SENATE

Friday, November 14, 2025

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. The Hon. Satyakama Maharaj, Sen. The Hon. Dominic Smith, Sen. Dr. Marlene Attzs and Sen. Michael S. V. de la Bastide SC, all of whom are out of the country.

SENATORS' APPOINTMENT

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

"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 Kangaloo

President.

TO: MR. JOHN HEATH, S.C.

WHEREAS Senator Dr. Marlene Attzs 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, JOHN HEATH, S.C. to be a member of the Senate temporarily, with effect from 14th November, 2025 and continuing during the absence of Senator Dr. Marlene Attzs from Trinidad and Tobago.

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 12th day of November, 2025."

"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 Kangaloo

President.

TO: DR. DEBORAH MCFEE

WHEREAS Senator Michael Simon Victor de la Bastide, S.C. 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)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, DEBORAH MCFEE to be a member of the Senate temporarily, with effect from 14th November, 2025 and continuing during the absence of Senator Michael Simon Victor de la Bastide, S.C. from Trinidad and Tobago.

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 13th day of November, 2025."

OATH OF ALLEGIANCE

Senators John Heath SC and Deborah McFee took and subscribed the Oath of Allegiance as required by law.

Mr. President: Hon. Senators—[*Technical difficulties*]—put your mobile on silent. Hon. Senators, I am awaiting two further instruments from the Her Excellency. As soon as those instruments arrive, we shall in fact take the necessary steps to have the Senators in question take their oath of office. So, I crave your indulgence at the appropriate time.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Recovery of Expenses of the Ministry of Energy and Energy Industries for the year ended December 31, 2024. [*The Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance* (*Sen. The Hon. Dr. Kennedy Swaratsingh*)]
2. Annual Audited Financial Statements of the Export-Import Bank of Trinidad and Tobago Limited for the year ended December 31, 2024. [*Sen. The Hon. Dr. K. Swaratsingh*]
3. Annual Administrative Report of the Ministry of Finance for the fiscal year 2021/2022. [*Sen. The Hon. Dr. K. Swaratsingh*]
4. Annual Administrative Report of the National Investment Fund Holding Company Limited for the year ended December 31, 2024. [*Sen. The Hon. Dr. K. Swaratsingh*]

5. Annual Administrative Report of the National Training Agency for the fiscal year 2022/2023. [*The Minister of Tertiary Education and Skills Training* (*Sen. The Hon. Prof. Prakash Persad*)]
6. Annual Administrative Report of the Accreditation Council of Trinidad and Tobago for the fiscal year 2023/2024. [*Sen. The Hon. Prof. P. Persad*]
7. Annual Report of the Police Service Commission for the year 2024. [*The Vice-President* (*Sen. Kenya Charles*)]
8. Annual Report of the Teaching Service Commission for the year 2024. [*Sen. K. Charles*]
9. Annual Administrative Report of the National Flour Mills Limited for the year ended December 31, 2024. [*Sen. The Hon. Dr. K. Swaratsingh*]
10. Annual Administrative Report of the Ministry of National Security for the fiscal year 2018/2019. [*Sen. The Hon. Dr. K. Swaratsingh*]
11. Annual Administrative Report of the Ministry of National Security for the fiscal year 2019/2020. [*Sen. The Hon. Dr. K. Swaratsingh*]
12. Annual Administrative Report of the Ministry of National Security for the fiscal year 2020/2021. [*Sen. The Hon. Dr. K. Swaratsingh*]
13. Annual Administrative Report of the Ministry of National Security for the fiscal year 2021/2022. [*Sen. The Hon. Dr. K. Swaratsingh*]
14. Annual Administrative Report of the Ministry of National Security for the fiscal year 2022/2023. [*Sen. The Hon. Dr. K. Swaratsingh*]

10.15 a.m.

SENATORS' APPOINTMENT

Mr. President: Hon. Senators, I will like to revert to the matter I brought to your attention earlier.

"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 Kangaloo
President.

TO: MR. ASHWORTH JACK

WHEREAS Senator the Honourable Satyakama Maharaj 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 hereby appoint you, ASHWORTH JACK to be a member of the Senate temporarily, with effect from 14th November, 2025, and continuing during the absence from Trinidad and Tobago of Senator the Honourable Satyakama Maharaj.

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 14th day of November, 2025."

"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 Kangaloo
President.

TO: DR. KIRK MEIGHOO

WHEREAS Senator the Honourable Dominic Smith 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 hereby appoint you, DR. KIRK MEIGHOO to be a member of the Senate temporarily, with effect from 14th November, 2025, and continuing during the absence from Trinidad and Tobago of Senator the Honourable Dominic Smith.

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 14th day of November, 2025."

AFFIRMATION OF ALLEGIANCE

Senator Ashworth Jack took and subscribed the Affirmation of Allegiance as required by law.

OATH OF ALLEGIANCE

Senator Dr. Kirk Meighoo took and subscribed the Oath of Allegiance as required by law.

ANSWERS TO QUESTIONS

Mr. President: Leader of Government Business.

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, I am very happy to announce that the Government is pleased and ready to answer all of the questions appearing on the Order Paper today, to with Questions Nos. 10, 12, 13, 14, 24, 25, 27, 28 and 29. And I still hope that we can have an early day today.

ORAL ANSWERS TO QUESTIONS

Police-Involved Fatal Shootings -Tobago

(Steps Taken to Address)

10. Sen. Melanie Roberts-Radgman asked the hon. Minister of Homeland Security:

In light of the police-involved fatal shootings which occurred in Tobago in the months of April and May 2025, can the Minister indicate what steps are being taken to address matters of accountability, investigation, surveillance and review of police action within the Trinidad and Tobago Police Service?

Mr. President: The hon. Minister of Homeland Security.

Hon. Senators: [*Desk thumping*]

The Minister of Homeland Security (Hon. Roger Alexander): Good morning, Mr. President, and thanks for having me in this honourable House to answer these questions.

Based on the information received from the Commissioner of Police, the Trinidad and Tobago Police Service, under the oversight of the Ministry of Homeland Security, has activated a multi-tiered approach framework to ensure accountability, investigative integrity, surveillance, compliance and a comprehensive review of police actions.

In this regard, the following measures are currently in effect: Independent investigations and oversight by the Police Complaints Authority, clear use of the

use of force policy, discipline consequences, data reporting and statistics, public communication and transparency, instructions given to investigators with timelines to comply to.

Investigations include immediate scene management: Independent oversight, separation of the officers involved, timely and transparent reporting, use of forensic technical tools, communication with the public, and training of investigators.

Mr. President, parallel administrative and criminal procedures: Administrative review, whether the officers followed TTPS' policy; criminal investigations, whether the shooting breached the law and running them in parallel, presence delay and ensuring firmness.

Surveillance, Mr. President: Distribution of body-worn cameras; policy departmental order mandate use; oversight, again, by the Police Complaints Authority; standard for evidence, data and privacy; public parliamentary oversight and reporting.

Finally, Mr. President, the review of police actions: Investigations by the PCA, use of force policies and legal frameworks, policy mandate to wear body-worn cameras, National Security Council and regulatory revisit or review, and public transparency and reporting. That answers the question.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Roberts-Radgman.

Sen. Roberts-Radgman: Thank you, Mr. President. Through you, I have three supplemental questions, please. The first supplemental to the Minister. You indicated that information on the status of investigations is being communicated to the public, can the Minister indicate what method is being used, and how are these investigations being reported? Thank you.

Mr. President: The hon. Minister of Homeland Security.

Hon. Senators: [*Desk thumping*]

Hon. R. Alexander: Mr. President, as it relates to the giving of information to members of the public, the police service, though its information technology department, issues information to members of public via its website.

Mr. President: Sen. Roberts-Radgman.

Sen. Roberts-Radgman: Mr. President, my second supplemental. The Minister indicated that there are timelines for completion and submission of reports. May I please ask the Minister how these timelines are being enforced, and how are investigative officers being supported to ensure that these timelines are actually being met?

Mr. President: The hon. Minister of Homeland Security.

Hon. R. Alexander: Mr. President, the timeline is an instruction given by the senior police officer to the investigators of any offence that is committed. A time frame is given and if additional time is required, it is then applied for.

Mr. President: The hon. Senator.

Sen. Roberts-Radgman: My final supplemental, Mr. President. The Minister also indicated that there is a body cam policy and the use of force policy that is being enforced presently. Can the Minister indicate whether these policies are new, and also, if he can submit a copy of these policies for review? Thank you.

Mr. President: The hon. Minister of Homeland Security.

Hon. R. Alexander: Mr. President, these policies are not new. The use of force policy has been engaging the attention of law enforcement, if I recall, since 2007 or 2008. Also, the body-worn cameras—also, this policy is not new. Thank you. And to answer the question, you asked another question relating to the copy, I will try to have it brought to this honourable House as soon as possible.

Hon. Senators: [*Desk thumping*]

10.30 a.m.

Virtual Hearings
(Details of)

12. Sen. Faris Al-Rawi SC asked the hon. Minister of Homeland Security:

Can the hon. Minister of Homeland Security provide the following information:

(i) the total number of police stations at which virtual hearings are conducted;

(ii) the type of matters that are conducted by virtual hearings at the said Police stations disclosed;

(iii) the total number of persons who attended court virtually at the said Police stations for the period 2020 to April 2025; and

(iv) the total number of domestic violence matters that were heard virtually at the said Police stations, if any, during the period 2020 to April 2025?

Mr. President: The hon. Minister of Homeland Security.

Hon. Senators: [*Desk thumping*]

The Minister of Homeland Security (Hon. Roger Alexander): Mr. President, with respect to the question, based on information received from the Commissioner of Police, the following information is relevant: As of September 2025, virtual hearings are actually conducted at 13, 1-3 police stations around Trinidad and Tobago. And, virtual hearings conducted at these designated police stations accommodate the full spectrum of criminal matters ranging from summary offences, such as simple assaults and public order breaches to indictable offences, including serious crimes, such as murders.

And (iii): With respect to the data required, a comprehensive cross-referenced exercise between the virtual courts and the attendance record, to maintain the Judiciary at the station level lodged. Mr. President, we have not yet gotten that information with respect to the amount of persons who would have attended these hearings over the timeframe.

Also, with respect to the data concerning the domestic violence matters/hearings in virtual court, Mr. President, the identification of police stations between 2000 and 2025 is not immediately available. Accurate reporting requires a coordinated review of the judicial case filed alongside TTPS station level recording to ensure completeness and consistency. Given the value and sensitivity of such matters the information is not readily available. A detailed and verified response will be provided in due course, once necessary tabulations and cross-checks have been completed.

Mr. President: Sen. Faris Al-Rawi.

Sen. Al-Rawi SC: Thank you, Mr. President. I thank the hon. Minister for the answer. Supplemental question No. 1. In relation to the answer provided by the hon. Minister as to item (ii) of the question, I asked, what is the total number of police stations, versus the 13 now given in answer, where virtual hearings are conducted as designated centres?

Mr. President: The hon. Minister of Homeland Security.

Hon. R. Alexander: Mr. President, the 13 I mentioned are in fact used as virtual courts up to this date.

Mr. President: The hon. Sen. Faris Al-Rawi.

Sen. Al-Rawi SC: Thank you. Regrettably, the hon. Minister has not answered the question. I am asking for 13 out of how many, if I put it quite simply.

Hon. R. Alexander: Okay. Mr. President, 13 out of 77.

Sen. Al-Rawi SC: Thank you.

Mr. President: Okay.

Sen. Al-Rawi SC: Thank you hon. Minister, thank you, Mr. President. With respect to the answer provided to item (iii), could the hon. Minister indicate when the response to this exercise of audit, if I put it that way, will be completed, bearing in mind that seven months have passed since the answering of this question, since this question was posed. So insofar as seven months has passed.

Mr. President: No, no, no.

Sen. Al-Rawi SC: Could you answer.

Mr. President: Just ask the question, please.

Sen. Al-Rawi SC: I did.

Mr. President: The hon. Minister of Homeland Security.

Hon. R. Alexander: Mr. President, for the accuracy of this information, we depend on the organization to present it. So we want accuracy before we bring it before this honourable House.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Faris Al-Rawi.

Sen. Al-Rawi SC: Mr. President, with respect to the answer provided to part (iv) of the question, I ask, when will this data be provided insofar as seven months have passed, and just for clarification the hon. Minister mentioned a period of 2000 to 2025. The question was 2020 to 2025.

Mr. President: The hon. Minister of Homeland Security.

Hon. R. Alexander: Can I, Mr. President, put the answer for the honourable Senator in writing?

Sen. Al-Rawi SC: [*Inaudible*]

Hon. Senators: [*Desk thumping*]

Mr. President: You are okay? Okay. Sen. Faris Al-Rawi.

Police Stations Taken Over as Courts

(Details of)

13. Sen. Faris Al-Rawi SC asked the hon. Minister of Homeland Security:

Given reports of the Minister's statements that he has "observed that the courts of T&T have taken possession of police stations nationwide", can the hon. Minister of Homeland Security identify:

(i) the total number of police stations in use by the TTPS; and

(ii) the locations of the stations taken over as courts by the Judiciary?

Mr. President: The hon. Minister of Homeland Security.

Hon. Senators: [*Desk thumping*]

The Minister of Homeland Security (Hon. Roger Alexander): Mr. President, as it relates to the police stations, I will repeat, 77 police stations in Trinidad and Tobago are presently occupied by police officers. The locations of the police stations being used as virtual courts: Arima; Besson Street; Chaguanas; Couva; Mayaro; Point Fortin; Princes Town; Rio Claro; San Fernando; Sangre Grande Scarborough, Tobago; Siparia and Tunapuna.

Mr. President: Yes.

Sen. Al-Rawi SC: [*Inaudible*].

Mr. President: Okay. Sen. Faris Al-Rawi.

Virtual Hearings Held at Police Stations

(Government's Policy)

14. Sen. Faris Al-Rawi SC asked the hon. Minister of Homeland Security:

Can the hon. Minister of Homeland Security inform whether it is the Government's policy to halt virtual hearings being held at Police stations?

Mr. President: The hon. Minister of Homeland Security.

Hon. Senators: [*Desk thumping*]

The Minister of Homeland Security (Hon. Roger Alexander): Mr. President, relative to the question by the hon. Senator, a comprehensive review is being undertaken relative to the parties with respect to the situation that exists with the virtual hearings in order to come to a compromise as to how we go forward.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Faris Al-Rawi.

Sen. Al-Rawi SC: I thank the hon. Minister for the response. In light of the response, I ask the Minister, on what basis then did the Minister speak as reported in the newspapers that there was a certain policy to cancel virtual hearings at police stations?

Hon. R. Alexander: Yeah, yeah. I think—

Mr. President: The hon. Minister of Homeland Security.

Hon. R. Alexander: Mr. President, I think that the hon. Senator misunderstood what I said.

Sen. Roberts: As usual.

Hon. Senators: [*Desk thumping*]

Hon. R. Alexander: Give me the opportunity to correct the goodly Senator—

Hon. Senator: And the reporter.

Hon. R. Alexander:—and the reporter, as usual. Mr. President, what I said was, that the court was occupying areas of the police stations, and as a result of that, the police's different units would have lost their ability to continue investigations, to do identification parades and I can go on and on. That is what the statement was about. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Faris Al-Rawi.

Sen. Al-Rawi SC: With respect to the answer given to the supplemental question, is the hon. Minister therefore stating that he was misquoted by the media?

Hon. Senators: Asked and answered.

Hon. R. Alexander: I would have already addressed this from my last conversation, Mr. President. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Any further question?

Sen. Al-Rawi SC: Yes, please.

Mr. President: Yes.

Sen. Al-Rawi SC: Thank you for the supplemental answer. In light of the supplemental answer, is the hon. Minister therefore willing to retract the statement that I have misquoted you, insofar as my question was posed on the publications in the public domain by the media?

Sen. Allahar: Mr. President, Standing Order 27(9), that does not arise in relation to the last answer.

Hon. Senators: [*Desk thumping*]

Mr. President: Okay, sustained. Any further supplemental?

Sen. Al-Rawi SC: I am guided by your ruling.

Mr. President: Okay, thank you. Let us continue. I invite Sen. Melanie Roberts-Radgman, instead.

Government's Law-Making Priorities
(Presentation of Legislative Agenda)

24. Sen. Melanie Roberts-Radgman asked the hon. Attorney General:

Having regard to the need for clarity on the Government's law making priorities, can the Attorney General indicate:

(i) the Government's legislative agenda for the current session of Parliament;

(ii) whether the Government intends to present an official legislative agenda to Parliament; and

(iii) if the response to (ii) is in the affirmative, by what time such presentation may be expected?

Mr. President: The hon. Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General (Sen. The Hon. John Jeremie SC): Mr. President, the question is broken down into three parts. Parts (i) and (ii) are, in my respectful view, tautologous. The answer, nevertheless, is as follows: The process leading to the settlement of the legislative agenda has lasted several months. The agenda is in its final stages of development. It is anticipated that the agenda will be read in the House of Representatives within the next three weeks.

Sen. Roberts-Radgman: No further supplemental.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Melanie Roberts-Radgman.

Drownings at Beaches

(Measures to Address)

25. Sen. Melanie Roberts-Radgman asked the hon. Minister of Defence:

In light of reports of several drownings at beaches across Trinidad and Tobago between the months of May and September 2025, can the Minister indicate what measures are being taken to implement adequate/additional warning signage, lifeguards and beach patrols across high-risk beaches on both islands?

Mr. President: The hon. Minister of Defence and Minister in the Ministry of

Homeland Security.

Hon. Senators: [*Desk thumping*]

The Minister of Defence and Minister in the Ministry of Homeland Security (Hon. Wayne Sturge): Mr. President, I am instructed that 14 drownings occurred during the period identified in the question. Five of them at Mayaro, six at Toco. All of them occurred outside of the patrol hours and outside of the patrol areas. There was one in Los Iros, which occurred beyond the patrol area and two in Maracas. We have not had such a spike either before or since the period identified in the question. Therefore, I am instructed there is no need to change the existing signage and arrangements.

Hon. Senators: [*Desk thumping*]

Mr. President: Okay. Sen. Melanie Roberts-Radgman.

Publication of Crime Statistics
(Details of Criminal Offences)

27. Sen. Melanie Roberts-Radgman asked the hon. Minister of Homeland Security:

Given that the TTPS has removed and/or failed to publish crime statistics on its website for the year 2025, can the Minister indicate:

(i) the total number of criminal offences reported across all Divisions for the months of May 2025, June 2025, July 2025, August 2025, and September 2025;

(ii) the total number of criminal offences detected across all Divisions for the months of May 2025, June 2025, July 2025, August 2025, and September 2025;

(iii) whether the figures provided in response to part (i) have been reported to the public, and if so, when and via what medium? If not, when will

they be reported and via what medium; and

(iv) whether the figures provided in response to parts (i) and (ii) will be published to the TTPS website, and if so, when? If no, why not?

Mr. President: The Minister of Homeland Security.

Hon. Senators: [*Desk thumping*]

The Minister of Homeland Security (Hon. Roger Alexander): Mr. President, relative to information received from the Commissioner of Police, the total number of criminal offences reported across all Divisions are as follows: 928for May 2025; 919 for June 2025; 1056 for July 2025; 842 for August 2025; 749 for September 2025. The second part of the question, Mr. President. The total number of criminal offences detected across the Divisions are as follows: For May 2025, 257; for June 2025, 315; for July2025, 355; August 2025, 305, and as of September 2025, 272.

Hon. Senators: [*Desk thumping*]

10.45 a.m.

Sen. Roberts-Radgman: Mr. President, there are two other bits to the question, two other parts.

Mr. President: You have two other parts?

Hon. R. Alexander: As it relates to part (III) of the question—

Mr. President: Right.

Hon. R. Alexander:—in relation to the publication of statistics referred, the Trinidad and Tobago Police Service, through its Information Technology Department, is currently reviewing the process of publishing the data on its official website. Once the verification and approval are granted and the process is completed, the information will be made publicly available on the TTPS website. The figures provided for parts (I) and (II) of the questions, were published by the

TTPS' website through its Information Technology Department on October 24, 2025.

Mr. President: Sen. Roberts-Radgman.

Sen. Roberts-Radgman: Just one supplemental for the hon. Minister please. Can the Minister indicate the reason for the absence of the data for the periods indicated in the question? Why was the data not published prior to October 2025?

Mr. President: The hon. Minister.

Hon. R. Alexander: Mr. President, in the age of technology, and wanting to give members of the public the correct information, there were some issues. They have since been resolved and the system is back up and running. So the facts are what we will give to members of the public.

Hon. Senators: [*Desk thumping*]

Sen. Roberts-Radgman: No further questions.

Mr. President: No further questions, all right. Sen. Melanie Roberts-Redgman.

Water Crisis in Tobago

(Measures to Address)

28. Sen. Melanie Roberts-Radgman asked the hon. Minister of Public Utilities:

In light of reports of widespread and persistent deprivation of access to running water across the island of Tobago, for the months of September and October 2025, can the Minister indicate:

(i) what factors led to this sudden water crisis across Tobago, particularly in areas that traditionally enjoy a steady and reliable water supply; and

(ii) what, if any, measures have been taken to address the factors identified in response to part (i) of this question in the short, medium and long-term?

Mr. President: The hon. Minister of Public Utilities.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Public Utilities (Hon. Clyde Elder): Thank you, Mr. President. Mr. President, before I begin my response, let me thank you for the opportunity to be in this august and honourable House to answer the question as posed by Sen. Melanie Roberts-Radgman.

Mr. President, recently in Tobago the raw water supply was severely impacted, resulting in an unsatisfactory delivery of supply to customers across the island. All supply zones in Tobago, with the exception of the Bloody Bay supply zone, were impacted, with customers in the Courland supply zone and south-west Tobago especially affected.

Disruptions arose due to the following factors. One, the period in question experienced lower than average rainfall with consequential reduced inflows at the surface sources. The Trinidad and Tobago Meterological Services reported that rainfall experienced in September and October was 43 per cent and 60 per cent respectively of the LTA, which is the long-term average, and it was noted that the Courland and Highland's Road Water Treatment Plants have been the most affected.

Two, a series of mechanical challenges and ruptures of key transmission and distribution pipelines further exacerbated the above situation during the month of September. The mechanical challenges observed during the period in question were influenced by the age and condition of existing infrastructure, compounded by resource constraints that have limited the scope of maintenance activities and the procurement and installation of standby and spare units. Also, lack of funding and neglect of proper preventative maintenance over the last 10 years would have exacerbated these mechanical issues.

Hon. Senators: [*Desk thumping*]

Hon. C. Elder: Mr .President, the authority now continues to perform regular maintenance interventions to sustain operations and ensure service continuity. Many of the referenced facilities, Mr. President, have been in continuous operation for over two decades and the ageing condition of mechanical and electrical components has naturally increased their susceptibility to failure. While ongoing maintenance helps extend the operational life, a number of these sites have been earmarked for comprehensive upgrades and replacements, for which funding is currently being sought under capital improvements initiatives. In short, Mr. President, we will fix it.

Hon. Senators: [*Desk thumping*]

Hon. C. Elder: The repeated pipeline ruptures are primarily associated with the corrosive nature of the soil, which accelerates the degradation of the metallic couplings and fittings along the 16-inch transmission main. This environmental factor, Mr. President, presents an ongoing challenge, despite the authority's active maintenance response. To mitigate future occurrences, the authority is exploring enhanced protection measures for underground infrastructure, including corrosive-resistant materials, protective coatings and cathodic protection system to improve long-term durability and reliability to the network.

The following short-term, medium and long-term initiatives were implemented to mitigate against the challenges, which were experienced across Tobago. One, scheduled introduction of water into the Courland system, via the 16-inch transmission pipeline, which was developed for this purpose for the following wells: A, Bacolet No. 3; B, Bacolet No.5 ; C, Calder Hall Well; and D, Pentecostal Light and Life well. In times of supply shortfall experienced, Mr. President, of the Courland supply zone, this supply is introduced directly into Crown Point and environs, bringing rapid relief to this area. This initiative remains

ongoing to continuously address intermittent challenges in supply delivery.

Two, augmented water trucking. Contracted water trucks presently provide service in fulfilling regional requests for truck-borne water in the event of system shortfalls and incomplete schedules. An additional WASA-owned water truck has been added to the fleet of contracted water trucks providing truck-borne water on request. In addition, the authority is in the process of engaging a pool of additional water trucks on an as-or-when-needed basis to augment any or all additional need at this time and to cover any further challenges.

Three, aggressive leak repair programme. The Tobago region has embarked on an intensive leak repair programme with a view to reducing visible leaks, thereby decreasing the associated wastage and allowing more water to be made available to our customers.

Four, bulk metering. Tobago has commenced—

Mr. President: [*Inaudible*]

Hon. C. Elder:—thank you, Mr. President.

Mr. President: I will ask Sen. Melanie if she has any supplementary questions.

Sen. Roberts-Radgman: Thank you, Mr. President, and thank you Minister for your comprehensive answer. It is truly appreciated by the people of Tobago. One very quick supplemental, please, Mr. President. You indicated that there will be one additional and you are in the process of maybe procuring on an as-needed basis additional water trucks to augment supply. Can you indicate how many water trucks are currently in rotation right now in Tobago?

Mr. President: The hon. Minister.

Hon. C. Elder: Mr. President, I will provide that response in writing, Mr. President.

Mr. President: Okay.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Melanie Roberts-Radgman.

Low Water Levels in Tobago

(Measures to Address)

29. Sen. Melanie Roberts-Radgman asked the hon. Minister of Public Utilities:

In light of reports from the Water and Sewerage Authority of low water flows at the Courland River, and considering the low levels of rainfall experienced across Tobago since the commencement of the 2025 rainy season, what measures are being implemented to ensure a satisfactory South-West Tobago water supply throughout the 2026 dry season, in the event of continued low rainfall for the remainder of the 2025 rainy season?

Mr. President: To the hon. Minister of Public Utilities.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Public Utilities (Hon. Clyde Elder): Thank you Mr. President. Mr. President, given my comprehensive response just now that took me over the time, I will be a little more concise this time.

Mr. President, to proactively address the risk of continued low rain fall, and ensure a reliable supply in south-west Tobago, during the 2026 dry season, the Water and Sewerage Authority has implemented and expanded several mitigation strategies:

1. Water imputation;
2. Water trucking;
3. Leak repair programme;
4. Operational readiness;
5. Facility optimization; and
6. Dredging of rivers.

Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

11.55p.m.

Mr. President: Any supplementals?

Sen. Roberts-Radgman: No supplementals, please, Mr. President.

Mr. President: Okay, thank you.

ADMINISTRATION OF JUSTICE (INDICTABLE PROCEEDINGS) (AMDT.) BILL, 2025

Order for second reading read.

Mr. President: Hon. Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General (Sen. The Hon. John Jeremie SC): Mr. Speaker, I beg to move:

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

Mr. President, the Bill before this Senate today represents a continuation of the Government's efforts to not only build a justice system that is efficient and responsive, but also to remedy the deficiencies in the operationalization of the law. The Government introduced the Administration of Justice (Indictable Proceedings) Act, commonly known as AJIPA, in 2011. That landmark legislation represented the decisive departure from the archaic system of preliminary enquiries, which had long strangled the justice system and in that law, we rejected delay as an acceptable feature of justice.

It has been 14 years since 2011 and AJIPA continues to evolve and as with all systems grounded in reform, continuous review is essential. Since 2011, in the 14 years, the legislation has undergone a series of nine subsequent amendments.

We are informed by statistics presented by the Judiciary that AJIPA has, however, been successful in expediting pretrial hearings, but stakeholders have highlighted legislative deficiencies and that is what brings us here today. We seek to remedy two urgent matters involving the issuance of search warrants and the grant of bail this morning.

Mr. President, the Bill before us was debated and passed in the other place on October 10, 2025. In that place, the debate underscored the balance between investigative efficiency and the preservation of constitutional safeguards. At its core, the original amendment addressed a specific gap in the administration of criminal justice. That is, the limited access to judicial officers who were authorized to issue search warrants in urgent and time-sensitive investigations.

AJIPA had removed the jurisdiction of Justices of the Peace to grant search warrants in respect of indictable matters. The police service has brought to light the realities since 2023, when that amendment was made. They said that in the absence of JPs being empowered to issue search warrants in indictable matters, they faced practical constraints. Investigations that hinge upon the timely securing of evidence that may be digital, physical, or documentary, have at times been hampered by the unavailability of masters or registrars, particularly after hours, on weekends and sometimes on holidays.

Indeed, when the jurisdiction was removed in 2023, we have been told that there were three masters—of course, they were registrars, and the jurisdiction was removed not only from JPs, but from magistrates in respect of indictable matters. Everything was pushed up to the level of masters. This Bill seeks to address that problem squarely without diminishing judicial oversight. It aims to restore a balanced framework, reestablishing concurrent jurisdiction among magistrates,

magistracy registrars, clerks of the court and Justices of the Peace to issue search warrants under AJIPA whilst ensuring that the law keeps pace with the realities of policing and the rights of citizens.

Now, I want to turn to the previous power of Justices of the Peace to issue search warrants for indictable matters and there are a couple of points which I wish to make at the outset. First, this is not a novel matter. As a matter of fact, the offices of Justices of the Peace in practically every territory that we have examined: Jamaica, Barbados St. Vincent and the Grenadines, St. Lucia, Guyana, Canada, the United Kingdom, New Zealand and Australia, in all of those jurisdictions, Justices of the Peace have the power to issue search warrants in respect of indictable matters. So it is not novel and of course that power was present in Trinidad and Tobago up to 2023, when, by way of an amendment to the AJIPA, it was removed.

Second, when the jurisdiction was removed in 2023, no real rationale was provided for it. I have checked the *Hansard* and if my colleagues can point me to something in the *Hansard* that speaks to a matter which is different from what I have just represented, I will be happy to correct the record. But no real justification was presented for removing it.

And thirdly, the realities on the ground, as I have said, suggest that the amendments where either—and I am using careful language here, misinformed because there was no rationale, and this is in respect of search warrants, or invalid, unconstitutional. And I say that in respect of the decision, two weeks ago—three weeks ago, that they were exactly that. There was a High Court decision which says that as far as bail is concerned, the 2023 amendment was wrong. So the general point is that the amendment that was made in 2023 was either misinformed

or illegal, contrary to law; that is a fact.

Now, I want to turn to look at the legal foundation and history of the powers which are granted to Justices of the Peace. So I made the point that this officer in practically every territory, does exactly what we propose of him today. Every one of those territories that I have set out before, those are territories that are strong commonwealth common law jurisdictions. So let us look at the legal foundation and history of the powers granted to JPs.

Historically, JPs had wide-ranging powers in indictable matters. So under the repealed Indictable Offences (Preliminary Enquiry) Act, Chap.12:01, particularly in time-sensitive situations requiring urgent judicial intervention outside of regular hours, JPs were very useful. Under the former Act, they possessed concurrent jurisdiction with magistrates. Their statutory duties included the express power to issue summonses, warrants and other processes of the court to grant bail, to which we will come to in a little while. That is the subject of the illegality point. It is now covered by authority, so there is no argument on it.

So they had a power to grant bail, to fix the amount, to take recognizances, to bind over parties, witnesses, to administer oaths, all relative to indictable offences. Specifically, as it relates to search warrants, Mr. President, JPs were empowered to issue search warrants related to indictable offences under section 5 of that Act. While the proclamation of the AJIPA and the amendment in 2023, subsequently purported to remove those key functions concerning indictable matters, it is important to note that even the 2023 amendment—under that amendment, JPs were allowed to retain the statutory power to issue warrants for summary matters. This power is explicitly provided for under section 37 of the Summary Offences Act.

It was the removal of the jurisdiction related to indictable offences that created the operational constraints for the TTPS. So they retained the power to issue warrants in respect of summary offences. It was the power to issue warrants in respect of indictable offences that was taken away in the 2023 legislation. And I have said, I have searched the *Hansard* and have seen absolutely—it is a remarkable thing that you ask the Parliament to do something without saying, "well, you know, I thought about it last night and I think I do not like JPs"—there must be something. I saw nothing, not even that, that "I do not like JPs". There was nothing as far as I could see. If you could point me to something, I will happily correct the record.

Now, there is guidance on the issue of search warrants by Mr. Justice Boodoosingh J, as he then was. Of course, he has he now been elevated. He is the Chief Justice. Now, he made clear in the case of *Central Broadcasting Services Limited v the Commissioner of Police*, that the power to issue search warrants must be exercised with judicial diligence and constitutional awareness.

Now, before my learned friends on the other side jump up to say well, "judicial diligence" that means masters. That is not so. At common law, Justices of the Peace had exactly this power and "judicial" there refers to how they should act. So it is judicial diligence, not a judicial officer. Judicial diligence, constitutional awareness, that is what Justice Boodoosingh, as he then was, said in Central Broadcasting. And then he went on to say and I quote:

> "The law..."—goes on—"…to show how important the application process for a warrant is and the need for careful consideration and scrutiny of the process used."

So, Mr. President, it is not merely about enabling police efficiency—

although I say that the police have brought us here today, it is about balancing that need where the police wish, and the protection of citizens' rights. And I say that, that would be borne out when I get to the point of bail. In Central Broadcasting, the judge drew on a deep well of legal tradition and jurisprudence. He cited first the Report of the Law Reform Commission of Ireland, which reviewed the origins of search warrants, dating them back to Roman law and English common law. Of particular note is the case of *Entick v Carrington* (1765).

11.10 a.m.

Now that is a very old authority in which Lord Camden, then Chief Justice, famously affirmed that, and I quote:

> The common—"…law holds the property of every man so sacred, that no man can set…foot upon his neighbour's close…"

—this is C-L-O-S-E and it is old English.

> "…without his leave…if he will tread upon his neighbour's ground he must justify it by law."

Justice Boodoosingh made it clear that search warrants had to be and it had to satisfy three criteria. They had to be specific, they had to be justified and they had to be issued with great caution. Those were the three things that he said were absolutely necessary, and those are principles that remain at the heart of modern search warrant jurisdiction. Those principles, Mr. President, are not academic, they are constitutional safeguards. Any person, when approached to issue a warrant, must act not merely as a facilitator but as an officer acting judiciously, performing a constitutional function.

To further underscore the gravity of this responsibility, Justice Boodoosingh, as he then was, referenced *Stone's Justices' Manual*, 2018, which outlines strict

procedural requirements which he said should be followed when applying for a search warrant. The detailed procedure demonstrates the rigorous standards that judicial officers are expected to apply when authorizing search warrants. Mr. President, I commend that case and the guidelines set out therein to the police service, to Justices of the Peace and to all of those who, assuming the legislation is passed here today, will be charged with applying for and granting search warrants.

Now I turn to speak to the amendments as they relate to the question of bail. The Bill seeks in its amended form—and the amendments have, in fact, been circulated by the Leader of Government Business—to bring clarity to the role of JPs in granting bail for indictable offences because—and I pause here to say, Mr. President, that when the jurisdiction in respect to search warrants was removed in 2023, so too was the jurisdiction in respect of bail.

Now, I was advised that the policy under AJIPA was to limit bail in respect of indictable matters, in the same way that the limitations were placed in respect to the issuance of search warrants, that is, to masters and registrars only. And if I could just digress for a second to say that when the amended law was passed in 2023, it was a matter of record that there were just three, perhaps four masters in the entire country who were employed—of course, they would work alongside registrars and so on—to deal with the question of bail and search warrants. So I understand the frustration of the police service, certainly, in 2023.

Now, it will be wrong of me to say that a significant number of masters have not been employed since, they have, but the police service says that the situation has improved but that they prefer the mass of assistance that they get from having JPs perform this function.

Now, before the amendment, which we proposed this morning, before this

amendment could have been conceived of, the High Court, after the debate in the other place, the House of Representatives, ruled that it was unconstitutional to remove the jurisdiction—well, they said that the precise ruling was that Parliament could not have intended to remove the jurisdiction to grant bail in circumstances where no adequate alternatives had been provided for. And I intend to go through the case.

The case is *Joel Alexander v The Attorney General of Trinidad and Tobago*, and it was decided on the 15th of October. I think the debate downstairs took place on the 10th of October, so we were focused on the search warrants in the House below, which was the product of the police service asking us to do some work in respect of search warrants. In the intervening period of time between when the Bill was passed in the Lower House and when it was brought here, the High Court has pronounced on a related question, and that is bail. They have said that insofar as that attempt to take away bail in respect of where indictable matters is concerned, whatever reason, unconstitutional, struck down and so on.

Now I propose to go through the decision of the court in that case. It is a decision of Madam Justice Gobin. What she held was a couple of things. She held first that section 10 of the Act:

> "…did not have the effect of removing the jurisdiction of Justices of the Peace to grant station bail to persons against whom charges are laid indictably.
>
> ii. The policy which removed the power of Justices of the Peace to grant bail in such circumstances…null and void…illegal.
>
> iii. The power of Justices of the Peace to grant station bail…is restored…"

And she declared that—and this is important:

> "…the State"—had—"failed in its duty to put systems and/or mechanisms in place to ensure that effective access to bail outside of court hours could be obtained by the Claimant…"—in that case.

So, Mr. President, in order to bring consistency to the legislation to take into account what Madam Justice Gobin said, with which we agree on this side, we have circulated the amendments, which are before this House, to explicitly provide that JPs do have jurisdiction to grant bail for indictable offences. We are codifying the JPs restored jurisdiction to grant bail in these matters. So we are not relying on the decision of the court, we are codifying the decision of the court.

Mr. President, at paragraph—I would just like to cite one or two paragraphs from Her Ladyship's ruling. She ruled that the longstanding authority vested in JPs to grant station bail, as I said before, remain intact under our existing legal framework and she traced that to the JPs common law power to grant station bail for indictable offences. And then she looked at section 10 of the AJIPA and she says it:

> "…does not expressly or by necessary implication repeal power of JPs to grant bail at Common Law."

And she turned to a principle of statutory interpretation. She said:

> "…that Courts presume that Parliament does not intend an implied repeal or repeal of a Common Law rule."

And at paragraphs 31 and 32 of her judgment, she distinguished the jurisdiction of JPs and magistrates, rejecting:

> "…the argument that the legislation which removes a Magistrate's power automatically extends by implication to JPs."

She holds that JPs are vital safeguards on individual liberty and a manifestation of the constitutional presumption of innocence.

Mr. President, I want to turn briefly to another and the last of the proposed amendments which are here this morning. In the *AG v Akili Charles*, the court held that in respect of bail, that was a—well, that was a matter that could not—it fell within the purview of the Judiciary. We had done several things in respect of bail in the past, some of which were done—and I have to say that when I was here before, in the sense that we—the country faced difficult circumstances. People were being kidnapped every Monday morning and they were being released on bail and reoffended. That is what our intelligence suggested. So we passed a blanket statute to deny bail and we had put a sunset clause in because we realized that that was draconian. It did not apply to all offences, it applied to kidnapping and a few other offences.

I can say at the time that I had concerns—I can say now that I had some concerns about the constitutional propriety of that, even though—and that is the reason why I had put in a sunset clause. I said, there is a crisis, not sure which way we should go and to be fair, the entire—I am sure that the House as a whole, the Government and the Opposition, agreed on it. So we did not have a constitutional majority and the Leader of the Opposition at the time joined with Government and we enacted the statute. Of course, my fears were borne out when the legislation was declared to be unconstitutional.

We have come across a form of words, which we think makes it—we put a burden on the accused that he must show exceptional circumstances and such other things, sufficient calls, exceptional circumstances to grant bail for certain serious offences, and that is murder and other violent offences. And in the amendment before us today, because we are dealing with bail, yes, we are conscious of the fact of Justice Gobin's concerns, but if you read the decision of Justice Gobin, she explicitly

leaves alone this attempt that has been made to keep Akili Charles within narrow confines, and I will come to that in a second.

So that whilst we are reinstating the powers of JPs to grant station bail, we are also taking into account the special circumstances now outlined in section 5 of the Bail Act, so that we say that they will have no authority to grant bail where a Parliament has expressly placed a higher threshold on the accused. And before my colleagues opposite jump on me for this, if you look at the decision of Justice Gobin in the case, what she says is this. She says:

> "The power of Justices of the Peace to grant station bail to persons charged with indictable offences…"

—and then there are some important words. What she says is:

> "…(subject to any statutory limitations) is restored with immediate effect."

11.25 a.m.

So, I mean, it is obvious to me that she was making an exception to contemplate precisely what we have done, and if you go down to paragraph 63 of the judgment, she says:

> "…it is not in every indictable case that a JP would be entitled to grant bail..."

Mr. President, I, therefore, commend the Bill and the amendments to this honourable Senate, and with those few words, I beg to move.

Hon. Senators: [*Desk thumping*]

Question proposed.

Mr. President: Sen. Faris Al-Rawi SC.

Hon. Senators: [*Desk thumping*]

Sen. Faris Al-Rawi SC: Thank you, Mr. President. I thank the hon. Attorney

General for piloting this debate. Permit me, in the scarcity of 45 minutes, to be as direct as I can. We received the Bill as amended in the House of Representatives and began preparations, and it turns out that yesterday, very important amendments were circulated to the Senate. Those amendments, unfortunately, I confess, came to my attention at 8 o'clock this morning.

I think they are very important amendments and are very worthy of consideration, but I wish at the outset to state that those amendments are very far-reaching in terms of the original Bill, and that which involves the amendments as we are now debating together with this. I do thank the Attorney General for circulating those amendments; that was very considerate of the Senate's time. We are dealing with two issues effectively in this Bill as amended and as proposed to be amended at the Committee Stage. The first is the issuance of search warrants. The second is the issuance of bail.

If I state plainly the position that I ask to be considered this morning, it is that the Opposition has taken the view that the amendments as they relate to the inclusion of Justices of the Peace with respect to search warrants ought not to prevail today for the reasons which I propose to go into shortly. However, there is no objection, at least from my point of view, waiting on this debate to unfold in relation to the issue of bail and Justices of the Peace being statutorily clothed with their common law rights, obligations, and privileges, as reflected upon by Justice Gobin in the case of *Joel Alexander v The Attorney General*.

With those two mischiefs from a legislative point of view tabled, permit me, perhaps, to address the latter issue first, which is that of bail. Now, in the case of *Joel Alexander v The Attorney General*, which has been concluded, I take it from the contribution of the hon. Attorney General, that there will be no appeal to this

case. So, therefore, we are not traversing any sub judice rule.

I think that the hon. Attorney General is correct in surmising that there ought not to be an appeal to this case, and therefore this case, even at the High Court, stands paramount. It is quite interesting that the judge in this case, Justice Gobin, is perhaps the go-to person on bail in the first place. She has made quite a few pronouncements in relation to bail.

I, too, like the hon. Attorney General, harboured serious concerns as to constitutionality of the automatic exclusion of bail for murder and for other offences, as came forward from the 1996 Bail Act and continued into force for the same reasons whilst I was in the Senate in the period 2010 to 2015, I cautioned then Attorney General Ramlogan as to the need for a sunset clause to prevail, because I always felt, firstly, that the law was not necessarily saved law; secondly, that any attack against the fact that it was not saved law would succeed on the basis that bail as a common law right had existed for quite some time, and therefore, you were skirting interpretation from saved law within the meaning of section 6 of the Constitution.

Akili Charles came along—indeed, I was Attorney General at the time when that case came—and went to the Privy Council, and I felt that it was bound to be a conclusion by the Privy Council that section 51 of the Bail Act would fall, that you could not deny the right to bail. But nonetheless, we were carrying amendments passed, as the hon. Attorney General said, since kidnapping for ransom had reared its head in a sustained way, but even prior to that since the 1996 codification of no bail for murder, et cetera, had happened.

With that said, in the Akili Charles case, the Privy Council authority says that the common law prevails in respect of the grant to bail. The reversal of the burden in

consideration of bail was something that I introduced as Attorney General, specifically as an amendment to section 6 by the inclusion of a new section 7A, which said, "the defendant would show cause as to why he should get bail." We borrowed that from Canadian jurisprudence and jurisprudence elsewhere to provide constitutionality, which we believe holds proper muster. That was repeated in the 2024 bail amendments and came to take root. The 2024 bail amendments came about because when the bail legislation could not be continued in terms of a sunset clause being denied, we had to go back to the entire law as it stood at 1996, plus one amendment.

The consideration of Madam Justice Gobin in relation to bail in the *Joel Alexander v The Attorney General* case is, I agree with the hon. Attorney General, very important. I wholeheartedly support the conclusions of the court, but I want to remind that the conclusions of the court really was not that the law itself was ultra vires, the judge at page 29 ruled:

> "…that…"—there was a declaration at—"…section 10 of…"—AJIPA—"…did not have the effect of removing jurisdiction of Justices of the Peace to grant station bail to persons against whom charges were laid indictably."

Secondly, the judge ruled that:

> "The policy which removed the power of Justices of the Peace to grant bail in such circumstances is declared to be null and void and illegal."

The judge held that the power of Justices of the Peace to grant station bail to persons charged with indictable offences is restored, subject to a statutory limitation with immediate effect. The judge, in making those declarations and so holding, was effectively setting aside the way in which the law was operationalized both by the Trinidad and Tobago Police Service and by way of policy prescriptions

that revolved around it. And that is squarely met by the fact that it had not been tested.

I can say now that as Attorney General then, I developed the policy in relation to the amendments that came in 2023, that is Act No. 12 of 2023. And there were umpteen stakeholder contributions which occurred then. So, for the record, Mr. President, AJIPA was born in 2011. We had serious problems with when it was brought into effect, including the premature operationalization of section 34. It was amended in 2012, 2019, 2019, 2019, 2020, 2020, 2020, 2023, 2024, 2024, 10 times not nine.

I was a participant in every single one of those amendments. And in relation to those amendments, Mr. President, I can say that there was very deep consultation, and that deep consultation actually is part of the records of the Attorney General, no doubt, but from my recollection, it included, at the very least, 24 consultations with key stakeholders, in everyone from the Ministry of National Security, the Trinidad and Tobago Police Service, the Judiciary, the Office of the Director of Public Prosecution, Senior Counsel, the Public Defenders' Division, the Commissioner of Police of Saint Lucia, the Director of Prosecutions of Saint Lucia, we went extra territorially.

And under the convened Justice Committee Sector group, which the hon. Chief Justice chaired, we sat, and we went through clause by clause, section by section, the AJIPA legislation. Nowhere in those reflections was there ever an intention of amending the Summary Courts Act and the Summary Offences Act, such as to deny bail by a Justice of the Peace, nowhere. Instead, the bail was preserved specifically, as the hon. Madam Justice Gobin held and reflected upon in her ultimate determinations, because the honourable judge correctly pointed to what

was contemplated in those consultations that bail would continue in respect of summary offences, that Justices of the Peace would have concurrent jurisdiction with magistrates, et cetera.

Now, what the judge very usefully did in the *Joel Alexander v The Attorney General* case was to separate a very important point. The judge said, the constitutional right to freedom in section 4 of our Constitution, the enshrined right, has to be borne in mind when you look to the practices of Justices of the Peace in that station bail at the moment at which you are arrested is still a very important factor, and the judge went through the Alexander circumstances of being charged for obscene language and resisting arrest and ultimately spending several days in prison because he could not access a master because of a long weekend, or weekend, or other factors.

And what the judge held is that on the basis of the law as it relates to implied repeal on the practice as it existed on the common law factor on the law of construction being excluded from *Pepper v Hart* , meaning you could not go to the *Hansard* to look for it, but you could construe the law in other ways, the judge said, look, the policy that was adopted by the police and by the Judiciary of insisting that indictable offences, any bail applications—with respect to charges for indictable offenses—had to go to the master, and excluded by that practice, the access to a Justice of the Peace for 24/7 access to bail, as the judge put it. The judge held that that surely could not have been the intention of the Parliament because the judge correctly referred to:

a. The position of implied repealed.

b. That it must be expressed if you are dealing with that.

c. That the Parliament had the power to treat with creatures of statute—

meaning masters, registrars, and clerks of the court.

In all of those creatures of statute, the Parliament could deal with its position, but the judge felt and held, and, I think, correctly so, that Justices of the Peace had to be put into a different position, ultimately because we are talking about the fundamental right to freedom.

Now, what was interesting as well is that the judge also reflected upon doubtful penalization, and really said that you could not move to penalize something if it was not expressed. So, the simple position is this, the judge said, if there was not an express ouster of Justices of the Peace with respect to bail, the judge held that the policy which ousted Justices of the Peace was wrong. Because the law itself, all of the amendments to the AJIPA, and particularly, Act No. 12 of 2023, did not expressly remove a Justice of the Peace for the purposes of bail.

Now, in reading the judgment of Madam Justice Gobin in *Joel Alexander v The Attorney General*, I see that evidence was submitted on behalf of the Office of the Attorney General. I have not seen that evidence, but it seems that that office went on to speak to what the policy was. I want to say now in relation to marrying the two issues of bail and, now, search warrants, the specific policy that was adopted through umpteen consultations over a number of years was with respect to the removal of the power of magistrates and magistracy registrars, and clerks of the court, and Justices of the Peace with respect to search warrants.

11.40 a.m.

Why was that the case, Mr. President? That was the case because the issuance of search warrants also affects another very important right. And, again, we go to section 4 of the Constitution, enshrined rights, and we are looking at:

"(a) the right of…"—an—"…individual to life, liberty, security of the

person…enjoyment of property and the right not to be deprived thereof except by…process of law."

We are also looking to:

"(c) the right of"—an—"…individual to respect of his private family life;"

When we look to those two particular enshrined rights, and we borrow the way in which Madam Justice Gobin looked at the fundamental right in relation to bail, and held as she did, and I think correctly, we must now enter into an exercise of considering the aspect of search warrants being issued in our case, in the Opposition's position, by Justices of the Peace.

We consider, based upon the policy followed for over 10 years of participation, that that matter—and I note the hon. Attorney General indicated to us that he had an urgent matter to attend to, so I am going to take no offence by his temporary departure, and I accept that. But, we note in relation to the 10 years of policy, that there was a deliberate consultation and perspective on, in particular, persons other than a judge or a master issuing search warrants. Why? That is to be found in the AJIPA Act itself. And, that is to be found in section 5 of that Act. You see, section 5 is where, if a master is satisfied on proof of certain factors, the master may issue a warrant for a search. The search warrant may authorize one or more sets of premises specified to be searched, any premises controlled or occupied specified in the warrant, if the master is satisfied that you cannot ascertain what the premises actually are. In other words, then you have a roving search warrant provision, a very wide position.

Now, the Attorney General challenged the Parliament to say whether there is any mischief in relation to Justices of the Peace, and I can say so, yes. One needs only reflect upon the dicta of the court in the Brent Thomas matter, where the

honourable judge, in deciding that case, said that no Justice of the Peace, effectively, should have issued those search warrants, and he referred the matter to the Justices of the Peace Association. The key for discussion here today is, are we satisfied that allowing the Justices of the Peace the power to issue search warrants, which are roving, which are wide, and which are continuing, because we fundamentally changed the law with respect to search warrants in the last 10 years, is that acceptable in the context of the fundamental rights for the deprivation of property, et cetera?

In fact, we heard the hon. Attorney General refer to a case that I have not heard for a very, very long time, and that is the case of Entick. In fact, I will say now, the first time I heard that case was from the lips of the Attorney General when he was my lecturer at law. It is a long-standing case. It is the 18th Century jurisprudence that no man should allow anybody to enter his clothes without permission. So, here we have the search warrant positions, and the policy with which the Government, Judiciary, the DPP, Law Association, public defenders, other governments in the Caribbean, and the 28 people consulted, and the policy which we came up with was because Justices of the Peace are not clothed with judicial authority in this instance with respect to search warrants. And by that, let me qualify it.

I do not mean judicial authority in the sense of a failure to acknowledge it in the Summary Courts Act or elsewhere where they have the power to act as justices along with magistrates. But, insofar as they are not protected by mechanisms such as determined in Hinds, that is, by a Judicial and Legal Services Commission, or with specified conditions for qualifications, or for discipline, or for record keeping, the state and condition of Justices of the Peace in this jurisdiction, in light of the

very draconian power that we created as a Parliament under section 5 for roving and wide search warrants, the policy decision was to exclude Justices of the Peace on purpose.

We also included the removal of the magistrates, Magistracy, registrars and clerks of the courts because there was an attempt to streamline indictable offences to the High Court. Now, it was not that that was going on in a vacuum. Because, I can tell you, Mr. President, I listened to the debate in the House, and I heard a most untruthful submission from the Minister of Legal Affairs, the hon. Saddam Hosein, saying that nothing was done in relation to Justices of the Peace; they just left it like that. I personally sat after instructing the Law Reform Commission to develop the Justices of the Peace Bill, 2023. It is there in the Office of the Attorney General, now transferred to the Minister of Legal Affairs. He should have known very well; clearly, he did not do his homework. The Bill for Justices of the Peace, 2023, is a profound piece of legislation.

The intention was that we would upskill Justices of the Peace. We would, in a Bill containing 12 parts and 60 clauses, and seven Schedules, insist that Justices of the Peace have legal qualifications or if they were existing Justices of the Peace, that they had a certain tenure in office. We would subject the approval and functions to act as Justices of the Peace to a Justices of the Peace advisory board. That advisory board would scrub the Justices of the Peace's qualifications and standing. That advisory board would report to the Minister, and the Minister would then consider. So, this was something very different from the creation of Justices of the Peace under the Summary Courts legislation. Because Justices of the Peace, at present, are simply appointed by the President. It is not with discretion. That means that section 80 of the Constitution applies. That means the Cabinet

effectively affects the decision, and the Cabinet can, in all circumstances, delegate authority. In fact, that authority was delegated to the Attorney General.

So, right now, Justices of the Peace—and I make no aspersion against the hon. Attorney General. He, like every other Attorney General, has the power to appoint Justices of the Peace. But, we were moving away from a position of no qualifications, no protection by the Hinds backing, meaning a judicial and legal services type of independence. In this Justices of the Peace Bill, we were moving to disciplinary actions, reporting requirements, and the Justices of the Peace had to file anti-money laundering, counter-terrorism financing, counter-proliferation financing forms, which were kept private. There was a full register for public examination. They had three years of qualification and licensing, after which they must have a reapplication process. It was a profound series of amendments, because the intention was always to reintroduce Justices of the Peace once they were clothed with protection, which gave protection to the fundamental right in section 4 of the Constitution of the right to property.

Now, Justice Gobin, in her decision, was reflecting upon the words of Mr. Justice Bereaux, in the case of *Civil Appeal of Raehana Lorick and Joanne Pantin vs the Attorney General*. And, the words that the quote at page 1 of her judgment, the constitutional rights conferred by sections 4 and 5, and in particular in this case, the right to liberty, are hard-won rights. The judge was talking about the paramountcy of section 4 of the constitutionally enshrined rights. This can easily be applied to the right to property. It follows with the Entick case, the 18th Century case, that you should not allow somebody into your clothes, meaning your property, without proper authorization. But when we look to the massive expansion of the power of search warrants, we, by dedicated decision after deep

consultation, took it to the point where we excluded, in particular, Justices of the Peace. The case of Brent Thomas proves that Justices of the Peace can issue warrants.

Now, let us reflect upon a law that has just come into passage. The Miscellaneous Provisions (FATF Compliance) Bill amendments, gave the power for undercover operations to the Trinidad and Tobago Police Service. Under the Mutual Assistance in Criminal Matters Act, under the Anti-Terrorism Act, under the Financial Intelligence Unit of Trinidad and Tobago Act, full civil and criminal immunity, blanket, no conditions.

I circulated with your permission, Mr. President, the control operations law that we drafted, that I set into draft, which showed why it should have conditionalities and the use of a warrant to go undercover with cautions and supervision by the court. It was not accepted. The hon. Attorney General gave an undertaking at the time that he would look at it, that there was merit in it. But, today, are we going to give search warrants to a Justice of the Peace, having watched what happened in Brent Thomas, under a state of emergency, where you would allow a roving and complete position ultimately to give full civil and criminal immunity from prosecution to police officers and other officers under the four laws I have quoted? The Trinidad and Tobago Police Service Act, Mutual Assistance in Criminal Matters Act, Anti-Terrorism Act, and Financial Intelligence Unit of Trinidad and Tobago Act. We are on the slippery slope, where the best intentions may cause problems.

Therefore, I have a heartfelt reservation against expanding the powers of Justices of the Peace being included in the category of persons who can issue search warrants. If there were an amendment simply to remove Justices of the Peace from

search warrants, we would have no problems.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Why? In every single Bill—in my tenure, I passed over 600 laws as Attorney General. In every debate that I came to the Parliament on, I brought data, figures, statistics, particulars of consultations; I put it on the record. Why? Because I was very concerned to ground the proportionality justification in case of a challenge. I want to remind you, hon. President, that whilst the Government, in the last imposition was there and whilst I was Attorney General, there was a constant refrain of proposed attack on the use of the case of Surat, that is proportionality, there was a threat every single debate, "We will overturn it, we going to court, you and Surat, you have to get a three-fifths majority, this is unconstitutional", until we went to the Privy Council in the case of Suraj, and the Privy Council upheld the entire legislative agenda which I led, and which the PNM prosecuted to go by proportionality as justifying the reasonableness of legislation.

In the failure to produce statistics here today, we have no genuine reflection on what the statistics show us. We are to just accept. I read the debate of the hon. Attorney General in the House carefully. He anchored his position in the fact that there was a need for search warrants in this State of Emergency. That caused great alarm for me. That caused great alarm for me. We have treated summary offences and indictable offences almost indiscriminately. There are some very heavy penalties for summary offences and terms of imprisonment. Sort of arcane if you look at the Copyright Act, you look at other positions, you see million-dollar and two-million-dollar summary offences. We have to be careful to distinguish the line between indictable offences and summary offences. But, an indictable offence is nonetheless regarded in law as a more serious category of offence than a summary

offence. And, in respect to the indictable offences, interception of communication being one of them, search warrants in general being one of them, anti-terrorism, anti-gang, it is very wide, Mr. President.

We would be effecting an irresponsibility to revert to the inclusion of Justices of the Peace. I can accept philosophically the inclusion of magistrates and magistracy registrars, and clerks of the court. Why? When I was Attorney General, we took the deliberate step to eliminate clerks of the court who were unqualified, and had no legal backing. Effectively, they were breaching the Legal Profession Act by engaging in law when they could not. We eliminated that, and we created magistracy registrars and clerks of the court so that they would have legal qualifications and supervision, et cetera. So, it is an entirely difficult class from the Justices of the Peace. You need only to go to the Summary Courts Act Chap, 4:20, you will see the qualifications for a master, you will see the qualifications for magistrates—sorry, for magistrates you will see it in 4:20, for a master you will see it in the Supreme Court of Judicature Act.

11.15 a.m.

They are clothed, they are supervised, they are accountable. The Justice of the Peace in Trinidad and Tobago without a law such as the Justice of the Peace Bill, 2023, is dangerous in the context of indictable offences, because when you look to the breath of search warrants under section 5 of AJIPA, multiple premises, even if you cannot name them, if they are owned by somebody, and you find out they are owned by somebody, yeah. "We have a search warrant for X, we found out that X has a property that is owned, we going there." By a Justice of the Peace—when you read Brent Thomas—what is the Justice of the Peace Association going to do to discipline that Justice of the Peace that granted it? Mr.

President, without being pejorative in any expression to Justices of the Peace, I have seen drunk Justices of the Peace issue warrants.

Hon. Senator: No, man. Come on, come on.

Sen. F. Al-Rawi SC: I am entitled to speak to my own experience. What could you all tell me?

Hon. Senator: [*Desk thumping*]

Sen. F. Al-Rawi SC: This is something I know for a fact. Dangerous.

Sen. Dr. Browne: They do not like the word "drunk" at all.

Sen. F. Al-Rawi SC: The key is, Mr. President, today we are discussing a very important Bill as proposed to be amended. It is apparently very short. It looks very innocuous. It appears to be a debate on just resource constraints. It is not that. There are divisible avenues in this Bill. The clarification of the law by statute to statutorily codify the interpretation of Madam Justice Gobin in the Alexander case, one hundred per cent correct. Now is the appropriate time to do that. It does not matter that it came late to us. The fact is that the judgment just came, the hon. Attorney General is not going to seek to appeal it, we have an opportunity now. Agreed. The issue of search warrants. How much time do I have, Sir?

Mr. President: [*Inaudible*]

Sen. F. Al-Rawi SC: Thanks. The issue of search warrants is a different category. I genuinely believe that the Justices of the Peace Bill, as drafted is an excellent Bill that is in the Office of the Attorney General.

Mr. President: You have three minutes.

Sen. F. Al-Rawi SC: Thank you so much, Sir. It is in the Office of the Attorney General. It should be in the hands of the Minister of Land and Legal Affairs, the

hon. Saddam Hosein, it appears that it is not, because he went on a tirade which was untruthful, in light of the fact of its existence, but we need to clothe Justices of the Peace quickly.

Mr. President, I do not think I need to belabour the point. Our simple closing submissions are: One, there are two mischiefs in this Bill to be treated with. The second of which, is the inclusion of "Justices of the Peace" for the purposes in particular of station bail and other bail aspects to be reverted to what the judge Madam Justice Gobin had said, which I agree with. The judge never held that section 10 of AJIPA was unconstitutional, the judge did not reflect on the policy of the law, the judge simply said that the practice used by the police and the judiciary was wrong, and that Justices of the Peace should be allowed to continue with their common law duties. The first mischief is the inclusion of a wider category of persons to authorize search warrants under the Administration of Justice (Indictable Proceedings) Act. That could only be in section 5 of that Act and any another laws that permit it, and in that regard, the inclusion of "Justices of the Peace" is objectionable because of the evidence that you have in matters such as the Brent Thomas case and many more matters.

Our recommendation, Mr. President, is that we simply remove the reference to "Justices of the Peace" with respect to the grant of search warrants, and the Opposition will be very happy to support those particulars.

Mr. President, I look forward to observations coming from the Senate as a whole, and I thank you for this opportunity.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Sophia Chote SC.

Hon. Senators: [*Desk thumping*]

Sen. Sophia Chote SC: Thank you, Mr. President, for the opportunity to contribute to this debate. We are being asked today to look at a proposed amendment to section 10 of AJIPA. [*Technical difficulties*] I am sorry, I do not know why I am getting feedback, and it may be that I am standing too close to the microphone. Section 10 of AJIPA basically says that the powers which a Master now has in relation to the issuance of a search warrant, should be broadened to allow certain other office holders to grant search warrants when applications are made to them. So, what the proposed amendment is saying is let us allow magistrates to grant search warrants. Let us allow magistracy registrars to grant search warrants, let us allow court clerks to grant search warrants, and let us allow Justices of the Peace to grant search warrants.

Now, I must confess that I learnt a lot by reading the account of the debate in the lower House. In particular, the contribution of the Minister of Land and Legal Affairs, because I think what the hon. Minister, very candidly—and I think that he should be commended by all of us for his contribution.

Hon. Senators: [*Desk thumping*]

Sen. S. Chote SC: What he very candidly set out to this country, was the state of affairs in which the Justices of the Peace had found themselves in after all of these years. He very candidly—and I would say that took a lot courage from a Minister of Government because he explained that, "Listen, we are here asking for this legislation, but I am not hiding from you the fact that this is the state of affairs with respect to Justices of the Peace". He brought to our attention for example, that Justices of the Peace were not even properly listed, and under his Ministry I see that in May of 2025, he had gazetted a list of what the Ministry had as Justices of the Peace.

But, Mr. President, I have been around for so long now, even I looking at that list can say, that list which the Ministry has is incomplete, because I identified that at least one possibly two people deceased who are still listed on the list that the Ministry has. I will tell you why I think that is a dangerous thing. It is because you see, there is no responsibility on the part of the Justice of the Peace or the Justice of the Peace Association to advise the Ministry, let us say, a Justice of the Peace has become incapacitated, he has mental health issues or he has got stroke and he is in hospital, and he cannot discharge his duties and that kind of thing, there is no one with the responsibility to advise the Ministry of this state of affairs, and in fact no one responsible to even advise the Ministry if someone has died.

So, this is why while with the best interest of the country at heart, the hon. Minister sought to tell us, "Well, look, you may not have known before, but I am telling you now, in May 2025, that this is the list we have of Justices of the Peace". Even his list was inaccurate. When I looked at the gazetted list, I also made a very startling observation which is to say, there is someone on that list with a case pending before the court charged with a very serious matter. So, how are we going to deal with the population of the list? And the fact that we are giving broad powers to Justices of the Peace without knowing the background information or having a system in place, so that the Ministry under which they fall will be up-to-date, and will know how to act.

Now, again, unfortunately, because I have been around for so long, I have come across instances where there was a Justice of the Peace who fell ill in a certain district, and while the poor man was there, ill, not knowing what was going on around him, it appears as though some clever police officers took it upon themselves to—it appears, I say, to take his stamp. And search warrants were

issued with that Justice of the Peace's stamp, and a signature. So, it means that unless we have a system up front which is accountable, I cannot in all conscience, and pursuant to the prayer which was said at the start of our proceedings this morning, I cannot in all conscience support Justices of the Peace having the power which AJIPA gives them, because my friend Sen. Al-Rawi was very correct when he made the observation that what section 5 of AJIPA did is, section 5 turned the power of search into a very draconian one. I suppose the saving grace there in section 5 was saying, "Okay, we are giving a judicial officer the power to authorize searches, but we are only giving that power to certain people because they have the training first of all, so they will know what they are supposed to be considering, but also because they are a accountable. If they act improperly, they can face disciplinary action.

What disciplinary action does a Justice of the Peace face when acting improperly? We have a plethora of cases which have gone through the courts, and again, what usually happens when a police officer goes to a Justice of the Peace for a search warrant. First of all, what the cases show us, is this. The police officer tends to be doing, unfortunately what has now been considered as appropriate, but it is actually wrong in law. So, the police officer goes, and he says, "I am acting on instructions". So he fills out a form which is called a complaint, he goes to a Justice of the Peace, the Justice of the Peace takes the form, reads it, more often than not does not ask a single question, the police officer raises his hand, he takes an oath, and there you have the power given to the police to carry out searches under the very wide powers contemplated by AJIPA.

I would say that that is a frightening contemplation or possibility for the citizens of this nation as a whole. Mr. Thomas, as horrible as his circumstances

were, at the end of the day, had the benefit of a lawyer, had the ability to engage a court, and had an Attorney General who was fearless enough to say that, "We are not going to contest his application". What does your average citizen have when confronted with a search warrant obtained in these circumstances? I think common sense will give us the answer to that.

Now, I want to go back a little bit to why I called AJIPA draconian. Because AJIPA said, "Listen, you can search premises but now I am giving you the opportunity, if when you go there you see anything that causes you to determine that you want to search two or three other people's homes or businesses, you now have that power". So, the search warrant is not confined to the premises. It may go on to other premises which would include homes, businesses and so on.

The search warrant can permit multiple searches. There is no time limit set out in the Act, as to how long that period of search must be. It simply says multiple searches and the Master has the power to say. Well, you can carry out your searches within a two-week period, a three-week period, whatever it is. But you see, these nuances are important because it assumes—I think AJIPA assumes that the person giving consideration to the application for the search warrant, will take issues like reasonableness into account; may ask questions of the officer applying for this search warrant; may say, "Look, listen, I am not satisfied, come back with some additional information for me".

12.10 p.m.

Is that what happens before a Justice of the Peace? The answer is, no. That is what our lived experience tells us, not only as lawyers, I am sure as police officers, as citizens of the country, this is what happens.

Now, this problem is not new. As far back as 1997, when the hon. Attorney

General at that time was Mr. Ramesh Lawrence Maharaj SC, Mr. Maharaj recognized that what Justices of the Peace were doing was that they were hanging around the prisons and approaching the relatives and friends of incarcerated persons, so that they could offer their services to grant bail. They were called—they were touting to grant bail outside of the prisons. So what the Attorney General at that time did was, he said, "Listen, let my Ministry"—and he did, in fact, do it. It is such a pity that it did not become legislation in any form. So what we have now is a good guideline, but it is just moral suasion. He created a handbook for Justices of the Peace. So he said, "Look, if you are dealing with confessions, Justice of the Peace, as part of your duties, follow this. You are dealing with ID parades, follow this. You are dealing with search warrants, follow this."

But very importantly, in that document—and I think it is such an old document, it cannot be founded digitally. At about page 62 to 63, he set out a code of ethics. I am very disappointed to say—and again, I can speak from lived experience—that because so much time has passed, not even attorneys know that this handbook exists. The newer appointees as Justices of the Peace do not know. I myself have asked questions in court, in trials of Justices of the Peace, "Have you seen the handbook for Justices of the Peace?" They have not heard of it, Mr. President.

So not even Justices of the Peace have an idea of what we as a country and today, what we as a Senate require of them. So in no sense of the word—when you look at the word, "accountable", in no sense of that word, or the understanding of that word, can you get the impression that this is a person holding a public office with the capacity to know what is required of him or her under AJIPA, with the ability to comply with AJIPA's demands, to understand that he or she must have systems

in place to reflect that accountability. Because this takes me to another point.

I understand that the problem is that police officers may find that in terms of when they want the warrants and so on, it may not be easy to access a master. I had thought this problem had been addressed because I had thought a system of emergency masters, just like you have emergency judges, had been put in place for emergency applications like this. Now, it may be that it is no longer in place, but it certainly appears to be a kind of practical solution to the issue which we face.

We have also not been told, "Listen, police officers wanted warrants, let us say, on 100 occasions, and they only got them in 10 because they could not find a master." So saying that this is what the police want, I mean, I have a lot of sympathy for, because certainly we want to make sure that crime is fought effectively. Who can disagree with that? But it is not just what the police want. Come and tell us, "Listen, there is a real problem here accessing masters." Has there been communication with the Judiciary to see if it can be resolved by having emergency masters? If so, why that is not working? And this is why, perhaps, we want to broaden the category to include other people. I am quite happy to agree to broaden that category, as I say, to include everybody else but Justices of the Peace because they are unregulated.

I forgot to make this point when I was talking about the process used by a police officer who goes acting on instructions sometimes to apply for a search warrant. You go to that Justice of the Peace afterwards and you try to find any record of what occurred during the course of that application, and you will find none. Because what happens is the Justice of the Peace goes with the complaint, another document and the warrant, and leaves with it. All that the Justice of the Peace—if the Justice of the Peace has a notebook and wants to write in it, he or she can say,

"Police officer, rank, number, so and so, came before me at this hour of the night, sought a search warrant for these premises and it was granted." There is nothing else that the Justice of the Peace can do.

Magistrates, when applications now come before them in other matters where they still have the power to grant warrants, they very often keep their clerks in the room with them. They keep their note-takers with them. So there is a record in the Judiciary by the officers of the court, and there is the facility for that. A Justice of the Peace, if you go after hours, it is really a one-man operation, and that does not lead to accountability, in my respectful view. It does not lead to transparency. But what it can lead to is, very dangerously, with no restriction and no protection whatsoever, giving the power to Justices of the Peace to grant search warrants, where they do not even know what the search is going to entail.

When I looked at AJIPA as well, I thought, "Well, how come the police are having this problem?" Because AJIPA basically saved those pieces of legislation which allowed Justices of the Peace to carry out searches. So I did a quick check because I thought, okay, high crime, two things which immediately come to mind would be guns, drugs, and that power is still saved. Under the Firearms Act, unless I am misreading it completely, and under the Dangerous Drugs Act, Justices of the Peace can still grant search warrants. So how is the police being compromised here? Which warrants are they asking for that they are not getting? I do not like—with all due respect to all of my colleagues in here and to this honourable Chamber in which I speak, but I do not like the use of generalizations, in terms of somebody wants something, so we have come to Parliament, and Parliament should give it to us.

Hon. Senators: [*Desk thumping*]

Sen. S. Chote SC: That is not why we are here. We are here to scrutinize legislation—

Hon. Senators: [*Desk thumping*]

Sen. S. Chote SC:—to ensure that all our rights, because we too are citizens, are protected.

Now, I was so happy when the hon. Attorney General referred to the case of *Central Broadcasting Services Limited v The Commissioner of Police*, and for the record, I will give the citation, CV 2019-02135. Now, I will refer to only two paragraphs of that case. Excellent decision, because it sets out the history of search warrants and so on, what is intended, what is the purpose. But very importantly, it sets out the difficulty or it identifies the difficulty that someone being asked to issue a search warrant may encounter.

So this is the hon. Chief Justice speaking in his former incarnation as a High Court judge. And he says at paragraph 33, and Mr. President, I ask your permission to just briefly read it:

> "What all of this points to is that scrutiny of the process by which a warrant has been obtained and the manner in which it is executed is an important safeguard for the citizen in a democratic State. Here the entity is a broadcasting company which is accorded legal rights under the Constitution and laws of the country."

He then went on to say at paragraph 41:

> "Further, in a democratic State the search of a media house can have a chilling effect on the society. The power of search can be used for an illegitimate purpose of intimidating or silencing critics including invading the privacy of individuals who are present or employed at the media house.

A free media operating in an environment..."

And he continues to talk about the fact that this dealt with a particular right, in this case, freedom of expression/freedom of the press.

So this case really highlights or makes the point as to why inclusion of Justices of the Peace in this proposed amendment is dangerous. Because do you really, or do we really expect a Justice of the Peace, with no legal training, to say to himself or herself, "Ah, well, this search warrant has to do with a media house. Now, I must keep in my mind that this has to do with the issue of freedom of expression. Let me see what questions I can ask to make sure that all is well with what the police officer is providing me with."

How will a Justice of the peace, who simply makes a brief application with two recommenders to the honourable Ministry and then to the President, how on earth will a Justice of the Peace, with no knowledge of the law whatsoever, even know which questions to ask? And yet, we are saying, and the courts have found—the courts—in that case, the court alerted us, in this case from 2019, to the danger that you encounter when you have those who are not qualified, who do not have experience, who do not even know what is the extent of the power that they are exercising when they allow a warrant to be granted. This is what the court is alerting us to. This is the danger that the court identified for us. We did not have to think of it ourselves. The court, just as Justice Gobin did with respect to bail a couple of weeks ago, the court identified it for us.

Now, I also note in AJIPA—and if I may just have one moment here. That section 5 was so very long. It is pages and pages. So section 5A says:

"Where a search warrant has been issued under this Act for the purpose of obtaining communications data…"—and so on, and material under the—

"…Interception of Communications Act…"

—it talks about what happens where that kind of application is made. So is this amendment in section 10—and I ask the question, because I am not entirely sure. Is this proposed amendment under section 10 also going to allow Justices of the Peace to issue search warrants for material under the Interception of Communications Act?

12.25 p.m.

In light of all that I have said, I would think that would be an extremely dangerous situation. Now, I know sometimes we come here and we say to ourselves, "Look, we are part of the Commonwealth. If Justices of the Peace in other places in the Commonwealth have certain powers and they have had them historically, it is safe for us." We get a sense of safety from that—saying other countries are doing it and so on, and you know, it is working for them, so we can follow suit.

But in this case, when I tried to do a little dig, I realized that in the Commonwealth, you have a variety of positions with respect to how Justices of the Peace are created, how they are held accountable, what they are allowed to do, and what qualifications they are required to have. So if you talk about lay justices in the UK, for example, they can even hear and determine cases, but what nobody says or what people forget is that they are assisted by legally trained clerks who are lawyers. So they have a support system in their law. So we cannot say, "Look, the UK has lay justices, you know, and they work out fine, so in Trinidad and Tobago, we are not asking for anything too different." But this is radically different.

Jamaica, which was one of the territories cited, has legislation setting out a code for Justices of the Peace—

Hon. Senators: [*Desk thumping*]

Sen. S. Chote SC:—and holding them accountable in certain circumstances. Guyana has bits of legislation—it is not all in one piece of legislation, but there are bits of legislation which govern how Justices of the Peace function. So we here, what do we have? We have a work product done by an excellent Attorney General in 1997, which unfortunately never bore fruit in terms of legislation to govern this sector, which we clearly wanted to continue to play a role in the judicial system.

So there was no regulation, no accountability, and no upgrading in terms of the sharing of knowledge. Because if you do not even know that a Justices of the Peace handbook exists, what can we assume that you know about the law which you are being asked to apply? And it is all well and good to say that legislation was drafted in 2011 and 2023. Quite frankly, that does not help me. That does not help the average citizen—let me call my hometown Rio Claro, Union Village, and Manzanilla—in places like those where a police constable is treated like God, that does not help me to reassure them that when I stand here as a senator and I am asked for a vote on this piece of legislation, that I have them in mind.

Because I certainly cannot, in these circumstances, with all due respect, support an amendment which gives this broad power to Justices of the Peace. I think with respect to that group or that particular community—you know, it is not that I am here to throw shade on Justices of the Peace. They do serve an important function, but I think that we are all agreed in here that they need to be upskilled, they need to be regulated, and they need to be held accountable. This essentially was what the hon. Minister of Land and Legal Affairs said in the Lower House.

So let us not put the cart before the horse. I do not know if the hon. Attorney General would be amenable to this, but perhaps it could be up for

consideration. Hive off Justices of the Peace; have some means to resolve the issues which the Minister of Land and Legal Affairs told us about. Address it, regulate them, hold them accountable, and then we can have them included or given the kind of powers which we are being asked to permit in this proposed amendment. So with respect to Justices of the Peace, that is what I would like to say.

Now, with respect to bail, I myself only saw it this morning, so I do not want to talk too much about something that I have not really had the opportunity to look at too carefully, but it seems to me to be fairly uncontroversial. It seems to me that there is some accountability contemplated in the proposed amendment because I note that one of the subsections says that when the Justice of the Peace grants bail, or if the Justice of the Peace grants bail, the person must be taken before a master.

So it means that there is oversight. So if a Justice of the Peace uses a land deed which is fraudulent or does not do his recognizance properly or uses a surety who should not be standing as a surety, then the master oversees that process. I think that is what the subsection is intended to address, and I am going to take it at face value and say that that is what I understand it to mean. So if that is what is intended, then with all due respect, Mr. President, at this point in time, I do not see how I can have an objection to that aspect of the amendment. So Mr. President, thank you for the opportunity to speak.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Dr. Desiree Murray.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Desiree Murray: Mr. President, I am grateful for the opportunity to contribute to this important debate. Let me begin by welcoming you back to this

hon. Senate. Your presence was missed, but I hastened to add that Madam Vice-President exhibited very capable stewardship during your absence.

Hon. Senators: [*Desk thumping*]

Sen. Dr. D. Murray: Mr. President, I approach this Bill as I do all matters of public policy; from the perspective of a medical professional and an educator committed to standards, ethics, and institutional integrity. As a senior lecturer at the University of the West Indies, I am deeply invested in the principles of rigorous training, accountability, and the safeguarding of public trust.

The Administration of Justice (Indictable Proceedings) (Amdt) Bill, 2025 comprises only four clauses. Despite its brevity, it carries significant implications for the administration of justice and the protection of citizens' constitutional rights. In essence, it proposes to expand the category of persons who:

> "…shall…have and exercise concurrent jurisdiction with Masters…"—of the court—"…to issue search warrants"—and, as per amendment circulated on behalf of the Attorney General late yesterday afternoon, "to grant bail in accordance with section 5(2) of..."—the Bail—"…Act"

At first glance, this may appear to be simply a procedural or technical adjustment, but its constitutional weight should not be underestimated. Section 4 of the Constitution of Trinidad and Tobago enshrines the protection of fundamental rights and freedoms, among them:

> "…the right…to…liberty, security of the person, enjoyment of property…"—and—"… respect for private and family life;"

The proposed changes to the law must therefore be evaluated not only for their efficiency but for their impact on our constitutional rights. A search warrant, Mr. President, is not a mere administrative formality. It is a powerful instrument;

one that permits the State to intrude into the private spaces of citizens, their homes, and their personal effects. It is therefore essential that the authority to issue such warrants, rests with individuals who are properly trained and equipped to exercise that power with the necessary care and judgment.

In 2023, this authority was restricted to masters of the court, and with good reason. They are judicial officers who meet the highest standards of legal competence and impartiality. This Bill now seeks to confer concurrent jurisdiction on magistrates, magistracy registrars, and clerks of the court, and Justices of the Peace, to issue search warrants.

While I understand and appreciate the rationale, namely to improve efficiency and reduce delays, because justice delayed is justice denied, I am concerned that without adequate safeguards, such expansion could dilute judicial oversight and risk the arbitrary exercise of power.

Mr. President, it is worth noting that magistrates and magistracy registrars, and clerks of the court are legally trained professionals. According to the Public Service Careers Portal, which is powered by the Ministry of Public Administration and Artificial Intelligence, a Senior Magistracy Registrar and Clerk of the Court must be:

"An attorney at law Admitted to practice in Trinidad and Tobago."

This qualification gives them the legal grounding to interpret the law and uphold constitutional protections. In contrast, Justices of the Peace, though they perform valuable and often underappreciated service, are not judicial officers. Their qualifications, training, and scope of practice vary widely, and there is currently no uniform framework to ensure consistency in their preparation or accountability.

To draw a parallel from my own field, the medical profession, it would be

unthinkable, inconceivable, and indeed negligent to allow someone without medical training to prescribe chemotherapy, or administer intravenous anesthesia, or to allow an untrained junior doctor to perform an emergency caesarean section.

So, professional prudence dictates that authority must be matched to training, competence, and ethical judgment. The same principle applies here. The power to issue a search warrant is much more than a clerical task. It demands not only the ability to read and sign the document, but also to weigh evidence, interpret law, and balance competing constitutional rights.

Mr. President, this is not a critique of Justices of the Peace. Many JPs serve with dedication, diligence, integrity, and commitment, often in very challenging circumstances. They often provide timely and neutral review of warrant applications outside of regular court hours or in remote areas; functions which are undeniably useful in improving access to justice.

However, it is equally true that the existing framework does not guarantee uniform standards of training, qualification, or accountability among Justices of the Peace. Some are highly capable, but others have entered the office without formal legal education or adequate preparation.

Indeed, as my learned colleague, Sen. Chote, mentioned, during debate in the other place, the hon. Minister of Land and Legal Affairs himself outlined several long-standing challenges facing the office of the Justice of the Peace. Among them: the absence of a modern standalone legislative framework; no minimum qualifications for appointment; an outdated and opaque appointment system; no clear age or tenure requirements; weak oversight and accountability mechanisms; no enforceable code of ethics or disciplinary procedures; absence of continuing legal education or training, and limited jurisdictional coverage,

particularly in under-served communities.

12.40 p.m.

Also, Justices of the Peace have no protection in terms of a commission governing them.

With respect, Mr. President, those are not minor administrative gaps. They are structural deficiencies, and they call into question whether the profession as currently constituted is ready for an expansion of powers of this magnitude. The systemic deficiencies must be addressed before any expansion of powers is considered.

It is worth recalling that, as far back as 2001, the Justices of the Peace Bill was drafted precisely to address concerns following allegations of abuse and misconduct in the issuing of warrants. That Bill, unfortunately, lapsed in the dissolution of the Sixth Parliament, and successive governments have yet to see it through to completion. We now find ourselves, in 2025, seeking to expand JP authority without first modernizing the legal framework that governs them. That, to my mind, and I agree, is placing the cart before the horse.

There are also practical considerations at present. There is no unified record-keeping system to track applications for warrants. A Justice of the Peace asked to sign a warrant may have no way of knowing whether another Justice of the Peace, or indeed, a master of the court, had previously refused to sign. This could lead to inconsistencies and undermine public confidence.

Mr. President, I am not opposed to reform. I support any measure that makes the justice system more efficient and responsive, but reform must be responsible. Expansion of powers must be matched with training, oversight and accountability. If we are serious about strengthening the office of the Justice of the

Peace, let us begin by passing a modern Justices of the Peace Act. Let us clearly define qualifications, establish transparent appointment and disciplinary procedures and mandate continuing education. Only then should we consider reintroducing broader powers such as the issuance of search warrants.

I sense, Mr. President, that there is cross-bench consensus on this issue. We all want a justice system that is accessible, efficient and fair, but equally, one that is principled and constitutionally sound. In that spirit, I wish to offer practical suggestions for consideration. The medical profession maintains an emergency on-call roster for consultants so that patients have the benefit of their training qualifications and experience. A similar system, if not yet done so, could be introduced within the Judiciary. Masters of the court could be rostered on an on-call basis for urgent, warrant and bail requests. Only if a master is unavailable would the authority then cascade downward to a magistrate, then a magistracy registrar, and only thereafter, if necessary, to a Justice of the Peace as the last port of call, and not the first port of call. Let me be clear, I am suggesting this especially for emergency situations, which is apparently where the issue lies.

An on-call master could readily have dispatched with the granting of the bail in the Joel Alexander case, and would have prevented the unfortunate circumstances that followed, as highlighted by Madam Justice Carol Gobin, in her 15th October 2025 judgment. Structure would enhance transparency, preserve judicial oversight and ensure that authority is exercised in an orderly and traceable manner. Additionally, this would ease the burden on JPs, particularly those in Tobago who must sometimes travel to Trinidad to give evidence in related matters in the High Court.

Mr. President, while I recognize the intent of the Bill to streamline the administration of justice, I urge that we proceed with measured caution. Expanding the category of persons to issue search warrants beyond masters of the court is not the only solution. I respectfully propose two alternatives. One, an emergency on-call system for masters of the court. My understanding is that there are 12 masters, but it is unclear to me whether they cover the entire country. If nationwide coverage is explicitly granted, this would mean that two or, at most, three days per month of emergency on-call would be required. This can be instituted with almost immediate effect. And, two, training, oversight and legislative reform so that Justices of the Peace can continue to play a meaningful role within a modernized justice system.

The Justices of the Peace Bill should be brought to Parliament for debate and enactment, following which suitably qualified JPs can then be afforded expanded powers. This does not have to be an all-or-none law.

Mr. President, I will be circulating amendments reflecting my recommendations outlined in my contribution for consideration at the committee stage. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: I would like to propose that we take the luncheon break at this time. Now, it is 12.46 p.m. we shall resume at 1.50 p.m. This sitting is now suspended until 1:50 p.m.

12.46 p.m.: *Sitting suspended.*

1.50 p.m.: *Sitting resumed.*

Mr. President: Sen. The Hon. Darrell Allahar. Are you?

Hon. Senators: [*Desk thumping*]

Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, forgive me, I am a bit out of breath because I had to run back here in time for you so—I am not very fit. But, Mr. President, thank you for allowing me to participate in the debate so far.

Now, it has been a very good debate, and I think we can take stock thus far, and again, without prejudice to anything else that may be raised. So, there are two issues. One is with respect to restoring the ability of Justices of the Peace to issue search warrants in indictable offences, and the other is to confirm a decision of the High Court in the case of Alexander to confirm the ability and jurisdiction of Justices of the Peace to grant bail in indictable matters.

So there are two issues. Now, from what I understood from Sen. Al-Rawi—he is not here yet—is that the—and perhaps Sen. Browne can correct me—the Opposition has no objection to the confirmation of the law in relation to bail, and Justices of the Peace granting bail in indictable offences. In that, the decision in Alexander confirmed the law, and indeed it was a declaration *in rem*. If you look at the end of the judgment, it is a declaration *in rem*, meaning, for those of you who do not know—a declaration to the world that this is the state of the law. So, we are merely confirming and codifying what the law is. So, there should be no serious objection to confirming the law as stated by the hon. Madam Justice Gobin. I do not think Sen. Chote had a difficulty with that aspect of it, that limb of it. She did not mention anything, and I would—she is nodding, so I am thanking you that you had no difficulty with it. I think it was a very good judgment. I do not think Sen. Murray, as well, traversed that area, but I understand the concerns that she had generally, and we would be prepared to treat with those.

But, Mr. President, at the outset, I think I must say that it is unfair today in this Senate to cast our Justices of the Peace as the villains in the peace to pardon the pun.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar: Sen. Al-Rawi, and he is not here, he said that—and his words were, I wrote them down. He said:

I have seen a drunken Justice of the Peace issue search warrants.

More than one warrant. I do not know if he saw him do that in his capacity as Attorney General. I do not know, but if he saw him do that, did he do anything about it? I do not know. He is not here.

So, Mr. President, it is unfortunate, and it is a sad day, when we can come here and characterize our JPs as drunken. They have always been functionaries in our legal system. It is unfair, shameful and, Mr. President, quite simply wrong.

Sen. Baig: Yes.

Hon. Senators: [*Desk thumping*]

Sen. Baig: He must apologize.

Sen. The Hon. D. Allahar: I think he should. Sen. Chote, Mr. President, she spoke about her lived experience, which I acknowledge. Sen. Chote has been a practitioner for many years and the President of the Law Association, and I was privileged to serve with her on the council, and I think she understands the issues here.

1.55 p.m.

And she spoke about her lived experience in relation to—perhaps giving JPs a jurisdiction with respect to issuing multiple entry warrants in multiple premises—and we acknowledge that. And I want to thank Sen. Chote for raising

that and to tell her that later on in my contribution I want to propose something which may put her mind at ease, or indeed the Senate's mind at ease.

Dr. Murray—I am sorry, Sen. Dr. Murray, very good contribution. She spoke about individuals who are trained and equipped and she said that would be her preference being—and her preference being for judicial officers. And she said it was not a critique of the JPs. Now, with the greatest respect to Sen. Murray, this is not a simple distinction of nurses and hospital attendants versus consultants and doctors. It is not as simple as that. We have had functionaries in our legal system for many years performing yeoman service, where access to a judicial officer is not practicable and where, as Sen. Murray would know, exigencies of situations require access to justice.

Ironically, that is why there seems to be no objection to JPs being given back their jurisdiction to grant bail. If they are good enough to grant station bail for everybody, indictable and summary—yes, because of the liberty of the subject and so on, why can they not be good enough to issue search warrants in their common law capacity? It does not follow, Mr. President. But we will talk about some suggestions a bit later. But I think we should not lose sight, sometimes of the logic of the things that we say here, and glaring inconsistencies and elephants in the room. What is good for the goose, has to be good for the gander.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar: But not notwithstanding all of that, Mr. President, I acknowledge the concerns raised by Sen. Chote and Sen. Murray, but I reject wholeheartedly, Mr. President—again that JPs are a bunch of drunkards and I similarly reject the notion that JPs are not mentally equipped or trained to continue

to function under their common law powers, be it in granting station bail or issuing search warrants. Simple search warrants. Again, we will get to there.

Now, Sen. Al-Rawi—and he is not here yet—

Hon. Senator: [*Inaudible*]

Sen. The Hon. D. Allahar:—He is here?

Sen. Roberts: He is pulling off—[*Inaudible*]. Yeah, it takes a while.

Sen. The Hon. D. Allahar: Oh, he is here. "Speak of the devil", as they say. Okay. He did not have to run to the Chamber, but I am happy he is here. And I think he spoke—he chose his words very carefully, Mr. President, and he asked the rhetorical question of whether allowing JPs to issue search warrants in indictable matters was constitutional, so he asked the question. He did not go so far to say that it was not. I know he chooses his words very carefully, most of the times. He said that he had a "heartfelt reservation" about them issuing search warrants. Those were his words. But he did not go so far to say—which he could have, that this Bill should be passed with a special majority, even though he quoted certain rights potentially that could be affected. He did not go so far and—yes, I am just saying what he did not say and there is a reason he did not say it. Okay.

Hon. Senator: [*Inaudible*]

Sen. The Hon. D. Allahar: I am sure. I think Sen. Al-Rawi knows and appreciates that the common law powers of Justices of the Peace to issue search warrants in indictable offences have never been found. They have never been found to be unconstitutional or in breach of the separation of powers.

Hon. Senator: [*Inaudible*]

Sen. The Hon. D. Allahar: Well, you are not a lawyer, so you would not understand. Because as far as the separation of powers is concerned—he said we

speak in a code sometimes. Sen. Al-Rawi invoked the case of Hinds, but he did not go into any detail and again, there is a habit of invoking cases but not going into detail. Every law student knows about the case of Hinds, a case out of Jamaica and the bail court. And we know it was a case, a Privy Council judgment which established that in our written Constitutions in the Caricom region, former British territories, there is an implied separation of powers and a distribution of legislative, executive and judicial powers, among the three arms of Government.

So he touched on Hinds, but did not go any further. And there is an inside joke among law students that Hinds was perhaps the longest *obiter dicta* in the Commonwealth, and all law students must in their first week at UWI read 100 pages of *Hinds v The Queen*. I do not know if Sen. Al-Rawi read it, I know his professor is here. I am not sure he read it, but I am not sure. Did he? Which is—I am sure he did, which is why he did not go any further with Hinds. He just flagged it and he likes to use the word "flagged"; flagged it, and he just went on, because he knows that this is not in breach of any separation of powers. So why mention it? Okay.

Hinds is not a case to be invoked lightly, Mr. President. Sen. Al-Rawi also invoked Suratt. But I am happy he did, because I think he knows that not every delegation of judicial or quasi-judicial power to a person, infringes the separation of powers or requires a special majority. So I do not know why he did that, why he raised these red flags.

Sen. Al-Rawi invoked Brent Thomas, and I think Sen. Chote did as well. But, Mr. President, I think—again with the greatest respect, we should all here be more concerned as to the abuse of executive power that happened in Brent Thomas—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar:—and the ministerial overreach, and I want to remind the Senate about that. So some people should not invoke Brent Thomas here at all. We have heard some concerns and quite rightly about accountability, in terms of how this thing will operate. Sen. Chote, Sen. Murray, thank you again for your concerns. But I think, Mr. President, that again for the record, it is, with respect, incongruous of us here to object to JPs being restored to their common law power to issue search warrants in indictable offences, but at the same time not object to JPs being able to grant station bail in both summary and indictable matters. I say it again, it does not follow.

I want to put on record some of the things that Madam Justice Gobin said in Joel Alexander, and I think it is important to say it, that paragraph 31 of her judgment that is, Claim No. CV2024-03115, a judgment delivered on October the 15th, which was five days after the debate of this Bill in the other place. She says—and I quote, if I may:

> "For decades in this jurisdiction, JPs have exercised their powers to issue police warrants of arrest, search warrants, to grant bail to persons who are charged at police stations, and to take recognizances."

—for decades, Mr. President. I want to also refer to another passage, where she speaks about Mr. Alexander's concerns, he was the fellow who brought the action, where she says:

> "The devastating consequences of the construction of section 10 and of the policy imposed by the Executive for enforcing it are demonstrated by the facts of this case. Mr. Alexander's harsh experience reminds of the unimaginable brutality of the consequences of it. It is hard to believe that a

result such as Mr. Alexander's could have been contemplated by the promoters of AJIPA when under previous regime, generally, persons who were charged for indictable offences (including relatively minor ones…"—Mr. President—"...had available to them, a simple and swift procedure for obtaining bail at the police station and one which did not require them to retain the services of an Attorney-at-Law. Routine access to a JP may have appeared as a simple administrative step, but under-appreciated as it appears to have been, the intervention of a JP protected the following important constitutional rights of the accused…"

So, today we are—the general theme of the discussion today, under both limbs of what we have to deal with the two issues I mentioned, is access to justice. May I say, Mr. President, that access to justice not only means access of an accused to bail or to a hearing before a judicial officer for the determination of the merits of his or her case. Access to justice also is about timely access by law enforcement to a functionary within the criminal justice system in order to issue search warrants, to collect and preserve evidence. And we should not lose sight of that as well.

So, Mr. President, I am pleased to say that we have listened to some of the concerns thus far and the hon. Attorney General, has asked me to convey to this Senate, that with respect to the training of Justices of the Peace—and there is a concern about their training. Justices of the Peace can be trained and educated on what is required of them under AJIPA. There is a Justice of the Peace handbook, *Stone's Justices' Manual 2018,* and of course that was referenced by the honourable Mr. Justice Boodoosingh, in the Central Broadcasting Services Limited case. And we would want to say that a proclamation clause can be inserted with

respect to that aspect of it, dealing search warrants to ensure that such training takes effect and is done properly, before that aspect of the law can be effected. So we can put in the proclamation clause to make sure that that training is done.

2.10 p.m.

Now, in relation to the suggestions of bad character of JPs and so on, we always will have a problem with judicial officers and quasi-judicial officers getting it wrong, but there are avenues of appeal. There are avenues of redress—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar:—and that is what is called "the protection of the law", one of our fundamental rights. Sen. Al-Rawi may recall many years ago, and it is so funny, he and I appeared in a matter together in which we stopped the execution of a search warrant on an attorney-at-law's office, and that was one of avenues in—I do not know, he might not have remembered it. That is what you do.

One of the avenues of redress, very late at night, we had to move the High Court to stop a search warrant from being executed, and I think the hon. Attorney General was the Attorney General at the time, he settled the matter.

Sen. Jeremie SC: [*Inaudible*]

Sen. The Hon. D. Allahar: But he quite generously settled the matter. We never got our cost though but he settled the matter. So we understand here, Mr. President, that there are avenues for redress.

We have heard, Mr. President, the concerns, as I said, especially the concerns of Sen. Chote with respect to those sorts of search warrants where there is a repeat search, I think—am I correct?—where the warrant issued by—you are saying that the warrant issued by the JP can authorize repeated searches of premises. Yes? And we think that that is a valid concern—multiple searches—and we think that

that is valid and therefore, we want to propose an amendment to limit the power or jurisdiction of the Justices of the Peace in indictable matters to what was their common law power, i.e., not the extended powers that have been given to the masters—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar:—and other judicial officers to authorize warrants for multiple searches of multiple locations, and we trust that that would satisfy those very valid concerns for which we are very thankful.

I think Sen. Chote as well flagged the Interception of Communications Act, and her concerns in that respect, and her question was whether the amendment under section 10 was going to allow JPs to issue search warrants for material requested under that. I see Sen. Al-Rawi shaking his head, yes? No? He is saying, no. You are saying no, right? We can tell you that we have checked it and the application of a warrant for stored data, communication data and stored communication is one matter, and that is to be distinguished from, I think, what Sen. Chote is speaking about, which is the warrant to intercept communication. That warrant to intercept communication requires the warrant to be issued by a judge in chambers.

Sen. Al-Rawi SC: [*Inaudible*]

Sen. The Hon. D. Allahar: No.

Sen. Al-Rawi SC: [*Inaudible*]

Sen. The Hon. D. Allahar: No. That would be a judge in chambers and that is not covered. That is not covered. Okay?

Sen. Al-Rawi SC: Section 5—[*Inaudible*]

Sen. The Hon. D. Allahar: Go ahead.

Sen. Al-Rawi SC: Thank you so much. Not to intrude on your time—thank you, hon. Senator—if you could just please have a look at section 5 of the Preliminary Enquiry Act which runs concurrently. So that warrants under section 8 and section 11 of interception of communications—yes, it is before a judge, they are fine—stored communication and other aspects in AJIPA mirror the Preliminary Enquiry Act, section 5. So if you could just have a look at that, it will help you, perhaps, in your reflections in further answer. Thank you.

Sen. The Hon. D. Allahar: So, thank you very much, Senator, but I think Sen. Chote's concern was with respect to interception warrants, and the short point of it—and I thank you for your intervention—the short point is that it does not go as far as interception warrants which the judge in chambers has to issue. So I think that should satisfy us as well.

So, Mr. President, in summary, I think we have taken stock of some of the issues. I know we have other speakers in this debate and we presented what I feel is a reasonable compromise while—

Sen. Chote SC: [*Inaudible*]

Sen. The Hon. D. Allahar: I am sorry?

Sen. Chote SC: Would you consider giving way?

Sen. The Hon. D. Allahar: Yes, sure.

Sen. Chote SC: The reason for my uncertainty, and I am sure you would be able to clear this up, is the interpretation section speaks to section 5(1). So the Interception of Communications Act falls under section 5(1).

Sen. The Hon. D. Allahar: So, of course, it does, but we still have specific statutory provisions in the Interception of Communications Act, so the specific provisions would override the general ones, and those specific provisions are very,

very clear with respect to a judge in chambers, with respect to interception of communications. So there is no need for us to tinker with it here because it is there, and we have checked it. I think the Attorney General is assuring me that they have checked it, and I hope that helps us.

So at the end of the day, Mr. President, we have taken stock and we have a reasonable position. We have a position that is borne by logic. We have a position that is borne by judicial authority, and we have a position in which I think the debate is going along a particular way, in that we can be out of here before the sun sets. So, Mr. President, you have a government, Mr. President, that is responsive to stakeholders and committed to the rule of law, a government that is committed to cleaning up the errors and omissions of the former regime in order to strengthen and improve the administration of justice.

We are committed, Mr. President, to certainty of the law and we are responsive, as is happening this afternoon, to matters where there is a judicial determination, and that is why we have come here very late with those amendments because that happened in between the other place and here, and it was a good opportunity to put it here and to fix the law. We are responsive to the concerns of our colleagues, and we wish to say, Mr. President, that let us not run around like Chicken Little and "the sky a falling". Lord Atkins had said in the case of *Liversidge vAnderson* that:

"…amid the clash of arms the…"—law is never silent.

And the law is here, it is never silent. So the sky a not falling, Mr. President, for us today. Actually, the sun is rising, and I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: I would like to recognize Sen. Roberts-Radgman.

Hon. Senators: [*Desk thumping*]

Sen. Melanie Roberts-Radgman: Thank you, Mr. President, for the opportunity to join the debate at this time and I will definitely be quite brief. I think that the issues have been well ventilated on both sides. We have seen where the Government has made efforts to address some of the concerns that were raised by the Opposition and Independent Benches. You see, the point of contention with this Bill has less to do with the ends that are trying to be achieved as was articulated by the hon. Attorney General, and more so to do with the means of achieving those ends. I think all three Benches understand the concerns about the efficiency that the Government wishes to address by bringing this amendment, but we also have our concerns about, not so much what is trying to be addressed, but who the Government is attempting to grant additional discretion to issue search warrants for indictable offences.

We would have heard more so in the other place, and to some extent here, we would have heard how very little is required currently for a person to become a Justice of the Peace. It is a letter from the applicant, résumé, references, forms of ID, that kind of thing, and, you know, the easiest retort would be, "Well, other jurisdictions have it much the same way.' In the UK, for instance, you do not have such formal requirements, and I hear that but I say, those places are not Trinidad and Tobago.

I also want to just put a pin in that area because I will come back to it, because I would have heard Sen. Allahar indicate some promising developments based on the feedback that he would have gotten from both Benches with regard to the training of the JPs. So a little bit further down I will address that and maybe implore some additional interventions which, I think, will alleviate some of the

concerns coming from both sides.

In terms of the issue of formal training, I took a look at some other jurisdictions, for instance, Jamaica, right up the islands, and it was noted that applicants there undergo qualifying training at the Justice Training Institute before being appointed as a JP. The Turks and Caicos has something similar. They have a Justice of the Peace (No. 2) Regulations of 2023, so it is a fairly recent development. Those JPs are also required to participate in professional development training, and these are like two sessions a year. There is proof of attendance required, and then disciplinary action if you do not participate. That kind of thing.

Ontario, Canada, they have a very formal system. In the Bahamas, actually just this year, they introduced a Bill. I do not know if it has been debated as yet, but they have introduced a Bill called the justices of the peace Bill, 2025, which proposes things like mandatory training, and this training is accredited and approved by the Chief Justice as part of your appointment as a JP. I would have heard Sen. Al-Rawi, and it was mentioned among other speakers as well, discuss the Justices of the Peace Bill of 2023, drafted under his tenure, and I think that—when I go on further, I think this is the kind of legislation that I had hoped we have the opportunity as a Senate to also ventilate, to discuss and bring to the fore.

Now, the invasion of—and I want to break this down because we have had quite a few lawyers speak on the topic, but I want to break it down a little bit more, especially for those who are not legally trained and who might be listening in. The invasion of a person's home, your business place, your vehicle, your shop, your private places for that matter, it is a significant constitutional infringement, and the thing is such an infringement should only be permitted where there is enough evidence and there is reasonable justification. Naturally, because of what the

intrusion entails, there is a high degree of protection that is warranted, and it is the belief that the approach which best enforces these protections demand the empowerment of legally trained persons to perform these duties.

I know that Sen. Allahar would have mentioned, you know, if there is procedural irregularities or if there is a challenge to the validity of a warrant that was issued, there is always the opportunity to appeal. But I believe, why should we—if we have the opportunity to do differently and to do better, why would we permit the misapplication or the in-application of justice when we could just prevent it in the first place, when there are certain safeguards that we can put in place in the first place to maybe mitigate the occurrences of that happening?

I know that I would have heard in the other place—no, actually it was here, the Attorney General wondered, in a very light way, because it is good debate, he wondered, you know, if the then Government, back in 2023, when these amendments were made, he wondered if it is that the Government then just did not like JPs. I think it is not that the Government then did not like JPs, it is just that no one really likes the intrusion that comes from having their personal spaces and their personal effects searched.

In the interest of justice, it must be done.

Hon. Senator: [*Interruption*]

Sen. M. Roberts-Radgman: In the interest of justice, it has to be done, it is a necessary ill. However, when it is done, we need to be satisfied that the necessary conditions have been met with enough evidence and that that has been reviewed with the judicial diligence that the Attorney General—you also mentioned "judicial diligence"—judicial diligence that he spoke about this morning, and I remember him mentioning that judicial diligence does not have to be restricted to judicial

officers. So when that was mentioned, I sort of trained my mind to what such an exercise should look like; meaning the exercise of "judicial diligence".

The first place I consulted was the same Central Broadcasting Services Limited case, and I looked at paragraph 26 of that case where Justice Boodoosingh said:

> "…a proper judicial process must be followed in the obtaining of a search warrant. Certain stringent criteria must be satisfied. Any incursion on the rights of the citizen must be carefully measured and be proportionate to the circumstances. There is no 'one fit all' stipulation. There are, however, certain basic criteria that must be established. The process of issuing a search warrant is not a formality and it…"—must—"…be subject to careful judicial scrutiny."

2.25 p.m.

I then consulted an even older case, which I believe is quite dispositive. This is a 1997 English case, and I will cite it properly, but it is the AG v Williams. Lord Hoffmann really ate when he said this. He said:

> "The purpose of the requirement that a warrant be issued by a Justice is to interpose the protection of a judicial decision between the citizen and the power of the State. If the legislature has decided in the public interest that in particular circumstances it is right to authorise a policeman or other executive officer of the State to enter upon a person's premises, search his belongings, and seize his goods, the function of the Justice is to satisfy himself that the prescribed circumstances exist."

And the gist of it is this:

> "This is…"—the—"…duty of high constitutional importance. The law relies upon the independent scrutiny of the judiciary to protect the citizen against

> the excesses which would inevitably flow from allowing an executive officer to decide for himself whether the conditions under which he is permitted to enter upon private property have been met."—"…the independent scrutiny of the judiciary..."

And for me, herein lies the problem. I am not convinced that, as it stands currently, a Justice of the Peace issuing a search warrant, that they rise to the level of independent judicial scrutiny that should attach to the intrusion of a person's constitutional right to privacy.

As a matter of fact, just this morning on the way here, I was speaking to a colleague and he said, you know, "Wha' all yuh debating today?" And I kind of very roughly—he is not an attorney—explained it to him. And then he laughed, and he said, "So you mean so-and-so could give police search warrant?" I would not call the name, but the "so-and-so" was a JP that he referenced. And then he laughed again. And I thought to myself, this is reflective of the public's general apprehension. I mean, the public feels it, and they know it.

And at the risk of being misquoted, we have to ask ourselves, are our Justices of the Peace, are our JPs, in their current state, are they qualified, trained and equipped to wield such a power, to authorize constitutional infringements, and personal intrusions? Are our JPs trained to engage with the sort of balancing exercise that you need to carry out to determine whether or not a warrant is proportionate to the evidence that they have in front of them?

Now, Sen. Chote highlighted her concerns about the conduct, the status, and the conditions of some JPs. She also spoke about the need for greater accountability and reporting as it pertains to our JPs. And then she also asked the question about what disciplinary action currently can be taken against JPs who

might misbehave in their roles.

Now, in the other place, when similar arguments were raised, it was described by the Government as being elitist. But the question that I ask, Mr. President, to each and every single Member here today is, is it elitist to respect, enforce, and advocate in favour of the protection of the constitutional rights of our fellow citizens? Do we not all have a responsibility to be robust in our enforcement of democratic principles? You see, in this particular matter, there is a very thin line between despotism and expediency, and we have to be very careful not to end up on the wrong side of it.

Again, at the risk of being misconstrued, the reality is that with these amendments, what we risk, what we take the chance of seeing is that any police officer with any sort of agenda might be able to pull up by a suspecting or unsuspecting, JP and either bribe, force, or hoodwink the JP into signing a warrant so that the officer could carry out whatever action that they please. Now, this might not always be the case, but it is often the case. Maybe too often. And again—

Sen. Allahar: [*Interruption*]

Sen. M. Roberts-Radgman:—yes. Yes. And again, that is why I said, "At the risk of being misconstrued", because I heard you speak, Sen. Allahar, and you would have misconstrued my colleague, Sen. Al-Rawi. I sat here, and I did not hear him call JPs drunkards.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: He referred to one instance where something happened, and all of us practising in the legal field, we have seen these instances. It is not a blanket statement about JPs. But these are our observations, and we

should not—

Sen. Baig: He should not have said it.

Sen. M. Roberts-Radgman: No. No. No. No. No. No. No.

Hon. Senator: [*Interruption*]

Sen. M. Roberts-Radgman: No. No. No. No. No.

Mr. President: First of all—

Sen. M. Roberts-Radgman: It has been expressed by various persons across the Benches.

Mr. President: So—Senator. Let us avoid the crosstalk, please. Continue.

Sen. M. Roberts-Radgman: Thank you for your protection, Mr. President. Nonetheless, the *Hansard* will reflect accurately what was said, despite any sort of attempts here to disparage—

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman:—or to misconstrue anyone. We have to be very realistic about the society we live in. Trinidad and Tobago is definitely a beautiful place. It is one of the best places on the face of this earth.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: But it is also—it is a small place. And it is a very closely-integrated—

Sen. Allahar: And Tobago is smaller.

Sen. M. Roberts-Radgman:—and Tobago is smaller. Ah, exactly. And I could speak even from that perspective. In Tobago, for instance, it is a small place, it is very closely integrated, "everybody good with everybody." So, sometimes there is room for a bit of, what we want to call—a little bit of mischief happens. So, it is up to us to ensure that when we legislate in here, we take into account all these sorts of

mischiefs that are possible, and that we implement the kind of safeguards that are required to deal with the intricacies and the nuances that are inherent in our norms and culture.

I also had a look at a case that was brought by Justice Seepersad. I think I would have quoted the case before—no, I did not cite it before, *One Caribbean Media and Others v The Attorney General*, 2021 case. And Justice Seepersad, in reviewing the validity of several search warrants issued by a JP, he made the observation, he himself recognized the mischief that can be inherent in the setup that we had then, that the Government is now trying to reinstitute. And he said:

"There were evident errors on the face of warrants…"

He was speaking about the warrants that were issued by the JP.

"…and these errors were seemingly not detected by the Justice of the Peace."

He then went on to advise that:

> "Given…there is currently no requirement for the Justices of the Peace to be legally trained, they may generally lack the degree of specialisation required to equip and empower them to deal with important constitutional issues and the law should be reviewed so as to mandate the involvement of a Magistrate or a Judge."

Now, this ruling was made in 2021, and this was just shortly before the 2023 amendments were passed.

The amendments were not done on a whim. They were done to mitigate a very real problem. A problem that attorneys recognize, a problem that defendants recognize, and a problem that even the courts themselves recognize. And that problem continues to exist. Notwithstanding this, I do hear and I do understand and connect with the concerns that the Attorney General has raised here. I think we

can all agree that we came here in the spirit of cooperation. Everyone has been trying to make this thing happen. And to make it happen well.

So, my contribution today is not just based on, and it should not be looked at just based on critique. But I want to also be constructive. Because I believe we have to strike a balance between the efficiency that our police service wants to achieve, and, then, the protection of the rights of our citizens. So how do we do that? And I have two suggestions. And they are novel. They are suggestions that were already raised by both the Opposition Bench and also by the Independent Bench.

The first one, actually, Sen. Al-Rawi and Sen. Chote went into detail about this, in terms of reforms, in terms of the eligibility criteria, ongoing training, reporting obligations, disciplinary actions and regulation of Justices of the Peace. Now, in addressing it, I would have heard Sen. Allahar indicate the Government's intention to increase the training that is going to be available to Justices of the Peace. I would have heard Sen. Al-Rawi mention the Justices of the Peace Bill, 2023, that is currently sitting in the Office of the Attorney General. I had a glance at that Bill during lunch, and it seems like it provides guidelines for the appointment of Justices of the Peace, as well as for the tenure, the removal of JPs, it also establishes a disciplinary committee, and a system for carrying out disciplinary proceedings, and then there is the establishment of an advisory board.

There seems to be quite a bit of work in that Bill that addresses a lot of the concerns that have been raised here. I know that Sen. Chote also spoke about legislation that was drafted even well prior to this, maybe 2007. I have not had a chance to look at this. My recommendation, however, to the Government, is that we take a very close—Mr. President, I am trying to make my contribution, and we

have people over there acting like children.

Mr. President: No. Well, please. Please. Please. We do not refer to Senators in that way. But I agree that there is a running commentary on my immediate right. I am getting some difficulty in listening and following. So, can I ask my colleagues on the right to allow the hon. Senator to speak in silence? Continue hon. Senator.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Thank you, Mr. President. And I retract the bit about children. But what I was saying is that we have had recommendations from both the Independent Bench and from the Opposition Bench with regard to Bills that were drafted that address some of these very real considerations. I think that in addition to the training that the Government intends to implement, my recommendation is that we take a look at these Bills in its entirety and also implement or bring before the Senate some of the other issues that they address with regard to the tenure, removal, disciplinary proceedings, reporting obligations, and that sort of thing, so that we have a more comprehensive reform then, of the JP framework within Trinidad and Tobago.

And then the second recommendation I have would have been mentioned by Sen. Dr. Murray, and that was—to go a bit further—to collaborate with the Chief Justice in such a way that allows for the assignment of additional emergency masters. And these masters, the idea is that they will handle whatever additional applications that we are getting outside of normal court orders. If the concern here is the efficiency with which these warrants are being issued or the applications are being considered, then I think that this is also a very feasible thing to have done, especially in the interim while we are looking to maybe supplementing or training up our JPs as well. And, I guess it would be ventilated, and the Government would

be able to give us additional information on the feasibility of that. But I think there is no shortage of, maybe, qualified attorneys who would happily take up the mantle to operate in the function of master of the court—

Sen. Al-Rawi SC: And JPs.

Sen. M. Roberts-Radgman:—and carry out these—yeah—emergency applications. And I think this is not a novel undertaking.

I looked at a few jurisdictions that also have something similar in place, the US federal and state courts, they do it right now. They call it an on-call duty magistrate judge system. And then we have in the UK, as well, they have an out-of-hours rota, and they call them duty magistrates. In Australia, a few other jurisdictions have it as well. So, this is something that is feasible. And as I said, while we sort of look towards bringing back a Bill that addresses how we deal with Justices of the Peace, I think that this is a nice sort of mitigating step that we could take to address this issue that the Government has brought before us.

Now, Mr. President, I am pretty much finished. As I would have stated, this debate is not a contentious one. I think that all of us here understand what we are trying to bring to the fore and what we are trying to get done. And we all want the outcome that the Attorney General is advocating for. We just need to ensure that the means by which we are doing it actually justify the end. So, I do hope that all that has been said will be taken on board and that we will see the Government take even an additional step or two towards making some of these recommendations a reality. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. John Heath.

Sen. John Heath SC: Thank you, Mr. President, for the opportunity—

Hon. Senators: [*Desk thumping*]

Sen. J. Heath SC:—to contribute to this debate. Mr. President, very early in his contribution, the hon. Attorney General stated that the amendments seek to find the balance between investigative efficiency and constitutional rights, and I suppose that is always the task for any Government. And oftentimes, stakeholders may be aggrieved one way or the other, simply because they may find that the appropriate balance has not been struck. But in any event, these are realities that the Government must address.

So, dealing first with the issue of bail, which I think is the one that has found immediate consensus. First of all, I have to commend the hon. Attorney General for seeking to codify that which the case of Joel Alexander expounded upon.

2.40 p.m.

I suppose it may have been easy to say, well, we are not going to appeal and leave it at that, but it is important, nonetheless, to codify, so that our laws come in line with the case law. If only, Mr. President, for the fact that it seems that—

[*Device goes off*]

Mr. President: One second, Senator. Colleagues, I am trying to avoid creating unnecessary static, but it is becoming extremely difficult to understand why we continue to ignore rulings. We even circulated a Procedural Note concerning the use and the abuse of mobile phones in this Chamber. It is disrespectful, and it is contemptuous on the part of Senators who repeatedly ignore rulings and Procedural Notes. I do not want to reach the point where we have to ban cell phones from this Chamber. But, if you all push the Chair to do that, it will be considered.

I am asking Members, again, keep your phones on silent. That is all I am asking people to do, Senators, that is. Why continue to flout, ignore, disrespect,

show contempt and contumely? Why? Please, do not allow the Chair to rise again on this matter. I have spoken on it repeatedly. Sorry for the interruption, Sen. Heath.

Sen. J. Heath SC: Mr. President, I was saying it is important to bring in line legislation which falls in line with judgments which stand, as is the case of Joel Alexander. And, I was saying if only because, certainly, it is my experience that legislation seems to reach the Trinidad and Tobago Police Service a lot faster than judgments of the court. So what has happened here, you have saved a lot of attorneys-at-law from going into stations seeking bail for persons on indictable offences and having to walk with the Joel Alexander judgment. I am reminded of the case of Frankie Boodram, which is now 25 years old, and the useful dicta of the Court of Appeal that police officers ought to make contemporaneous notes in their pocket diaries. To this day, there are police officers who do not know about that judgment, do not make the necessary notes, and cases fall apart because of it. So, the hon. Attorney General is to be commended for seeking to bring in line the legislation with the case law.

Now, having said that, prior to the judgment of Joel Alexander, a lot of persons would have suffered simply because they could not get bail for matters which were laid indictably but really were not serious. Joel Alexander is the perfect example because he was charged with obscene language and resisting arrest and resisting arrest is an indictable offence. Invariably, the prosecution will always recommend a summary trial, and it will always be tried summarily, even if found guilty. A person with no priors is not likely to see a custodial sentence, but in the case of Joel Alexander, he spent more than 48 hours in custody. So that, the judgment was welcomed and now the legislation treating with it and bringing it in line is equally

welcomed. Now that deals with the issue of bail, which I fully support and endorse. The other issue is the issue of the search warrant.

First, let me say, I too had some concerns, which Senior Counsel Chote and Sen. Al-Rawi expressed, and Dr. Murray, I believe. But, I was glad to hear Sen. Allahar, even before the debate has wrapped up, with some mature considerations to try to alleviate those concerns. But let me also say this. The issue I had with the JPs is not limited, as it were, to the issue of search warrants. Indeed, in matters of bail as well, I have concerns with Justices of the Peace. Now, in this instance, in the proposed amendment, their function is circumscribed because they cannot grant bail in circumstances where they are required to show sufficient cause or exceptional circumstances. So those are the serious offences. So that is good because one could well imagine if that is unfettered, you would have persons who are charged with serious crimes who, when the evidence is quite good, may be granted bail and never turn up in court. So let me say my concern was also with the bail, this is why I was glad to hear from Sen. Allahar, that first of all, that there would be training. Because, I am certainly not in a position to say that they cannot, they being the Justices of the Peace, cannot be trained. And, I suppose they will be trained by persons who perform these functions, such as judges and other like personnel who would give the required training, so when they are approached for warrants, they would ask the proper questions.

But I was, perhaps, even more elated when Sen. Allahar indicated that there will be a proclamation clause which will ensure that the training takes place before the law comes into force. So that, as I understand it, if there is a training, but the particular JP did not attend that training, then he or she would not be able to issue a search warrant.

Sen. Allahar: [*Inaudible*]

Sen. J. Heath SC: I give way.

Sen. Allahar: Mr. President, and I hope this does not affect my learned friend's elation, but the indication I gave with respect to training—well training is general, but the proclamation clause has to do with the search warrants. We cannot do it with respect to the clarification of the law because the learned judge has declared the law already with respect to the bail. But, that proclamation clause was made with respect to that part dealing with the search warrants.

Sen. J. Heath SC: That is what I understood.

Sen. Allahar: Okay.

Sen. J. Heath SC: Yes. So my elation remains in place, Mr. President.

Hon. Senators: [*Laughter*]

Sen. J. Heath SC: Yes, that is what I understood, because I certainly see there is need for training with respect to that and ongoing training so it is not a one-off thing. What had concerned me, of course, is that under the clause 5, and I must confess that the concern is not only with the JP, I had concerns even with the master and I think Sen. Chote alluded to it, the type of expansive powers with respect to searches that could be given under clause 5. So I was happy when Sen. Allahar indicated with respect to (1B), which states, and this is (1B) of AJIPA:

> "A search warrant may authorise the search of premises on more than one occasion if the Master is satisfied that it is necessary to authorise multiple searches in order to achieve the purpose for which the search warrant is issued and such search warrant shall be valid for such period as may be specified in the search warrant."

I do find that to be a bit draconian, even for a master. So that to hear what is being

proposed now is that the old common law powers with respect to the Justice of the Peace granting search warrants will be limited as it was before, is welcomed. So all in all, I am happy that there has been some consideration with respect to the contributions made by the Independent and Opposition Benches and I think certainly the fervour of this debate is heading off in the right direction. Much obliged.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Anthony Vieira, are you speaking?

Sen. Vieira SC: No, Lewis.

Mr. President: Oh, Sen. Francis Lewis.

Hon. Senators: [*Desk thumping*]

Sen. Francis Lewis: Thank you, Mr. President. Thank you, colleagues. My contribution will be short and it comes in a different direction, and I am hoping, Leader of Government Business, when we come to the committee stage, some of these questions that I will be asking may be addressed. Some have already started to be addressed, but I still have questions. In looking at this, I come to this not as a lawyer. I am coming to this, saying, what is the solution intended to achieve? And my starting point was to try and understand the justice system of Trinidad and Tobago. I will share the numbers that I was able to glean. If the numbers are wrong, I apologize and please, do correct me. We have about 32 magistrates, eight registrars, and 37 masters of the court. The last number I could find for JPs was at December '23, a number of 138. High Court judges 44, justices of appeal, 15, and multiple other functionaries. And, from statistics I saw, the indictable matters for 10 years, 2012 to 2022, were 88,350. So that roughly is about 8 to 9,000 matters a year.

If I start with those numbers, even if hopefully they are not massively wrong, then the system has a built-in capacity to deal with a number of matters. And, in the Appropriations Bill that we considered a couple of weeks ago, we said okay, this is the money we are spending as a country and as a society to be able to deal with it. It seems to me, in looking at this Act that was passed, the AJIPA, since 2011, there have been multiple adjustments, and forgive me if I characterize this poorly, but considerable flip-flopping in determining which functionaries are given concurrent jurisdiction and in what matters. And so, it is going back and forth. I am not saying that those changes were necessarily bad; I am just saying it seems to be a lot for something that needs to be settled.

So out of this came four broad sets of questions. There appears to have been a significant amount of tinkering with this, and what struck me is the question: What is wrong with how the present law is working? Because if you make a change, and I am not against improving things as we go, because sometimes that is what you need to do, but it seems to be a lot of changes, and there are consequences for that. What is the mischief or the deficiency that the changes are trying to correct? What informs the changes, and ultimately, what is it that we are not getting right? Maybe we have gotten it right on this occasion, but I do not know, and given all the changes we have made before, the level of confidence that we have gotten it right this time is not terribly high. That is not a negative commentary, it is just an observation over a period of time.

A larger question is, what is the capacity we are trying to build into the system? If the system has to deal with a certain number of matters a year, whether it is murder rates, whether it is indictable offences, the system has to be able to deal with it. We hear, and I "doh" have a number for this, but backlogs are considerable or that

is the sense that I have, that matters take too long. Therefore, you need a system that can handle the volume of work required, and in the context of that when we give and we remove authority and then we give again, it creates confusion or potential confusion. And here, I am very deliberately speaking, Mr. President, not as a lawyer but as a layman looking at this and saying, "But it has to make sense". And, going back and forth does not increase my level of confidence and I have a very high level of confidence in the justice system of Trinidad and Tobago, but I do not want that to be eroded. So if we are going back and forth, giving various officers various authorities, do the officers that we have named have the training and support for the duties and responsibilities they are given?

2.55 p.m.

Beyond that, because all of us have been part of training programmes where attendance becomes the measure of the training. It is really a measure of activity. It is not a measure of competence; so how can you be sure that there is a reasonable qualification that the officers that are given authority have not just the knowledge but the background to be able to apply it? How do we verify that? So my second question has to do with, how do we address the capacity to build the system?

The third question has to do with, what were the consultations done? I heard in the earlier debate that at some point significant consultation was done. I am not sure that when I looked at the information brief for this particular amendment, it did not speak to what consultations were done. Maybe all it requires is, it is not working. Let us try this. But various associations whether it is the Criminal Bar, whether it is the Bar Association of Trinidad and Tobago, will have a point of view. I do not want to "gum up" how quickly one gets things done. But if we are going back and

forth with changes, it suggests that somebody is missing in the consultation, and when we catch it, and then down the road we try to make another change and another change.

Hon. Senators: [*Desk thumping*]

Sen. F. Lewis: In all of this I want to say to the Government, I am not at all averse to improving legislation, but repeated tinkering creates confusion. It creates confusion in the profession, because at some point officers have a power and then they do not have a power, and we are not sure what jurisdiction they are working under. To the practitioners in the field, I am sure that, yes, there is a responsibility for ongoing education. But even so that makes an assumption that we do not have to re-examine every single last thing every time we go to court. To the man in the street, people like myself, it is kind of like, it sounds very confusing. So while one wants progress and change, you also want a level of predictability, and you certainly do not want confusion. So changes like this have consequences and it occurred to me that the solutions have to work and not add to the problem.

A number that I would love to get, I have not been able to find is, if I look at the court system in Trinidad and Tobago and I look at the backlog in the system, what per cent of that backlog is trying to deal with matters that should not have taken place in the first place. So you are cleaning up, and to say well, we will give the authority but we have the power of review by a higher court or a higher jurisdictional body, is a very expensive way of quality control. Is there not a better way?—I would wonder. I am not sure in the presentation by AG that I understood how wide the impact of this change is likely to be, and ultimately what assurances might there be that it will address the mischief or the deficiencies that it is itself trying to correct?

So given the multiple changes I am really looking for, as much as one can, Mr. AG, any assurances that you might reasonably be able to give, that amending this, this amendment Bill will, in fact, remedy not just the mischief, but hopefully make the system more efficient? I wish I could make prescriptions? What I ended up with is more questions than—and perhaps that is just my own ignorance of the field. But with that, I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Janelle John-Bates.

Hon. Senators: [*Desk thumping*]

Sen. Janelle John-Bates: Thank you, Mr. President, for this opportunity to join in this debate. Mr. President, the issue has been canvased almost thoroughly throughout this day. We have heard from many speakers on this topic as to what we are here to debate today, the restoration of the concurrent jurisdiction of Justices of the Peace with masters, the magistracy registrars and the clerk of the court to issued search warrants and also to give them or re-grant them that power to grant bail in certain circumstances. We the Opposition have already made our position clear on this debate. We do not have any reservations in supporting the Justice of the Peace having the ability to grant bail, and we understand the position of the Government in relation to that being a necessity to avoid any paralysis in the system because of delay. But we still have concerns and reservations as it relates to search warrants.

We see restoring that concurrent jurisdiction as a regressive step. We do not believe that conferring that power in serious criminal matters in particular, will promote justice, fairness or the protection of citizens' constitutional rights. The mischief as identified, which is the delay in allowing citizens to, well, yes, the

delay that was pointed out by the Government, there are alterative remedies to cure that mischief, and some have been expounded on already for the day, so I will not delve into them, but I will suggest two others I have not heard from anyone else.

Now, at the beginning of his contribution Sen. The Hon. John Jeremie indicated that the first time that this was debated, this concept of removing the powers from the Justice of the Peace to grant—to issue a search warrant, there was no rationale given. He could find none in the *Hansard*. But I also scoured the *Hansard* and I could find no opposition to the concept. No one identified any issue with it back then. But be that as it may, today we have heard the rationale. We have heard many grounds, many reasons for concerns posited by both the Opposition and the Independent Bench. I would identify them as the paucity of legal qualifications of Justices of the Peace, the risk of corruption and lack of accountability. This one was not quite expounded on, but I will touch on it. The expansion of Executive reach, and also the modern risks posed by search warrants in a digital age. I do not know if anyone has really thought about that.

Now, when these, some of these concerns were raised, Sen. Allahar sought to assert that we are casting JPs as villains. It is not a matter of casting JPs as villains. It is recognizing a reality, an everyday reality that is obvious to those who are very much involved in the criminal justice system. It is about raising these concerns so that they can be addressed. I am happy that Sen. Allahar did bring some—he did make some attempts to address the concerns raised. But I would indicate some of the weaknesses of what he would have indicated.

Now, as it is for the paucity of the legal qualifications, we have heard it all today. JPs, they do not need LLBs. They do not need LEC. There is no need for judicial continuous training. In contrast to masters and magistrates who have LLBs, LECs,

masters require seven years' experience. We have heard why all those things are required. Those things are required in a case where a Justice of the Peace has to issue or grant a search warrant because, before they do that, they have to cast their mind on to a very important principle. They have to ask themselves, is there reasonable grounds for suspecting? Have the police brought to me anything that would show a reasonable ground for suspecting that you can find—

Hon. Senators: [*Desk thumping*]

Sen. J. John-Bates:—some sort of evidence in the place that they want to search? As was said by Sen. John Jeremie, this requires judicial diligence. It requires constitutional awareness. These are rigorous standards. So, I do not want to beat that dead horse again about training. But I did hear Sen. John Heath indicate that he did have some reservations as it related to bail. He gave the example of perhaps someone with a strong case going for bail, being released on bail, and basically never returning for the trial.

Now, he did not go quite as far, but what I gathered from him is that, he would have some concern as it relates to the JP's ability also to grant bail because of a lack of training or perhaps a dearth in their knowledge. Again, I would want to point out, when a JP has to grant bail, this too is a very important function. It is not something clerical. They have to assess flight risks; the possibility of the person who is seeking bail reoffending. They have to consider whether they would interfere with witnesses; the seriousness of the offence, the character and antecedence of the accused, their social ties. So there are many things that they will have to bear their mind to that require that training that it does not appear that they have to prove that they have before they are given that function.

Be that as it may, because of the safeguards within the Bill, we do not oppose the

restoration of their power as it relates to bail. But I just wanted to point out that I understand some of the concerns that I believe Sen. Heath would have alluded to. Because the simple issue coming back to the issue of granting search warrants is this. It has been said time and time again, because of perhaps the lack of training, JPs have become rubber stamps. That term rubber stamp has been used in many cases. Whatever the police tell them, stamp, done. They agree. They do not, again, cast their mind as they are required to.

Now, in addressing that issue of training, Sen. Allahar would have mentioned that there will be a proclamation clause in order to allow some training for the JPs before we move ahead with this. But I am not assuaged. My concern is not assuaged because there were no specifics. We did not hear who training, when training, how long, when this clause—so it just felt like it was said to allay fears or tried to smooth over any concerns we have without really addressing or being a serious—a policy that the Government will pursue. I am not convinced.

Now, the other concern that was mentioned already as it relates to JPs, is the risk of corruption and the lack of accountability. Sen. Chote really drove home that lack of accountability, but I just want to, again, put it in another context. JPs currently they are not paid. This is a voluntary role. They get a meagre honorarium of $1,000 per month. Along with the lack of accountability that Sen. Chote would have driven home, that really leaves them vulnerable to corruption. We have heard if you are an attorney practicing in the criminal arena, you would have heard about facilitation fees, thanks.

In fact, recently a senior practitioner at the Bar gave me an anecdotal story or a case he had with a client. His client, a pilot, found himself in an unfortunate circumstance where he was charged in relation to a firearm. The police informed

him that, yes, the JP will come, give him bail for $50,000. However, he has to give the JP $5,000. This is yet another example of how we have some unscrupulous behaviour, the example given by Sen. Al-Rawi was in relation to being drunk. We have already heard Sen. Chote spoke about that unfortunate incident with the ill JP, where the police tricked him and used the stamp. These JPs are vulnerable for various reasons to be corrupted and in this case it is because of the meager honorarium.

Now, I am not saying that they should necessarily be paid a salary because their role is a community service. But we need to be realistic about the difference between what a JP receives as remuneration, and what a master and magistrate, for example, receives. A master by contrast is paid, base salary is $37,335, and a magistrate's base salary is $33,931. This is public knowledge. It is in the 120th Salaries Review Commission Report and that is the base salary. So someone receiving that and along with the other circumstances as to how they operate, I will get into that, they are less likely to be susceptible to bribes, payments and fees.

When we put that situation of the meager honorarium, and then we add it to the lack of oversight, the lack of a disciplinary tribunal that was already spoken about, the lack of a statutory code. When a JP breaches their oath, what recourse does a citizen have? Challenge the warrant in court? As it was already said by another Senator, that requires funds, and if you do not have the funds to do that, then where are you left?

In the case of Brent Thomas, the judge found that the JP acted as a rubber stamp. That term I raised before, and he commended the case to the Justices of the Peace Association of Trinidad and Tobago for its consideration and for such action as is appropriate in the circumstances. What action?

Mr. President, I have heard no action. I do not even know. What can the Justices of the Peace Association do if one of their members breaks the law? They take a serious oath, Mr. President, to:

> "…bear true faith and allegiance to Trinidad and Tobago…uphold the Constitution and the law…"—to act—"…conscientiously, impartially…"—"…and to the best of"—their—"knowledge…"

A beautiful oath. I am sure they were sincere. But without any enforcement, it is just symbolic.

3.10 p.m.

Again, we have to contrast that with a master, magistrate. These individuals are subject to the Judicial and Legal Services Commission. There are guidelines, there is recourse, there is discipline if they breach their oath.

Now, the Minister of Land and Legal Affairs sought to—in the other place sought to, again, allay our fears by indicating that there was an interministerial committee set up to address some of these concerns, and they already met. But the fact of the matter is, if they have met, there has been no report emanating from that committee. We do not know what they have recommended. So to re-expand the powers of a JP without any reform in their training, their discipline and remuneration is basically to invite abuse.

Now, this risk of corruption that I would have spoken about is compounded by the fact that JPs are—again, they have further exposure to interference, pressure and danger. JPs operate in the communities, in shops, one-man shops sometimes. They operate a lot out of the police stations because of what they are required to do. Some of the duties of the JPs include authenticating witnesses, witness statements, attending ID parades, the station bail, so they are amongst the police a

lot.

This easy access that you have to them, day and night, shops, police stations, et cetera, actually exposes them to intimidation by criminal elements, pressure by the police, trickery, for example, of the type elaborated on by Sen. Chote. Then there is the over-familiarity with the police officers, coercion by families or the communities. They operate in a totally different sphere, again, from masters, magistrates and the like. Again, there is another level to it, political pressure, please, Mr. President.

The fact of the matter is JPs are executive appointees. They make their—we have heard before, they send in an application letter, it goes to the relevant Minister. Yes, they are appointed by the President, but it is on the advice of the Minister/Cabinet. We have heard that. So, again, now we are—this Bill here is allowing us to re-expand, we should say, their reach into the domain of indictable matters, serious matters. We are talking about murder, human trafficking, terrorism, financial crime, the most serious matters with the highest penalties.

So we are basically authorizing executive appointees to make decisions that permit police officers to enter your private homes, seize your digital devices and sensitive data. On whose behest? On whose behest? They have been several reported cases where it has been alleged that the granting of search warrants was influenced by political considerations and in some of these matters, the courts have actually found that there was an improper exercise of discretion. We have to recognize that we are not only legislating for the Government of today—though I would be wary about that as well—we must legislate for any Government, present and the future, to ensure that these powers cannot be misused, that an executive appointee cannot be used by someone else for their own agenda.

Previous amendments to AJIPA: In previous amendments, Parliament deliberately placed protection of liberty and privacy in the hands of independent judicial officers appointed, as I said before, by the Judicial and Legal Service Commission. These officers are insulated from political influence.

Now, I mentioned something earlier, the modern side of search warrants. Now, Sen. Chote would have spoken about the draconian nature of search warrants as contained in AJIPA. Sen. Al-Rawi also spoke about it. He talked about the wide and roving warrants. I think Sen. Chote also spoke about it, that it is not confined to one premises and it is not limited in time. So we understand that side of the broad nature of the search warrants that we are speaking about.

But we also have to think about search warrants in a modern context. Most times when we think about search warrants, we think about police officers kicking in doors and riffling through cupboards, "de house turn up", it is a mess like a hurricane. But modern search warrants also allow the police to comb through your phone, your email, your cloud storage, your servers, your encrypted messages.

In the same Brent Thomas case, the warrant authorized seizure of cell phones, including SIM cards, SD cards, images, calendars, phone books, contacts, SMS messages, emails, pictures, videos, audios, files, call logs, installed application data, voice recordings, voice messages, GPS information, Wi-Fi information, Internet history, user files, system files, computers, tablets, external storage devices, digital video recorders, network video recorders, and any other data contained in the aforementioned electronic/digital devices, including in the unallocated space. That is extensive, Mr. President. Some people here do not even want their husbands and wives to hold their phones. You want the police to have access to your private messages, your financial data, your health records, your

location?

Hon. Senators: [*Desk thumping*]

Sen. J. John-Bates: Mr. President, we have to think about it.

That is why these powers, the power to issue that sort of, what has been called a grave and extraordinary power, has been situated by previous amendments in the hands of trained personnel, who, again, can cast their minds and ask the relevant questions to come to a conclusion that there are reasonable grounds for suspecting that the evidence is where the police say they can find it and would not just, as we say, "rubber stamp" and allow the police to go searching here, there and anywhere, please. We have to start thinking about legislating for a digital world and not a paper world, please.

Now, the Attorney General said we had the power before, we are simply restoring it. But there are many things we did before that we should not do again. Child marriage was once illegal. "We doh want to go back dey".

Hon. Senators: [*Desk thumping*]

Sen. J. John-Bates: The power was removed precisely because it was abused and again, it is not about casting any aspersions, calling anybody villains, it is about recognizing reality.

Hon. Senators: [*Desk thumping*]

Sen. J. John-Bates: Untrained and underpaid JPs can issue warrants on weak grounds. It is as simple as that. A warrant, as I said, often literally authorizes the police to kick in your door, but it is the JPs who are giving them the metaphorical boot to do that. We have to be careful about who we are giving these boots too.

Now, let me just come quickly to the solutions, because the Opposition does not dismiss the operational concerns of the law enforcement. We understand

sometimes getting evidences is very time sensitive, especially, as I said, we are in a digital age, we need the phones and we need them quickly. We also are not dismissive as it relates to the powers of the JP in bail to the plight of those are unable to access bail in a timely manner. Before I go on, I want to just mention something about the case of Joel Alexander that was discussed by various speakers today.

As was said before, he was charged with obscene language and resisting the officer—resisting arrest. That charge of resisting arrest was laid indictably and he was informed. The JP said, "Yeah, we cannot give you bail, we are no longer have that power in indictable matters." But the issue here—what happened in the end is that he spent 57 hours in what was describes as "sub-humane conditions", speaking about how he had to relieve himself in a hole in the ground in the police station. The evidence was something to read; very unfortunate. However, the root cause of him remaining in that prison or that police station for that length of time really was not because there were no JPs.

He was arrested on the 17th. The JP said, "No, I am not coming." He was supposed to be brought the very next day, the 18th. However, what is required or what was the policy, or is the policy of the police, is that his complaint needed to be uploaded by 10.00a.m. The police did not upload his complaint by 10.00 a.m., and when his attorney called to find out happened, the police officers was like, "It is 10.00 a.m., I have a meeting at the Waterfront for 1.00p.m., we cannot upload the document," and that was the 18th. The 19th was Labour Day, a holiday, and then he was brought on the 20th. So it was not a matter that they could not get a master on the 18th to hear his matter. It was really about administrative delay and it is about an indifference—the police officers exercising an indifference. "We did

not upload it at 10.00 a.m., and too bad."

Hon. Senators: [*Desk thumping*]

Sen. J. John-Bates: So really and truly, is it about getting more JPs or addressing other inefficiencies in the system? So that is why I come to my two solutions here.

So we would have heard about—because I had four, and two of them were already mentioned. I have it here, established after hours or emergency master roster. I know that can be done because there is an emergency roster for judges, there is an emergency rosters for assistant registrars, and I am almost 100 per cent sure there is already currently one for masters, but maybe they do not treat with bail, I do not know.

Hon. Senator: [*Inaudible*]

Sen. J. John-Bates: So—well, I am hearing that they do. So that have already been spoken about. We have heard about reform of the training appointments and discipline of JPs. That has been spoken to.

But I have two additional suggestions. What about just expanding the pool of trained personnel, the masters and magistrates? And you may say, "That sounds easier said than done." In 2024, there was produced a merit list of trained individuals who are qualified to be masters, as in who have been selected to be masters. The merit list is still active. There are at least 14 individuals, I know for sure, who are still on that merit list. Therefore, there are at least some of them who are still waiting, who can be called tomorrow to be a master; 14 people are on the merit list. We do not have to go through any interview process because that process is a very long process to become a master. You have to go through an exam, submit portions of your work, then an interview and a psychometric test. All of that has been done. We have the list of the individuals, hire them.

Then I know we all saw the process of creating the merit list for magistrates. They have already reached the psychometric test phase. So essentially, I would say within a week, if not already, they should already have the merit list for magistrates. So instead of trying to expand the power of the JPs, hire more trained judicial minds to do the job.

Hon. Senators: [*Desk thumping*]

Sen. J. John-Bates: So, I would say the solution is about greater judicial capacity and not weaker judicial integrity. I would say that the issuance of search warrants is not an administrative convince, especially as it relates to indictable matters. It is a matter of a high constitutional importance. We have been talking about delay, delay, delay today, but fast justice is often or not always fair justice.

Hon. Senators: [*Desk thumping*]

Sen. J. John-Bates: So we are calling on the Government to strengthen judicial capacity not dilute judicial protection. Yes, the police may need more speed but the people deserve safety, and that safety is also not from criminals alone, but from careless lawmaking. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Vieira.

Hon. Senators: [*Desk thumping*]

Sen. Anthony Vieira SC: Thank you, Mr. President. I would like to foreshadow my contribution with a couple broad observations.

In every democratic society, the making of criminal justice law demands the careful balancing of competing but complementary ideals. On the one hand, the Constitution enshrines the right to liberty, the presumption of innocence and the entitlement to reasonable bail, and on the other hand, the State bearsa solemn duty

to maintain order and to protect the public from crime, especially dangerous criminals and repeat offenders who have been apprehended by law enforcement. These are no opposing forces. They are two halves of the same constitutional hole. The difficulty lies in maintaining proportion, ensuring that public protection does not come at the expense of fundamental justice and that the preservation of liberty does not erode public safety. We have heard a lot about Hinds, and as the Privy Council pointed out in that case, legislative power in a constitutional democracy must always be exercised in harmony with the rule of law and judicial independence.

Having said that, I think it is also useful to put this Bill into context because it comes in wake of discontinuing one system and replacing it with another. And transitioning between systems must be handled very carefully and sensitively, especially when they touch on fundamental rights and freedoms, specifically the right to liberty and security of the person, guaranteed protection of the law, the presumption of innocence, the right to reasonable bail and the right not to be deprived of such procedural provisions as are necessary for the purpose of giving effect to the protection of those same fundamental rights and freedoms.

AJIPA was enacted to abolish preliminary enquiries and to introduce a new pretrial regime centred on sufficiency hearings before masters of the High Court, and 14 years on, it continues to evolve. The Bill before us today is the latest refinement. The Bill before us, I dare say, is a direct response to the judgment of the honourable Madam Justice Carol Gobin, as we have heard in the Joel Alexander case.

Now, in that case, in that judgment, the court identified a critical lacuna in section 10 of AJIPA. The court held that Parliament did not expressly remove the

jurisdiction of Justices of the Peace to grant station bail in indictable matters and that any such deprivation could not be achieved by implication.

3.25 p.m.

Now, when I saw this Bill in its original form, prior to the hon. Attorney General's proposed amendments, I was concerned that, instead of vindicating the constitutional values highlighted by Madam Justice Gobin, we were going to codify the very policy the court found inconsistent with those values, taking what was either a misinformed or illegal position and making it law. That is to say, removing the power of the Justices of the Peace to grant station bail.

So, I was very happy when I saw the proposed amendments from the hon. Attorney General, and I wish to thank him for eliminating the concerns I had regarding the initial Bill, for bringing consistency in keeping with Madam Justice Gobin's judgment, and for codifying the power of JPs to grant station bail. And, Mr. President, I think I would also like to recognize and to place on record my personal—and I dare say, the country's—gratitude for Justice Gobin's comprehensive and compelling review of the common law and statutory authorities of Justices of the Peace to grant bail, for shining a light on this matter, the human consequences that can occur and for triggering this debate.

Now, you know, a lot of the times things look one way on paper, but when you read between the lines, they take on a life of their own. And reading between the lines, this Bill raises fundamental issues and highlights challenges and constraints facing us as legislators, in particular, the careful balancing of competing interests, one of our most delicate and difficult responsibilities.

On the subject of bail, on the one side stand the rights and freedoms guaranteed by the Constitution, the right to liberty, presumption of innocence, entitlement to

reasonable bail. And on the other side, the State's legitimate ability to protect the public from crime, maintain order and ensure that justice is both done and seen to be done. On the one side, the need to ensure that dangerous criminals and repeat offenders are kept contained. And on the other side, the duty to ensure that systems and mechanisms are in place for deserving persons to apply for bail within a system that is efficient, coherent and constitutionally sound in accordance with our fundamental rights and freedoms. And as we have heard Justice Gobin's decision illuminates the costly, the human cost of faulty regime or system.

Mr. Joel Alexander had been arrested for using obscene language and purportedly for resisting arrest. As you have heard, the latter was charged indictably. And he was detained for 57 hours, spanning a weekend on a public holiday because no JP was permitted to grant bail. The conditions of his detention: unsanitary, overcrowded and degrading, amounting into a violation of his right to liberty and protection of the law.

One constraint that really has not been discussed much in this debate, but I think it is important to bear in mind too, is to remember that there is a separation of powers principle. The Executive administers the country, the Legislature makes the law, and the Judiciary interprets and applies. Now, had the Attorney General not taken the decision to reinstate the power of JPs to grant bail via the proposed amendments we would have had to rely on the Judiciary to provide for roving or emergency masters, because the deployment and the control of those masters falls squarely within the remit and the purview of the Judiciary, not us, not the Executive.

So, there would have had to be some sort of discussion or liaising or coordination. On the issue of the search warrants I did not have an issue as there is no substantial

change in the law being made here. As we know, JPs derive their authority from the Summary Courts Act, Police Service Act and the common law. And I was very happy when Sen. Allahar alleviated my concerns when he spoke about wider JP reform, training and that the powers of JPs would be limited to their common law and historical powers, as opposed to any expanded or extended jurisdiction.

There are advantages to allowing JPs to issue search warrants. Some of these—well JPs are geographically and practically more accessible especially after hours and in remote areas. Timely warrants, as we have heard, are vital. Delays can defeat the purpose of the search warrant because it gives a personal opportunity to destroy evidence or to hide evidence. So empowering JPs reduces investigation bottlenecks and supports operation policing needs, especially as the Judiciary cannot realistically provide 24/7 warrant coverage without special arrangements, for example, duty masters.

Now, as you have heard, there are disadvantages. Unlike magistrates, JPs are lay persons with no legal training. The assessment of reasonable grounds, probable cause and the sufficiency of a witness statement is a legally technical thing. JPs are not required to produce written reasons or to maintain a record comparable to a magistrate and that makes ex post facto review a lot more difficult. But aggrieved persons have recourse.

An improperly issued search warrant can be quashed at judicial review. All kinds of reasons: lack of reasonable grounds, insufficient evidence, excess of jurisdiction, bad faith or failure to apply the correct test. And there are civil actions that you can bring in tort. Where a search is unlawful, the State may be liable for trespass to goods; trespass to property; conversion; malicious procurement of a search warrant. And High Court relief may include damages,

declarations and vindicatory awards. Evidence obtained under a defective warrant is liable to exclusion, and the JP can be reported to the Ministry of Legal Affairs for disciplinary action.

So overall—I mean, again, there is always this delicate, difficult balancing exercise, but overall, I think accessibility, speed, geographical availability and the support of continuing police operations, I would accept that those benefits outweigh the risks. I accept that there are risks and that training and oversight may be inadequate, but the courts have a robust supervisory jurisdiction, and aggrieved persons have multiple forms of recourse. So, for me, the issue is not legality, but whether safeguards are strong enough to ensure the constitutional proportionality and to prevent abuse.

So, in concluding I would say, it is generally accepted by lawyers that the AJIPA system is a vast improvement over the old system of preliminary inquiries. We do not want to make our systems and processes overly complex and convoluted. My concern in approaching this debate was to ensure that there was no conflict with any fundamental human rights, because those rights mean little if administrative delays and statutory restrictions cause persons charged with minor offences, like Joel Alexander, to spend weekends in custody, suffering insanitary, overcrowded, degrading detention for minor offences. Conditions wholly disproportionate to their alleged wrongdoing. But happily, that is not the case. So, all in all, I thank you, Mr. President, and I will support this legislation.

Hon. Senators: [*Desk thumping*]

Mr. President: The hon. Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General (Sen. The Hon. John Jeremie SC): Mr. President, this is

a different type of afternoon. I do not think since I have been here that I have heard Sen. Vieira speak, without conditions, in support of a measure, certainly one that I have—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC:—but I accept that—as he ended his contribution, and I want to begin where he ended his contribution. He ended his contribution by saying that AJIPA is far superior to what we had before. We have abolished dual indictable proceedings legislation, and we have embraced a new culture.

Now, that in itself, is not always an easy thing to do. AJIPA is being monitored by a unit in the Office of the Attorney General. I believe it was set up by my colleague on the other side. Those are the public servants who bring us here this afternoon.

Now, people of good faith can differ on the results of their work. We on this side happen to think that the legislation that is before us, and for the reasons, all of the reasons put by Sen. Vieira, of all people, of all of those reasons, and I only say of all people, because we often find ourselves in, not armed but bitter struggle. But for all of those reasons, the fact that the legislation allows for speed, it invariably, it balances important rights, constitutional rights and without foreshadowing what I will see in the legislative agenda that I was asked about this afternoon.

The Government intends to move legislation to allow citizens to have a constitutional right to a speedy trial. Now, the fact is that AJIPA fits in with that sort of philosophy and that speed in criminal matter is not a bad thing.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: That is not to say that in achieving that result we will railroad ourselves past some of the very valid concerns raised by my

colleagues, mainly on the Independent Bench and by Sen. Chote. But what I want to say, and I would not be long, is that I checked, and at least in Trinidad I know that between 1917 and 2023 we have had JPs doing exactly what we seek to do this afternoon.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: So, for the past, maybe 18 months, we have changed the law. We know for a fact that the High Court has said that one of those changes that we made was wrong, it was unconstitutional, and it was bad. They did that in 2023.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: I am not casting aspersions on anybody, I am just saying that perhaps they had good intentions, but the fact is that the legislation was found to be unconstitutional and void.

Now, we are here this afternoon to remedy that wrong and to listen to that unit which monitors this legislation. They have said to us, listen, the stakeholders say that the system as far as it operates with respect to search warrants is in need of reform; go back to the Justices of the Peace. We have tried this, it has not worked, go back to the Justices of the Peace. Is it a dispensation which is built on Justices of the Peace, perfect? No, it is not, it cannot be.

3.40 p.m.

But, do you know what, Mr. President? The old system was not working.

And, when I said to my friends, "Show me where in the 2023 amendments one place— Show me where in the 2023 amendments you all addressed your minds to the fact that, well, this is something that we are taking away from Justices of the Peace?" I challenged them. I said, Listen, if you find it, because I did not

find it, I studied it. I think I could read. I did the best that I could do, but I asked them to help me. You know what was the response, Mr. President? "There is nothing there, but that does not mean to say that we did not think about it." Well, Mr. President, there was nothing there because they did not think about it.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: The fact is, it has not worked. The stakeholders have said it has not worked. We are here this afternoon—My friend, as the Leader of Government Business, has said that we take the point that we should not be giving JPs a jurisdiction greater than they have had between 1917 and 2023.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: And, in the amendment, which I have circulated, we have taken that on board.

Another valuable point that was made by Sen. Chote, and repeated by practically everyone, is, the system is not perfect. You have some corrupt JPs. I mean, they are not the only ones in the society who are corrupt by the way. But, you do have some corrupt JPs, and that has to be dealt with. I want to give the Senate an undertaking this time, with all the consequences which flow from that, that I will do a reference to the Law Reform Commission, which is in the Office of the Attorney General, to tell us how we can look at legislative reform to treat with better standards of behaviour, better standards of behaviour on the part of the Justices of the Peace.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Because, the fact is that there is legislation. I took Sen. Chote at her word. When I looked, I saw that in the Bahamas there was legislation, which was not enacted just yet. Mr. President, 2025 legislation, which

has not been enacted to treat with Justices of the Peace. We want to look at it. We are people of good faith, good conscience. So that, I will ask the Law Reform Commission, to do work on this area. They will get an Attorney General's Reference and I will undertake to bring to the Senate something that shores up—because it can only read down to the benefit of the justice system—the ethical and legal responsibilities of Justices of the Peace as soon as practicable.

The legislation agenda for this year is all but set, but I would endeavour to do that within this year. Not this calendar year, but this year. Mr. President, I do not want to speak to my colleague Sen. Janelle John-Bates.

Sen. Roberts: Yeah. "Doh worry with that. Doh worry with that."

Sen. The Hon. J. Jeremie SC: I think that is a good place to stop.

Sen. Roberts: Yeah, yeah, yeah. Correct. Leave that there.

Sen. The Hon. J. Jeremie SC: With those few words, Mr. President. I thank you.

Hon. Senators: [*Desk thumping*]

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, before we proceed, let me make sure everyone is on the same page, and reading from the same script. First of all, I would like to enquire whether all Members have in their possession the revised amendments of the hon. Attorney General in their possession. That is the first housekeeping matter I would like to address. Secondly, we have in our possession, I asked other Members here to advice, whether you have in your possession, amendments circulated by Sen. Dr. Desirée Murray.

3.50 p.m.

Mr. Chairman: It is in your email. And the last set of amendments we have are submitted by Sen. Faris Al-Rawi. I would like to know if all Members would have in their possession and would have received these amendments?

Sen. Dr. Browne: Chairman, could I just have some clarification as to the rationale for circulating—thank you, Mr. Chairman, for clarification of the rationale for circulating one of the sets of amendments on paper, hard copy, and then others via email. Just to clarify that.

Mr. Chairman: Well, I understand that the Government requested that their document, that is the revised amendments, be circulated to all Members in hard copy.

Sen. Dr. Browne: Specifically?

Mr. Chairman: That is why it was done. So if other Members in the future would like their hard copies circulated, they would make the request. All right so, we will now go to the clauses. It is not a long Bill so we will deal with the clauses one by one, clause by clause.

Clause 1.

Question proposed: That clause 1 stand part of the Bill.

1	Delete and substitute the following clause:	
	"Short title and commencement"	1. (1) This Act may be cited as the Administration of Justice (Indictable Proceedings) (Amendment) Act, 2025. (2) This Act comes into operation on such date as is fixed by

the President by Proclamation.".

Sen. Dr. Murray: Mr. Chairman.

Sen. Dr. Browne: There is an amendment.

Sen. Al-Rawi SC: The AG's amendment.

Mr. Chairman: Right. AG, you care to just elaborate?

Sen. Jeremie SC: Sure. The clause is a proclamation clause. Members will be aware that this is the type of clause you put into legislation when you think that you have something to do. So that you do not wish to proclaim, you do not wish the law to come into force immediately. And that thing that we believe needs to be done is, one, training, and two, we wish to have a look at whether we need to go further with respect to legislative in terms of the duties and responsibilities of the JPs.

Mr. Chairman: Okay. Anyone have any objection?

Sen. Dr. Browne: Mr. Chairman, thank you. Just seeking some further insight from the Government. It was not provided during the debate, the concept of training. Is there a particular course or term of training that is being conceptualized? Is this something that arose today, or is there a programme that is available to be elaborated, which will give us some sense of the time frame involved?

Sen. Jeremie SC: Well, okay, in the House of Representatives, my colleague, I think the Minister of Land and Legal Affairs, he accepted that the training of JPs was something that should happen. That I think is something that—well, any right-thinking person would believe should happen. Now, the proclamation clause does not prevent us from proclaiming the parts of the Bill that are unobjectionable. So, the bit on bail, I proposed to move on that immediately. But I will tell the Senate this afternoon that the search warrants, that is something that I am going to

hold my hand on until we have examined that question, dealt with that.

Sen. Dr. Browne: So is it, Mr. Chairman—just a little further. Thank you very much for that illumination, Attorney General. Is it that there will be some mechanism by which the Government will revert to the Senate, or are we to rely on the discretion of the Government?

Sen. Jeremie SC: Well, that is not normal. I mean, if you could tell me what Parliamentary procedure would allow us to have some sort of reversion to you, I am open to that—to listening to you. The proclamation clause is, in my view, sufficient. It is not put into any of the amendments or the proposed amendments which are before me. It is a concession that I have made.

Sen. Dr. Browne: Again, I thank and acknowledge the Attorney General for that indication. It simply is a reflection of a paucity of detail. So there is a notion of training to be conducted, we assume by the Minister or the Ministry of Land and Legal Affairs.

Sen. Jeremie SC: That is the Ministry that has oversight of Justices of the Peace. I mean, as a practical matter, I am not sure whether Sen. Al-Rawi has done this before, but I did have line responsibility for Justices of the Peace and we did run extensive training courses when I had that responsibility, when we sat on the same side. I will look at encouraging my colleague to do some training. This is a serious responsibility that we are putting on Justices of the Peace and we accept that. So we will want Justices of the Peace—we are Trinidadians. We would want Justices of the Peace to be properly trained. The Government's position was articulated by the Minister with line responsibility in the other place, and I am happy to abide by that.

Sen. Dr. Browne: Thank you very much, Mr. Chairman.

Mr. Chairman: Alright.

Sen. Dr. Murray: Mr. Chairman, if I may. Just a question to the hon. Attorney General. Would that training be followed by some sort of certification?

Sen. Jeremie SC: That is what normally happens. I mean, it is training over a period of time. I cannot say—with me it was a week and at the end of the period I remember giving out a certificate.

Sen. Dr. Murray: Follow up, may I?

Sen. Jeremie SC: Sure.

Sen. Dr. Murray: That certificate is automatic or do they have to prove, because in my experience as an educator, teaching does not equal learning?

Sen. Jeremie SC: So it is new. It is not at this time provided for in the legislation. It is something that I worked my way through when I was Attorney General because I felt that this—bailiffs as well. We would train bailiffs. There was a bailiffs committee which had a curriculum and so on, and these are persons who—there is a certain amount of, I did not say it. I did not allow myself to deal with Sen. John-Bates.

There is a certain amount of elitism that underpins the idea that ordinary people who we count on to play a critical role in the criminal justice system as jurors and to just exercise their common sense, and to be persons of integrity. That is what jurors are supposed to be, common sense, persons of integrity. You train them, you expect them to come to the training and you expect them to—

Hon. Senator: [*Interruption*]

Sen. Jeremie SC: I am going to ignore my friend. You expect them to come to the training and you expect them to apply what they have learned.

I agree that the system, as it exists, is in need of reform. And I have indicated to the Senate that I will ask the Law Reform Commission to look at those models where you can perhaps make training mandatory, you can implement an

exam system and so on, a licensing. Those are questions I would leave for another day. Those things do not exist now, either with respect to bailiffs or Justices of the Peace. But I think it would be a positive development.

Sen. Dr. Murray: So just for my clarification, the proclamation would take all of that into consideration, including possibly certification by examination or well all other—

Sen. Jeremie SC: Well, I do not want to get into that level of detail, but what I am saying is that, certainly with respect to the bail portion of the amendment, you have a decision of the High Court that we all—I do not think I heard one person speak out against it this afternoon. So the legislation can go forward with that. That bit can be assented to by the President right away, but insofar as the search warrants are concerned, I am going to hold my hand until my colleague has done what is necessary to train his JPs in the existing dispensation.

Question put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Clause 3.

3 (A) Delete paragraph (a) and substitute the following paragraph:

"(a) by deleting subsection (1A) and substituting the following subsection:

"(1A) Subject to subsection (1B), for the purpose of this Act, a Magistrate, a Magistracy Registrar and Clerk of the Court or a Justice of a Peace shall not have nor

exercise jurisdiction in relation to any matter –

(a) referred to in subsection (1); or

(b) for which a Master is given jurisdiction under this Act.";".

(B) Delete paragraph (b) and substitute the following paragraph:

"(b) by inserting after subsection (1A), the following subsections:

"(1B) For the purpose of this Act –

(a) a Magistrate, a Magistracy Registrar and Clerk of the Court or a Justice of the Peace shall, subject to subsections (1C) and (2), have and exercise concurrent jurisdiction with Masters to issue search warrants; and

(b) except where an accused is required to show sufficient cause or exceptional circumstances under section 5(2), (3) or (4) of the Bail Act, a Justice of the Peace shall, subject to subsection (3), have

and exercise concurrent jurisdiction with Masters to grant bail in accordance with section 5(2) of that Act, to fix the amount thereof and take recognisances.

(1C) A Justice of the Peace shall not –

(a) issue a search warrant in respect of more than one set of premises at a time; or

(b) exercise jurisdiction under section 5(1B).";".

(C) In paragraph (c), delete the full stop and substitute the words

"; and".

(D) Insert after paragraph (c), the following paragraph:

"(d) by repealing subsection (3) and substituting the following subsection:

"(3) Where –

(a) the Registrar grants an accused bail or remands him in custody, he shall cause the accused to appear or be brought before a Master and shall transmit the record of the proceedings and all relevant

evidence to the Master; or

(b) a Justice of the Peace grants an accused bail, he shall cause the accused to appear or be brought before a Master.”.”.

Mr. Chairman: I know we have amendments as revised by the AG. We also have amendments by Sen. Al-Rawi and Sen. Murray. May I respectfully suggest with the reviewed or revised amendments coming from the AG, may I seek your leave to allow the AG to explain his revised amendment before taking the amendments from both colleagues? AG.

Sen. Jeremie SC: Mr. Chairman, may I?

Mr. Chairman: Attorney General.

Sen. Jeremie SC: Okay, so by deleting the original (a) replacing it with new subsection (1A), the revised wording we think defines better the scope of jurisdiction from magistrates, magistracy, registrars, clerks of court and Justices of the Peace. It clarifies that these officers do not have jurisdiction over the matters referred to in subsection 1 or those assigned to a master under the Act.

4.05 p.m.

It ensures consistent interpretation on application of the law, thereby improving legal clarity and administrative efficiency. It is subject to subsection (1B), which gives powers to them for issuing warrants and for JPs to grant bail. That is it. Do you want me to deal with subsection (1B) as well?

Mr. Chairman: Yeah. Well, I think we are dealing with the whole of clause 3 here and you have another—

Sen. Jeremie SC: Okay. So that provides precision and clarity in respect of the extent of concurrent jurisdiction, exercisable by magistrates, magistracy registrars,

clerks of the court and Justices of the Peace; ensures that there is no ambiguity or confusion as to the limits of their authority under AJIPA. The new provision reinforces that these officers can issue search warrants, aligning the authority with that of masters, thereby streamlining procedures and clarifying their roles. It extends the jurisdiction of JPs to include granting bail, particularly emphasizing the circumstances under which JPs can exercise that authority when an accused is not required to show sufficient cause or exceptional circumstances under sections of the Bail Act, which I have spoken to before. The amendment is intended to give legislative effect to the ruling in the Joel Alexander case.

And I did make a concession, that is, in subsection (1C). It now reads that:

"A Justice of the Peace shall not –

a) issue a search warrant in respect of more than one set of premises at a time; or

b) exercise jurisdiction under section 5(1B)."

And that, of course, speaks to the point that Sen. Chote made about the Justices of the Peace having an enlarged jurisdiction beyond that which they had, let us say, at common law between 1917 and 2023.

Mr. Chairman: Any further elaboration?

Sen. Jeremie SC: That is it.

Mr. Chairman: You are fine, Attorney General? All right. We have now heard the explanation for the new amended clause 3 as circulated by the hon. Attorney General. I would now like to ask Sen. Al-Rawi and after, Sen. Dr. Murray, to elaborate on your submissions, or whether—before the AG—given that the explanation by the Attorney General is sufficient, for both amendments from Sen. Al-Rawi and Sen. Dr. Murray to be withdrawn. But that is up to you both, but I think the Attorney General would like to say something before you speak.

Sen. Jeremie SC: Just one second, Mr. Chair. There is a further subclause (D). There is a new section 10(3)—I am not sure if colleagues are seeing it:

"Where –

(a) the Registrar grants an accused bail or remands him in custody, he shall cause the accused to appear or be brought before a Master and shall transmit the record of the proceedings and all relevant evidence to the Master; or

(b) a Justice of the Peace grants an accused bail, he shall cause the accused to appear or be brought before a Master."

That is the policy decision to extend JPs' jurisdiction to grant bail in limited circumstances. JPs will have the authority to remand the accused in custody as Registrars are empowered to do so. That is it.

Mr. Chairman: Okay. Sen. Faris Al-Rawi.

Sen. Al-Rawi SC: Thank you. I thank the Attorney General for the amendment circulated. Could I, please, before—I am not proposing to deal with my submissions just yet. May I seek to ask the hon. Attorney General to provide some clarification in relation to his amendments? So I am going to state what I understand the amendment to be. I understand the amendment circulated, in particular, to clause 3. Firstly, if we look at the list of amendments circulated, at the first page, we are seeing:

"(1A) Subject to subsection (1B)…"—that—"…Magistrate, a Magistracy Registrar and Clerk of the Court or a Justice of the Peace shall not have nor exercise jurisdiction in…any matter –

(a) referred to in subsection (1)…"

Subsection (1) is very important because it sets out the matters in section 10 which will fall outside of our positions, and if you would permit me just to put it on the

record. Section 10 of AJIPA, which is the section that we are talking about, is:

"(a)…search warrants;

(b)…complaints on oath pursuant to section 6;

(c)…summons or…arrest…

(d)…bail in accordance with Bail Act…fix the amount…"

(da)…take recognisances...

(e) remand the accused in custody."

That is very clear. It also says that it will not allow for concurrent jurisdiction for which a master is given jurisdiction.

So the first thing that arises, if the Attorney General could assist me here, is this expressly going to allow that only a master will issue warrants under section 5A, that is big "A" of AJIPA? Those are the stored data and communications positions. That is the first question.

Sen. Jeremie SC: The question that you are asking is masters only—

Sen. Al-Rawi SC: Correct. In other words then, there is no concurrent jurisdiction with respect to section 5A of AJIPA, which is stored data and communications. That would take care of a number of concerns.

Sen. Jeremie SC: So when I read out the amendment a while ago, I did say that we were taking out the jurisdiction of the—just a second—deleting the original paragraph (a), replacing it with a new subsection (1A). The revised wording explicitly defines a scope of jurisdiction for magistrates, magistracy registrars, clerks of the court and Justices of the Peace. It clarifies that these officers do not have jurisdiction over matters referred to subsection (1) or those assigned to a master under the Act. Now, subsection (1B) which gives powers to them for issuing warrants and JPs, that is different.

Sen. Al-Rawi SC: Yes. So the reason why I asked is because subsection (1B) on

the next page is subject to subsection (1C), and subsection (1C) says only—so subsection (1B) says, this class:

> "…Magistrate…Magistracy Registrar…Clerk of the Court…Justice of the Peace shall, subject to…(1C) and (2), have and exercise concurrent jurisdiction with Masters to issue search warrants…"

I am holding on to that word, "search warrant" because there are many search warrants in AJIPA. There is a search warrant in section 5A, and that is specifically for stored data, et cetera, under the Interception of Communications Act—well, provisions.

So I just wanted, out of an abundance of caution, to ensure that the caveat to subsection (1A), which are subsections (1B) and (1C), which I will come to in a second, does not trigger the risk that section 5A warrants can be allowed, because you have search warrants under section 5(1) and you have search warrants under section 5A and therefore, I wanted to be sure about that because subsection (1B) creates that exception and then subsection (1C), I will come to.

Sen. Jeremie SC: Okay. So if we take the intercepts out of it under IOCA, you are dealing with stored data and our thinking is that whether data is stored on an electronic device or not, it is amenable to the ordinary jurisdiction of the Justices of the Peace. So that there should be no hindrance to a JP issuing a warrant to get at stored data. This is not an intercept under IOCA.

Sen. Al-Rawi SC: Thank you, hon. Attorney General, save that IOCA itself only allows warrants for those categories of things to happen by a judge.

Sen. Jeremie SC: No, it says, "may". The section says, a judge may issue.

Sen. Al-Rawi SC: Yes. Well, that preserves the discretion of the judge to issue it or not issue it, but the point is that the species of interception is live interceptions pursuant to section 8 and section 11 of IOCA, Interception of Communications

Act. That is one category. But stored communications is another category of warrantable material under the Interception of Communications Act, and under that law, you can only access it via a judge, not a subsidiary—forgive me, not a master, not a magistrate, not a registrar, none of them are permitted that privilege.

Sen. Jeremie SC: My view is that there should be no let or hindrance to a JP issuing a warrant for material. Even if that material is stored on the cell phone, it is not an intercept which is covered by IOCA.

Sen. Al-Rawi SC: Thank you, hon. Attorney General. When the IOCA—just a further question. As I understand IOCA, having amended it several times, IOCA is a live intercept, which is section 8 and section 11 of IOCA, and it is also a delayed intercept for things that are stored: Traffic data, communications data and storage data.

Sen. Jeremie SC: Well, that would not be an intercept, it will be storing of intercepted material.

Sen. Al-Rawi SC: Storage of material which was used in the course of things which you could intercept. So it is WhatsApp, it is text messages, it is all of these things that are stored on electronic devices.

Sen. Jeremie SC: Correct. So it is data.

Sen. Al-Rawi SC: Sure. I just want, for my purposes, to understand the positions. I am not going to complain about the policy which the Government has, but just to inform me. I have a further question if you would entertain me.

Sen. Jeremie SC: Sure.

Sen. Al-Rawi SC: So we are saying in respect of—so we go from subsection (1B), and subsection (1B) has a caveat that says subsection (1B) is subject to subsection (1C) and subsection (2). Subsection (2) is fine because you can have a warrant issued on a Sunday, et cetera, et cetera, so subsection (2) does not concern

me. The question is in relation to subsection (1C). So subsection (1C) says—and here is the generous buildout of the "concession", the common law positions of the justices of the peace. So subsection (1C) says:

"A Justice of the Peace shall not –

(a) issue a search warrant in respect of more than one set of premises…or

(b) exercise jurisdiction under…5(1B)."

In subsection (1C)(a), subsection (1C)(a) is tied—the issuance of search warrants—the reason why I asked about the provisions earlier, that is stored communications, section 5A, was to make sure that we were talking about specific warrants. So you have answered that.

4.20 p.m.

When we are talking about (1C)(a), issuing a search warrant in respect of more than one set of premises, to understand it in context, we jump to section 5 of AJIPA, and section 5 of AJIPA is:

—The—"…master…"—being—"…satisfied…"—he can issue a warrant—

"a. anything…indictable offence…

b. anything…reasonable ground for suspecting will afford evidence…

c. anything which there is reasonable ground…"

That comes from the Preliminary Enquiries legislation section 5 by itself. That is fine. But when we get to (1A), notice the caveat is (1B), it is not (1A), 5(1A) of the AJIPA:

"A search warrant issued under subsection (1) may authorise the search of—

(a) one or more sets of premises…"

You have curtailed that with (1C) by saying only one set of premises.

But what is not treated with is 5(i), which says—so let us assume that we applied one set of premises that is in (1A). So our JP in this (1C) can only issue, in

accordance with section 5(1A)(a), a warrant for one set of premises. But (b) says:

> "any premises occupied or controlled by a person specified in the warrant, if the Master is satisfied…"—and hear the qualifications—
>
> "(i) because of particulars of the indictable offence referred to in subsection (1), there are reasonable grounds for suspecting that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application for search warrant in order…"

In other words, then, one set of premises which are unknown, if I read it out in plain English—Roman numeral (ii) says one set of premises—now I am borrowing (1C) curtailment:

> "It is not reasonably practicable to specify in the application for the search warrant all the premises which the person in question occupies or controls." That also satisfies one unknown set of premises.

So, you get a warrant from a JP to search John Browne, whose premises are unknown. It satisfies (1C). Now this 5(1A) was the widening of AJIPA well beyond the search warrant facilities in the Preliminary Enquiries (Old Law). If you look to section 5 of the old law, it has none of this breadth, because the breadth is more than just one set of premises; it now provides for a search warrant for unknown premises, uncertified premises, you just do not know. You get a search warrant to search the one premise of John Browne.

So, whilst the amendment at (1C)(a) treats with one of the mischiefs, the common law, if you want to look at it from a codification of statute point of view, the Preliminary Enquiries Act section 5, where warrants are given, is much narrower than section 5(1A) of AJIPA. So, how do we curtail those mischiefs? Because our concern was much broader than just one set of premises?

Sen. Chote SC: [*Inaudible*]

Sen. Jeremie SC: Sure. Sen. Chote, sure.

Sen. Chote SC: I am not really following what we are discussing here. Because it seems to me, with all due respect, that by saying that the Justice of the Peace shall not issue a search warrant in respect of more than one set of premises at a time, means that the Justice of the Peace, in any set of circumstances, can only issue a search warrant for one set of premises. I am not sure if I am not following—

Sen. Jeremie SC: I am struggling to see that there is another meaning out of respect for Sen. Al-Rawi.

Sen. Al-Rawi SC: Perhaps, if I could just—

Sen. Jeremie SC: That is my interpretation. I am being very patient, and I am trying to understand Sen. Al-Rawi's point.

Sen. Al-Rawi SC: Appreciated. Perhaps I can lend some elucidation. I am reading directly out of section 5 of the AJIPA.

Sen. Jeremie SC: Okay. So, if you can see, the difficulty this afternoon was that the Justice of the Peace, who never had a jurisdiction to issue a warrant in respect of more than one set of premises, we have cured that by (1C)(a). What else do you say we have not got?

Sen. Al-Rawi SC: Sure. So, it targets the express permission to issue unknown premises, even if it is one. The one premise of John Browne, which I do not know, is captured by section 5(1A)(i) of AJIPA. That is specifically what it captures. But you would have to read it to see it. I do not know if you have it before you AG.

Sen. Jeremie SC: Well, I know the section. I do not have it before me. But I think that the point is that the JP has the power to issue a warrant for one set of premises. That is it.

Sen. Al-Rawi SC: May I add the words? The JP's power prior to this 2023 amendment was that you could issue a warrant for one set of described premises, No. 1 Abercromby Street, Port of Spain.

Sen. Jeremie SC: Well, a set of premises, obviously, has to be described, it cannot be—

Sen. Al-Rawi SC: No. So that is exactly the point. In AJIPA (1A) says that you can get a warrant for premises that you do not know the address for. That is what (1A) says. It is black and white.

Sen. Jeremie SC: Okay. But if that is so, then the search warrant obviously will be barred. I mean, as far as I am aware—I mean, this is my understanding of the practice. I have practiced less criminal law than Sen. Chote, but I suspect a little more than you have.

Sen. Al-Rawi SC: Sure.

Sen. Jeremie SC: Obviously, when you go to get a search warrant, you have to say where you are going to search. At common law, you have to give a description. I mean, it is the case that *Central Broadcasting Services Ltd et al v The Attorney General of Trinidad and Tobago* case that I—

Sen. Al-Rawi SC: So, AG, I agree with you, but I am borrowing from the construction that Justice Gobin engaged in, in saying what the law did not say. So the law says—

Sen. Jeremie SC: That is on bail a different breadth—

Sen. Al-Rawi SC: No, no, no. I am just borrowing the methodology, so I accept that that is bail. So, in construing the law, we are seeing here one set of premises. But we, as a Parliament, in just leaving (1C) as it is, we are not disapplying the power of the Justice of the Peace to go on unspecified premises under (1A). It is curable by saying that the JP will not have the power under (1A). It is curable that

way. It confines the JP to one set of premises which are known.

Sen. Jeremie SC: Okay. I disagree. I think that the section is clear as drafted.

Sen. Al-Rawi SC: Thank you for the elucidation. Mr. President, I do not propose to engage in any debate. The AG has answered what I wanted, which was the policy of the Government, because it would inform our support or non-support. So, for the record, thanking the Attorney General, this is not a place to debate the policy. My reservation has been stated. There is a danger in 5(1A)(i) of AJIPA.

Mr. Chairman: Senator Murray.

Sen. Dr. Murray: Thank you, Mr. Chairman. So, I have been trying to follow the discussion, and am I correct in that everybody would be comfortable with saying one set of known premises? Is that what I got from that, or did I not follow correctly? Is it the known versus the unknown?

Mr. Chairman: Ma'am, before you go on, let me come back to Sen. Al-Rawi. You have specific amendments to clause 3.

Sen. Al-Rawi SC: Yes, Sir.

Mr. Chairman: Are you withdrawing?

Sen. Al-Rawi SC: No, Sir? Because we are still—

Mr. Chairman: Well, can I put your question, because, you see, if you are not withdrawing, we have to settle before we go on to Sen. Murray.

Sen. Al-Rawi SC: May I ask for your guidance on something?

Mr. Chairman: So, if it is that you are not withdrawing and the AG has clarified the position of his side, what I am saying is that we have to put your question.

Sen. Al-Rawi SC: So, Mr. Chairman, because we have tabled-up the first that tease the AG's amendments and we have not voted on that yet, the next sequential position will be the other amendments proposed. So, I took this exercise, which I am very grateful for, and for the responses of the Government to be interrogation

of the amendments proposed by the hon. Attorney General. So, I did not see that procedurally we were yet in a position to table or consider my amendments. I understand that we are still discussing the hon. Attorney General's amendments.

Mr. Chairman: Well, we cannot continue doing that for the whole evening. So, what I am saying is that the Attorney General has clarified his position. You have sought further clarification. I think that we have exhausted that. So what I am saying is that can you now put your amendments forward and clarify? So if the AG has to respond, he would be in a position to respond to your amendment.

Sen. Al-Rawi SC: And for your guidance, Mr. Chairman, is it that we will then, after I put my amendments, vote for the AG's amendments? You see, my problem with the approach suggested is that we have not completed the hon. Attorney General's amendments procedurally.

Mr. Chairman: The AG has clarified his amendments. The question of his amendment will come last. Your amendments are before us. I am seeking for you to clarify so we can move on.

Sen. Al-Rawi SC: Sure, happily. Thank you for the clarification. You have clarified the procedure. It is your direction. I am happy to oblige. Thank you, Mr. Chairman. My amendments, as proposed, are really quite simple. They proposed the elimination of Justices of the Peace from the category of persons that can issue search warrants. They do not touch at all the proposed amendments that we will come to later in relation to bail, which we agree with.

My amendments are tabled on the fact that the Opposition's position, at least my own position, in relation to search warrants is specifically that if we were to propose the Bill as proposed to be amended by the Government, we would run into hot water with the search warrants that are permitted by Justices of the Peace under section 5(1A) which is more than just premises which are described which is 5(1),

but, in 5(1A), it allows for unspecified premises being one alone if we take the AG's amendment as it is. And for those reasons, I proposed the amendment as circulated.

Mr. Chairman: So, I will put the question. The question is that—[*Confers with clerk*]—I am being advised now that Sen. Al-Rawi has put forward his position on clause 3, which are his amendments—are there any other views that anyone would like to express as it relates to Sen. Al-Rawi's amendments before I put the question? Senator Chote.

Sen. Chote SC: Mr. Chairman, simply to say that it seems to me that the proposed amendment by the hon. Attorney General should take away the concern that Sen. Al-Rawi SC has with respect to the other possibility for use of the subsection to which he refers. So, otherwise, you would have a section, and I know when lawyers start to talk this way, people just shut off, but forgive me. It is the only way that I can explain it, otherwise, we would be reading it in such a way as to read it to say that this section is inconsistent with itself, and that is not permitted according to the laws relating to statutory interpretation. That is just my very humble and respectful view.

Mr. Chairman: Thank you very much, thank you very much, Sen. Chote. So, the question is—

Sen. Al-Rawi SC: Mr. Chairman, as you are putting it to a vote, and insofar as the mover usually has a reply to the submission.

Mr. Chairman: Huh?

Sen. Al-Rawi SC: Insofar as the mover usually has a reply to submissions made. May I simply, in response to Sen. Chote, say, the point is that it would have to be tested in court, and we have the option to expressly disapply section 5(1A). So, for those reasons, I understand where she is coming from, but I bet a dollar, at least,

that it will be tested, and I am seeking to avoid that. Thank you, Mr. Chairman.

Question put and negatived.

3.35 p.m.

Mr. Chairman: Dr. Murray, can you proceed?

Sen. Dr. Murray: Thank you, Mr. Chairman. My proposed amendment has to do, as I stated in my contribution, with training and certification. So, with regard to clause 3(A) and I think also to 3(1B) of the Attorney General's most recent circulation—anyway, it is the same. I think after "Justice of the Peace", I am proposing that we add the words "who has undergone approved standardized training and certification for the issuance of warrants". That is 3(A). And then for 3(B), I know I did not cover it in my contribution, but I would like to apply the same logic to bail and say that after the words "Justice of the Peace", "who has undergone approved training and certification for the issuance of warrants and granting of bail". I apologize, but I did not have much time to try and understand the Bail Act.

Mr. Chairman: You are requesting a further amendment?

Sen. Dr. Murray: I am requesting an amendment to my amendment by adding the words—

Mr. Chairman: Can you repeat the words, please, so we can take note of it?

Sen. Dr. Murray: So, in my amendment to clause 3(B), I am proposing that after the words "Justice of the Peace" be added "who has undergone approved standardized training and certification for the issue and warrants"—

Mr. Chairman: You are going fast, too fast.

Sen. Dr. Murray: Oh, I am so sorry.

Mr. Chairman: Alright, go ahead.

Sen. Dr. Murray: And then the amendment to that amendment would be "and

granting of bail".

Mr. Chairman: Okay. Attorney General, would you like to respond, obviously, to these amendments?

Sen. Jeremie SC: Mr. Chairman, we have put in a proclamation clause, and I have given an undertaking, which I think is as far as I can go. I cannot support the amendment as it is drafted, but I have given an undertaking to—this matter falls within the Ministry of Legal Affairs now, and I know that my colleague in the other place has said that he intends to ensure that Justices of the Peace are trained. Now, when he said that, it would have been in respect of search warrants, because that was the Bill in its shape downstairs before the decision of Justice Gobin, which came five days after. But I expect that that training would extend to bail, and that is as far as I can go.

Mr. Chairman: So, Sen. Murray, would you like to put your question or are you withdrawing your question?

Sen. Dr. Murray: No, I would like to put the question, please.

Mr. Chairman: You would like to put the question?

Question put: That clause 3 be amended as circulated.

Sen. Dr. Murray: Division.

The committee divided: Noes 22 Ayes 8

NOES

Allahar, D.

Jeremie SC, J.

Roberts, A.

Swaratsingh, Dr. K.

Baptiste, L.

Alexander, P.

Ratiram, R.

Persad, Prof. P.

Chaitan-Maharaj, Dr. N.

Baig, B.

Charles, Ms. K.

Zakour, E.

Nakhid, D.

Jack, A.

Meighoo, Dr. K.

Vieira SC, A.

Chote SC, Ms. S.

Jones-Simmons, Mrs. C.

Lewis, F.

Lalite-Ettienne, Mrs. A.

Hon. Senators: [*Crosstalk and desk thumping*]

Mr. Chairman: Order, order, order. Order, please, please, order. We want to hear the voices in silence. Continue, please.

Division continued.

Heath SC, J.

Mc Fee, Dr. D.

AYES

Browne, Dr. A.

Al-Rawi SC, F.

Roberts-Radgman, Mrs. M.

Dhanpaul, V.

Cummings, F.

John-Bates, Mrs. J.

Murray, Dr. D.

Mc Nish, C.

Amendment negatived.

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

Clause 4.

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

Mr. Chairman: Sen. Al-Rawi SC.

Sen. Al-Rawi SC: Yes, Mr. Chair. Yes, thank you, Mr. Chairman, I am having a telephone tag with the microphone. Mr. Chairman, quite simply, the amendments that I have proposed to clause 4 are driven by my concern in relation to the matters I suggested for clause 3, which is that there is an expressed danger in section 5(1)(a), warrants, which allow unspecified premises, which could be just one. And, in those circumstances, in default of disapplying section 5(1)(a), I have proposed this amendment for consideration. Thank you.

Mr. Chairman: Attorney General, would you like to respond?

Sen. Jeremie SC: Mr. Chairman, the response is the same as it was before.

Mr. Chairman: Any further interventions? Let me put the question.

Question put and negatived.

Mr. Chairman: Sen. Dr. Murray.

Sen. Dr. Murray: Thank you, Mr. Chairman. My rationale is the same as before, so given how the previous vote went, I withdraw my proposed amendment.

Amendment withdrawn.

Hon. Senators: [*Desk thumping*]

Mr. Chairman: Thank you, Sen. Desirée. I now have to put the question on clause 4.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

New clause 5.

"Consequential amendment Chap. 4:60 Act No. 20 of 2011

5. The Bail Act is amended in section 5 (2), by inserting after the words 'Subject to', the words, 'section 10 of the Administration of Justice (Indictable Proceedings) Act, 2011 and'.".

New clause 5 read the first time.

Question proposed: That new clause 5 be read a second time.

Mr. Chairman: The question is that new clause 5 be added to the Bill.

Question put.

[*Chairman confers with clerk*.]

Mr. Chairman: Okay, let me just "re-put" the question. The question is that new clause 5 be added to the Bill.

Question put.

[*Chairman confers with clerk*.]

Mr. Chairman: Alright, I am advised, I am rushing, I do not know why, but we have to give Senators the opportunity to make their input on clause 5. So, clause 5 is now open to Senators. AG, could you explain clause 5?

Sen. Jeremie SC: So, the amendment is intended to give legislative effect to the ruling in this case that we have been speaking about for the entire afternoon, Joel Alexander. I believe even my colleagues on the other side will—let me not say what I believe they will do.

Sen. Al-Rawi SC: [*Inaudible*]

Sen. Jeremie SC: Say again?

Sen. Al-Rawi SC: For the record, we do support it, AG. We support it fully.

Sen. Jeremie SC: Mr. Chairman.

Mr. Chairman: Yes?

Sen. Jeremie SC: Yes, that is the explanation.

Mr. Chairman: Okay. Any clarification, any intervention?

Question proposed: That new clause 5 be added to the Bill.

Question put and agreed to.

New clause 5 added to the Bill.

4.50 p.m.

Long title

Inserting after the words "2011)" the words "and to make consequential amendments to the Bail Act, Chap. 4:60 and for other related matters".

Mr. Chairman: Hon. Attorney General, do you want to just address that matter? Just provide an explanation for the long title. That is all. Change in—for the record, that is.

Sen. Jeremie SC: It is to clarify and expand the scope of the Bill by explicitly stating that in addition to amending the Administration of Justice (Indictable Proceedings) Act, it also includes making consequential amendments to the Bail Act and addresses other related matters. So, the addition ensures that stakeholders are aware that the Bill's provisions will have implications beyond the original Act, particularly concerning the bail procedures which we have put in now.

Mr. Chairman: Hon. Senators, anyone would like to seek any further clarification? Hon. Senators, in accordance with Standing Order 68(12), the long title of the Bill is amended as circulated by the Attorney General.

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

Senate resumed.

Bill reported, with amendment.

Sen. Jeremie SC: Mr. Chairman, I beg to move:

That a Bill entitled an Act to amend the Administration of Justice (Indictable Proceedings) Act, No. 20 of 2011, and to make consequential amendments to the Bail Act, Chap. 460, and for other related matters be now read a third time and passed.

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

Sen. Dr. Browne: Division.

The Senate divided: Ayes 24 Noes 6

AYES

Allahar, Hon. D.

Jeremie SC, Hon. J.

Roberts, Hon. A.

Swaratsingh, Hon. Dr. K.

Baptiste, Hon. L.

Alexander, Hon. P.

Ratiram, Hon. R.

Persad, Hon. Prof. P.

Chaitan-Maharaj, Hon. Dr. N.

Charles, K.

Zakour, Hon. E.

Nakhid, Hon. D.

Baig, B.

Jack, A.

Meighoo, Dr. K.

Vieira SC, A.

Chote SC, Ms. S.

Simmons-Jones, Mrs. C.

Lewis, F.

Murray, Dr. D.

Lalite-Ettienne, Mrs. A.

Mc Nish, C.

Heath SC, J.

McFee, Dr. D.

NOES

Browne, Dr. A.

Al-Rawi, SC, Mr. F.

Roberts-Radgman, Mrs. M.

Dhanpaul, Mr. V.

Cummings, Mr. F.

John-Bates, Mrs. J.

Question agreed to.

Bill accordingly read the third time and passed.

Hon. Senators: [*Desk thumping*]

Mr. President: The hon. Leader of Government Business.

ADJOURNMENT

Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, now that the Bill has been literally read a third time, I beg to move that this Senate do now adjourn to a date to be fixed.

Mr. President: Hon. Senators, before I put the question on the adjournment, leave has been granted for a matter to be raised on the Motion for the Adjournment of the Senate. Sen. Ettienne. Please.

Hon. Senators: [*Desk thumping*]

Street Dwellers
(Health and Security Issues)

Sen. Alicia Lalite-Ettienne: Mr. President, hon. Senators, the viewing public, and the media. I stand here this afternoon to highlight an important and very crucial topic which is street dwellers and the health and security issues.

Mr. President, when it is five minutes before my time is up, could you give me a heads up, please? Now, this has been a global problem, and for our country, and for our capital, the socially displaced have reached, I would say, epidemic stages in our wonderful city. I do not know if you all remember, and could identify with the song by Petula Clark, 1964 "Downtown".

"When you're alone and life is making you lonely"

—where do you go? When the worry seems to surround you, where do you go?—

"…the neon signs…"—downtown, the pretty neon signs.

Well, it is not that case for our capital. I am a citizen of Trinidad and Tobago, and anywhere I go, I am proud to be a citizen. When I studied abroad, I adored my accent, and I am proud. I am sad to say that even though I cannot see, our capital needs desperate help. What happens is that our neon signs are replaced by socially displaced individuals, and we all can say, yes, even though socially displaced individuals have rights, you have the socially displaced legislation 2000. The Human Rights, Equality and Diversity Committee in the 12th Parliament did extensive research, and they had come up with an extensive report on solutions plaguing our city. What happens is that we need to address it in a collaborative

way.

This issue has been brought up in this Senate years ago, and I am bringing it to your attention again, because one, it is a health risk because of what is left behind with these socially displaced individuals, even though they have rights—and security risks. I can identify with it, because I am an independent person, and I walk the streets of Port of Spain. On a couple of occasions, I got attacked by socially displaced individuals, and people had to run to my rescue. Now, when a socially displaced individual damages you, and damages you for life, you have no set of regress. You have no compensation, nothing at all, and even though they have rights, we have rights too. Our solution is not, "It is filthy, and let us head for the malls". No.

Right now, the Government is engaging in a lot of international collaborations, and strategic business partners even with headquarters in Port of Spain, and look at the condition. I am pleading with the Government, if we—because I am a citizen of Trinidad. If we could prioritize—

Mr. President: Sen. Ettienne, you have five minutes.

5.05 p.m.

Sen. A. Lalite-Ettienne: Thank you—if we could prioritize this situation. We have rights, they have rights. Maybe you could look to, you know, continuing the construction on the east side of Port of Spain, because they have blanketed Port of Spain. They are no longer on the east side of Port of Spain. We are talking about tourism, and when cruise ships come to our shores, Carnival, we want to advertise our wonderful city. What we are met with is an epidemic of socially displaced individuals. We are afraid to even sit on the promenade and even in the parks because it is filthy. It is a health risk and it is also a security risk. People are scared; literally scared. So I would like to plead to the Government to somewhere

make a priority.

Last Sitting we had, while coming up Abercromby Street—it is a good thing I cannot see, sometimes it is a benefit—you had a socially displaced person happily having a shower a few steps outside of the seat of Parliament. It is a serious situation. And to save our city, the Mayor wants to buy new equipment and stuff, but we need to deal with the socially displaced.

So I will like to conclude by saying, I am kindly asking the Government if they can make it a priority for the sake of everyone, for the sake of persons with disabilities, for the health concerns and security, if you could really pay attention to the socially displaced. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Parliamentary Secretary in the Ministry of the People, Social Development and Family Services.

Hon. Senators: [*Desk thumping*]

Parliamentary Secretary in the Ministry of the People, Social Development and Family Services (Sen. Dr. Natalie Chaitan-Maharaj): Mr. President, thank you for the opportunity to address this Motion. Street dwelling is a complex social issue that touches public health and safety, urban cleanliness, as said, and most importantly, the dignity of our most vulnerable citizens.

Our Ministry's approach is compassionate, coordinated and accountable, balancing urgent action with the responsible stewardship of public funds to address it at the view of scale and realities, Mr. President. Empirical data indicates variation over the recent years, not a blanketing. In Port of Spain, 211 street dwellers were identified in 2019; 336 were counted in March 2021, including Woodbrook and St. James; and 235 in 2023. These figures represent a dynamic population influenced by multiple pressures and ongoing interventions. The Social Displacement Unit of

the Ministry of the People, Social Development and Family Services leads the national response, assessment care, rehabilitation and reintegration of street dwellers.

Between October 2024 and July 18, 2025, the SDU conducted 1,929 street engagements and investigations, made 260 shelter and care referrals, 51 rehabilitation referrals, and 199 referrals to other social programmes, and supported 72 deportees and facilitated 17 transitions to independent living. In total, the activity count is 2,676. These are concrete outcomes from persistent on-the-ground outreach.

To address concerns of infrastructure and service expansion, Mr. President, following the decommissioning of the Centre for Socially Displaced Persons at South Quay, Port of Spain, in 2022, construction of a new five-story assessment centre for the socially displaced at old Foundry Road, South Quay, commenced in 2024. As at June 30, 2025, works are 49 per cent complete, with completion scheduled for the fourth quarter of 2026. This centre will provide assessment, temporary housing and referral services, including mental health, rehabilitation and social support within a housing-first policy orientation.

Looking at legal and operational pathways, Mr. President, under the proclamation of the Socially Displaced Persons Act, which was assented to on November 02, 2000, the State relies on existing laws, for example, the Summary of Offences Act, Mental Health Act and the Police Service Act to enable compulsory assessment and care only where warranted, always exercising safeguards and judicial oversight. This ensures we protect the wider public while respecting individual rights.

To address Sen. Lalite-Ettienne's public health and community well-being concerns, Mr. President, unmanaged street dwelling increases risks of

communicable disease transmission, environmental degradation and incidents in public spaces, agreed, while exposing street dwellers, on the other hand, to violence, exploitation and harsh conditions themselves. Our response will therefore combine engagement of public health departments within municipal corporations, with medical and social assessments during outreach and coordinated placements into care.

The constraints we are overcoming: We acknowledge gaps in specialized shelter capacity, particularly for women, persons with disabilities and clients requiring mental health and substance abuse treatment and skills training. Repurposing of legacy facilities reduced training opportunities, and the "not-in-my-backyard" sentiments complicate siting of services. These realities are precisely why the Ministry is scaling infrastructure, strengthening partnerships and advancing policy reforms. This is not a task for the Government alone. Our collaborative plan includes interministerial coordination, municipal partnerships, civil society and faith-based organizations, decentralized drop-in centres, mobile outreach and linked data systems to track client journeys. The objective is seamless care from street engagement, to treatment, to independent living, countrywide.

Our commitments and immediate steps, Mr. President: In the immediate term, we will act. We will maintain weekly street engagement with rapid assessment and referral. We will prioritize those at risk most, women, older persons, persons with disabilities and individuals with acute mental health needs. We will explore the expansion of transitional capacity while the assessment centre for the socially displaced is completed, including any current facility, which may be fit for purpose.

Active engagement and collaboration with NGOs currently working with the socially displaced will be pursued and further leveraged to enable access to

required support systems. Where risk is high, we will continue to use legal tools available, always rights-compliant to secure compulsory assessment and care, and we will intensify public education to reduce the stigma and build community support.

I therefore ask this honourable House to support full resourcing of the SDU staffing and specialized placements to promote stronger collaboration between stakeholders, Ministries, departments and agencies, to back data sharing across agencies for better case management, and to advance the legislative pathway to proclaim and modernize the Socially Displaced Persons Act with robust safeguards.

In closing, Mr. President, the Ministry of the People, Social Development and Family Services is resolute. We will protect public health and safety while upholding compassion, dignity and human rights. Every citizen matters. We ask the House and our national community to stand with us as we move people from the streets to stability, recovery and reintegration. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.14 p.m.