

**SENATE**

*Tuesday, April 21, 2026*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators, I have granted leave of absence to Sen. Dr. Amery Browne, who is out of the country. Hon. Senators, I shall revert to this item sometime later on in the proceedings.

**PAPERS LAID**

1. Annual Audited Financial Statements of the National Training Agency for the financial year ended September 30, 2015. [*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 National Training Agency for the financial year ended September 30, 2016. [*Sen. The Hon. Dr. K. Swaratsingh*]
3. Annual Audited Financial Statements of the National Training Agency for the financial year ended September 30, 2017. [*Sen. The Hon. Dr. K. Swaratsingh*]
4. Annual Audited Financial Statements of the National Training Agency for the financial year ended September 30, 2018. [*Sen. The Hon. Dr. K. Swaratsingh*]
5. Annual Audited Financial Statements of the National Training Agency for the financial year ended September 30, 2019. [*Sen. The Hon. Dr. K. Swaratsingh*]

**UNREVISED**

6. Annual Audited Financial Statements of the National Training Agency for the financial year ended September 30, 2020. [*Sen. The Hon. Dr. K. Swaratsingh*]
7. Annual Audited Financial Statements of the National Training Agency for the financial year ended September 30, 2021. [*Sen. The Hon. Dr. K. Swaratsingh*]
8. Annual Audited Financial Statements of the MIC Institute of Technology for the financial year ended September 30, 2023. [*Sen. The Hon. Dr. K. Swaratsingh*]
9. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Seized Assets Fund Account as at September 30, 2025. [*Sen. The Hon. Dr. K. Swaratsingh*]

### **JOINT SELECT COMMITTEE REPORT**

#### **Public Administration and Appropriations Committee Special Report on the Conduct of a Member (Presentation)**

**The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Leroy Baptiste):** Mr. President, I have the honour to lay on the table the following report as listed on the Supplemental Order Paper in my name:

Special Report of the Public Administration and Appropriations Committee, First Session, Thirteenth Parliament on the conduct of a Member.

### **URGENT QUESTIONS**

#### **Murder of Cpl. Eversley**

#### **(Measures to Safeguard Citizens)**

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

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

**Sen. Faris Al-Rawi SC:** Thank you, Mr. President. To the Minister of Homeland

Security: In light of the murder of Municipal Police Service Corporal Anuska Eversley and the theft of over 100 firearms on Sunday April 19, 2026, what immediate measures are being put in place to safeguard law enforcement personnel and the public?

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

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

**The Minister of Homeland Security (Hon. Roger Alexander):** Mr. President, I thank the hon. Member for the question. The murder of Corporal Eversley at the San Fernando municipal local government police station, Mr. President, and the subsequent stealing of firearms is a matter of great national concern.

Since this incident occurred less than 48 hours ago, the Trinidad and Tobago Police Service has worked around the clock. I am confirming, according to the information from the Commissioner of Police, that 10 men, ages 16 to 33, are currently in police custody. They have made significant progress in the recovery of these stolen hardware, including one MPX submachine gun, four shotguns, one revolver and 39 pistols. That includes also, Mr. President, 900 rounds of ammunition, and also, 39 pistol magazines and one MPX magazine.

While the investigation is at a sensitive stage and we await the direction of the Director of Public Prosecutions, the Commissioner of Police is already implementing drastic, immediate institutional changes, Mr. President. These include strict new accountability protocols for firearm storage security to ensure such a breach never happens again—

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

**Hon. R. Alexander:**—at the municipal local government police station. Thank you.

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

**Sen. Al-Rawi SC:** Thank you, Mr. President. May I take this opportunity to express my deepest condolences to the family of the murdered Corporal Anuska Eversley, somebody whom I actually knew in the course of duties. My deepest condolences, I am sure, on behalf of us all.

Hon. Minister, in light of your answer, would you be able to inform as to whether the State of Emergency, which is currently prevailing, and the widespread mechanisms available to it, are being utilized in the management of this terrible crime?

**Mr. President:** Hon. Minister of Homeland Security, if you wish to respond.

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

**Hon. R. Alexander:** Mr. President, all the members of the national security apparatus are presently engaged at this time in order to bring closure to this situation as soon as humanly possible.

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

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

**Sen. Al-Rawi SC:** Thank you, hon. Minister. Thank you, Mr. President. In light of the Minister's response that mechanisms are being taken by the Commissioner of Police, relative to the local government police, as to storage of ammunition and firearms, et cetera, would the hon. Minister please inform whether this is something that has been the matter of regulation and control of the Commissioner of Police always?

**Mr. President:** Hon. Minister of Homeland Security, it does not really arise from what you have said, but if you wish to respond, you are free to do so.

**Hon. R. Alexander:** Mr. President, I do not think the question arises at this time

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

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

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

**Mass Murder in Morvant**

**(Immediate Measures to Address)**

**Sen. Faris Al-Rawi SC:** Thank you, Mr. President. Question No. 2 to the Minister of Homeland Security: Following the mass murder of four persons, including a 9-year-old child in Morvant on April 19, 2026, what immediate measures are being put in place to deal with the risk and serious possibility of reprisal killings?

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

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

**The Minister of Homeland Security (Hon. Roger Alexander):** Thank you, Mr. President. In response to the question and to this heinous act in Morvant, the Trinidad and Tobago Police Service has taken immediate decision and action. Several persons have already been detained in connection with the matter. To specifically address the risk of reprisal, specialized units have been deployed to the area. We are maintaining peace through active intelligence-led patrols and heightened surveillance within the community, Mr. President.

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

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

**Sen. Al-Rawi SC:** Thank you, hon. Minister, for your answer. May I ask, please, in light of your response, whether you have any concern that the hundreds of firearms that have been stolen were connected, in any form or fashion, to these events or reprisals which may be expected?

**Sen. Allahar:** Mr. President, that does not arise.

**Mr. President:** That does not arise. Could you go on to another question? You have one more.

**Sen. Al-Rawi SC:** Thank you, Mr. President. To the hon. Minister, a follow-up question: Would the hon. Minister inform, if he is capable of doing so without breaching any aspect of this case, whether the actions that are being taken in managing this issue are beyond the realm of the regular law and using constitutional measures which are suspended under the State of Emergency?

**Mr. President:** It does not arise. Let us go on to the next question. Sen. Faris Al-Rawi SC.

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

### **Graveyard Discovery of 56 Bodies**

#### **(Steps to Prevent Recurrence and Reassure Public)**

**Sen. Faris Al-Rawi SC:** Thank you. Question No. 3 to the hon. Minister of Homeland Security—

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

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

**Sen. Al-Rawi SC:**—which I must read, Mr. President. Sorry, Mr. President, I am bound to read it. It is an Urgent Question. I am bound to read it.

**Mr. President:** Oh, yes.

**Sen. Al-Rawi SC:** Yes. Thank you, Mr. President. Third question to the hon. Minister of Homeland Security: Given the gruesome discovery of a graveyard containing 56 bodies, including 50 infants, what steps are being taken to reassure the public that there will not be a repeat of such an event and to restore confidence?

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

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

**The Minister of Homeland Security (Hon. Roger Alexander):** Thank you for your question, again, hon. Member. Mr. President, our information suggests that this is a case of unlawful disposal of unclaimed corpses rather than a series of

individual crimes. For instance, five adults had morgue tags placed on them, Mr. President. The post-mortem examination was identified. The president of the undertakers' association has noted that this highlights a deep need, Mr. President, for more stringent regulations regarding how funeral homes and morgues dispose of their remains.

**1.45 p.m.**

Analysis by the Forensic Science Centre is currently ongoing to determine the exact origin of the human remains. We are committed to restoring public confidence by ensuring that these procedures and legal breaches are met with the full force of the law. The Government is committed to ensuring that the necessary legislation is brought before Parliament to ensure that this never happens again, Mr. President.

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

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

**Sen. Al-Rawi SC:** Thank you. In light of the Minister's response as to unclaimed bodies from the morgue, is the hon. Minister in a position to advise whether a regional health authority and the regional corporation of Sangre Grande are to be investigated and prosecuted in this matter?

**Sen. Allahar:** 24(1), Mr. President, it is not his responsibility.

**Mr. President:** It does arise from the answer that you have provided, but I will always leave it up to the hon. Member, if they so wish to respond.

**Hon. R. Alexander:** Mr. President, the Trinidad and Tobago Police Service will conduct their operations, will conduct their investigations, and determine. At the end, Mr. President, the public will be notified as to what was done. Thank you.

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

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

**JOINT SELECT COMMITTEES  
(APPOINTMENT TO)**

**Minister in the Office of the Prime Minister (Sen. The Hon. Darryl Allahaar):**

Mr. President, I beg to move the following motion:

*Be it resolved* that the Senate agree to the following appointment to the Joint Select Committee on the Public Administration and Appropriations Committee of Mr. Vishnu Dhanpaul in lieu of Mrs. Janelle John-Bates.

*Question put and agreed to.*

**REPUBLIC OF TRINIDAD AND TOBAGO AND REPUBLIC OF CHILE  
PARTIAL SCOPE TRADE AGREEMENT BILL, 2026**

[Second Day]

*Order read for resuming adjourned debate on question* [April 14, 2026]:

That the Bill be now read a second time.

*Question again proposed.*

**Mr. President:** Hon. Senators, on the last occasion, Tuesday, April 14<sup>th</sup>, 2026, there were five speakers on this Bill. Sen. Francis Lewis utilized 15 minutes of his speaking time and therefore has 25 minutes remaining. I now call on Sen. Francis Lewis.

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

**Sen. Francis Lewis:** Thank you, Mr. President, and thank you for the opportunity to continue my contribution on the debate of the Partial Scope Agreement between the Government of Trinidad and Tobago and the Republic of Chile. The agreement represents, I think, or can represent for the country more than a legal instrument, and its promise is that we could use it to redirect and give momentum to our economy so that we move away from a narrow dependence on energy exports, which in fact is reflected in the trade imbalance currently with Chile. And with that

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redirection, how can we actively position ourselves as a country within the wider LATAM economic space.

When I spoke last week Tuesday, I had indicated that my contribution would focus on three areas. The first were the advantages to the agreement from a policy and business perspective. The second were the risks and concerns that we ought not to overlook and which we will need to address. Just to put it in some context, Trinidad and Tobago is a population of 1.4/1.5 million. Chile is a population of 19 to 20 million. Their sophistication, their manufacturing and agricultural base are significant, and very worthy of, in many aspects, emulation. In that, it does represent some threat, some risk of a larger economy versus a smaller one. They are about 14 times our size.

So, the three things were the advantages to the agreement, the risks and concerns, and where I paused last occasion was some practical recommendations to ensure that this agreement delivers real measurable benefits to Trinidad and Tobago. So, this contribution is really what I would like to see picking up the thread of my contribution from last time.

So, how might Trinidad and Tobago turn this agreement from a free trade agreement into potentially a tool for national economic transformation? How do we move from market access to a refocus and a re-energizing of production exports and building a competitive strategy that supports that? The risks, if we do not do that, is that imports from Chile could rise faster than our non-energy exports, which will create real problems for a number of sectors and companies in our country. But the transformation will only happen if Trinidad and Tobago starts the process of retooling the economy and our thinking. So what I wanted to do was to offer

some, I hope, practical, realistic suggestions of things that could be done.

In preparation for this, I did what research I could, and I apologize in advance if there are any omissions. I do not anticipate there are errors, but in case there are, I would offer my apologies, should there be. So, from the research, we need to rethink and update the Trinidad and Tobago Bilateral Trade Agreement and incentive regime. The present document that I came across, published by MTI, was 2016. That is more than 10 years ago, and the trade world has significantly changed and moved on.

When I looked at Trinidad and Tobago's policy in terms of export trade, particularly in the non-energy sector, the last document I could find was Trinidad and Tobago Trade Policy 2019 to 2023. So we are well outside of the period for that document, and its tagline was "Towards Sustainable Economic Growth and Diversification". That document was created by MTI, Ministry of Trade and Industry, and UN ECLAC. It outlined the Government's thinking at that time of trade-related policies to improve competitiveness, economic and export diversification, and to start to address the country's foreign exchange needs by generating increased exports. That document, that policy document, is now out of date.

In January 2023, the Ministry of Trade and Industry promised a revitalization of the Trade and Investment Promotions Agency to streamline it, make it more cost-effective and targeted. They also promised the establishment, the creation, actually, of commercial offices, the countries named at that time were the USA, UK, and Panama, and the appointment of trade representatives or attaches to China, Guyana, Jamaica, and South Africa to provide in-country support, networking,

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market intelligence, and ultimately introductions and opening of doors and navigating each of those countries' regulatory frameworks of service much needed by exporters. It further promised the establishment of special economic zones to operationalize the export drive and was thought it was going to have a positive impact on exports. I have not been able to see any progress—I am not saying there was not—reported on these matters.

In 2024, the Government created the Trade and Investment Promotion Agency, TTPromote, by merging InvesTT, ExporTT, and CreativeTT. In 2025, this was further rebranded and reformed into Global Trinidad and Tobago, or GlobalTT, intended as a one-stop shop to attract foreign investment, promote exports, and support domestic firms going abroad. The key idea was to streamline fragmented agencies into a single, more coherent interface for investors, and in particular, exporters.

What we have with that on paper is an operational state-backed trade and investment promotion agency, which we are advised has been modernized; they used the opportunity of the consolidation process, but its effectiveness still has to be proven. And I am advised, subject to correction, that as of now, the board of GlobalTT has not yet been appointed. So it means that the kind of strategic direction that that agency would require does not appear to be currently in place. So, our performance in this area to support exports has been sporadic, and more often than not, events overtake us, and what we have appears to be somewhat out of date.

In looking at the research, I thought it instructive to look at which countries have really energized and done a fine job with export promotions, and I thought of

looking at countries ideally that would be closer to us rather than further away, that in terms of country size and economic scale would be reasonably comparable, and I want to offer for our consideration five such countries. One that continually comes up in the literature and often is described as the gold standard of a country promotion agency is PROCOMER, which is the trade promotion agency of Costa Rica. They have 20, 30-plus years on us, but what they have been able to achieve is remarkable.

**2.00 p.m.**

Others within the hemisphere. Pro Dominicana, that is the trade promotion agency of the Dominican Republic. JAMPRO, many of whom have worked in the CARICOM economic spaces, know well, who, though smaller, have been very competitive and have achieved consistent growth, particularly in the Jamaican service sector. If I look at the Dominican agency, their exports have far outpaced Trinidad and Tobago in non-energy exports and FDI inflows. Also in the hemisphere is ProPanama, where its logistics ecosystem uses their canal positioning and uses that to its advantage to create headquarters for a number of firms to use that country as a hub. Within South America itself, a smaller South American country but very dynamic is Uruguay, where they have focused on a number of industries, technology services, and agribusiness in particular and have seen significant improvements, I am advised, in those areas.

So what we have is the potential for growth through—we have the structure. How do we breathe life into a skeleton? How do we make a body that is powerful out of the bones that we have? It is good to have a strong skeleton, but that by itself will not deliver the performance. So if we had to look and ask what are the

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things that we would want our agency to do, initiatives that the Government may wish to consider, and I recognize that we have limitations both in terms of human resources, in terms of the expertise required, and in terms of the financing. So, at no point am I suggesting we do all of these things. But this becomes a potential list of ideas which I will be happy to discuss further if ever one wishes to see what might be done.

One of the things that the Costa Rican agency does particularly well is the use of single windows and real-time data platforms. So that it is, as I am advised, a truly digital agency that was made for easier accessibility, so that everything is integrated and executed on a digital backbone. The result is a reduction in time for deal closures and a reduction of friction for deal closers.

What a number of agencies that do very well do is create an exporter pipeline. If we were to look at Trinidad and Tobago and say, okay, how many firms—we have roughly 30,000 firms; 91 per cent of them are 10 employees or less, probably not at this time ready for exports in any significant way. The number of firms with the capacity which can be turned into a capability to generate exports is probably 1 per cent, or about 300. Could we get of that 300, 30 that would put the energy, effort, and resources—the people and money—to work with the relevant agencies to generate exports for their country? The point is, how does one develop an export pipeline? At this point in time, we have too few export-ready firms. This is a space I have worked in, and I continue to work in as a consultant, and this is both what the literature is saying and my own experience.

If we were to do that—and I remember working on a tourism plan some years ago—the challenge of it is that there were no Trinidad and Tobago resources

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in the market that our tourism agencies, either of Tobago or Trinidad, could work through. The consequences are that the cost of putting that for the agency would have been deemed excessive by the Ministry at that time. By contrast, the Costa Rican trade promotion agency advertises that it has over 40 overseas offices. So, Trinidad and Tobago, with a minimal international footprint, it results for us in weaker buyer access and deal flows.

Each of the agencies I have named seems to have focused or hyper-focused in terms of the sectors they thought could work. What we have intended to do is we have dropped the ball, I think, and our approach has been, “Well, if you are interested, come.” The consequence is broad, unfocused agendas in terms of how we would generate exports, resulting in diluted impact. So, how do we develop a sector-targeting discipline, and with that, how do we work with the private sector to integrate our efforts—the efforts of the Government—with the efforts of the firm?

Trade statistics are recorded in terms of imports and exports by country. Ultimately, as all of and quite a few people on the opposite bench who have worked in this field know, it is not countries that export, but it is companies. So how do we work with the various entities and ultimately the individual companies in order to generate the exports? And there, is something that the Government could do that could be extremely useful, which is market intelligence and finding or putting in place networking. Back to the MITI initiative to put in-country trade attachés. It is not just putting a human being, it is someone who not only speaks the language, appreciates the culture, makes it their business to understand how things get done in that country, so that when nationals come calling, they are able

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to provide guidance.

How do we, as a country, create the private sector and integrate with the private sector? What we often have in Trinidad and Tobago is state-led, less embedded firms with the export effort. Another gap, and the last one I will just mention today, is that we often do not translate opportunity into actuality when our firms and the aftercare services and the linkages that they need are not in place. So one strategy is to build a true, single trade and investment window using a digital background and backbone. Other countries have done it, we do not have to be ultra-sophisticated, but some of the paper-based systems and some of the antiquated systems we have now do not help us.

We have to create a national exporter pipeline so that we can generate business. For many years, I have worked in the development of sales forces, working with sales reps, and the single biggest thing that matters are the systems that create pipelines for business. So, if you think of firms that may be interested, how do we move interest into being export-ready, and from that into exporting nearby, where they can master the skills required, and then, moving beyond that, to wider markets? The services that are often tend to be required become certification dealing with potential non-trade barriers and dealing with the laws and regulations of the country to which we are hoping to export. There is going to be the need not just for market intelligence but for the financial linkages and the setting up of meetings. Basically it is a matchmaking service; many of those who have worked in the sector are familiar with it. So, the goal I would suggest for us would be how to develop anywhere between 300 to 400—my God, 500 would be absolutely marvellous—new exporters in three to four years. Imagine it is 100 per year over

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the life of this present Parliament.

Ultimately, how do we come up with three, four, five, no more than that, winnable sectors? We cannot be all things to all people. We simply do not have the resources, and in fact, success will build on success. So, whether we choose processed food and beverages, maritime and logistic Services, creative services, niche manufacturing, of which we have a number of companies that cannot be world-beaters, and we have the larger energy services, which, more often than not, are largely run and directed by the multinationals that operate locally.

So how do we move from diversification rhetoric to focus the wins? Inside all of this, Mr. President, the point is how do we move the economy from a dream, which is what this Partial Scope Trade Agreement is, which we have with Panama, Costa Rica, Venezuela, Dominican Republic and Cuba, among others, into something that energizes this economy? How do we move for the jobs, for the FDI flows, how do we move to create the foreign exchange strengthening that the country very, very much needs?

So the goal of this short contribution was to say well done to both the present and the previous Government for bringing this agreement to the Floor and having it debated before this House. I would expect it to be approved; as I indicated, I will be supporting it. But, how do we move total trade with Chile from about \$550million to \$1 billion for the next three years, with most of it coming from non-energy exports? How do we make non-energy exports ultimately 50 per cent of that? How do we create jobs? I would put a target of 3,000 to 5,000 jobs in this sector. In terms of firms, about 300, if we could achieve that, and build three to four sectors where we diversify and move forward.

So this agreement is a useful window, but it is not anything more than a foundation on which we could build. So, how would we create export-ready, scaled, and competitive businesses? How do we move our present firms—and I believe that the demand is there—to work with the State through its agencies in order to move trade forward and move exports forward? So, Mr. President, as I said, I support the objectives of this Bill. My point is that legislation alone is insufficient, and what will determine success is not what is written in the agreement, but what we do after it is passed.

Thank you, Mr. President.

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

**Mr. President:** Sen. Vishnu Dhanpaul.

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

**Sen. Vishnu Dhanpaul:** Thank you very much, Mr. President. Good afternoon, and as usual, good to see you again.

Mr. President, I have known the Minister of Trade, Investment and Tourism for many years, and although we are on different sides of the aisle—the political aisle—I could say I still consider him a good friend. I do not think that has affected our friendship negatively in any way. One thing, in fact, that we know about the Minister is that he is a very shrewd businessman, and being a shrewd businessman, the Minister recognizes a good final product, and an excellent product, when he sees one. Hence, the reason the Minister did not seek to renegotiate the agreement with Chile is because it is an excellent agreement.

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

**Sen. V. Dhanpaul:** Mr. President, I will be very brief. We on this side support

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this Bill, not only because a PNM Government negotiated the agreement, but also, it is a sound addition to the country's trade policy. We are pleased to see that the Government finally after one year brought it to Parliament.

Mr. President, I want to acknowledge the hard work of the public servants of the Ministry of Trade and Industry, as the Ministry was then called, and the Ministry of Foreign and CARICOM Affairs, who negotiated the agreement, especially former Ambassador Colin Connelly and PS Randall Karim. Mr. President, let me outline to this honourable Senate how the process started. With your leave, I will quote from a document called "Conclusions of the working group on the economic and commercial relations between Trinidad and Tobago and Chile."

Chile and Trinidad and Tobago renewed bilateral ties with the official visit of the Prime Minister of Trinidad and Tobago, the Honourable Dr. Keith Rowley, to Chile during May 29<sup>th</sup> to 31<sup>st</sup>, 2017, where both countries agreed to undertake substantial efforts to establish the basis for negotiating a partial scope trade agreement.

**2.15 p.m.**

Both countries acknowledge that foreign trade is crucial to their respective economies—sorry—The negotiations of a PSTA would deepen trade relations between Chile and Trinidad and Tobago, generate new opportunities and increase investment and employment in both countries. It is anticipated that the initial focus of the PSTA would be trade in goods.

Mr. President, the Agreement contained in the Schedule of this Bill was signed on the 25<sup>th</sup> of April, 2025. The signatures on page 137 of the document are those of former Minister Paula Gopee-Scoon and the then Acting Minister of Foreign

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Affairs of Chile, Claudia Sanhueza. Mr. President, the Government, after months in office and after reviewing this Agreement found absolutely nothing to improve; nothing to negotiate; nothing to add and nothing to remove.

Mr. President, Article 13.5 of this Agreement states that:

“This Agreement shall enter into force ninety (90) days after...”—each party notifies the other—“...through diplomatic channels...”—that is—  
“...domestic legal procedures...”—are—“...completed...”

This Agreement was signed in April 2025. We are now in April 2026. Chile has been waiting.

Our exporters, the manufacturers, the agro-processors, the businesses on both sides who were told that a new trade agreement was coming, have been waiting. I put it to the Senate, the delay is not a minor administrative inconvenience. Every month that Trinidad and Tobago fails to complete its domestic procedures, is a month during which Chilean exporters face our full tariff rates instead of the preferential rates they were promised. Every month, is a month during which our exporters cannot rely on the certainty of the agreement’s protections. Every month a moral breach of the commitment this country made in Santiago and Port of Spain on the 25<sup>th</sup> of April, 2025.

Mr. President, let me say a few words about what this agreement actually represents, because it deserves to be understood on its merits separate from politics. Trinidad and Tobago has now established its first bilateral trade agreement with a South American nation. Chile is not a peripheral choice. Chile is one of the most trade-integrated economies in the world, with agreements covering over 60 countries. The tariff schedules negotiated at Annex 2B, our schedule of

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commitments to Chile are calibrated and measured. The base rate of 6 per cent on covered goods has been phased towards zero in categories that protect sensitive domestic industries through slower reduction timelines.

Category B goods in Chile's Annex 2A show phased reductions over eight or nine years for products where exporters need time to become competitive. The dispute settlement mechanism gives us legal recourse if Chile breaches the commitments, and I doubt it will. This is a serious professionally constructed agreement. It reflects well on the trade negotiators of our country.

Mr. President, Chile's total merchandise exports reached approximately US \$100 billion last year, making it the fourth largest exporter globally. Trinidad and Tobago by contrast recorded total exports of approximately US \$10.4 billion, roughly one-tenth of Chile's export volume. However, the key here as mentioned by one of my colleagues, is for Trinidad and Tobago to avoid a significant increase in imports, because the productive capacity gap between two countries is substantial.

Chile is not involved in this agreement, Mr. President, because they love us. The Chileans are master traders who are looking to expand their markets and do not intend to record a balance of trade deficit with Trinidad and Tobago. Mr. President, the credit ratings divergence between the two countries reflect their structural differences. Chile holds a Standard & Poor's rating of A with a stable outlook and a Moody's rating of A2, with a stable outlook, both investment-grade, among the strongest in Latin America and the Caribbean. Trinidad & Tobago holds Standard & Poor's lowest investment-grade rating of BBB-, with the outlook revised to negative in September 2025. Moody's affirms Trinidad & Tobago's

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BA2 rating, sub-investment grade or speculative, in December 2025, but also shifted the outlook to negative.

Mr. President, I remember several years ago, Trinidad & Tobago and Chile were the only two countries in Latin America and the Caribbean with investment-grade status, from both Standard & Poor's and Moody's. They have soon been joined by Mexico and the Bahamas. Mr. President, under this Chile/Trinidad & Tobago PSTA Bill, the Minister's powers to amend the Agreement's Schedule in clause 6, to make regulations in clause 7, are subject to negative resolution of Parliament. This means such orders take effect automatically, unless Parliament actively annuls them within the prescribed period. Mr. President, negative resolution places the burden on Parliament to act rather than the Minister to seek approval. This weakens legislative oversight as orders take effect automatically if Parliament fails to object, risking amendments for a significant international trade agreement passing without meaningful scrutiny, debate or formal parliamentary vote.

Mr. President, we will support this Bill because it is good policy, because it is good for Trinidad and Tobago and because Chile deserves a partner that keeps its word. Mr. President, just to summarize this Agreement, in a media release on April 25, 2025, from the Ministry of Trade and Industry:

“The Ministry of Trade and Industry is pleased to announce the signing of a new Partial Scope Trade Agreement...with the Republic of Chile. This landmark agreement, which comes after seven (7) years of negotiation between both countries, marks a significant milestone in Trinidad and Tobago's ongoing efforts to expand trade relations and strengthen economic cooperation with strategic international partners.

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The Agreement represents a significant step in deepening bilateral trade relations as it provides for preferential market access between the two countries and will assist in Trinidad and Tobago's efforts to increase both energy and non-energy exports as part of the Government's continued trade expansion and economic diversification efforts."

Thank you, Mr. President.

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

**Mr. President:** Sen. Dr. Desirée Murray.

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

**Sen. Dr. Desirée Murray:** Mr. President, thank you for recognizing me. I rise to contribute to the debate on the Republic of Trinidad and Tobago and the Republic of Chile Partial Scope Trade Agreement Bill, 2026. I wish to commend both the former administration, under which the Partial Scope Trade Agreement between Trinidad and Tobago and Chile was signed, and the current administration for bringing this Bill to Parliament. This landmark agreement concluded after seven years of negotiations and is the first between Trinidad and Tobago and a South American nation, and the first signed by Chile with any Caribbean state.

Clause 4 of the Bill ensures that the tariff concessions and provisions negotiated can now have the force of law once passed by the Senate. And I trust that similar legislation will be enacted in Chile if that has not already happened. Both administrations deserve credit for their role in advancing this historic partnership. Trade agreements of this nature are potentially colossal in their consequences. They open doors but they may also close others. They create opportunities but not without conditions and special considerations. It is therefore my intention today to

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present a balanced assessment of this Bill, its considerable benefits to Trinidad and Tobago, as well as the legitimate concerns and historical context that must be honestly confronted if the full promise of this accord is to be realized.

Mr. President, Trinidad and Tobago and Chile have enjoyed a strong bilateral relationship for decades, marked by cooperation in energy and intellectual property among other things. By 2022, trade between our nations exceeded US \$679 million, with the balance historically favouring Trinidad and Tobago. Our exports averaging TT \$2.1 billion annually have been concentrated in energy products such as liquefied natural gas, ammonia, and urea, while non-energy exports remain negligible.

Meanwhile, imports from Chile, though smaller, often compete directly with our local producers. It is precisely this imbalance that the Partial Scope Trade Agreement seeks to address and it is why the Agreement has the support of the Caribbean Private Sector Organization which generally supports initiatives that strengthen regional productive sectors, diversify exports, and create tangible outcomes for CARICOM businesses.

So why Chile? Mr. President, I do not believe it is possible for this Senate to enter into a full and honest discussion of our bilateral relationship with Chile without acknowledging, however briefly, the weight of Chile's own modern history. Following a coup led by General Augusto Pinochet on September 11, 1973, Chile endured 17 years of military dictatorship, marked by repression, disappearances, and neoliberal economic policies imposed at gunpoint. Chile has since rebuilt itself into a stable democracy, recommitted to the rule of law, and now stands as one of the most secure and stable nations in South America.

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It is that Chile, the democratic republic that emerged from dictatorship, that sat across the negotiating table and agreed to this act of South-South solidarity. Recognizing both its history and its progress gives deeper meaning to the partnership we now seek to formalize. Mr. President, since the signing of the Agreement on 25 April, 2025, both Trinidad and Tobago and Chile have experienced changes in government, with the Kamla Persad-Bissessar-led UNC winning 26 of the 41 parliamentary seats and 54 per cent of the votes cast, and the Republican Party in Chile winning 58 per cent of the votes.

In Chile, José Antonio Kast was elected President on December 14, 2025, with some of his supporters seen wearing, “Make Chile Great Again” hats after the election, reflecting the country’s desire to address the issues of crime, migration, and economic stagnation. President Kast’s brother, Miguel Kast, was one of the economists trained at the University of Chicago who later became a Minister and President of the Central Bank under Augusto Pinochet. President Kast has expressed admiration for his brother’s economic legacy and has proposed a \$6 billion fiscal adjustment within 18 months.

His administration reflects a wider regional trend towards the right, with policies focused on fiscal adjustment and market liberalization. His free market approach, aimed at reducing the role of the State and deregulating industries, is expected to appeal to investors. Mr. President, I raise these particulars because Trinidad and Tobago with its own history of colonial exploitation and struggle for sovereignty, values partnerships grounded in respect for democracy, human rights, and the rule of law. Recognizing Chile’s past and present gives deeper meaning to this Agreement, which is not only about trade but also about solidarity. It positions

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Trinidad and Tobago to lead by example in forging stronger democratic and economic ties between the Caribbean and South America.

**2.30 p.m.**

So, what do we stand to gain? Mr. President, this trade agreement has the potential to reshape our export profile, diversify our economy and redefine our place in the global trading system. The most immediate benefit of this Agreement is the preferential market access of a broad spectrum of Trinidad and Tobago's goods to almost 20million Chileans. The sectors poised to benefit are diverse and significant in both the energy and non-energy sectors, but my comments will focus mainly on the non-energy sector.

Trinidad and Tobago's food and beverage industry stands to gain considerably with preferential access to fish, agricultural produce, alcoholic beverages, juices, pasta, cocoa products and condiments. Benefits will also extend to cosmetics, construction materials and fashion goods.

The actual Trade Agreement listing the full line by line tariff Schedules is described in Annex 2A of the Agreement as the Schedule of Tariff Commitments of Chile and as 2017 Harmonized System or HS codes, and in Annex 2B as the Schedule of Tariff Commitments of Trinidad and Tobago and as 2012 Harmonized System codes. The specific Harmonized System or HS codes tell businesses whether their particular product qualifies under this Agreement.

The Schedule of Tariff Commitments of Chile for goods exported from Trinidad and Tobago is divided into two categories. Category A, with immediate duty exemptions that is zero per cent upon entry into force, will impact 213 tariff lines and cataract—did I say “cataract”?

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**Hon. Senators:** [*Laughter*]

**Sen. Dr. D. Murray:** “Ah cyah behave mehself”. I am sorry, occupational hazard. I do beg your pardon. Category B, with duty exemption eliminated in three equal annual stages beginning on the date of entry into force, will impact 54 tariff lines. The goods are described in general terms.

Category A items, that is, those benefitting from immediate duty exemption, include fish fillets, including swordfish, various species of shark, tilapias, common dolphinfish; vegetables; chocolate and other food preparations containing cocoa; beer made from malt, spirits and cider, rum, vodka, liqueurs; beauty and make-up preparations for the care of the skin, including lip and eye preparations, foundations and emulsified oils; also, builder’s ware of plastic doors, windows and frames; and articles of apparel and clothing accessories that are not knitted and crocheted, such as trousers and shorts.

Category B items, that is, those with progressive reduction in duties, include meat; sugar confectionery products that do not contain cocoa; fruit and nut juices, including grape must and coconut water; and vegetable juices, whether or not containing added sugar or sweetening matter.

Mr. President, I want to draw the attention of this honourable Senate to a specific product. The House of Angostura, one of Trinidad and Tobago’s most celebrated and globally recognized brands, launched its Cocoa Bitters product in July 2020, crafted using Trinitario cocoa, an indigenous variety. Trinidad and Tobago is one of the few countries in the world designated as a producer of 100 per cent fine or flavour cocoa. This is a product of extraordinary heritage and global appeal. Angostura Cocoa Bitters, represents a model we should be pursuing across

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all sectors, an intellectually protected, internationally certified product that carries the identity of Trinidad and Tobago in every bottle. It is, Mr. President, already the number one selling bitters brand internationally and the Cocoa Bitters range extends that legacy.

The Chilean cocktail and spirits culture is sophisticated and growing. Chile's wine culture has long been its calling card, but its bartenders and mixologists are increasingly attuned to premium bitters and artisanal spirits. But Angostura is not alone. Our pepper sauces, rums, chocolates and condiments all carry the distinct identity of Trinidad and Tobago, and this Agreement provides them with a valuable platform to access new markets and showcase our nations unique products to the world.

But, Mr. President, when we speak of leveraging trade agreements to export our finest products, there is a cautionary tale from our Caribbean neighbour, Jamaica. I refer to the case of Blue Mountain Coffee, which commands premium prices and has been designated a globally protected certification mark. By any measure, it is jewel of Caribbean agricultural production. And yet, Mr. President, over 80 per cent of Jamaica's entire annual production of Blue Mountain Coffee is exported to Japan, where it commands extraordinary prices and has been celebrated as the finest coffee money can buy.

The highest grades—Grade 1, Grade 2 and Grade 3 beans—are packed in the traditional wooden barrels and dispatched to Japan, where Japanese consumers willingly pay the premium price. The lower grade of beans that do not meet the export standard are sold as select coffees that enter the domestic roaster market for local consumption, including the tourist sector. Jamaica's own citizens drink the

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lower grade beans of their nation's most celebrated agricultural product, while the finest beans are enjoyed in Tokyo and Osaka. Trinidad and Tobago must avoid this trap.

Mr. President, this is a cautionary tale about what happens when a small economy allows a bilateral trade relationship to consume its finest output at the expense of the domestic equity and access. I raise this example because it is directly relevant to how Trinidad and Tobago should approach the export of our own fine or flavour Trinitario cocoa and the products derived from it. Let us, by all means, export to Chile. Let us use this Partial Scope Trade Agreement to grow our non-energy export earnings, to introduce the Trinbagonian palate to the Chilean consumer, and to establish our brands in the Latin America market. But let us also ensure that our own citizens here at home have access to the finest expressions of our products—our premium rums, our best cocoa, our finest bitters—at accessible prices and in sufficient quantities.

Another concern is the potential conflict of interest for the Minister to whom the responsibility for trade is assigned. Clause 7 of the Bill would provide for the Minister to make regulations which are subject to negative resolution of Parliament. The Minister holds two roles simultaneously: Public authority over trade regulation and private commercial interest in an industry directly covered by the Agreement.

Clause 7 gives the Minister power to make legally binding regulations implementing the Agreement. That means that the same person who could benefit commercially from how the Agreement is structured and applied, is also the one empowered to write the rules governing it. The concern is not that wrong doing

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will occur. It is that the structure creates an opportunity for the Minister's regulatory decisions to favour a particular brand over competitors in the same tariff space. Regulations could be drafted in ways that advantage specific products, for example, through rules of origin thresholds or documentation requirements.

**Mr. President:** I think you are going down a road that—you are imputing improper motives that can take place and you are dealing with the conduct of a Member of this House implicitly. I think that you should stay away from that and just continue. If you want to go that route, I advise you to file a substantive Motion on that matter, but do not go that route, please.

**Sen. Dr. D. Murray:** Thank you, Mr. President, I am duly guided, and I meant to impute no improper motive to the Minister responsible for trade. In fact, just the opposite.

So, let us now deal with Chilean exports to Trinidad and Tobago. There are five categories, A, B, C, D and E. The Government has confirmed that Chilean products will enter under eliminated tariffs, that is, category A, or progressively reduced tariffs, categories B, C and D, or remain bound at the current applied most favoured nation or MFN rate of duty, which is category E, across 143 tariff lines.

The most favoured nation customs duty rate is the standard tariff rate that a country automatically applies to all other World Trade Organization members unless specific preferential agreements are in place. Trinidad and Tobago's tariff commitments include category A items, such as trout, Pacific salmon, Atlantic salmon, cheese, apples, pears, apricots, prunes, dried berries, dried peaches, other dried fruits, nuts, edible parts of plants, otherwise prepared or preserved, such as preserved peaches and cranberries, and also, doors, windows and frames and

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thresholds for doors.

Category B items include virgin olive oil.

Category C items include salted and non-salted butter, frozen blueberries, cranberries, grapes, peaches, apricots, cherries, kiwifruit, apples.

Category D items include peaches, plums, raspberries, blackberries, and wine of fresh grapes, including fortified wine and grape must and sparkling wine.

Category E includes milk or cream, concentrated or containing added sugar or other sweetening matter, and avocados.

The trade agreement allows Chile to export non-essential products and luxury items, such as sparkling wine, apples, grapes, apricots, salmon and trout to Trinidad and Tobago.

In a time of foreign exchange scarcity, when citizens struggle to access forex funds for medical expenses and tertiary education, is this really the best use of limited foreign exchange? In addition, imported goods shape taste, habits and identities. Already, local fruits, such as pommecy there, sapodilla, pommerac, chenet and governor plum, are disappearing from our diets. Imported apples and grapes dominate supermarket shelves. If Chilean imports flood our market, will our children grow up preferring Chilean apples to pommerac, or Chilean salmon to our own fish? Trade policy must consider, not only balance sheets but also cultural preservation.

Mr. President, I turn now to the issue of Chilean wine. Well, there are actually two issues of concern. The first is managing the competitive challenge. Local wine producers may be placed at a disadvantage. And the second is public health issues related to alcohol consumption. Why is this important? Chile is a

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global wine powerhouse. It exported approximately 780 million litres of wine in 2024, generating revenue of around US \$1.73 billion, and it exports to 141 countries across the globe.

**2.45 p.m.**

Among the top five wine-producing and wine-exporting nations in the world, Chile's industry is characterized by significant scale, sophistication, and competitive pricing. Approximately 85 per cent of Chilean bottled wine exports come from certified sustainable wineries, giving Chilean producers a premium positioning globally.

Under the terms of the Partial Scope Trade Agreement, Chilean wine will enter the Trinidad and Tobago market on the tariff lines that will attract reduced duties as per Category D. That is:

“...customs duties shall be eliminated in ten equal annual stages beginning on the date of entry into force of this Agreement, and such goods shall be duty-free, effective from 1 January of Year 9.”

What does this mean in practical terms for the consumer? It means more accessible pricing for Chilean wines in our local supermarkets, restaurants, and bars. For the small number of domestic winemakers, the fruit wine producers in Trinidad and Tobago, it represents a material competitive pressure.

During his opening address at the Catalyst SME Conference 2026, the Minister of Trade, Investment, and Tourism, Sen. The Hon. Satyakama Maharaj, urged small and medium enterprises to continue building the momentum for local production, stating, and I quote:

“We must challenge the old mentality that imported automatically means

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superior. That is outdated thinking.”

CEO of the Trinidad and Tobago Chamber of Industry and Commerce, Vashti Guyadeen, noted that:

“SMEs account for just under 70 percent of our membership and remain the backbone of our economy. This Charter is an important step in encouraging greater utilization of locally produced goods and services while strengthening the competitiveness...”

But, Mr. President, there is another dimension to this picture, and that is the relationship between the partial scope trade agreements, preferential treatment of Chilean wine, and the Government’s own recent domestic duty policy on alcohol and tobacco.

In October 2025, Finance Minister, the Hon. Davendranath Tancoo announced, with immediate effect, a 100 per cent increase in customs duties on rum and spirits, beer, and tobacco products as part of the 2025-2026 national budget. The stated rationale for these increases was twofold: fiscal consolidation and public health, including prevention of drinking and driving, and prevention of lifestyle diseases. Speaking in the Senate on 29<sup>th</sup> October 2025, the Minister of Planning, Economic Affairs, and Development, and the Minister in the Ministry of Finance, Sen. The Hon. Dr. Kennedy Swaratsingh, stated, and I quote:

“...there has been a noticeable rise in alcoholic consumption.”

At a January 2025 Joint Select Committee, it was discovered that findings from the Pan American Health Organisation’s STEPS 2024 survey, which sampled 4,054 adults, ages 18 to 69, revealed concerning trends in both lifestyle habits and health outcomes. And that may have significant implications for public health in Trinidad

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and Tobago. The survey highlighted a 10.9 per cent increase in the number of people consuming alcohol when surveyed, rising from 40.6 per cent in 2011 to 51.5 per cent in 2024. This figure breaks down further to 59.6 per cent of males and 43.4 per cent of females—

**Sen. The Hon. Allahar:** Mr. President, I hate to interrupt the learned Senator, but I think we are going very, very far out at sea at this point.

**Mr. President:** Sen. Murray, if you can kind of tie up what you were saying to some of the provisions contained in the Bill, it would be useful. Because even though it is not a general debate, it is a Partial Scope Trade Agreement, stick to those things, the provisions. And I suggest that you tie in those points to the provisions or the clauses, I should say, contained in the Bill. Thank you.

**Sen. Dr. D. Murray:** Thank you, Mr. President. So my point is that when we set domestic and CARICOM duty increases alongside the preferential tariff framework being extended to Chilean wine under the Partial Scope Trade Agreement, attention emerges that this Senate must honestly confront.

We are building solidarity with Chile on one hand, while inadvertently undermining Caribbean solidarity with our nearest neighbours on the other.

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

**Sen. Dr. D. Murray:** This is a fundamental asymmetry of bilateral trade agreements between economies of different scales and sophistication. I, therefore, call on the Government to monitor import volumes closely once the agreement enters into force to activate trade remedy provisions where domestic producers are materially disadvantaged and to invest in the promotion of locally produced beverages in the Chilean market, and to mount public health campaigns about the

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dangers of excessive alcohol consumption.

Mr. President, both Governments have acknowledged the potential for exploring how Trinidad and Tobago might leverage its relationship with Chile to insert itself into global value chains and benefit from Chile's broader trade architecture. That is a strategic consideration of potentially transformative significance for a small open economy such as ours. Mr. President, the fundamental challenge before us is to ensure that the opportunity created by this agreement is matched by the capacity of our private sector to exploit it. Without deliberate investment in productive capacity, food safety certification, cold chain logistics, and rules of origin compliance, the agreement risks delivering its benefits exclusively to the energy sector, leaving the diversification objective aspiration rather than achievement.

Our exporters face real structural constraints, geographic distance from Chile, limited market intelligence, language barriers, regulatory differences, and the perennial challenge of securing foreign exchange. This must be addressed through complementary investment in export promotion, trade finance, and business-to-business linkages. Mr. President, the Partial Scope Trade agreement between Trinidad and Tobago and Chile represents a significant step forward in our nation's trade policy. It opens a substantial and prosperous market to our exports, advances economic diversification, and positions Trinidad and Tobago as a strategic node in the Caribbean-Latin American trade corridor. I support this agreement while urging this Senate to hold the Government to account for its full and equitable implementation. Mr. President, I thank you for allowing me the opportunity to contribute to this debate.

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

### SENATOR'S APPOINTMENT

**Mr. President:** Before calling on the hon. Minister of Foreign and CARICOM Affairs to speak, I would like to revert, I should say, to some of the routine business of this honourable Senate, with your leave. Hon. Senators, under announcements, I revert to that item.

“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. MUSTAPHA ABDUL-HAMID

WHEREAS Senator Dr. Amery Browne 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)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, MUSTAPHA ABDUL-HAMID, to be a member of the Senate temporarily, with effect from 21<sup>st</sup> April, 2026, and continuing during the absence of Senator Dr. Amery Browne 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 21<sup>st</sup> day of April, 2026.”

**UNREVISED**

**OATH OF ALLEGIANCE**

*Senator Mr. Mustapha Abdul-Hamid took and subscribed the Oath of Allegiance as required by law.*

**REPUBLIC OF TRINIDAD AND TOBAGO AND REPUBLIC OF CHILE PARTIAL SCOPE TRADE AGREEMENT BILL, 2026**

**Mr. President:** The Hon Minister of Foreign and CARICOM Affairs.

**The Minister of Foreign and CARICOM Affairs (Hon. Sean Sobers):** Thank you, Mr. President. I will be very brief in wrapping up. I wish to thank all hon. Senators for their contributions and for indicating their willingness and support for this very important piece of legislation, which we all agree is strategic and necessary to enable the further diversification and growth of the economy. I think all Senators were unanimous in the view that Chile is an excellent trading partner for Trinidad and Tobago. Various Senators made the point that while it is the role of Government to negotiate market access, it is the role of the private sector to take advantage of the road that a Government helps to pave.

I want to repeat that because I know a lot of persons have said that they are concerned that, yes, we have opened the door for manufacturers to enter Chile, but what support would the Government or what role would the Government be playing in terms of making the ease of doing business for the private sector and Trinidad and Tobago manufacturers to get into Chile? The government always assists. That is why we have the Ministry of Trade. The Government always listens. That's why we have the Ministry of Foreign Affairs and the Ministry of Agriculture. All sectors and arms of Government have opened their doors, which I would think for the very first time in a very long time, to entertain all members of the private sector to try their best to assist them in whatever way they can, in whatever endeavours they may involve themselves.

**3.00 p.m.**

I also note the concerns of Sen. Attzs that market access, again, is not the same as market penetration, which is true if firms locally do not have the capacity for readiness to export. That is also something that lies within the breast of the private sector. And, I think this arrangement, this partial scope arrangement—because it has been engaging several members of the private sector for quite some time. They have indicated their readiness to go, and that they are willing, able, and have the capacity to do what they need to do to stamp Trinidad and Tobago, not only their business' name, but Trinidad and Tobago's name in Chile properly.

Mr. President, additionally, as I said in my presentation, Trinidad and Tobago's private sector, particularly manufacturers, have been stellar and proactive, and I want to thank them for that, in seeking to upgrade, expand, and ready themselves for increased competition and to expand their export and footprint abroad. But, permit me to also remind this honourable Senate that the Agreement in question is a partial scope trade agreement, as opposed to a full free trade agreement, which means that both sides have protected their sensitive sectors.

Sen. Vieira made an important contribution about connectivity in facilitating international trade. That is an important point, and I wish to inform him that the negotiations of an air service agreement with Chile were recently concluded under the stewardship of Sen. The Hon—and Minister—Eli Zakour, the Minister of Civil Aviation and Transport. And, it may not be said a lot, or be carried publicly and widely, but I think that Sen. Zakour—Minister Zakour—as a matter of fact, does a lot of yeoman service when it comes to transportation and air connectivity within Trinidad and Tobago and the rest of the world.

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

**Hon. S. Sobers:** He is not a boastful person at all; he is quite humble, so I will do the boasting on his behalf. Because the Ministry of Foreign Affairs is partially involved in some of the work that he leads. And, you will see in the very near future that there will be air services agreements with Panama; air services agreements with Argentina; air services agreements with the Dominican Republic, and all of these are collective Cabinet responsibility, but they have been led strongly by Minister Zakour under the leadership of the hon. Prime Minister. So thank you, Minister Zakour, for that.

Sen. Lewis indicated, and I wish to respond. We appreciate your identification of the risk associated with this trade agreement. However, respectfully, there are risks, and these risks exist for many trade agreements. Once again, I am advised that Trinidad and Tobago's negotiating team, which included the private sector, ensured that the sensitive sectors in Trinidad and Tobago were not included in the agreement. Those sectors which were included, such as agricultural products, are those which we do not produce. In addition, before this agreement was signed, it was sent to the major private sector organizations for their review, and therefore, we are extremely confident that the defensive interests of the private sector were taken into consideration.

Finally, the Government of Trinidad and Tobago has recognized the need for a new approach to foreign policy, which places commercial diplomacy at its centre. Specific activities include the establishment of commercial goals within the execution of the country's foreign policy activities by all overseas missions.

We also intend to establish commercial sections in select overseas missions based upon market priorities. This goes to a point that Sen. Lewis was making as well, too. In the past, especially before I became the Minister of Foreign Affairs, before

we had a discussion at a Cabinet-level, before we received proper direction from the hon. Prime Minister, commercial attachés were something that were essentially political appointees handed out to persons who served particular interests. I will call no names, but we are very well aware as to who were made commercial attachés for varying reasons.

When I looked at what was produced by some of these individuals in their tenure, there is nothing to report there of what these persons were doing. There are no achievements attached to what these persons were doing. And, as far as I could see, especially with respect to Miami, all that the individual was concerned with—or individuals were concerned with—was more feting and jamming and partying than advancing commercial activity on behalf of Trinidad and Tobago.

I asked myself the question when I joined the Ministry of Foreign Affairs, because it came up before, in my previous incarnation as a practising attorney-at-law, and I think Sen. Murray spoke about it. We have Bertie's hot pepper. Again, I am not promoting Bertie's hot pepper, right? So if anybody wants to go down the Pennywise road, be warned. Be warned.

You know, Sen. Al-Rawi, on that note, I am very happy. No, but I am happy. I am happy, because there were some juxtapositions made with respect to my particular situation and another situation that you also found yourself involved in. So, it is what it is. But as I said, Bertie's pepper. A lot of people speak about how popular the pepper is, and it baffled my mind. I attended a conference in Miami about three years ago that dealt with food and beverage and whatnot, and I was told essentially that over 20 containers, sometimes a month, of Bertie's pepper land in varying parts of this world, and it is sold out within days.

And, I am wondering whether or not, the same way that they may get assistance or

be provided with marketing assistance, if they do in fact get that type of assistance, that this is something that the Minister of Trade, and I know that they are looking at it, to provide similar assistance with respect to marketing. So items produced within Trinidad and Tobago that have that stellar performance, that stellar taste, that peculiarity about them that makes them special, that we can provide them with that level of support. I am certain that the Minister of Trade is involved in activities like that.

That is what our cultural ambassadors will be charged to do, to promote our country's brands overseas when they are in fact appointed. To utilize overseas missions to facilitate local trade and investment missions, and in arranging matchmaking meetings for the local private sector and companies abroad. And, the recruitment, and most importantly, the recruitment of suitably qualified persons with a strong business acumen, not a political connectivity, but a strong business acumen within the Ministry of Foreign and CARICOM Affairs to be posted as commercial officers attaches in strategic missions.

In closing, Mr. President, in a world that is becoming more complex, more competitive, and more uncertain by the day, nations are faced with the defining choice, to react or to lead. For Trinidad and Tobago, under the leadership of the hon. Prime Minister, Mrs. Kamla Persad-Bissessar of Senior Counsel, we on this side choose to lead. We answered the call, a call to build new friendships, to strengthen our global position, and to ensure that our foreign policy is not passive, but purposeful, strategic, and results-driven. And, from the very beginning, one principle guided our actions. We would not just talk diplomacy; we would deliver it. The passage of this Bill is doing just that. Mr. President, with those few words, I beg to move.

**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:** Are we ready, all Members? First of all, we have received no amendments. We have seven clauses in this Bill, a Schedule and a Preamble. In light of the fact that we have not received any amendments, I shall therefore propose that we take all seven clauses.

*Clauses 1 to 7 ordered to stand part of the Bill.*

*Question put and agreed to.*

*The Schedule ordered to stand part of the Bill.*

*Preamble approved.*

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

*Senate resumed.*

*Bill reported, without amendments, read the third time and passed.*

**3.15 p.m.**

**ADVANCE PASSENGER INFORMATION  
AND PASSENGER NAME RECORD BILL, 2026.**

**Mr. President:** The hon. Minister of Foreign and CARICOM Affairs.

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

**The Minister of Foreign and CARICOM Affairs (Hon. Sean Sobers):** Thank you, Mr. President. Mr. President, I beg to move:

That a Bill to repeal and replace the Immigration (Advance Passenger Information) Act; to make provision for the collection, transmission, sharing, storage and regulation of Advance Passenger Information and Passenger

Name Record in respect of persons travelling to, departing from and transiting through Trinidad and Tobago, and to operationalize the CARICOM Advance Passenger Information System and other related matters, be now read a second time.

Mr. President, it is my distinct honour to present to this honourable House, the Advance Passenger Information and Passenger Name Record Bill, 2026. This Bill seeks to establish a comprehensive framework for the collection, processing, sharing and storage of advance passenger information, and passenger name records for individuals travelling to, from or through Trinidad and Tobago by air or sea, and to implement the CARICOM Advance Passenger Information System.

Mr. President, global travel has become an integral aspect of modern life, with individuals moving across borders for work, business and leisure. However, it is an unfortunate reality that travel can also be exploited for nefarious purposes. The international community has responded by developing systems to facilitate legitimate travel, while intercepting individuals involved in criminal activities. Within the Caribbean community, we have witnessed increased movement among nationals enabled by the free movement regime, an essential pillar of the CARICOM Single Market Economy, the CSME. Enshrined in Article 45 of the revised Treaty of Chaguaramas, this regime grants nationals of member states the right to move freely throughout the region to work or pursue business opportunities without the need for a work permit.

It is against this backdrop that this Bill assumes critical importance, as it seeks to balance the benefits of open borders with the imperative of effective security. The use of advance passenger information and passenger name records, API or PNR for short, provides essential pre-screening measures at our borders

enabling authorities to identify high-risk individuals before arrival or departure. With API and PNR data, border officials are able to coordinate intelligence on individuals involved in criminal activities such as human trafficking, narcotics smuggling, organized crime, and terrorism.

Mr. President, central to the management framework for regional security, is the CARICOM Implementation Agency for Crime and Security also known as IMPACS. As an institution of CARICOM, IMPACS is tasked with the primary responsibility for the implementation of the regional crime and security agenda, reporting directly to the council of Ministers with responsibility for national security and law enforcement. CARICOM IMPACS is an institution of CARICOM, and it includes its sub-agencies, the Joint Regional Communications Center and the Regional Intelligence Fusion Center.

This Bill will be instrumental in facilitating the streamline transmission and analysis of API and PNR data across all participating CARICOM member states. Through the Joint Regional Communications Center, the JRCC will be responsible for gathering, analyzing and disseminating API data in a timely and consistent manner. Prescreening travellers, ensuring compliance by all aviation and maritime vessels, and conduction security vetting of visa applications. Currently 19 countries, all CARICOM member states, and four out of six associate member states participate in the CARICOM APIS programme. Regional and international aircraft and vessels are required to submit API prior to arrival and departure from any of the member states. It should be noted that the region successfully utilizes a single window concept to allow the collection of API data, which allows the member state to receive the data at the same time. This concept has been lauded by the International Air Transport Association, IATA.

Mr. President, if you would allow me, before I continue with respect to certain aspects of this Bill, I think it is extremely important for us to understand as a nation why we are where we are. APIS is something that has been around, or CARICOM IMPACS pushing APIS and CARICOM on the whole, pushing APIS as something that should be adopted, has been in and around since the year 2024. Prior to the implementation of that particular working document and working group by CARICOM officials, there were other arbitrary activities being utilized to try to vet persons transiting through the different countries, and the way in which criminals operate sometimes, they may enter one country together as a collective, but before they move on to carry out specific nefarious activities, they will split up and take varying routes to get to that central location, and then action their particular plan.

However, Mr. President, Trinidad and Tobago essentially would not be in this position. And I repeat, Trinidad and Tobago would not be in this position had we adopted the CARICOM IMPACS APIS piece of legislation since it was introduced in 2024 of that year. What transpired essentially, Mr. President, is that there was a sharp increase in terms of nefarious individuals venturing to the UK and seeking to claim asylum, which prompted the UK officials to have a discussion with Trinidad and Tobago, in and around November 2024 when these numbers began to rise. So, the first instance in which this trend regarding the asylum claims was raised in Trinidad and Tobago, apart from it being raised with CARICOM IMPACS in November 2024, in an official capacity, it was on the 15<sup>th</sup> of January, 2025 during a meeting between CARICOM IMPACS, UK Home Office and the UK's National Crime Agency.

At that meeting, the UK Home Office indicated that there was a dramatic increase in Trinidad and Tobago nationals applying for asylum from an average of

15 to 20 persons per month to 40 to 59 persons within the last few months of 2024. Concerns were also expressed regarding the entry of gang members or individuals with criminal backgrounds from Trinidad and Tobago into the UK. The UK Authorities therefore advised of the likely imposition at that time of a visa regime early in 2025, to be applied to Trinidad and Tobago nationals seeking entry into the United Kingdom unless some corrective action was adopted on the part of the Government of Trinidad and Tobago. This is in and around January of 2025, the increases being noted in November of 2024.

Subsequent to that original meeting, there were meetings that were held with the former Minister of Foreign and CARICOM Affairs, and His Excellency, High Commissioner Jon Dean on January 20, 2025; February 10, 2025 and March 14, 2025. Although his stint was short he also attempted to try to rectify the situation. Sen. Dhanpaul, in his capacity as High Commissioner also attempted to try to meet with officials from the UK Home Office on January 27, 2025. Former acting Minister of Foreign and CARICOM Affairs, Mrs. Paula Goope-Scoon also had a meeting on March 10, 2025; former Prime Minister of Trinidad and Tobago, Mr. Stuart Young also had a meeting with members of the British Government on March 11, 2025 accompanied by the then acting Minister of Foreign and CARICOM Affairs, Mrs. Paula Goope-Scoon.

Unfortunately, after all of these meetings, there was nothing tangibly done by the previous administration to allay the fears of the British Government as to the significant rise in asylum seekers that were coming to the UK. To put that into context, essentially the way in which the UK legislation has been set up or adopted from their previous relationship with the European Union, once a person lands on British soil, and claims asylum, the British Government is obligated to treat with

that application. The testing of the veracity of the application cost essentially the British Government, and more importantly for the British Government, the British people, £65,000 per application; £65,000 per application. And this, essentially, apart from the rise in persons seeking asylum, and also taking into context the amount of persons that came and sought asylum that were actually granted asylum, was less than five per cent.

So you had 95 per cent of persons coming making their application and being unsuccessful. Staying in all sorts of fanciful hotels, costing the British people £65,000 per head, and then having to repatriate them back to Trinidad and Tobago, and Trinidad and Tobago is aware of all of this for a couple of months well, and no significant action was adopted by the then administration, which left the British Government with no alternative but to implement the visa regime, which is what we are working on today.

Coming into office, almost immediately, on May 07, 2025, myself as the Minister of Foreign and CARICOM Affairs, collectively with the hon. Minister of Defence, Wayne Sturge, and the hon. Minister of Homeland Security, Mr. Roger Alexander, met with His Excellency, Jon Dean and had discussions with him on this particular issue. Subsequent to that, we had further discussions with the UK, in and around June of 2025, we also had a virtual meeting in July of 2025, and several issues were discussed with the UK concerning the situation that had negatively impacted Trinidad and Tobago.

**3.30 p.m.**

We expressed to the British Government then, that—the UK Government actually expressed to us then, that the British Home Office had noticed a spike in the number of Trinidad and Tobago asylum seekers from 240 to 350 per year in

December of 2024. The asylum claim seemed to be opportunistic in nature—this is what the British Government told us—and most claims were not legitimate and were therefore denied. Trinidad and Tobago nationals were making asylum claims upon arrival at the airport, which represented a misuse and abuse of the UK immigration system. There was a significant impact on the frontline operations, in particular at the London Gatwick Airport operations. The authorities were required to move resources from other areas in order to treat the asylum claims being submitted at London Gatwick Airport.

Trinidad and Tobago, in response, put forward certain positions to the UK Government then: The possibility of Trinidad and Tobago nationals who had valid US visas, that they should be exempted from the requirement to obtain UK visas for travel to the United Kingdom was one of the positions reposed; the strengthening of existing and the adoption of screening and other mechanisms for Trinidad and Tobago nationals who had convictions on scheduled or non-scheduled offences seeking to travel to the UK should have been considered as well, and other measures which may be deemed pertinent to the resolution of the concerns of the United Kingdom.

Given the above observations, a note verbale was sent to the UK Home Office, and several review steps were adopted, as I mentioned before, in 2025, the last one being a meeting with Mr. John Brocklehurst, who is a Member of the Home Office, to discuss the proposals of Trinidad and Tobago to have this visa imposition reviewed, revisited and removed. It is to be noted that the Cabinet considered Note 25 from the Ministry of Foreign and CARICOM Affairs, proposing the establishment of an interministerial committee to determine the solutions and to coordinate efforts to address the imposition of the United

Kingdom visa of nationals of Trinidad and Tobago.

I want, for the benefit of the listening public, Mr. President, to appreciate essentially what obtains today prior to the passage of this legislation and what caused this problem as well. It is not to say that we, as an administration, are casting any blame on the Immigration Division at all. But what the position is, is essentially when someone wants to leave Trinidad and Tobago to visit another country, they have a departure card that they fill out. That departure card is collected by the immigration authorities, and as best as they can with the manpower that they have, they are supposed to upload that information into a system, which is then shared with the country that the person is going to, subsequent to certain checks being conducted.

Unfortunately, the system, as it is currently, is slow and deemed to be inefficient, hence the reason you had an uptick of persons now trying to abuse this loophole in the system to find themselves in the UK to claim asylum, to escape sanctions that they may have faced here in Trinidad and Tobago. That has mothballed into something that could not have been tenable for the UK administration. And with no action being reciprocated by Trinbagonian authorities then, under the previous administration, there was no choice by the UK Government but to implement this visa that we are faced with now.

So as it pertains to the legislation, this legislation establishes a modern, intelligence-driven system for the collection, processing and sharing of advance passenger information and passenger name record data, commonly referred to as API. At its core, the Bill transforms how we secure our borders. It establishes a complete end-to-end passenger data security system, from collection to analysis, to both regional and international sharing, anchored in law, technology and

cooperation.

Mr. President, a central feature of this Bill is the designation of the Competent Authority, which is responsible for the overall implementation and operation of the system. The Bill expressly provides that the Chief Immigration Officer is designated as the Competent Authority, with the responsibility for administering and enforcing the Act.

Under clause 5, the Competent Authority is mandated inter alia to implement the provisions of this Act; establish systems for the collection, transmission, storage, and processing of API and PNR data; and coordinate with national, regional and international partners, including IMPACS and INTERPOL.

Mr. President, the Bill places a responsibility for its implementation squarely in the hands of the Chief Immigration Officer as the Competent Authority, ensuring clear accountability and effective oversight of this critical border security system.

How do we intend to operationalize the system, Mr. President? The system contemplated under this Bill operates in six clear stages. First, airlines and vessels are mandated to transmit passenger data before arrival. Second, that data is received and processed by the Passenger Information Unit. Thirdly, it is then screened against national, regional and international watch lists. Fourthly, any risks identified are reviewed by trained officers. Fifthly, appropriate action is taken at the border, while intelligence is shared with regional and international partners. Sixthly, Mr. President, the entire process is subject to independent oversight by the data protection officer, who is appointed by the President and whose office is established under clause 8, ensuring that all data is collected, processed and used in accordance with the law and with the full respect for the

individual's rights.

As it pertains to mandatory data collection from carriers at the entry point system, clause 9 provides a:

“...duty to provide API and PNR data...”

Under this clause, airlines and vessels are legally required to submit advance passenger information, passenger name record, embarkation and disembarkation data. This applies to all inbound, outbound and transit travel. This legislation, therefore, ensures that passenger data is received before arrival, allowing authorities to act proactively rather than reactively. This means that before a passenger even sets foot in Trinidad and Tobago, the relevant authorities would already have access to key travel information.

Centralized processing through the Passenger Information Unit, the PIU: Clause 6 establishes the PIU, and clause 7 lists the functions of the PIU. The Bill establishes a Passenger Information Unit within the Immigration Division, staffed with trained and vetted personnel capable of round-the-clock intelligence analysis to detect threats before they reach your borders. The PIU will be responsible for receiving and storing data, conducting risk analysis and generating intelligence for frontline officers. The operational effect of this is that it creates an intelligence hub for passenger screening; automated risk screening against watch list, which is extremely important.

Clause 13 details the processing of API and PNR data, and clause 15 establishes how the screening and sharing of that data would be actioned. Passenger data is automatically screened in real time against watch lists, immigration databases and international security databases. This allows Trinidad and Tobago to identify terrorists, criminal suspects and persons using stolen

identities, which is extremely prevalent, thereby strengthening our ability to detect threats early. It transforms our border control into an intelligence-led system. This allows the State to identify high-risk individuals, including persons involved in terrorism, serious crime or other fraudulent activity. With all of this action taking place, there will be questions as it pertains to oversight. And as much as we would love to rely on artificial intelligence and computer-based technology, I am one, and I think this administration is one that is also appreciative of human oversight.

The Bill carefully balances the use of modern technology with the protection of fundamental rights by ensuring that human oversight remains central to all decision-making. Under clause 5(7), the legislation makes it explicit that no decision which produces an adverse effect on a person may be taken solely on the basis of an automated processing. However, Mr. President, this safeguard is reinforced and operationalized through clauses 5 and 7.

Under clause 5, the Competent Authority is again responsible for overseeing the screening and assessment of API and PNR data, and ensuring that the appropriate procedures are in place for the verification of any matches of risk indicators. And clause 7, the PIU is mandated to analyze and assess API and PNR data, identify persons who may be involved in terrorist offences or serious crime, and disseminate the results of that analysis to the Competent Authority. So, both clauses 5 and 7, the utilization of the Competent Authority being the Chief Immigration Officer, who is a person, and the PIU, which is the Passenger Information Unit, will be comprised of people. We are not relying on machines.

Real-time action at the border: What this Bill does is fundamentally shift border control from a reactive model to a proactive one. Border control no longer begins when a passenger lands. It begins before the aircraft or vessel even departs.

So instead of waiting for a passenger to arrive before assessing risk, authorities will already have the intelligence in hand. This allows for targeted intervention, faster processing of legitimate travel, and immediate actions against those who pose a threat.

Mr. President, I think it is extremely important, especially with respect to the economy of time, to indicate how regional integration of this system would work. A critical feature of this Bill is that it does not operate in isolation. It embeds Trinidad and Tobago within a regional security system. The legislation gives effect to the use of the CARICOM Advance Passenger Information System, which is defined in clause 3 as a system through which passenger data is transmitted electronically via the CARICOM Electronic Manifest Single Window. As defined in the Bill, the system is a centralized regional platform, with the database managed by IMPACS, the CARICOM Implementation Agency for Crime and Security.

Further, under the functions of the Competent Authority, provision is made to:

“(h) establish cooperation and information sharing mechanisms with relevant national and international entities...”

And:

“(k) co-ordinate with IMPACS on matters relating to API and PNR...”

Similarly, the Passenger Information Unit is required to:

“...liaise, collaborate and exchange information with...regional...authorities, including other passenger information units...”

What this means in practice is that this Bill creates a shared Caribbean security space, where passenger data is not confined to one state. Risks identified in one

jurisdiction can be acted upon in another, and regional partners operate with a common intelligence picture.

The CARICOM Implementation Agency for Crime and Security requires that all private and commercial flights to or from member states submit advance passenger information prior to arrival or departure. And the following CARICOM states currently participate in this programme: Antigua and Barbuda, Barbados, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, and Haiti. In 2025, legislation was passed which allowed Guyana and St. Kitts to adopt this new model of intelligence sharing.

What is also important to note, Mr. President, is how APIS will allow us to integrate well enough with our international partners, which is where this entire fiasco originally started. In addition to regional corporation, this Bill places Trinidad and Tobago firmly within the global security network through clauses 15 and 16. This legislation enables the secure and lawful exchange of passenger data with trusted international partners, integrating Trinidad and Tobago into the global fight against terrorism and transnational crime.

**3.45 p.m.**

Under clause 15, the Competent Authority and IMPACS are empowered to screen passengers against national, regional and international databases as well as share API and PNR data with INTERPOL and other approved international security and law enforcement agencies. Additionally, clause 16 provides that API and PNR data may be transferred to another country only in accordance with the Act, and on ascertaining that the recipient country intends to use the data in a manner consistent with this Act. Clause 16 further requires that such transfers be

governed by legally binding instruments enforceable rules or contractual safeguards to protect the rights of individuals.

This Bill represents more than just a legislative update. It is a strategic transformation of how Trinidad and Tobago will protect its borders in an ever-increasingly interconnected world. Through clauses 5 and 7, we are embedding our national systems with a coordinated CARICOM security framework, ensuring that intelligence is shared across the region and that threats are identified, not just at our borders, but across the Caribbean space. Through 15 and 16, we extend that cooperation globally, enabling the lawful exchange of information with international partners, including INTERPOL and other competent authorities, so that those engaged in terrorism and transnational crime cannot exploit gaps between jurisdictions.

At the same time, through clause 8, there are safeguards located in Part V, that ensure that there is an enhanced security framework which operates within a system of accountability, oversight and respect of fundamental rights.

Taken together clauses 5, 7, 15, 16 and Part V demonstrate that the Bill is not only about strengthening border security, but about doing so responsibly through regional cooperation, international engagement and robust legal safeguards.

Mr. President, as Trinidad and Tobago moves to implement this APIS Bill, this Government is mindful of the critical need to support and advance CARICOM and its regional security initiatives. This legislation, as I mentioned tacitly before, was in accordance with the model endorsed by the Legal Affairs Committee of CARICOM. In October 2024, at the 36<sup>th</sup> meeting of the Legal Affairs Committee, member states approved the CARICOM APIS Bill model for adoption by member

states. This model legislation allows the designated competent authority to collaborate with CARICOM IMPACS as the regional processor and analytical hub for passenger information. The Competent Authority is required to collect the API data, as specified under the proposed legislation to support proper storage, use and legal sharing of the required data.

Mr. President, this Government recognizes Trinidad and Tobago's responsibility as a member of the international community to implement systems that enhance data-sharing capabilities, and uphold global standards to counter terrorist travel. This Bill is vital to fulfilling Trinidad and Tobago's obligation under the Chicago Convention, and aligns with the International Civil Aviation Organisation (ICAO) best practices. Notably, in 2024, ICAO Council updated Annex 9, facilitation to further streamline procedures for the entry and departure of air and sea passengers, in accordance with the Chicago Convention.

This Bill is essential, Mr. President, as movement of people across the region is a fundamental part of our identity. Nevertheless, it is imperative that Trinidad and Tobago maintains effective border management and control. This legislation ensures that our nation does so by implementing advanced monitoring protocols which, through collaboration with CARICOM IMPACS, will enable authorities to detect and respond to persons of interest seeking to enter, transit, or exit Trinidad and Tobago. In so doing, we will strengthen our national security framework, enhance our data-sharing capabilities and demonstrate Trinidad and Tobago's unwavering commitment to global security standards.

Mr. President, this Bill is critical, it is urgent, it is timely. If we are to survive in a world where—and I said it most recently at a luncheon that I was invited to with some of our European counterparts—we as an administration

understand that sometimes decisions that are made may seem to be a bit harsh for some. But as I told them, and I will tell this honourable House, the monsters that they dealt with in their time, are different monsters that we are dealing with today. Those monsters evolve daily. They evolve rapidly, and they are not monsters that are only influenced by theology and influenced by practice, they are monsters that are only influenced by profit.

Criminals and monsters of that nature that are influenced by profit, are far more dangerous for us to deal with as a country, and it is so, that as an administration we adopt measures that we think are proportionate, we think that are timely, and we think that will defend our nation in the best possible way against these same monsters that we have to deal with in the southern Caribbean, that others north of us do not. With those few words, I beg to move, Mr. President.

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

*Question proposed.*

**Mr. President:** Sen. Vishnu Dhanpaul.

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

**Sen. Vishnu Dhanpaul:** Thank you very much, Mr. President. Let me state to Sen. Dr. Swaratsingh, I may not be brief. Mr. President, let me state from the outset, that we on this side intend to support the Bill. The hon. Minister of Foreign and CARICOM Affairs, introduced the issue of asylum seekers from Trinidad and Tobago into the United Kingdom, and also spoke about the relationship with the asylum seekers and the role of the High Commission of Trinidad and Tobago in the United Kingdom. So, I feel I have to respond to the hon. Minister. But to understand the role of the High Commission in the asylum seekers issue, I think I should first explain the configuration of the High Commission.

The High Commission consists of three Ministries, obviously the Ministry of Foreign and CARICOM Affairs, the Ministry of Trade and Industry and the Ministry of National Security, very importantly. We have a security attaché attached to the Ministry of National Security. We have a commercial officer who I will let the Minister know, was an excellent commercial officer who was not politically appointed, excellent. Also, we have Foreign Service officers, including one as the Head of Chancery, all appointed from Trinidad and Tobago. In addition, the High Commission has locally employed staff, meaning Trinidad and Tobago nationals living in the United Kingdom. I have in my possession some documents that the Minister may not have in his possession. This is all about the role of the High Commission in the asylum seekers issue.

On November 11<sup>th</sup>, 2024 the security attaché, a woman police officer from the Trinidad and Tobago Police Service, wrote to the High Commissioner about Trinidad and Tobago nationals leaving to seek asylum in the United Kingdom. Subsequently, this memo was sent forward to her authorities at the Trinidad and Tobago Police Service. The security attaché and I quote with your leave, Mr. President:

The security attaché has been informed that several Trinidad and Tobago nationals, primarily from Carenage and western areas of Trinidad, are planning to leave the country and travel to the United Kingdom to seek asylum. They cite crime and criminal threats in their neighbourhoods as the reasons for their decision. Inquiries to date have revealed that some individuals from these areas left Trinidad for the UK in 2023.

Although, the exact departure date is unclear, it was heard that one person—name called—travelled from Piarco International Airport to London,

Gatwick. Upon arrival, he approached border force officials, reporting that his life was in danger in Trinidad and that he wished to seek asylum. As per procedure, he underwent a screening interview with immigration officials at Gatwick, and his claim was forwarded to the Home Office for consideration. He was then placed in a hotel while investigations were on the way.

Following the formal government's plan—this is the former government of the United Kingdom—to relocate all asylum seekers to Rwanda, he reportedly left the hotel and as of this date, his whereabouts are unknown. After his arrival, he reportedly communicated with friends and family in Trinidad, explaining the procedure and encouraging them to come to the UK to seek asylum. Some individuals from the area have since followed his advice.

I repeat the date, November the 11<sup>th</sup>, 2024, when the High Commission was first briefed on this issue. On January 17<sup>th</sup>, 2025, CARICOM IMPACS wrote to the Permanent Secretary in the Ministry of Foreign and CARICOM Affairs.

Dear Permanent Secretary,

CARICOM IMPACS presents its compliments for the New Year, et cetera. The purpose of this letter is to provide an update on the recent developments, concerning the increased movement of Trinidad and Tobago nationals to the United Kingdom, as well as, the discussions that have taken place between CARICOM IMPACS and UK partner agencies. CARICOM IMPACS, was also advised during the meeting that a visa regime for Trinidad and Tobago nationals is being contemplated and was expected to come into effect in March 2025.

The date on this letter is 17<sup>th</sup>, January, 2025 to the Permanent Secretary, Ministry of Foreign and CARICOM Affairs.

**4.00 p.m.**

I will continue with the chronology. February 04, 2025, from the Security Attaché—I repeat, a woman police officer from the Trinidad and Tobago Police Service, and an excellent one—to the Assistant Commissioner of Police of Special Branch, dated February 04, 2025. Subject: Meeting held between High Commissioner Dhanpaul and officials of the United Kingdom, Home Office, on January 27, 2025. I quote:

“On Monday 27 January 2025, a meeting was held between...”—the—  
“...High Commissioner for the Republic of Trinidad and Tobago...”—in—  
“...London, and officials from the United Kingdom Home Office. The meeting which was held at the High Commission for the Republic of Trinidad and Tobago...commenced at 12:00 pm and ended at 12:50 pm.

This meeting was held following a directive...”—I repeat—“This meeting was held following a directive from the Minister of Foreign and CARICOM Affairs to the High Commissioner, for those discussions to be held, following a report from CARICOM IMPACS about the increased asylum seekers from Trinidad and Tobago to the United Kingdom.”

I just want to repeat the date on this memo, February04, 2025.

“The meeting, which was initially scheduled for January 24, 2025...was rescheduled to the above-mentioned date and time at the request of the Home Office...”

Present at the meeting—very critical, Mr. President:

The “...High Commissioner...

Ms. Urvashi Ramnarine”—who would be the—“Minister Counsellor and Head of Chancery”

This would be High Commissions staff.

“Ms. Carol Valentine-Heath, Security Attaché

Mr. Jermaine Pascall, Immigration Attaché”

—because in that High Commission there are also two Immigration attachés.

The “UK Home Office”

The Minister named one of the officials.

“Mr. John Brocklehurst, Deputy Director of Border Policy Directorate

Ms. Sukina MacPhail, Head of Visa Policy

Mr. Huw Davies, Border Policy Directorate.”

I have to quote extensively from this document because it is the only way I could get the point across about the involvement of the High Commissioner.

Mr. Brocklehurst—this is from the Home Office. The gentleman from the Home Office stated:

“...that there was a noticeable and worrying trend that the number of asylum seekers from Trinidad and Tobago, had risen from an average of fifteen (15) per month in 2023, and peaked at one hundred and six (106) in December, 2024. He explained that the trend is disturbing, considering the size of the population of Trinidad and Tobago is relatively small. He further explained that the trend puts a considerable amount of strain”—and the Minister pointed it out—“on the resources from the port of entry, which is mostly at London Gatwick Airport where asylum applications are processed.

In continuing”—he stated—“that there is currently a backlog with asylum applications, which means that the cost of asylum support is increasing

significantly, and is now costing the United Kingdom Government millions of pounds to support that exercise. He added that while in such instances the introduction for visa realizes a ninety-five per cent (95%) reduction of asylum applications, they are not yet at that stage of imposing a visa requirement, but wanted to flag the issue with the Trinidad and Tobago authorities.”

Mr. President, this was also sent to the Permanent Secretary in the Ministry of Foreign and CARICOM Affairs, this memo. So it was to the Special Branch as the authority for the Security Attaché; the Ministry of Foreign and CARICOM Affairs as the authority for the Head of Chancery, and the Foreign Service officers.

“When questioned about the profile of the asylum seekers from Trinidad and Tobago”—the Home Office—“informed that the majority would have cited reasons of safety concerns over gang activity in the country.”

But, you know, what I would like to point out to you, Mr. President, is that the High Commission followed the correct protocol throughout what transpired along the chain of command. I cannot say with any certainty, but we followed the correct protocol. All necessary letters were sent off. There is a chronological set-up of the events, so we are convinced that the High Commission—I do not mind taking blame. I have been a public servant for more than half of my life; taking blame is part of being a public servant. That is par for the course, but I have to protect the other public servants, the innocent public servants at the High Commission who did the right thing. They did the right thing.

You know, for me, personally, Mr. President, what is disappointing about this entire scenario, for me personally, is that we are dealing with the United Kingdom, and Trinidad and Tobago is the only country out of all the colonies of the United

Kingdom who contributed the most to the economy of the United Kingdom through British petroleum, and in recent history, Shell, and this is what we have been faced with, a visa requirement to get into a country that essentially we have built.

In that same meeting, I continue:

“High Commissioner Dhanpaul emphasized the long-standing bilateral relationship and strong economic partnership between Trinidad and Tobago and the UK, as well as the contributions of the Trinbagonian diaspora to the UK, and indicated that a visa requirement could have a negative impact.”

Mr. President, the visa was implemented in, I think, the first week in March of 2025. I left office in the second week in March 2025, to return to Trinidad. So on that, I hope I outlined to the national community, and to the Minister of Foreign and CARICOM Affairs, the role of the public servants, and myself, at the High Commission. So I can move now to the Bill.

Mr. President, after careful consideration—Before I do that, Mr. President, sorry about that, but I have to state some of the recommendations coming out of that meeting with the Home Office. It makes for excellent reading, Mr. President. The recommendations coming out of that meeting, dated February04, 2025—and the Minister of Foreign and CARICOM Affairs should be listening—this is the High Commission putting recommendations to the Ministry of Foreign and CARICOM Affairs and Special Branch:

- “Introduction of passport checks at the airports of departure of all travelers. Such checks should be designed to possibly identify persons of interest, people with criminal records and people who could seek asylum...with a view to barring travel or notifying UK Border Force of intended arrivals. Passengers should be asked to

provide an address at their destination;”

The recommendations continue:

- “Systems to prevent travel by known persons of interest and persons with criminal records;
- Re-enforce communication channels between Trinidad and Tobago Police Service (TTPS) and UK police Officials, so that notification of persons of interest is sent to the UK prior to flight arriving in the UK, the UK shares information about asylum applications, enforced deportations, detained nationals, and imprisoned nationals;
- Step up coordination by TTPS and Immigration Division regarding preventing the departure of persons of interest or persons possessing outstanding warrants;
- Better communication between relevant agencies and the High Commission in London, to monitor persons of interest travelling to the UK;
- Seek training from the UK Border Force regarding profiling travelers for TTPS and Immigration officers at the airports;
- Re-introduction of the Drug Liaison Agent from the UK at the airports in Trinidad and Tobago;”

Very interesting. And, finally, and this is even more interesting:

- “Fast track drafting legislation for API/PNR.”

Let me repeat the destination of this memo, the “Assistant Commissioner of Police, Special Branch”, “February 04, 2025”, also sent to the Permanent Secretary, Ministry of Foreign and CARICOM Affairs.

**Hon. Senators:** [*Crosstalk*]

**Sen. V. Dhanpaul:** It is what it is, but I will tell you, being a public servant for half of my life, I surround myself in an environment of integrity and full disclosure, and ethics.

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

**Sen. V. Dhanpaul:** Mr. President, let us get to the easy part. After careful consideration of our national security imperatives, we on this side will vote in favour of the Advance Passenger Information and Passenger Name Record Bill. However supporting this Bill does not mean endorsing it as perfect law.

Trinidad and Tobago sits at a critical maritime and air transit junction in the Caribbean. The threat of terrorism, human trafficking and transnational organized crime is real and documented. Our law enforcement agencies need modern tools, and the international framework governing Advance Passenger Information and Passenger Name Record data, developed through the International Civil Aviation Organization and adopted by dozens of responsible countries, represents an accepted baseline of border security procedures.

I support the collection of Schedule 1, Advance Passenger Information; that is passport data, nationality, travel documents details. These are standard, well-defined and proportionate to the security objectives. They are broadly consistent with International Civil Aviation Organization standards and comparable legislation worldwide. Mr. President, Schedule 2 authorizes collection of all forms of payment information, including billing addresses, frequent flyer data, travel agency details, general booking remarks. When read alongside Schedule 1, Part C, which requires travellers to declare health symptoms over the prior seven days, and countries visited in the preceding 21 days, the picture that emerges is not a targeted security tool. It is a comprehensive biographical and financial profile of every

person who enters, departs from, or transits through this country.

Mr. President, this Bill creates a legitimate case for Passenger Name Record collection, however, I must ask the Minister, is every field in Schedule 2 necessary for the stated security purpose? The test is not whether data could conceivably be useful, the test is whether it is necessary and proportionate. A Bill that cannot articulate that justification for each category of data it collects is vulnerable to constitutional challenge, and that vulnerability, if realized, would deprive us of even the lawful security capability we are seeking. Mr. President, the Bill relies on the Data Protection Act, Chap. 22:04, as the primary safeguard for data subjects, however, the Data Protection Act was designed for commercial data processing. It was not designed to govern a national security surveillance regime that explicitly contemplates screening against watchlists, intelligence databases, and sharing arrangements with INTERPOL and foreign agencies under clause 15.

Stretching a commercial statute into a security context can leave genuine gaps. Mr. President, clause 27 rightly prohibits adverse decisions based solely on automated processing. However, the Bill provides no statutory definition of what constitutes a significant adverse decision. No independent appeal mechanism for a traveller who is flagged, and it could happen to anyone of us, and no time frame within which a person denied boarding must be told why. The right to complain to the authorities is little comfort to a traveller stranded at a port of entry, unaware whether they appear on a watch list, and unable to contest the decision in real time. Mr. President, is the Government confident that the Bill would survive the scrutiny of section 4 of the Constitution, the right to privacy?

**4.15 p.m.**

Mr. President, clauses 21 and 29 provide for both API and passenger name

record data to be retained for seven years. Multiyear retention has a legitimate analytical purpose in serious crime investigation but seven years as a blanket default, applied identically to a family returning from Disneyland in Orlando to a suspected trafficker, does not reflect proportionality or international best practice. Shorter default periods for ordinary travellers who generate no security flag, with extended retention available on a justified supervised basis for those who may be more feasible.

Mr. President, the CARICOM IMPACS dimension is a concern. The IMPACS co-manages the API passenger name record database and receives data on all persons entering or leaving Trinidad and Tobago. It is not directly accountable to this Parliament or to our citizens. Clause 16 permits transfer of data to foreign competent authorities, through legally binding instruments or codes of conduct negotiated at the executive level. Parliament plays no role in approving these arrangements. There is no requirement that it be laid before this Parliament. If the Competent Authority signs a data sharing agreement—that is the Chief Immigration Officer—with a foreign intelligence agency next week, will Parliament know? The Bill is silent. That silence, in a democracy built on the supremacy of Parliament, is simply not acceptable.

Mr. President, I will vote for this Bill because the alternative, no legal framework for API and passenger name record collection in a country with our transit profile, is worse than an imperfect one, but I have some suggestions. First, a dedicated parliamentary joint committee should have mandatory oversight of all data-sharing arrangements entered into under clause 16, with a requirement that such arrangements be laid before both Houses. Second, the blanket seven-year retention period should be replaced with a tiered framework, shorter default periods for

ordinary travellers, and extended periods for persons generating a verified security concern, subject to periodic review. Third, a statutory annual report to Parliament should be required, disclosing the number of positive watch list matches, detentions, prosecutions and data sharing transmissions made under this legislation.

Thank you very much, Mr. President.

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

**Mr. President:** Sen. Alicia Lalite-Etienne.

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

**Sen. Alicia Lalite-Etienne:** Mr. President, and my colleagues in the Senate, good afternoon. I would like to thank you all for the opportunity that I could contribute towards the Advance Passenger Information and Passenger Name Record Bill, 2026. I stand here, and I am privileged to contribute towards the Bill. I would like to give highlight to a quote by Justice Vikram Nath, a New Delhi Supreme Court judge. He said that inclusiveness is not an act of charity but an act of justice. You know, I would like us to think about that as I continue my contribution.

Now, the Sustainable Development Goals emphasize the importance of accessibility and full inclusion for all citizens, including persons with disabilities. For the listening public and just for a refresher, I will just give a little brief background. In 2012, the United Nations, when they met their conference, member states decided that they would launch the process of the Sustainable Development Goals, SDGs. These goals were to take position after the Millennium Development Goals had been concluded in 2015 and it did take precedence. The sustainable development areas are like in environment, economy and social development. The areas highlighted, also, were in education, growth, inaccessibility, accessibility and employment. Things like that. I would like to highlight these sustainable goals to

align with the hon. Minister, who has piloted the Bill in this Senate this afternoon, Mr. President, to compliment the Government—Oh, I forgot. Mr. President, could you give me a 10-minute heads up, please?

**Mr. President:** Yes. I will.

**Sen. A. Lalite-Etienne:** Thank you so much. I would like to compliment the Government for their initiative to see the need for passage of a Bill like this. It helps us with, as what was outlined, our security and things that are happening between borders that should not happen, which bring a dark light on Trinidad and Tobago, which should not—just by some individuals who feel that they can, you know, operate above the law, Mr. President. So I first would like to compliment the Government for this initiative. That is the reason why I highlighted the Sustainable Development Goals. The 2030 Agenda for the United Nations is that different governments in member states would align themselves with these areas. I would like to compliment the Government because this Bill actually aligns Trinidad and Tobago with achieving these Sustainable Development Goals. So I would like to compliment the Government for the direction that they have been taking over the last months that they have been in office.

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

**Sen. A. Lalite-Etienne:** But, you know, there are some little highlights that I would like to ask for them to pay particular attention to, Mr. President. For example, I am a person who loves to travel. When you travel, you appreciate people's culture. You also learn a lot. I travel alone 99 per cent of the time. I have travelled to various Caribbean countries, I have travelled internationally, and I travel alone. The reason why I will also compliment the Government for this initiative is because it helps me with the inconvenience that I face every time I

travel alone. Like for returning, you are given an immigration card to fill out before you land. Years ago, the flight attendants would assist you, but no longer. Very rare you will get someone who would come and say, “You need assistance? I will return to you in a little while”.

When I get into Trinidad and the flight lands, the persons that assist persons with different challenges, they have to now step out of their comfort zone to assist me to complete this form, which is a lengthy period because they have to assist many individuals and I end up in immigration, waiting for a very long period.

So, I welcome this Bill, the initiative and the course the Government is charting regarding this aspect of immigration. So, I was very happy to hear that, and I said okay, I like to be independent. I will try to access the government travel website, [travelstate.gov](http://travelstate.gov). Mr. President, when I accessed the website, the home page, yes, you can move around it. Someone using adaptive devices, however, it is not accessible, Mr. President. I have tried and every time—you all would say, “click”. I will say, “press enter”, on an option—it takes you back to all over the website. You cannot get to input your information. So, it is not accessible to persons who are using adaptive devices.

The reason why I raise this point, and I will ask the hon. Minister and the Attorney General to take consideration to it, is because persons with disabilities travel a lot. Also, a lot of persons with disabilities attend different events in Trinidad and Tobago from the developed countries, and for them to try to access the website to fill out their information, it will be very challenging and it could be very embarrassing to our immigration aspect. Also, picture—because many times, Alicia travels on her own, she will stay in a hotel, and she does not have anyone to assist her to go online to fill out the type of information to return home. That is

where the challenge—because you cannot trust any and everybody. So that is where the challenge comes in because when you return to Trinidad, you are held in immigration until, that is mandatory, that the information must be filled out.

This is the case where it causes a lot of inconvenience because when I think I will be, you know, having to contend with safety measures, we are boarded first, however, when we are disembarking, we are taken off the aircraft last. So, we have to wait on the aircraft until everybody exits and then after the assistant will come to us. So, now to come to immigration and here is where we are not included. We have to now wait again to get assistance. When, if the website was accessible, we could be inclusive and we could now fill out our information, which is very private, on our own because you have to be very careful.

So, the information that is needed, you have the World Wide Web Consortium, W3C, and you have the web content website that you can gather all the information for making websites. It is not much, it does not take much, and it does not take any amount of major financing to make these important websites, Mr. President, accessible for persons with disabilities. So, as we are accomplishing the 2030 SDG Goals, it also states inclusiveness for persons with disabilities and here, right now, we are being left behind, we are falling through the cracks, and we are not being recognized to be included in this major venture.

The reason why I raise this is because many things, and it is not any blame by any government or this present Government, that now things have to be retrofitted. So, as everything is in the early stages, if the hon. Minister of Foreign and CARICOM Affairs and the Attorney General could take consideration into, somewhere along the line, including or entertaining including somewhere in some clause inclusiveness for all. Because then years down the line, we would have to

now come back and try to retrofit.

**4.30 p.m.**

You know, some people might want to say this is an operational aspect and it is not at the legislative level. But, Mr. President, if a unit is established, this same legislation will be the guidelines for the unit and what happens with this unit. So if the legislation is missing things for persons with disabilities to make the website accessible, what would happen, it will now come down to doing it as a form of maybe a charity act or, you know, a consideration, as opposed to it being a part of law that they are mandated—

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

**Sen. A. Lalite-Etienne:**—to follow. And this is the problem that we, the disabled community, have been facing and plagued with for numerous decades, whereby, you know, they feel, all right, those who are in authority, that we are not mandated to do it, so you can wait on the side, or it is not urgent, so we can—that could happen at a later date.

So, if it is in the legislative process that will actually govern—because law is to guide, all right, so if it is in the law, if somewhere, some aspect of this Bill, it is incorporated in this Bill of accessibility, one thing it will do is that we will be included and not have, later on, something being retrofitted to include us, one. And two, the present Government, this country, will be 100 per cent achieving the SDG goals, United Nations goals, so it is a twofold win-win.

Also, I would like to give a—highlight, not just to persons with disabilities, but you have people, even young people, who are technologically challenged, and they are very intimidated by technology. And what happens is that—even the elderly. And I think this gives way to proper notification, that the website, it times you out at a

certain time. So when you are finishing one screen of information, if you take too long, it times you out.

And, Mr. President, I have, you know, gotten some feedback from the disabled community, and also technologically-challenged individuals, which includes the elderly. A couple—an elderly couple in their 70s, who are Trinidadians, but reside abroad, Mr. President, they returned home just two weeks ago, you know, to just enjoy the nice life of Trinidad, and they were not aware of these new restrictions and new initiatives, immigration initiatives, that have been implemented. And what happened—because these situations I am speaking about, it all ties in to this Bill today. And what took place with the elderly couple is that when they arrived in Trinidad, they were braced with, “You have to fill out this information.” And they spent, in immigration, over three hours; the 70-something year old wife, trying, on her phone, to fill out the biographical and other information that is required. And it was very frustrating for them because they had to spend over three hours, and then the immigration officers had to step in and try to assist them. Also, you have technologically-challenged people, the website, the time that they will take, it is timing out on them.

So, I will like to ask the hon. Minister of Foreign and CARICOM Affairs, the disabled community is not really asking much. We are kindly asking to be included from the beginning, which starts at the Bill stage, not when the unit has been established, and then you have complaints coming in, and they have to now find a way to at least say, “All right, we will have an agent to assist you all,” or they create some way to assist us, being courteous to us. But we would like to be independent, whereby we can fill out our information, leaving Trinidad and Tobago, and returning to Trinidad and Tobago. Because currently, if I have to

travel in the very near future, I cannot fill out the information on my own, and when to return to these shores, I will not be able to fill out my information on my own. And if I have to travel alone, that is another complication that I would have to now think about, how could I get someone that I could trust to fill out the information, Mr. President.

So this is just something that—when I went through the Bill, and I did my research, this is one of the aspects—and I even went and tried it out, because I said, let me try it out, so that I can see that my adaptive device could navigate the website, and sad to say, it cannot navigate the website. And we, persons with disabilities, cannot stay put. We like to move, we like to travel, we like to experience, because that is how we learn. So, for me, I would hear people describe things, but however, I like to interact. I would like to interact for myself, experience it for myself, then I could get a mental picture of what is taking place and I could benefit better without just descriptions.

So that aspect, I am humbly pleading to the authorities, to the Government, to the hon. Minister, to take consideration, so that we would not have to come up with the situation of trying to retrofit when you have a lot of complaints coming in and flooding the immigration and your office of inaccessibility, and we need privacy, because the information that is being required is private information. That is one thing. And I am hoping that the Government will take this into consideration, especially the hon. Minister who actually piloted the Bill this afternoon, that he will take the disabled community, which is the largest—members of the largest minority group in the world, 1.3 billion persons. And for anyone in this Senate, disability could happen anytime. It is not something that you ask for, but when it comes, you have to accept it. So I am kindly asking for some consideration in that

aspect.

I also have some questions that the Minister, when he is wrapping up, may be able to answer. In clause 28 of the Bill, it speaks about sensitive information. Now, how sensitive is sensitive information? Because this information will be stored for seven years. And you know, I would like it to be cleared up, how sensitive. Also, this information could be shared Caribbean, regionally-wise, and also internationally. And this had happened with First World countries by accident, because systems are not perfect. Electronic systems are not perfect.

Let us say, by accident, someone's name ended up on this blacklist; this list, Mr. President, that immigration is going—that people on this list are closely monitored. And every time the person goes to travel, let us say, it is Alicia, you are pulled aside and you face some level of embarrassment, because they will ask you questions, they will scan you and they will go through all their security checks. So if a system malfunctions and some innocent person, some innocent traveller's name ends up on that list, one, how long is it going to take to be removed off of that list? Because every time that person travels, they are going to face a level of embarrassment. And when you go to the First World countries, you definitely will be pulled over, and you would be interrogated and asked questions, et cetera. So, how long the person's name would remain on the list, and what would be the process to remove that person's name and give that person back a level of comfort and security back into their lives?

Also, clauses 29, 10 and 11 in the Bill stated if there is some breach in the system, and people's information, private information, is breached—your private information—in the Bill, the clause says that the person will be notified, and also the authorities. But what process—what is next after you have been notified? I can

tell you, if that happens to me, I will be scared, because people are taking people's private information, they are stealing people's data, and you live a life of hell. You see it, people talk about it internationally, and I would not like it to happen to me. So, if there is a breach, what type of protection will that person be given if their information is breached? And we have seen it in this country happening within the past few years, where information was breached, and you know, it come on the news and they tell you—people's credit card information was compromised, and X, Y and Z. So I know it could happen, all right? And it would not be the fault of the Government. You know, systems could malfunction.

So, in that instance, what type of protection would that person have when their information has been compromised? What will happen? How would this Bill that would be assented to and come into law, how will this Bill be able to cover that individual? So, you know, these are some of the questions that we have to ask ourselves regarding security, because once your information is out there, it is a breach and anybody gets your information, it could haunt you for the rest of your life, and you could never be able to solve the problem in its entirety.

So that is one of my concerns as well. I fully support the Bill. And these are just some of the concerns that I have, and questions, which I believe that the hon. Minister, Mr. President, would be able to at least, you know, put my concerns to rest. Because I like to travel, and I—not like, I love to travel. That is one of my biggest weaknesses, travelling, and I love to travel alone, because I love to meet people. However, you know, I would like him to put those concerns to rest. I want to support the Bill. I will support the Bill, not want. I will support the Bill.

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

**4.45 p.m.**

**Sen. A. Lalite-Etienne:** I am speaking on behalf of the disabled community, kindly pleading and asking if we could change the tide for once and not just retrofit us but include us actually in the beginning of such an important, ground-breaking initiative in this country.

So, Mr. President, I think I have addressed my concerns, my problems, and I think I would wrap up here. I would like to thank you, Mr. President, and the Senate for the time given to me where I could voice the concerns of the largest minority group in the world also other people who are challenged, the elderly, and technologically-challenged individuals, and also my concerns regarding security and information.

One more concern as well. [*Laughter*] I forgot. One more concern is that it is seeking medical information, and you have to give all your medical information. Now, in clause 7 of the Bill, this information could be shared with government agencies and Ministries. When I saw that, you know, it piqued my concern that maybe some people would not like some of their medical information to be put into this type of security system, because if there is any breach, their information is out. Let us say there is a breach, and some sort of a medical condition that they have, let us say they may have AIDS, or whatever, some sort of disease that people generally do not understand, so they try to take a hands-off approach. Let us say this information seeps out. This person could be compromised when looking to seek employment, it could be locally, regionally, or internationally.

So, the level of medical information that will be given, I would like the hon. Minister may be able to clear it up. Maybe I misunderstood if it is in-depth medical information or just basic information. But, Mr. President, I thank you all for your time and for listening to my concerns and my fears. Thank you.

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

**Mr. President:** I was going to call on Sen. Foster Cummings, but we are approaching the hour when we have to take a break, a suspension. So I propose that we suspend the Sitting at this time and we return 5.48p.m. Let us come back at around 5.48 p.m. Okay, because we are going to be here according to our schedule for a long time. So you all have to take a little break. So let us come back at 5.48 p.m. This Sitting is now suspended until 5.48 p.m.

**4.48 p.m.:** *Senate suspended.*

**5.48 p.m.:** *Senate resumed.*

**Mr. President:** Sen. Foster Cummings. Is Sen. Foster Cummings here? Is he speaking?

**Hon. Senator:** He is not.

**Mr. President:** He is not? Anybody else to speak? Sen. Lewis?

**Sen. Lewis:** Yes, please.

**Mr. President:** Can you rise?

**Sen. Lewis:** [*Inaudible*]

**Mr. President:** Yes.

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

**Sen. Francis Lewis:** Thank you very much, Mr. President. My contribution will be short.

When I read through this Bill, colleagues, I struggled—as I am sure that many of you do—with what privacy laws will look like in this brave new age. I do not have a good answer. I struggle with it. But we deal with it as we wish to because if this law, the latitude for changing it is very limited, if we are to be compliant with, and collaborate with a much larger international system, and I accept that.

In going through the various clauses, I was looking for something in particular, and in particular, down in—it is Schedule 7 Form 6, and I am not suggesting any amendments. What I was looking for in particular was what information was being required and in what way might this be working against some parts of our society? Let me be very specific. So, regarding this law, I did not see anything that raised a red flag for me. What I was looking for, if I may be permitted, Mr. President, and I hope I am not going to be irrelevant here. Is something that was raised with me, and it is one of those things that because you are male, “yuh doh take it on”, until somebody who it affects, a female, says, “But why is this so?”

Let me be very specific, and it is apropos for this. I do not know how many of you have had to fill out the passport application form over the last year. The form is a very simple form. The first section asks basic information on your name, mothers name, fathers name, et cetera. The second section speaks to personal information. Everything from your height, hair colour, marital status, et cetera, and your various addresses, home addresses, mailing addresses, et cetera, all very fairly standard. At that point, the form becomes discriminatory, I think in a very negative, very ugly way.

If you go to the top of page 2, there is a section that only married women are required to fill out. Not married men, not single women, married women. It asks not just the date of the marriage, fair enough, husband’s name, nationality, et cetera, previous marriages, and you have to list out your previous marriages, and the place of marriage. Here is my point. Why are we discriminating with this application form? So when I went through the law, I was very consciously looking for any areas in which it may have been discriminatory. I did not find anything. I

am not saying it is not there, but I did not see anything, so nothing raised in terms of alarm bells.

But I would like through this conversation that the relevant authorities relook at this matter. I fully understand that people go through transitions in life where changes of name need to be recorded. But at the same time, we must not be holding half of our population but half of the population that is married to a standard that is entirely different than their counterpart spouse. It is not right. In fact, it is wrong. I would like to ask that this be addressed and changed in a way that is appropriate with the capture of data, because it is a passport, it is a national document. At the same time, why do we ask a married woman to provide the marriage certificate, but we do not ask that of a male spouse?

When I chat with people, as I have tried to, but why do we have that? The best answer I have gotten is, but it “doh affect you.” The answer is it does. I think it is wrong. But the other answer I get is, well, “Boy, it is always been like that.” That is not right. It cannot always be like that. Maybe at some point in our society, this was acceptable. Now it is not. I would ask that in the consideration of our immigration laws and regulations, there may well be other areas of other laws and regulations and processes where, inadvertently, we are discriminating. I think those need to be surfaced and brought to the attention of MPs so that the matter can be addressed.

Mr. President, I promised to be very short. That is my concern, less with the Bill but more specifically with part of the larger process. Thank you very much, Sir.

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

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

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

**Sen. Faris Al-Rawi SC:** Thank you, Mr. President. Mr. President, I see the Minister is not here. I was hoping the hon. Minister would be here to catch his attention. Thank you.

I rise to give my contribution on this Bill. I would like to treat with a few of the issues that the hon. Minister put on the record just for the sake of clarification, and then I propose to get into some of the clauses and observations which I believe the hon. Attorney General will take note of. Nothing to cause loss of sleep, but perhaps something that would explain the need for proclamation being staged in this Bill.

**5.55 p.m.**

This Bill is:

“An Act to repeal and replace the Immigration (Advance Passenger Information) Act.”

That is the first thing it does. And then, it proceeds:

“...to make for the collection, transmission, sharing, storage and regulation of Advance Passenger Information and the Passenger Name Record in respect of persons travelling to, departing from, and transiting through Trinidad and Tobago.”

And then it is:

“...to operationalize the CARICOM Advance Passenger Information System and other related matters.”

I started off by stressing, in terms of my intonation, the fact that the Act is to repeal and replace the Immigration (Advance Passenger Information) Act, because we have a law already on the books. In fact, Mr. President, this was a feature that

came into effect way back in 2006. In fact, I went back to the *Hansard*. I noticed some very robust contributions, which I would not go to, but I noted with a smile on my face, two Senators, then, one, Foster Cummings sitting in the Senate and then one Wade Mark sitting in the Senate then, but I am not going there. Suffice it to say in 2006—Sorry?

**Sen. Jeremie SC:** [*Inaudible*]

**Sen. F. Al-Rawi SC:** It was '06 that the law first came in and then 2008, so I will come to '08. The first Bill was December 27<sup>th</sup>, 2006. It became effective as Act No. 29 of 2006. That was the first iteration of advance passenger—I was now coming to say, and it was piloted and developed and successfully implemented by one John Jeremie, Attorney General, excellent Attorney General, piloting that law in 2006, as he no doubt is still.

The fact is that in 2006—Sorry?

**Sen. Jeremie SC:** I was sitting in the wrong place.

**Sen. F. Al-Rawi SC:** I hear you, then. The fact is that in 2006, there was a sunset clause, and that sunset clause for this advance passenger information came into effect because the then Opposition, the United National Congress, was concerned about the constitutionality of the law, and was concerned about the rights to privacy and data processing, as properly should be contemplated. So in 2006, the advance passenger information law came into effect. It ran for two years. In 2008, a substantial law was brought in, and in 2008, we saw the 2006 law be anchored into law.

That was brought about then, because CARICOM had come together and said, look, we are going to have this world cricket in the Caribbean and we want to have a CARICOM unit in passenger manifest management, et cetera, and that is

how the advance passenger information law came, and it still exists today. In fact, if we do not even pass this law, there will still be a law to treat with advance passenger information.

Now, practically, the advance passenger information law that we have, this is Act No. 9 of 2008, it is called the Immigration (Advance Passenger Information) Act, which this Bill seeks to repeal, says that:

“...masters of every vessel...”—that is a ship or an aircraft, must do certain things and—“...shall transmit...”—certain information—“to the Chief Immigration Officer the advance passenger data in the Schedule.”

I will come to that in a second.

Apart from that, every single airline that operates in this country, and we heard the Minister of Foreign and CARICOM Affairs compliment Sen. the Hon. Eli Zakour about his air services agreement. Every air services agreement that is put into effect requires passenger name, record information, PNR information, and every single airline that operates in Trinidad and Tobago, by itself or via its agents, has the collection of PNR information. When you get to the counter, your passport is taken, the electronic versions of our passports, not quite yet, but the machine-readable passports, as we have heard about, they are scanned and all of your information goes into the airline PNR information. Every single country that we fly to gets the airline PNR information, every single one, and every single country gets the advance passenger information under our existing law.

So when I heard the Minister of Foreign and CARICOM Affairs going on an excursion to say that you have to blame the last Government as to why we got British visas imposed upon us, and that it is with the introduction of this advance passenger information that we are somehow going to be pulled out of a hole that

we fell into—Mr. President, I had, in the context of this Bill, to go and examine what the hon. Minister was saying. I just could not believe what the hon. Member was saying and repeated today.

So let us go to this Bill. This Bill, which the hon. Minister spent a lot of time talking about in the context of the British visa introduction, is to capture advance passenger information and PNR records. Listen to what the Schedule to the Bill says. In respect of the Schedule, Schedule 1:

“Advance Passenger Information Data Elements and Embarkation and Disembarkation Data Elements.”

First of all, you have it in Part A for “Aircraft”, and then you have Part B for other vessels and they are both the same.

But, I would like to tell you, Mr. President, if I may, what the comparison between the two suggests. So data relating to each individual on board. Here is what the current law says needs to be captured, and here is what the Bill says needs to be captured. And, Mr. President, it is sort of shocking, because when you get to the passenger data that is to be captured, the Bill says:

“(i) Official Travel Document Number...”

The existing law says:

“(Passport or other official travel document number)

(ii) Issuing State or Organisation of the Official Travel Document...”—  
that is (ii) of the Bill.

Official travel document...”—type—“(Name of the State or Organization responsible for the issuance...”

(iii) Official Travel Document Type...”—Bill.

Actual law:

“Official travel document type...

(iv) Expiration Date of Official Travel Document...”—in the Bill.

“Expiration date of official travel document...”—this is the Act, the existing law.

Then it goes on to:

“(v) Surname...

(vi) Nationality...

(vii) Date of Birth...

(viii) Gender...”

That is in the Bill. And what does the current law say:

“Surname...

Nationality

Date of Birth

Gender...”

Then you have:

“Place of Birth...”

Existing law:

“Place of Birth...”

Mr. President, everything that the Bill proposes, up to where I have read so far, is in the existing law. What is different is:

“(x) Place or Port of Original Embarkation...

(xi) Port or Place of Clearance...

(xii) Place or Port of Onward Foreign Destination...”

That is what the Bill says. But, Mr. President, when you look to what the PNR says, what the airlines have, and what the existing law of Trinidad provides, that is already captured.

So I would like to state plainly, it cannot for one moment be that the British Government said to Trinidad and Tobago, you do not have advance passenger information and PNR collection. Because the first part of the law, in the long title, is to repeal and replace the law which I have just read. Since 2008, we have been collecting and transmitting all of the same information that the Bill requires here. Since 2008, the PNR records have also been supplied and are still supplied, from airline to country of travel.

So, when we hear this excursion into saying that the PNM failed to do something in the period March 2025, to when—the flag was in November 2024. In January we heard of the meeting;, February we heard of the meetings in 2025. March we heard of it. Mr. President, the point is that story cannot be accepted, because the law that we are seeking to repeal has the API information.

Now I accept that the model CARICOM law goes a long distance further and what it does is that it opens sensibly, and which we support wholeheartedly, with the fact that Trinidad and Tobago will be receiving information and that the receiving of information is a legitimate aim. There is a further legitimate aim, which is the receipt of information for the purposes of law enforcement, for scrubbing against a watch list, for data retention, et cetera. Those are all legitimate aims.

Now, Mr. President, I am actually quite pleased that today we could stand in the Senate and pass a law like this. I recall for the years that I served in Government, especially as Attorney General, I could not pass a law like this

without a special majority. That has been satisfied now by the passage of the Privy Council judgments that have established that it is not every section 4 and 5 right that requires treatment with a special majority pursuant to section 13 of the Constitution. But, in this law, we are certainly to be satisfied that there is a matrix to deal with the proportionality of the law.

Number one, there is a legitimate aim in advance passenger information and PNR records being captured, processed, and exchanged. Number two, it is for the purposes of law enforcement, and for the added purpose in the CARICOM community and elsewhere of free and easy travel. It is also conducive to economic interests, et cetera. Where we have a few concerns for observation is in the proportionality as it relates to balancing that equation by the retention policy for the data. Secondly, by the mechanisms of appeal and how you challenge data accuracy. Thirdly, by the persons who are empowered under the law to carry out the processes. And the Minister told us in his piloting of the Bill that we are dealing with the data protection officer, the data processing facilities; we are dealing with the PIN unit; we are dealing with the establishment of a central authority, which is the Chief Immigration Officer.

Now, the Immigration Act is an articulating law that we have to look at. The Data Protection Act is an articulating law that we have to look at and the Electronic Transactions Act is an articulating law that we have to look at. These things are firmly entrenched inside of it. There are a few other important laws that the Bill speaks to. When the Bill proposes that we must receive and scrub information against a watchlist, we are looking at it in the context of the Anti-Terrorism Act. The Anti-Terrorism Act, as you will appreciate, Mr. President, is bifurcated. There are the criminal sanctions and obligations that you have to look at, under the Anti-

Terrorism Act and then there are the “civil” obligations, for instance, in the listing of terrorists, and in the freezing of property, where the Attorney General handles those matters. The Commissioner of Police handles the criminal side of the anti-terrorism law with the DPP in certain instances, and the civil side of it, the listing under the UNSCR 1276 and 1373 resolutions of the United Nations Security Council. Those come into the Attorney General’s hands.

So, the central authority of the Chief Immigration Officer, in being the entity, the point person under this Bill, is an important one, but inside the obligations of the Chief Immigration Officer, we have to appreciate that the Chief Immigration Officer is acting quasi-judicially by exercising pseudo-criminal management. Clause 41 of the Bill, for instance, sets up the regime for administrative sanctions. In keeping with the recommendation 35 of the Financial Action Task Force, you can have summary offences managed in accordance with the Schedule to the Act, where you can invite someone to pay an administrative fine in default of committing a summary offence. But the central authority also undertakes a certain amount of mutual legal assistance, similar to what prevails under the Mutual Assistance in Criminal Matters Act.

Now, Mr. President, another very important articulation point to explore a little bit wider, before I get into more of these clauses, is the role of the Data Protection Act. This Bill sets out, very importantly, that the Data Protection Act principles have to be applied. That the manner in which you have data, which may need to be corrected; data which is being maintained; data which is being shared; data which is being extrapolated and changed, all of that must comply with the Data Protection Act. So I am flagging that, I am going to come to that in the context of a few of the clauses.

**6.10 p.m.**

From a constitutional perspective I would like to recommend that I appreciate that the Government is going to have to decide how it is going to proclaim this law. There is good sense in having the proclamation clause, the commencement clause, clause 2. But when we are between the passage of this law which will happen today, and the commencement, I want to flag a few concerns on the Bill for interrogation by the Attorney General's Office and the Minister of Foreign and CARICOM Affairs as well.

The use of the officers—one, the central authority, that is the Chief Immigration Officer; and two, the data officer, the DPO as defined in this law, as well as the staff of the PIN Unit. Those officers have a very important function, Mr. President, that attracts consideration from a constitutional level.

Let us go, Mr. President, to clauses 4, 5, 6 and 7. And when we go to the Bill, we see—well, we are properly dealing in the definition section, which is clause 3, with data; and the data, as defined in data processing includes all of the ways in which you manage data: collection, analysis, recording, storage, adaptation, alteration, et cetera. We are dealing with personal information. The Data Protection Act deals with personal information and sensitive personal information. The Data Protection Act, in sensitive personal information includes financial information.

In this Bill they have added that into the PNR information. But anything that touches financial information is in law under the Data Protection Act, sensitive financial information. When we get to the purposes, the application of this Act:

“This Act shall apply to the collection, use, retention, transfer, and protection of Advance Passenger Information and Passenger Name Record

data by the Competent Authority and IMPACS.”

That captures all of the Data Protection Act.

The Competent Authority shall establish the systems in clause 5, et cetera, and that is to maintain confidentiality, sharing mechanisms, data transfer, et cetera. And, it says that it must be managed:

“...in keeping with the Data Protection Act, international best practices and any other written law;”

And it permits the taking of action for the purposes of preventative, detective, investigative, and prosecutorial terrorist offences. I flag that because when you are transferring the information on terrorist offences, you are going to the Commissioner of Police under the Anti-Terrorism Act, and you are going to the Attorney General under the Anti-Terrorism Act. But the Competent Authority is bound to use officers. And it says that the Competent Authority shall carry out all its activities and responsibilities in a manner consistent with the Data Protection Act. Let me stick a pin for a moment on the Data Protection Act.

The Data Protection Act, Mr. President, is important to observe here. First of all, the Data Protection Act is Chap 22:04; that was a law which we passed in 2011, but the Data Protection Act is not fully proclaimed. And I want to flag this to the hon. Minister. I will share my observations through you, Mr. President. I believe that there are some problems with the Data Protection Act that you would perhaps want to take a second look at. The Data Protection Act does not have into effect all of Part III. Part III is the protection of personal data by public bodies. None of that is into effect yet.

You may recall, Mr. President, that in the last Parliament there was a Motion moved by Sen. Vieira, if I am not mistaken, to deal with the Data Protection Act

and the Government gave an undertaking to take certain steps in relation to the Data Protection Act. The reason, Mr. President—and I am sure you may remember that the Data Protection Act has not been fully proclaimed, is that the data protection laws between Europe and the United States of America are in conflict with each other. Most parts of the United States of America do not have data protection laws at all, some have standards, and the United Kingdom and Europe have an evolving form of data protection which has changed since 2011.

So, I will flag for the hon. Minister, please have a look at what the modern compliance mechanisms for data protection look like, because all of this APIS and PNR law is premised upon a fully proclaimed Data Protection Act.

We cannot give people the remedy which this Bill offers, of going to correct your information, of talking to the Data Protection Officer under this Act, in accordance with the Data Protection Act, if none of Part III of the Data Protection Act has been proclaimed. Let me tell you what that is:

“Personal information. Collection of personal information. Personal information to be collected directly. Individual to be informed of purpose. Retention of personal information...for an administrative purpose.”—only; “Accuracy of personal information. Storage...access...Disposal...Use of personal information.”

Very importantly:

“Right of access to personal information in a public body. Right to request correction of personal information. Appeal to Information Commissioner.”—none of that is proclaimed.

And again for the reason in my humble view, that the current Data Protection Act has a lot to be looked at in terms of remedy.

So, I am hoping that before there is the proclamation of this law, that we will remember that. There is a very important provision of the Data Protection Act that has in fact been proclaimed, and I want to point this out because it articulates directly with this law.

Section 42 of the Data Protection Act says—41 says that you shall not disclose data at all, unless the law is permitted by the Act, the Data Protection Act. This law, the APIS/PNR law, will allow for data use and management. It says in accordance with the Data Protection Act. Section 42 of the current law, the Data Protection Act, says:

“Except as provided under any other written law,”  
—stick a pin, in this Bill—

“personal information under the control of a public body”  
—stick a pin, that is, the government agencies and the Immigration Division and the Competent Authority under this Bill—

“may only be disclosed—”

What is proclaimed is this:

“(a) for the purposes for which the information was collected or complied by the public body or for a use consistent with that purpose; (b) for any purpose in accordance with any written law or any order made pursuant to such written law that authorises such disclosure;”

I caused those proclamations of the law to get around the problems that we were facing when *Suratt* was not yet settled.

So, to allow for the utilization under the national statistics, to allow for information to go to the Attorney General, to allow for the Revenue Authority, I caused the proclamation of section 42(a) and (b) of the Data Protection Act, which

has now been upheld as good law. But it would be essential to proclaim subsections: (e), as in echo; (f), as in foxtrot; and (g), as in golf, where you can share information:

“(e) to an investigative body specified by the Minister by Order,”—or

“(f) by one law enforcement agency in Trinidad...to another law enforcement agency within Trinidad...”—or

“(g) ...a law enforcement agency”—or—“...foreign country under written agreement...”

So, to carry out the purpose of this Bill, which is to allow for the sharing of APIS and PNR information, you are going to have to proclaim further sections of section 42 of the Data Protection Act.

Mr. President, when we get to the persons who are to carry out this function, and we go to clause 7, clause 6 and clause 7. Clause 6 says you shall have the unit called the Passenger Information Unit, that is the PIU, and it shall be with:

“...a Director who shall be an immigration officer of senior rank—”

It says that that person must be:

“(a) appointed by the Public Service Commission; or

(b) engaged on contract by the Permanent Secretary in accordance with the Guidelines...”—of the CPO.

There is a problem with part (b), because the enforcement under this Bill by a non-public officer, that is a contract officer, in accordance with the CPO guidelines, does not have the protection of a Public Service Commission.

So, the discipline of a contract officer falls to the CIO and the Minister, and that is offensive to the rules in *Endell Thomas*, which is the classic case as to how you ought to protect the public service from ministerial actions. No condemnation

to the current Ministers, et cetera, here but that is one of the positions that we ought to flag.

This can be perhaps amended by ensuring that it is not the guidelines of the CPO that has the disciplinary management, but instead it is a mechanism put into a schedule, and I want to refer the hon. Minister, who is not necessarily taking notes but I am sure he is listening—to the fact that the model for this is the Trinidad and Tobago Revenue Authority.

Mr. President, you will recall, we could not pass the Trinidad and Tobago Revenue Authority Act, now repealed, without a special majority, i.e. by a simple majority, unless we did what the Opposition, the United National Congress, said was correct to do, which we agreed with. The enforcement powers must be in the hands of public officers.

So, this Bill is a deviation, not a deceit on the part of the Government necessarily, but it is a deviation from Trinidad and Tobago's golden standards. Mr. President, you will remember well, the United National Congress's insistence that any aspect of enforcement must be done through public officers for the same *Endell Thomas* argument, that is, the discipline via the Public Service Commission.

Mr. President, it is important to remember, when you get to clause 8: “The President shall appoint a positively vetted and suitably qualified and experienced individual as the Data Protection Officer...”

I would just like to point out, the President means the Cabinet, that is pursuant to the Constitution, so it is the Cabinet appointing.

The Cabinet ought to have prerogative to appoint, but if you go to the Data Protection Act and you look to the Data Protection Officer equivalent, which is very important, the Office of the Information Commissioner is the equivalent in the

Data Protection Act. That, according to section 8 of the Data Protection Act, is someone who is:

“...an attorney-at-law within the meaning of the Legal Profession Act with at least ten years standing...shall have training or experience in economics, finance, information security, technology, audit or human resource management.”

I would respectfully suggest that the job description that is going to be advertised for this Data Protection Officer, should follow the model of the Information Commissioner’s JD requirements, because the Data Protection Officer is going to have to exercise quasi-judicial functions and therefore, it is important to have the legal backing behind an arrangement like that.

I would point out to the hon. Minister, if you see in clause 8, we do not have a defined term called DPO but it is nonetheless used in this Bill. So, just for consistency, perhaps to flag that the Law Revision Commission may be looking at the terminology DPO, it is not a defined term. That ought to be cleaned up in the proof of the Bill that is going to come forward.

Mr. President, when we go to the personnel of the central authority. The personnel are allowed to disclose in accordance with law, again we see the underwriting of the Data Protection Act. So, respectfully, there ought to be a partial proclamation.

The Data Protection Act is not fully operationalized as it relates in particular to Part III of the Data Protection Act, that has to be in existence. And I am flagging that now, because I would hate to see that this thing is fully proclaimed to find out that a leg is missing on a three-legged stool, it is likely to fall. So, it is a caution that we offer to the Government on this.

Mr. President, clause 13 has an interesting caveat that I would like to point out. It says that storage, processing and analysis of data must be done in Trinidad and Tobago. The Minister of Public Administration and Artificial Intelligence, the hon. Sen. Dominic Smith, would be aware that a lot of our data is stored on a cloud basis, outside of Trinidad and Tobago on AgustaWestland—hear me, AgustaWestland—on AWS servers and therefore caution needs to be had on any proclamation of clause 13(8), because you will find that the data actually resides elsewhere.

**6.25 p.m.**

Mr. President, when we get to clause 15, that the Minister may approve databases, it does not state in clause 15 how, and I respectfully believe this law is premised upon a principle of delegated authority. We are giving the hand to the central authority, who is the Chief Immigration Officer. The Chief Immigration Officer is bound under the Immigration Act with police powers, et cetera. The Chief Immigration Officer, under section 12(5) of the Immigration Act, cannot share information, otherwise it is an offence. This law opens the door for that. But the Chief Immigration Officer can use any officer who is of senior rank. We suggest, stick with the public officer's rule. But on the senior rank officer, we have to ensure that the mechanisms are recorded in law so there is judicial notice of it.

Why do I say that? We are talking about mutual legal assistance. Throughout the Bill, you will see it. We are talking about sharing with entities around the world. When you look to clause 15, Mr. President, I respectfully believe that when you get down to the regulations clause towards the end of the Bill, I think it is prudent that these things be prescribed. I think it would be dangerous for a conduct of screening, et cetera, that:

“The Minister shall approve national, regional and international databases to be used to conduct screenings.”

—without more. There should be a record of that, and it should, in fact, be for judicial notice via Legal Notice, which is an Order at the very least. So we have—the same way we do Orders under the Mutual Assistance in Criminal Matters Act, they ought to be, under clause 15, that connection.

Clause 16 is very interesting. Clause 16 says:

“Where the level of management and protection of data in a recipient country is lower than in Trinidad and Tobago, any conflict between the provisions of the Act and...the recipient country shall be resolved prior to...”—data transfer.

I have pointed out that the United States of America does not have data protection laws in certain states, and that that would cause a problem, so I am flagging that. That needs to be sorted out.

But very importantly, Mr. President, is that clause 16(4) says what the safeguards are to be. And this I find very interesting. The safeguards are to be:

- “(a) a legally binding and enforceable instrument between...”—our—  
 “...Competent Authority and the”—other—“competent authority...
- (b) binding rules...enforced by both...
- (c) code of conduct...”

And this one:

- “(d) contractual clauses...”

Our law is a dualistic law. We bring law into our books by bringing them into legislation. The enforceability, I am concerned, really ought to be underwritten by primary or subsidiary law or statutory instrument, much like the

Mutual Assistance in Criminal Matters Act or the Extradition Act is. You have to have a treaty, which is brought into law by way of receipt of law, by passage of either a primary or subsidiary instrument. If it offends section 4 and section 5 rights, it ought to be by primary legislation, not by subsidiary legislation.

So I am flagging that because when you get now to the concept of the application of conflict of laws, whether it is public international law or private international law, the doctrine of *renvoi* and double *renvoi* can be particularly complicated when you are looking for judicial interpretation. *Renvoi* and double *renvoi* is that you would have to sit as a judge in another country and say what the law would be in your country, or double that version, depending upon the system of law that it applies, if it is civil law or common law, and whether they are part of the Commonwealth in accepted or non-accepted wider or narrower terms.

Mr. President, when we get to the retention aspects, I would respectfully suggest that when we look to clauses 21, 29 and 37, the classical case on retention in the European Court is the case of *Marper*, which is a 2008 case. My colleague, Member Scotland, in the Lower House, raised the case of *Felix*. Both of them say that the proportionality in data protection and data retention—

**Mr. President:** You have five more minutes.

**Sen. F. Al-Rawi SC:** Thank you, Mr. President—has to be managed by way of the ability to eliminate records or not.

I would recommend that clause 37 be applied in a future amendment to section clause 21, where you only keep data for as long as is necessary for the legal proceedings, and not an indefinite retention, because you are going to ask for litigation to come, and if you uphold *Marper*, that is the *Marper v the United Kingdom; S and Marper v the United Kingdom*, 2008, from the European

Chamber, you are going to end up into troubles as to our proportionality.

Clause 31, again, it is subject to the Data Protection Act. Clause 33, again, is subject to the Data Protection Act. Clause 34 says, you must have the same rights as the Data Protection Act. So none of them can operate without the full proclamation of the Data Protection Act. When we get to clause 37(8)—and this is where the comparator with mutual legal assistance and mutual cooperation in criminal matters has to be factored. I think that we need to be very careful to have prescriptive rules.

I welcome the inclusion of clause 41, which is the introduction of administrative sanctions. That is in keeping with our FATF objectives under Recommendation 35. I think that the formula is spot on. I support the inclusion of clause 41.

Clause 42 is the clause that gives immunity from liability for everybody if it is at the direction of the Competent Authority or subsidiaries, the data protection officer. I think that we need to be careful about blanket immunity. That should perhaps be at the direction and in compliance. Compliance would take us to a safer ground. The regulations at clauses 43 and 45, I think, genuinely need to be reflected. I would humbly suggest that the hon. Minister consider clauses 43 and 45 being subject to negative resolution.

To amend the Schedule, which is where you capture—you put in the sensitive personal information, which is a three-fifths issue, merely by Order, is to offend the principle of safeguards for three-fifths requirements. I genuinely suggest that clause 45:

“The Minister may, by Order, amend any of the Schedules.”

—that really ought to be at the very least by negative resolution. And also, when

you go to the creation of regulations, clause 43, these regulations are not subject to any scrutiny of Parliament. At the very least, clauses 43 and 45 should be subject to negative resolution.

I do not want to get into committee stage to consider that. I recognize that the Bill has a proclamation clause. The Attorney General has a very useful way of negating troubling committees by simply saying that he will undertake to look at it. That is not to say that he must do it, but it at least gives some conscious reflection on something that is a serious matter, Mr. President.

All in all, in summary and in conclusion, we are pleased to support this law. The observations that I have just laid on behalf of our Bench are sincerely made. We do not buy the story that the British Government did not give us a buy on visas because we did not have APIS. That does not explain why you are repealing the law for APIS. You have a law, and it requires exactly the same thing that we are doing. We are repealing the same thing.

**Mr. Sobers:** [*Inaudible*]—three clauses long.

**Sen. F. Al-Rawi SC:** Yeah, three clauses long, but it still gives the data to the Competent Authority, which is the Chief Immigration Officer, and every airline in Trinidad and Tobago, the minute you swipe your passport and you are boarding a plane, that goes to your destination, the United Kingdom, et cetera. I will end by saying the United States has one compliance that is different. They do not have an asylum problem.

The United Kingdom, to fix its problem, amended its law for asylum seekers in March 2026. It has nothing to do with advanced passenger information or PNR. They amended their law on asylum seekers. And Sen. Danpaul's laying on the record of the meetings and memoranda are very important, because it provides

proof positive of exactly that submission. I thank you for the opportunity to contribute, Mr. President. I look forward to the hon. Minister's winding up.

**Mr. President:** Minister of Foreign and CARICOM Affairs.

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

**The Minister of Foreign and CARICOM Affairs (Hon. Sean Sobers):** Mr. President, you caught me by surprise. I thought there was another speaker on the Independent Bench. I will be brief. Let me just treat with some of the comments made by Sen. Dhanpaul.

Sen. Dhanpaul, you have proven me correct. In my contribution, I indicated in one line, essentially, in your period of time at the UK High Commission, you made an intervention. I never indicated that you did nothing or that you let this pass without any type of intervention on your part, or on the part of the public servants that serve at the UK High Commission. So you actually concretized my position about the efforts that you made. But what you also did was indicate to this honourable Chamber that after all of your efforts, and passing those efforts, correspondences and messages that you procured from the UK, back to the Ministry of Foreign Affairs and CARICOM Affairs, the Ministry of Foreign and CARICOM Affairs did absolutely nothing with that.

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

**Hon. S. Sobers:** So you—in fact, in total, your contribution proves everything that we have been saying, or everything that I have said about the fact that the Ministry of Foreign and CARICOM Affairs, not the UK High Commission, not the UK High Commissioner, as you then were, that you did nothing. I never said that. As a matter of fact, I know exactly what you did. I have all the documents that you were calling from. I have them in my possession. Right? But I know that when

they were sent to the Ministry of Foreign and CARICOM Affairs, nothing was done. I know that meetings were held with the Ministry of Foreign and CARICOM Affairs, contrary, with the greatest of respect, to what Sen. Al-Rawi had indicated just now, that the country should not believe or this august Chamber should not believe that, essentially, the PNM administration failed. They did fail.

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

**Hon. S. Sobers:** I am not saying that you failed. You are a good public servant. I know that. You discharged your duties. I know that. The records demonstrate that. I have those records here, and I am saying that when you passed them on, nothing was done. And I am saying that when you passed them on, persons who had the authority to do something, did nothing. That is what I am saying. And I am saying that you said exactly the same thing that I said. Right? Because essentially, after having conversation, after conversation with the Ministry of Foreign and CARICOM Affairs, with the documents procured by the Permanent Secretary from your good self at the High Commission, and other documentation procured by the Ministry of Foreign and CARICOM Affairs, nothing was done.

There were indications that were given to the Ministry directly as to how this problem was affecting the UK Government. And there were suggestions made, unlike, respectfully, what Sen. Faris Al-Rawi has just said about the inefficiencies of the current piece of legislation that we intend to repeal and replace, that you need to do more; that that three-clause Bill that you passed when you had the Cricket World Cup, “that eh making sense”; and that the rest of the Caribbean is moving forward with respect to this particular piece of legislation, and you need to get on board, in addition to other things.

What were those other things? I did not say it in my original contribution.

Yes, they had concerns about the rise in terms of persons who were seeking asylum. That is the hugest concern that they had, and the cost to the British people being £65,000, and the fact that no palatable or plausible solution was ever being proffered by the Trinidad and Tobago Government. They had a significant problem with that, hence the reason that there were several conversations on the issue.

They also had a difficulty with the fact that, listen, okay, yeah, so you all have this agency called CAPA, I think it is, that is supposed to be sending information to IMPACS. They are not doing that. You all have an agency that is supposed to be sending information to us, as a UK Government. They are not doing that. And they called these agencies out, name by name, to the Ministry of Foreign and CARICOM Affairs, not to the High Commission, and nothing was done. And that is why they moved to implement the visa.

They also indicated just as well too, so, listen, 90 per cent of the persons that come, they claim for asylum. There are other persons who come and they are economic migrants. And at this juncture, when we are speaking to you, we cannot really test for economic migrancy, save and except for a visa. It is an almost impossible test.

**6.40 p.m.**

How do you test for a person who is coming to your country to work, as opposed to a person who has a nefarious character that you could pick up on, based upon an agency like CAPA, or based upon an agency like the Trinidad and Tobago Police Service and other agencies Interpol and whoever else, CARICOM IMPACS and whatnot? We could test for those things. You are not sharing information as we would like you to, but we could test for those things.

Economic migrancy, it is a little bit different. It is a little bit harder. It is almost, well, I would say virtually impossible. But we are hearing that you are—that there's a possibility that other nations are working on those things separate and apart from a visa. And in that one meeting that we attended in May, after coming into office, they pointed us in the direction as to who we should go to have that discussion concerning economic migrancy.

So I reject the position, if it is, if that was in fact the position that you were putting on the table, that we were saying that the UK High Commissioner, or the UK High Commission and the public servants therein, did nothing. No. I think you all did as much as you could have done. And I think that when you pass information on, absolutely nothing was done at the Ministry of Foreign and CARICOM Affairs. And it is a shame that the actual person with the responsibility then, he is not here. So he has six other good comrades lined up here to probably try to defend his inefficiencies. But at the end of the day, that is his legacy. It is not yours. Right? And as it pertains to what Sen. Al-Rawi SC was saying, all I would say is this, the UK Government made it, in your words, and I like to say them often, pellucidly clear. Clear, clear. Right? But they made it abundantly clear that this is the problem and that you are not doing anything about it, and we have to take a step to treat with it. We have the belief, with all due respect, that there are other things behind that. We will not place those things on record. We have a good relationship with the UK. Their position is their position.

We have been, I do not want to use the word fighting. We have been advocating for a change in the position. This is part of the change, which they are happy with. There are other things that have to come in tandem with this; actionable things, enforceable things, that they would want to see happen before a

change is considered. Review? Yes, they are doing that on a constant basis.

Subsequent to the passage of this legislation, there will be another review. We have put other things to them. We have told them about adopting the ETA model like the US. They said that their Parliament has to be convened and legislation has to be passed for them to accept that, because they do not accept the ETA position with respect to visas from another country. It makes their own subordinate, and it is something that they cannot treat with at this juncture. We told them, no problem. With respect to repatriation, listen, if someone goes up there, they slip through the cracks after passing this particular piece of legislation, we will consider covering the cost of the repatriation, so that it is not a cost to the British people to get the people, these Trinbagonians, back home.

We told them, listen, we understand that you all have all of these exercises and gymnastics to perform before you can determine if somebody is in fact seeking asylum, and that is where the cost goes up. And we are saying, listen, liaise with us as soon as possible, so we could provide you with information that you could utilize in determining the veracity of the claim being made, barring appeals and whatnot. It could help bring the cost down. We have offered that to them. So we are, we are an administration, and the Ministry of Foreign and CARICOM Affairs is a Ministry that is working to change the position currently. And this has absolutely nothing to do with public servants, nothing to do with public servants. Right? So I wanted to make that clear for you, Sen. Dhanpaul, that that was nothing that I put on the record, as it pertains to you and your contribution. Right? But at the end of the day, the position remains the same.

This is a piece of legislation that is required. This is a piece of legislation that is timely, it is critical. This is a piece of legislation that is existing in other Caribbean territories, with great success, mind you. And this is a piece of legislation that we are going to pass. And with those few words, I beg to move.

**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. President:** Hon. Senators, the Bill contains 46 clauses and eight Schedules. We have no amendments currently before us. I know that Sen. Al-Rawi SC made proposals for the AG's consideration, but no formal amendments are before us. So I would like to suggest for Members' consideration, with your leave, that we take all 46 clauses collectively.

**Sen. F. Al-Rawi SC:** Mr. President, without interrupting any matters here, I have made my submissions on the record. I will not occupy the Senate. I have not tabled amendments. They were very specific. One is, before proclamation, would you consider, I see that there is a need to pass this law, I understand that. We are working as a nation. Once there is a consideration that before proclamation there will at least be a review, does not have to come, but consider the points.

In particular, with respect to clauses 43 and 45, that is with regulations and the Schedules which are currently not being subject to any parliamentary scrutiny, proposing negative resolution, and the other point where order. Those are the things that I would be looking at. But I accept that we are at a point where time is of the essence. So, I do not know if the hon. Attorney General would have

anything to say about that.

**Mr. President:** Attorney General, do you have any comments?

**Sen. Jeremie SC:** Chair, yes. We always consider the comments, the useful comments which are made in the course of the debate. We will look at the comments made by Sen. Al-Rawi SC before moving to proclaim the law.

**Sen. F. Al-Rawi SC:** Thank you, Mr. President, we would support taking, as you please, the sections together.

*Clauses 1 to 46 ordered to stand part of the Bill.*

*Schedules 1 to 8 ordered to stand part of the Bill.*

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

*Senate resumed.*

*Bill reported, without amendments, read the third time and passed.*

**6.55 p.m.**

## **LAW REVISION (AMDT.) BILL, 2026**

### **HOR Amendments**

**Mr. President:** The hon. Attorney General.

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

**The Attorney General (Sen. The Hon. John Jeremie SC):** Mr. President, I beg to move the following Motion standing in my name:

*Be it resolved* that the House of Representatives amendments to the Law Revision (Amdt.) Bill, 2026, listed in Appendix II be now considered.

Mr. President, in moving this motion, I seek the agreement of the Senate to consider all the amendments collectively.

*Question proposed.*

*Question put and agreed to.*

*House of Representatives amendments read as follows:*

*Clause 4* Insert in the appropriate alphabetical sequence the following definition:

““electronic version of the Laws” means a written law that is published in accordance with section 5A(2);”.

*Clause 5*

A. In new clause 5A(3)(b) insert after the word “PDF” the words “or such other approved format”; and

B. Delete clause 5C and replace with the following:

“Correction 5C. Where a correction is made of electronic to any electronic version of the Laws which is already published Laws on the designated website, the Commission shall publish on the designated website a notice of the correction.”.

*New*

*Clause 7* Insert after clause 6 the following clause:

“Section 6 6. The Act is amended in section amended 6 by inserting after subsection (3), the following subsection:

“(4) This section shall not apply to an electronic version of the Laws.”.

*New*

*Clause 8* Insert after clause 7 the following clause:

“Section 16  
amended

8. Section 16 of the Act is amended  
in the chapeau by inserting after the  
word “9” the words “or the preparation  
of an electronic version of the Laws”.”

Renumber Renumber accordingly.

**Mr. President:** The hon. Attorney General.

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

**Sen. Jeremie SC:** Mr. President, I beg to move that this Senate agree with the House of Representatives in the amendments to clauses 4 and 5 and the addition of new clauses 7 and 8 to the Law Revision (Amdt.) Bill, 2026.

In respect of clause 4, there is put into the Act a definition. The definition is consistent with the object of the legislation, which is to permit an electronic version of the Laws. In clause 5 there is an amendment to insert after the letters PDF the words “or such other approved format”. The rationale there is to ensure that we are consistent with the wording used in section 5A(2). There is another amendment in 5C. The rationale for that amendment is that the new 5C would also ensure that the public is made aware of any corrections that are made to laws, which would have already been published on the designated website.

In clause 7, the words:

“This section shall not apply to an electronic version of the Laws”.

We seek to put those words in to make it clear that section 6 of the Act refers specifically to the removal of hard copies of pages of the existing laws, et cetera, and not the proposed electronic online version of the laws.

In new clause 8, we are inserting after clause 7 a clause which reads:

“Section 16 of the Act is amended in the chapeau by inserting after the word ‘9’ the words ‘or the preparation of an electronic version of the Laws’”.

The rationale for that amendment is that the amendment will ensure that the Law Revision Commission has the same powers to omit, consolidate, and correct electronic versions of the laws as it now possesses with respect to existing written laws under section 16 of the Act.

Finally, renumbering clause 6. The rationale is just a bit of housekeeping to ensure that the numbers of the section are chronological as the new amendments are made. I beg to move, Mr. President.

*Question proposed.*

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

**Sen. Al-Rawi SC:** Thank you, Mr. President. Mr. President, I must say that the Government is lucky to have an Attorney General in the form of the Attorney General that we have, because he manages to do things in such a calm way, that puts it really hard to really give trouble.

The only complaint that we have on the Opposition Bench today, is that we have been denied the relishing opportunity to feed the words of “I told you so” back to the hon. Member Saddam Hosein, who, in his winding up on 10<sup>th</sup> March, 2026, following the contribution of the hon. Leader of Government Business, had a lot to say about the rationale for amendments not being required. In fact, it was Sen. Allahar who said that, I, Faris Al-Rawi took a six-clause Bill and made it into something so complex. He said:

“Sen. Al-Rawi”—cannot—“come here and tell the Chief Parliamentary Council and the Law Revision Commission how to do their jobs.

“We are guided by the experts...not the senior counsel”—he said.

But, it was the Minister himself, the hon. Saddam Hosein, at page 61 of the *Hansard* of that same day who said:

“Now, Sen. Al-Rawi—Mr. President, again...”

—according to Saddam Hosein, the hon. Minister—

“I do not want to do this, but when I worked with the late Dana Seetahal, she always told me...she said, ‘If you cannot explain something simply, it means you do not understand it.’ Sen. Al-Rawi”—he said—“with his special talent, spoke for 40 minutes and I do not think any person in this Chamber understood what he meant.

**Hon. Senators:** [*Desk thumping*]—all around.

“**Hon. S. Hosein:** So that means he himself does not understand what he was saying. Mr. President, it is very difficult for us...”—on his high horse vocally—“on this side to take legal advice from my colleague”.

What a pity he is not here today. Because, Mr. President, my *Hansard* on the 10<sup>th</sup> of March, 2026 had the following, fortunately recorded in black and white and electronically if you go online. It goes on to say, in my contributions, and directly related to the amendments proposed to clauses 4, 5, new clause 7 and new clause 8 and the renumbering. I will quote for you, Mr. President.

**Hon. Senator:** From the track changes.

**Sen. Al-Rawi SC:** These are not the track changes.

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

**Sen. Al-Rawi SC:** It says, Mr. President, that in relation to section 5, I said:

“...of the existing laws when he piloted the Bill. Section 5 says this:

‘The Laws shall be published in loose-leaf form or in such other form as the Commission may determine and shall comprise such pages as may be authorised...’

I said that:

“I held the view that the language...‘or such other forms as the Commission may determine’ could include electronic versions.”

Now, I went on to point out that clause 5 of the Bill, which we are treating with in this amendment by way of direction and implication, does not correct errors, omissions insertions and printable versions of the type that sections 8, 9, 21 and 22 dictate. I said this, I said of clause 4.

“...now clause 4...says, let us put in definitions for ‘designated website’, no problem, but we are including a definition for ‘PDF’. Why? Because in clause 5, we are introducing that the requirement is that the laws must be in PDF. Now, what is a PDF? It is a Portable Document Format. It is a format available...”

He then goes on to say that it is technologically specific. And I say, and hear these words, Mr. President. I said that:

“You can find comfort because if you look at the ‘designated website’ that it is used in the definition, you will see it has the same formula.”

And, I said:

“‘designated website’ means the website specified in an Order under section 5A((1)).”

Hear these words.

“So, there really would be no skin off collective backs to say:

‘PDF’ means ‘Portable Document Format’ or such other format as the Minister may, by Order, approve in accordance with section 5A(2)”.

Here, the amendment today, that nobody understood. That the Minister “cah” come to here today. The first amendment inserted in the proper alphabetical sequence, the following definition.

“‘electronic versions of Laws’ means a written law that is published in accordance with section 5A(2)” —exactly what I said.

But the hon. Minister was so busy wining on the point, making a gallery,

condescending to people and not learning from the erudite contributions of others, to just, you know, give an undertaking that, “You will take a look at it, nah”. “It doh mean you doh understand what yuh saying”. Give yourself some room to manoeuvre. So with respect to clause 4, Mr. President—

**Hon. Senator:** [*Interruption*]

**Sen. Al-Rawi SC:** I hear nothing other than an empty vessel making noise opposite.

**7.10 p.m.**

**Mr. President:** Please, please, listen.

**Sen. Roberts:** I am celebrating a historic one.

**Mr. President:** Yeah, yeah, yeah, but let us not have the crosstalk “nah”, please.

**Sen. Al-Rawi SC:** Thank you, Mr. President. So the first point of clause 4 is exactly the recommendation we made on the day. Let us get to the amendment to clause 5:

“In new 5A(3)(b), insert after the word ‘PDF’, the words ‘or such approved format’...”

Now, Mr. President, when we got to the committee stage, I had prepared written amendments. My first amendment was to clause 4. I said in the definition of “PDF”:

Insert the words “...or such other format as the Minister may, by Order, approve.”—under clause 5A(2) after the word ‘format’.”

It is the same one here. In relation to clause 5, in my written recommendations, I recommended that:

we insert the words “including by electronic means”, and two, after the word “pages”, “or approved versions of the Laws”.

Mr. President, when you get to the amendment of clause 5:

“...5A(3)(b) insert after the word ‘PDF’ the words ‘or such other approved format...’”

Again, it comes exactly from the amendments that I had proposed the hon. Member consider. I indicated to the hon. Member that it is going to the House; at least take it under advisory position. Let us get to the amendment at paragraph B of clause 5. It says here:

“Correction of electronic version of the Laws

5C. Where a correction is made to any electronic version of the Laws which is already published on the designated website...”

Mr. President, when you go to the Bill, the Bill shows that the 5C that we are repealing right now, is being amended by removing the words “written laws” and inserting instead there the words “any electronic versions of the Laws”. And that was because I went to the hon. Minister that we were not treating with the electronic versions and that the Act had said that you would have to manually remove pages and other positions pursuant to orders or special orders. And I pointed this very position out to the hon. Member. It is on the *Hansard*, Mr. President.

New Clause 7. It is proposed to insert an amendment after clause 6. Section 6 will be amended. This is a new 7. The Act is amended in section 6 by inserting after (3) the following:

“(4) This section shall not apply to an electronic version of the Laws.”

Mr. President, I take you to my *Hansard* again, and I look at pages 10 and 11 of my *Hansard*, and I note, Mr. President, that these are the very amendments that I had proposed in section 6—proposing an amendment to section 6 of the parent law—that we had made the recommendation that, when you are treating with inclusion or removal of pages to be authorized by Order, that it was critical to

contemplate the electronic versions. Those were the submissions made on the *Hansard*.

Mr. President, let us get to the last substantive one, which is new clause 8. It is an amendment to section 16 of the Act. Mr. President, if you go to my *Hansard* at page 12, you will see that I referenced section 16. Section 16 of the Act, I pointed out, did not give an express power to treat with the preparation of electronic versions of laws. It gave powers to omit to do certain things which were physical. We made the recommendation. It is in my written amendments that I had prepared that section 16 of the Act be amended. And, Mr. President, I am pleased to see that we are putting an express power of the Commission that it will include the power to amend and also provide for the preparation of electronic versions of the laws.

I thank the hon. Members for finally bringing back something which we could have done on the same day. I would recommend sometimes to “sip yuh porridge cool”. “Yuh doh have to” behave like that all the time, Mr. President. It is really a simple, straightforward thing that could have been dealt with. I regret that the hon. Member and Minister, Saddam Hosein is not here to at least have a little salt and pepper put upon the words that he is now being forced to consume. I am sure it will be packed and carried in a nice bag back to him, but we are very pleased to support these amendments. Thank you, Mr. President.

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

**Mr. President:** Sen. Anthony Vieira SC.

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

**Sen. Vieira SC:** Thank you, Mr. President. The amendments are logically sound and consistent with best practice. On behalf of the Independent Bench, I am happy to say that we accept all the amendments.

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

**Mr. President:** The hon. Attorney General.

**Sen. Roberts:** That is my Chairman.

**Sen. Jeremie SC:** Mr. President, my colleague, the Minister of Land and Legal Affairs, in moving the Bill, did a revolutionary thing in this Senate. He moved us, after 100 years and more of having our laws done in paper form, to the modern age.

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

**Sen. Jeremie SC:** I am really not going to respond to my colleague and former student, Sen. Al-Rawi, this evening.

**Sen. Roberts:** [*Inaudible*]—brightest moment.

**Sen. Jeremie SC:** I just want to give him two words of advice. One is: read the room. It is 7.15 on a Tuesday evening.

**Hon. Senators:** [*Laughter*]

**Sen. Jeremie SC:** We have finished our business. I spent perhaps two minutes going through five amendments to a revolutionary law, and my colleague does not disappoint.

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

**Sen. Jeremie SC:** He stands here, and what does he do? He does not read the room. He fails to read the room. He keeps us here for 20 minutes, talking about my colleague, whom I love dearly—

**Hon. Senators:** [*Laughter*]

**Sen. Jeremie SC:**—who did a phenomenal job, which he never did in 10 years.

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

**Sen. Jeremie SC:** Now, Sen. Vieira on the Independent Bench—

**Sen. Nakhid:** He read “de” room.

**Sen. Jeremie SC:**—stood up, he read the room—

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

**Sen. Jeremie SC:**—and he sat down.

**Hon. Senators:** [*Laughter*]

**Sen. Jeremie SC:** I do not want to say this. I really do not wish to say this—

**Sen. Roberts:** Say it, say it.

**Sen. Jeremie SC:**—but I have to say that I am reminded of something that my deceased mother used to say to me all the time: “John, empty vessels make the most noise”.

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

**Sen. Jeremie SC:** Mr. President, with those words, I beg to move.

**Hon. Senators:** [*Interruption*]

**Mr. President:** Hon. Senators, may I have your undivided attention?

**Sen. Roberts:** [*Inaudible*]

**Hon. Senators:** [*Laughter*]

**Mr. President:** May I have your undivided attention, please? Can we have some quiet and order?

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

**Mr. President:** Please.

**Hon. Senators:** [*Continued interruption*]

**Mr. President:** I cannot speak. Please.

*Question put and agreed to.*

## ADJOURNMENT

**Mr. President:** Leader of Government Business.

**The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar):** Mr. President, I beg to move that this Senate do now adjourn to Friday, April 24, 2026, at 10.00 a.m.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 7.20 p.m.*