those activities. The country would not know all of it, but I do not want them to just know, I want them to feel it so I am encouraging and supporting the police and providing them with the resources they need in order to intensify in those ways. It includes as well—talking about the sociological economic elements—holding parents accountable because, Mr. Vice-President, if you see the age of some of the young fellas creating some of the mayhem you have seen in this country; 16, 15, 17, 14.

In fact, the police reported last week, down to age eight. And today a parent was telling me about his son, and I asked him—“how your son faring in the school he passed common entrance for and went on the 2nd?” He told me the boy came

home a couple days ago—yesterday—and told him “some” boy in school demanded \$5 of him, in the school. And so, holding parents accountable—they said, the police, that they would use the Education Act, the Anti-Gang Act for harbouring, the Children Act, a whole panoply of laws to protect children to ensure that there is parental accountability.

I would have told this country recently, that young girls in certain parts of this country are reporting that pills are available to them quite easily. And therefore, we understand that there is official complicity. So we came to this Parliament taking Parliamentary action and passed a Bill where we could test the integrity of public officials, including police officers, in dealing with these things because a lot of people who talk a lot, are contributing to the problem.

Migrant community, of which we have many in the country—time is running, I understand that. Migrant community; we have begun to see evidence of them getting involved in serious crime in the county and focus will be placed on them. And the use of technology, there is a whole plethora of things I can identify, 10 minutes is insufficient, but I give you the assurance that we are sensitive to the issues. We do not have the luxury of only talking and pontificating about it. We could do that, but we also have the responsibility of doing something about it and that is what we are about to do. And as for the Government, what we do is provide the resources for law enforcement. Come here and argue to pass the laws that they say they need to carry on this fight and to encourage them and to ask the public to appreciate what they do, and to ask the public to report crimes and support law enforcement so that together we can push back against this.

That MiLAT programme I told you about, it raised my goose pimples when I saw it, and I said to myself sitting there, “Look at the difference.” One young

man from Felicity came in there. They said he was a troubled young man. He came in empty-handed as I said, and I heard his mother saying “Oh God, Solo boy”, “Oh God Chandri boy”—well not Chandri’s mother, but he was one who did the best. Came out with six; with ones and twos—a proud mother and I said to myself “This is no life sport.” This is no sport. This is serious business—

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds:—and we are dealing with it. I thank you. I wish I had more time. Thank you very much.

Question put and agreed to

Senate adjourned accordingly.

Adjourned at 4.10 p.m.