

**HOUSE OF REPRESENTATIVES**

*Friday, June 15, 2012*

The House met at 1.30 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from the following Members: Hon. Errol Mc Leod, Member of Parliament for Pointe-a-Pierre, is currently out of the country and has asked to be excused from today's sitting of the House. Dr. Keith Rowley, Member of Parliament for Diego Martin West, the Leader of the Opposition, is currently out of the country and has also asked to be excused from sittings of the House during the period June 12—June 25, 2012. The leave which the Members seek is granted.

**PAPERS LAID**

1. Audited financial statements of the Palo Seco Agricultural Enterprises Limited for the year ended September 30, 2011. [*The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal)*]
2. Audited financial statements of the Government Human Resources Services Company Limited for the year ended September 30, 2011. [*Hon. Dr. R. Moonilal*]  
*Papers No. 1 and 2 to be referred to the Public Accounts (Enterprises) Committee.*
3. Report of the Statutory Authorities' Service Commission for the period 01 October, 2010 to 30 September, 2011. [*Hon. Jairam Seemungal (Deputy Speaker)*]

UNREVISED

4. First annual report of the Police Complaints Authority of Trinidad and Tobago (PCA) for the period December 29, 2010 to September 30, 2011. [*The Minister of Justice (Hon. Herbert Volney)*]
5. Ministerial response to the recommendations contained within the fourth report of the Joint Select Committee of Parliament on Ministries, Statutory Authorities and State Enterprises (Group 2) on the Office of Disaster Preparedness and Management. [*The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal)*]

### **JOINT SELECT COMMITTEE REPORTS (Presentation)**

**The Minister of Legal Affairs (Hon. Prakash Ramadhar):** Mr. Speaker, I wish to present the first report of the Joint Select Committee established to inquire into and report to Parliament on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission.

**Mrs. Patricia McIntosh (Port of Spain North/St. Ann's West):** Mr. Speaker, I wish to present the third report of the Joint Select Committee established to inquire into and report to Parliament on Ministries (Group 1), and to the Statutory Authorities and State Enterprises falling under their purview on the Administration of the Legal Aid and Advisory Authority.

**Mrs. Patricia McIntosh (Port of Spain North/St. Ann's West):** Mr. Speaker, I wish to present the fourth report of the Joint Select Committee established to inquire into and report to Parliament on Ministries (Group 1), and on the Statutory Authorities and State Enterprises falling under their purview on the Administration and Methods of Functioning of the National Schools Dietary Services Limited.

**The Minister of Planning and the Economy (Sen. The Hon. Dr. Bhoendradatt Tewarie):** Mr. Speaker, I wish to present the report of the Joint Select Committee appointed to consider and report to Parliament on the Legislative Proposals to provide for Public Procurement and Disposal of Public Property and the Repeal and Replacement of the Central Tenders Board Act [Second Session (2011/2012), Tenth Parliament].

### ORAL ANSWERS TO QUESTIONS

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Mr. Speaker, the Government would be in a position to answer question No. 103 on the Order Paper, and ask that the other questions be deferred for two weeks. [*Crosstalk*] [*Laughter*]

**Hon. Member:** “No man!”

**Mr. Roberts:** “Yuh have 128 to answer still!”

**Mr. Speaker:** All right, hon. Members, please. The question that has been put before this honourable House, and I am going to put it to the House, is that apart from question 103, the Leader of the House has proposed that the rest of the questions be deferred.

*Question put and agreed to.*

*The following questions stood on the Order Paper:*

#### **Percentage of Salary Increases (January 2006 to March 2012)**

**96. Mr. Colm Imbert** (*Diego Martin North/East*) asked the hon. Minister of Finance:

Could the Minister state what were the percentage increases in basic salary for workers at Petrotrin, TSTT and T&TEC for each year over the period January 2006 to March 2012?

**Chief Executive Officer or Equivalent Office)  
(Total compensation package as of April 12, 2012)**

**97. Mr. Colm Imbert** (*Diego Martin North/East*) asked the hon. Minister of Finance:

Could the Minister state, without naming the office holders, the total compensation package, inclusive of salary and all allowances, as of April 12, 2012, paid to the Chief Executive Officer or equivalent office in the following State Enterprises/State Companies/Statutory Authorities:

- i) First Citizens Bank Limited;
- ii) Trinidad and Tobago National Petroleum Marketing Company Limited;
- iii) Tourism Development Company Limited;
- iv) Government Information Services Limited;
- iv) Evolving TecKnologies and Enterprise Development Company Limited;
- v) Petroleum Company of Trinidad and Tobago;
- vi) Caribbean Airlines Limited;
- vii) Trinidad and Tobago Electricity Commission;
- ix) Telecommunications Services of Trinidad and Tobago;
- x) Airport Authority of Trinidad and Tobago;
- xi) National Gas Company of Trinidad and Tobago;
- xii) Urban Development Corporation of Trinidad and Tobago.

**Ministry of Tobago Development  
(Details of Amount Expended)**

**98. Miss Donna Cox** (*Member for Laventille East/Morvant*) asked the hon. Minister of Tobago Development:

- A. Could the Minister state the total amount expended by the Ministry of Tobago Development for expenses of the Minister, family members and staff associated with her, incurred at the Crowne Plaza Hotel, Trinidad from June 2010 to the present?
- B. Could the Minister provide a breakdown of this sum indicating the total spent on:
- i) Accommodation;
  - ii) Telephone;
  - iii) Meals; and
  - iv) Entertainment?

**Permanent Housing Arrangements  
(Re. Minister of Tobago Development)**

**98. Miss Donna Cox** asked the hon. Minister of Housing and the Environment:

- A. Has permanent housing arrangements in Trinidad been provided to the Minister of Tobago Development by the State, and if so on what date were those arrangements put in place?
- B. Can the Minister indicate the date on which the Minister of Tobago Development took possession of the keys for the house provided to her by the State, for her accommodation while in Trinidad?

**Permanent Housing Arrangements  
(Re. Minister of Tobago Development)**

**99. Miss Donna Cox** asked the hon. Minister of Housing and the Environment:

- A. Has permanent housing arrangements in Trinidad been provided to the Minister of Tobago Development by the State, and if so on what date were those arrangements put in place?
- B. Can the Minister indicate the date on which the Minister of Tobago Development took possession of the keys for the house provided to her by the State, for her accommodation while in Trinidad?

**100. Miss Donna Cox** asked the hon. Minister of Tobago Development:

- A. Has the Minister incurred any expenses with regards to the outfitting of any official office in Tobago?
- B. If the answer is in the affirmative, could the Minister state:
  - i) the total cost incurred and the purposes for which the costs were incurred?
  - ii) what was the procurement process utilized in selecting a contractor for the services obtained?

**Commissioner of Police  
(Retention of Private Counsel)**

**104. Miss Donna Cox** asked the hon. Minister of National Security:

Could the Minister advise:

- a) Whether the Commissioner of Police has retained private counsel at the expense of the State?
- b) If the answer is in the affirmative, can the Minister list all the purposes for which such private counsel has been retained by the Commissioner of Police?

**Minister of Trade and Industry  
(Details of Foreign Travel)**

**105. Miss Marlene McDonald** (*Port of Spain South*) asked the hon.

Minister of Trade and Industry:

Could the Minister state:

- i) All foreign countries he has travelled to since assuming office from May 2010 to present;
- ii) The total cost of each foreign trip including airfare, hotel accommodation, per diem, meals and other incidental costs?

**St. James Youth Centre  
(Opening Date)**

**106. Miss Marlene McDonald** asked the hon. Minister of Gender, Youth and Child Development:

Could the Minister state when will the St. James Youth Centre be opened for use?

**La Brea Fish Market  
(Details of Renovation/Refurbishment)**

**107. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Food Production, Land and Marine Affairs:

- a) when will the La Brea Fish Market be renovated and refurbished;
- b) the name of the contractor who awarded the contract for these works;
- c) the cost of the contract;
- d) the date for the commencement of the said works?

**La Brea Fishing Port  
(Upgrade of)**

**108. Mr. Fitzgerald Jeffrey** asked the hon. Minister of Food Production, Land and Marine Affairs:

Could the Minister state:

- a) when will the La Brea Fishing Port at Point Sable Road, La Brea

will be upgraded;

- b) the name of the contractor who was awarded the contract for these works;
- c) the cost of the said contract;
- d) the date for the commencement of the said upgrade?

**La Brea Provision and Vegetable Market  
(Renovation and Refurbishment)**

**109. Mr. Fitzgerald Jeffrey** asked the hon. Minister of Food Production, Land and Marine Affairs:

Could the Minister state:

- a) when will the La Brea Provision and Vegetable Market be renovated and refurbished;
- b) the name of the contractor who was awarded the contract for these works;
- c) the cost of the said contract;
- d) the date for the commencement of said works?

*Questions, by leave, deferred.*

**Special Tax Free Duty Allowance  
(Re: Commissioners of Police)**

**103. Miss Donna Cox** (*Member for Laventille East/Morvant*) asked the hon. Minister of National Security:

Could the Minister advise:

- a) Whether in addition to the salary of \$108,992 which he is paid each month pursuant to a fixed term contract with the Government of Trinidad and Tobago, the Commissioner of Police Dr. Dwayne Gibbs is also in receipt of the \$1,000 monthly special tax free duty allowance recently added to the



remuneration package of police officers;

- b) Whether in addition to the salary of \$104,000 which he is paid each month pursuant to a fixed term contract with the Government of Trinidad and Tobago, Deputy Commissioner of Police Mr. Jack Ewatski is also in receipt of the \$1,000 monthly special tax free duty allowance recently added to the remuneration package of police officers?

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Mr. Speaker, in response to question No. 103, Dr. Dwayne Gibbs, Commissioner of Police, is not in receipt of the \$1,000 monthly special tax free duty allowance that was recently added to the remuneration package of police officers.

Mr. Jack Ewatski, Deputy Commissioner of Police, is not in receipt of the \$1,000 monthly special tax free duty allowance that was recently added to the remuneration package of police officers.

**ADMINISTRATION OF JUSTICE  
(ELECTRONIC MONITORING) BILL**

**The Minister of Justice (Hon. Herbert Volney):** Mr. Speaker, I beg to move,

That the Senate amendments to the Administration of Justice (Electronic Monitoring) Bill, 2012, listed in the Appendix III in the supplemental Order Paper be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 3.*

*Senate amendment read as follows:*

“In sub-clause (1):

- (i) in the definition of word ‘competent authority’, delete the words ‘or functionary’.
- (ii) in the definition of the word ‘Court’ delete the words ‘a Court of competent jurisdiction’ and substitute ‘a judge, a Magistrate or a Coroner’
- (iii) in the definition of the word ‘Minister’, insert the word ‘the’ before the word ‘Minister’ and before the word ‘Ministry’
- (iv) in the definition of ‘Regulations’, delete the words ‘section 23’ and substitute the words ‘section 25’
- (iv) insert in the appropriate alphabetical sequence the following definition:

‘public official’ means a Minister or permanent Secretary;.’”

**Mr. Volney:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendments.

The words “or functionary” have been deleted from the definition of “competent authority”. Independent Senators were of the view that functionary denotes a junior category of worker and fails to capture the essence of the term “competent authority” and the significant role it is set to assume in the grant of early release from prison when a parole system is finally implemented.

The definition of “Court” was broadened, having regard to concerns of vagueness with a previous incarnation. The definition of “Court” is now analogous to the one applied in the Bail Act, Chap. 4, No. 60. We concurred with the views there that the justice of the peace should be expressly excluded for the purpose of granting bail with an order of electronic monitoring. The other amendments are self-explanatory.

Mr. Speaker, I beg to move.

*Question proposed.*

**Mr. C. Imbert** (*Diego Martin North/East*): Mr. Speaker, the hon. Minister indicated that the other definitions which he did not explain were self-explanatory. The last definition is not self-explanatory. In the last definition that is being inserted, the words “public official” will now mean a Minister or permanent secretary. There are many more public officials than simply a Minister or a permanent secretary, especially with respect to a matter dealing with the electronic monitoring of prisoners, or persons who have been released with electronic bracelets on them.

I can think of public officials such as the person in charge of the prison service and many other public officials. Perhaps the Minister could explain why he has limited the definition of “public official” to just these two categories.

**1.45 p.m.**

**Mr. Volney:** Mr. Speaker, it is so limited in the context in which the expression, public official is used. There is absolutely no need to include any other persons in that category.

I beg to move.

*Question put and agreed to.*

**Mr. Speaker:** Just a second Clerk. Before the Clerk continues, I seek your indulgence. I would like to ask the House to consider dealing with the amendments in batches of 10 rather than go one, one, one; so, if Members have no objection, the House has no objection, I would so direct the Clerk to deal with those clauses in batches of 10. Okay, hon. Members?

*Agreed to.*

*Senate amendments read as follows:*

*Clause 4.*

A. In sub-clause (2):

- (i) in paragraph (a) delete the words “Electronic Monitoring Manager (“the EM Manager”)” and substitute the words “Director of Electronic Monitoring (“the Director”); and
- (ii) in paragraph (b) delete the words “EM Manager” and substitute the words “Director of Electronic Monitoring (“Deputy Director”)”

B. Insert after subsection (2) a new subsection as follows:

“ (3) The Director and Deputy Director shall be individuals with tertiary level education and at least three years experience in a related field.”

C. In sub-clauses (3) and (5) delete the words “EM Manager” and “Deputy EM Manager”, wherever they occur and substitute the words “Director” and “Deputy Director”, respectively

D. In sub-clause (4) delete the words ‘subsection (3)’ and substitute the words ‘subsection (4)’.

E. Renumber the sub-clauses accordingly

*Clause 5.*

In sub-clause (1):

- (i) delete the words “Where prior to the making of the first appointments to the offices of EM Manager and Deputy EM Manager by the Public Service Commission” and substitute the following words “Without prejudice to the power of the Public Service Commission to make an appointment to the offices of the Director and the Deputy Director, where prior to the making of the first appointments to those offices,”; and
- (ii) Insert after the word “engage” the words “as an Electronic

Monitoring Manager and Deputy Electronic Manager.”

- (iii) Delete the words “section 4(3) and (4)” and substitute the words “section 4(4) and (5)”

*Clause 6.*

A. In sub-clause (2):

- (i) In paragraph (a) delete the word “near” and delete the word “respondents” and substitute the word “respondent”
- (ii) In paragraph (b) delete the words “EM Manager” and substitute the words “relevant state agency”
- (iii) Delete subparagraph (f) and substitute the following:  
 “(f) ensure that a historic record is maintained of all electronic monitoring spatial data, including any technological equipment necessary to read and display such information.”

B. Insert after sub-clause (3) the following new sub-clause:

- “4. The records maintained under this Act shall be kept for a period of not less than five years.”

*Clause 7.*

Delete clause 7 and substitute the following clause:

- “7. (1) A public official, authorized by the Cabinet, may enter into an agreement with a company (“a service provider”) for the purposes of –
- (a) training in any aspect of electronic monitoring; or
- (b) the performance of specified functions

under section 6(2).”

- (2) The Interception of Communications Act, 2010 shall apply to the use of electronic monitoring devices and their communication capabilities.”

*Clause 8.*

In sub-clause (2) delete the word “mprisonment” and substitute “imprisonment”

*Clause 10.*

- A. In sub-clause (2)-
- (i) after the word “may” insert the words “at any time”.
  - (ii) in paragraph (a), delete the words “made under the Bail Act”
- B. In sub-clause (5), in paragraph (a), delete the word “shall” in the first place where it occurs and substitute the word “may”
- C. In sub clause (7), delete the word ‘making’ and substitute the word ‘awaiting’.
- D. In sub-clause (8), after the word “and” in the first place where it occurs, insert the words “the Court”.
- E. In sub-clause (9), delete the words “the person or respondent, and in the case of a child” and substitute the words “a person over the age of sixteen years or respondent, and in the case of a person under the age of sixteen years”
- F. Delete the words “EM Manager” and substitute the word “Director” wherever they occur.

*Clause 12.*

- A. In sub-clause (4), after the word “and” in the first place where it occurs, insert the words “the competent authority”
- B. In sub clause (6), by deleting the words ‘Sections 13, 14 and 15’ and substituting the words ‘Sections 14, 15 and 16’.
- C. Delete the words “EM Manager” and substitute the word “Director” wherever they occur.

*Clause 13.*

- A. In paragraph (b), delete the words “section 8” and substitute the words “section 9”.
- B. Delete the words “EM Manager” and substitute the word “Director”.

*Clause 14.*

- A. Delete the words “, as the case may be”
- B. Insert after paragraph (c) the following new subparagraph:  
“(d) an applicant under section 13,”
- C. Delete the words “EM Manager and substitute the word “Director”

*Clause 15.*

Delete subclause (2) and substitute the following subclause:

“(2) The Court may also impose any other terms as it deems fit.”

**Mr. Volney:** Mr. Speaker, I wish for us to refer to the amendments to clause 4 of the Bill. Both offices, Director and Deputy Director of electronic monitoring were made public offices with a view to ensuring their independence.

Reference to “Electronic Monitoring Manager, the EM Manager”

were deleted in paragraph (a) and substituted with the “Director of Electronic Monitoring, the Director”, and in paragraph (b) the words, “EM Manager” was deleted and substituted with the words “Director of Electronic Monitoring, Deputy Director.”

The words “EM Manager” and “Deputy EM Manager” were deleted wherever they occurred and substituted with the words “Director” and “Deputy Director”, again to make the distinction between the public offices and the contractual positions that are to be filled pending the appointment of persons to the public offices of director and deputy director, electronic monitoring.

A new subclause 4(3) was created to ameliorate the ambiguity associated with the use of the term “suitably qualified individuals”. Based upon the recommendations in the other place it was agreed—our Government agreed—that some minimum qualification requirement pertaining to the position of director and deputy director was necessary to ensure the proper functioning of the electronic monitoring unit. A consequential renumbering of subclause (3) as (4) occurred.

Clause 5(1) relates to transition. This transitional clause was revised on the basis of comments in the other place. It was felt that the use of this phrase both acknowledges and preserves the right of the Public Service Commission to make appointments to public offices within the public service. At the same time the provision facilitates the engagement of suitably qualified persons on contract to carry out the functions as required, pending the appointment to the public offices. The EM Manager and the Deputy EM Manager may be hired on a contractual basis in order to ensure that implementation of the legislation is not unduly hampered by



administrative red tape.

It was advised that the words as “Electronic Monitoring Manager and Deputy Electronic Monitoring Manager”, be inserted after the word “engage”, for the purpose of achieving clarity and creating the distinction between the public offices of director and deputy director of electronic monitoring and the contractual positions.

In clause 6, in paragraph 2, the word “near” and the letters in “respondents” were deleted. In subclause (2) of clause 6, the word “EM Manager” was deleted and substituted with “relevant state agency”. In clause 6, paragraph 2(f), some drafting amendments were made. The words “is maintained” were inserted after the words “historic record”. The words “is maintained” at the end of the subparagraph were deleted, and they were substituted with “shall be kept for a minimum of five years.”

As regards clause 7: clause 7 as before was deleted and substituted with the words “as now appear.” A new subclause 7(2) is inserted on the recommendation of the other place. This provision is intended to jealously safeguard the privacy of the tagged person by guaranteeing that such communications will not be the subject of interception under the Interception of Communications Act, 2010. The new subclause (2) provides “the Interception of Communications Act, 2010 shall apply to the use of electronic monitoring devices and their communication capabilities.”

There are many other typos in clauses 10 and 12 that were addressed. The words “EM Manager” were deleted wherever they occurred in clauses 10 and 12 and substituted with the word “Director.”

There is a new clause 13. This is inserted after clause 12. This

provision was included, having particular regard to the concerns of some of those in the other place; it is intended to make the Bill operate more efficiently and effectively.

By the new clause 13, any person other than the defendant can make an application to be voluntarily tagged. This clause is specifically aimed at the victims of domestic violence and witnesses to criminal offences. The fears of such applicants would allayed since the electronic—

**Mr. Speaker:** Hon. Member, we are confusing things. We have new clauses, which would come later, and we have existing clauses. So, if you could stick to the existing clauses and we would then come to the new clauses. I think you have gone into new clauses, so just stick to the clauses that we have here in terms of 13, not 13A and the new clauses.

**Mr. Volney:** In the circumstances, I beg to move. I have addressed the issues, Mr. Speaker.

**Mr. Speaker:** Again, I would just like you, procedurally, to let us—you would have to advise the House what we are agreeing to. You began just explaining, but you have to ask this House and you have to move that this House agree with the Senate. So, if you could put that and the various clauses, I shall be only too happy to put it to the House.

**Mr. Volney:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the amendments to clauses 4 to 15, inclusive of the Administration of Justice (Electronic Monitoring) Bill, 2011.

I beg to move.

*Question proposed.*

**Mr. Imbert:** Thank you, Mr. Speaker. The Government, the Minister is

asking us to agree that the director and deputy director shall be individuals with tertiary-level education and at least three-years' experience in a related field. But he has given us no justification for these criteria, and, as the Minister may or may not know, there is a big debate over the meaning of the words "tertiary-level education."

**2.00 p.m.**

In other countries in the Caribbean they classify the Caribbean Advanced Proficiency Examination as tertiary education. Here in Trinidad and Tobago there has been a debate for some time as to whether the associate degree or diplomas that are offered by COSTAAT should qualify as tertiary level education. It is normally recognized in most developed societies that tertiary level education is university level education. So this is a very vague and ambiguous term.

As I said, in the Caribbean they classify A level or CAPE—as it is now called—as tertiary level education. So that someone could quite possibly be recruited from one of the other Caribbean islands simply having some passes in CAPE and meet these criterion. It would have helped if the Government had been tighter in its language in adopting the criteria. And just en passant there were no such qualifications inserted into the DNA legislation with respect to the head of the DNA authority.

**Hon. Sharma:** "You acting for Rowley."

**Mr. C. Imbert:** Now, Mr. Speaker, let us move to the next clause which is clause 5. If we read the clause as amended, it will read as follows:

"Without prejudice to the power of the Public Service Commission to

make an appointment to the offices of the Director and the Deputy Director, where prior to the making of the first appointment to those offices, and the exigencies of the public service require the recruitment of the individuals to perform the functions of those offices, the Permanent Secretary of the Ministry may engage as an electronic monitoring manager and the deputy electronic manager suitably qualified individuals.”

Now, I heard the Minister say that he had deleted all reference to electronic monitoring manager and deputy electronic manager but here he is putting it into the legislation. Where the legislation requires the recruitment of a Director and a Deputy Director who must have certain qualifications — weak and limited as they are, vague and ambiguous as they are—but, he is giving the Government the power to appointment an Electronic Monitoring Manager and a Deputy Electronic Manager who would have no qualifications. There is no requirement in this legislation that the Electronic Monitoring Manager and the Deputy Electronic Manager need have tertiary education nor experience in the field because, the previous amendment, clause 4 states:

“(3) The Director and Deputy Director shall be individuals with tertiary level education and at least three years experience in a related field.”

What the Minister is trying to do, while the Public Service Commission goes through its procedures to recruit the Director and the Deputy Director, the Government will have the power to appoint an Electronic Monitoring Manager and a Deputy Electronic Manager without any qualifications whatsoever.

Now, I will be charitable to the Minister and as I said there is absolutely no period, it is while the process takes place. As we have seen this process could take up to a year. It could take longer than that to recruit the Director and Deputy Director. So for a period of up to one year you will have persons appointed to run this Electronic Monitoring Unit—or whatever you want to call it—who can be recruited without having even a School Leaving Certificate and without any experience whatsoever in the field. I will be charitable to the Minister and say this is an oversight. I think it is necessary to attach equal qualifications to the Electronic Monitoring Manager and Deputy Electronic Manager as have been attached to the Director and Deputy Director just for completeness. I think that is an appropriate amendment to the legislation. I would propose that in clause 4, that after the words, “Director and Deputy Director” in the amendments we add, “and the Electronic Monitoring Manager and Deputy Electronic Manager.” So it would read that all four of these people would have tertiary level education and at least three years experience in a related field.

As we go along, as we go to clause 7, I see that the Minister would like:

“7. (1) A public official, authorized by the Cabinet,”—to have the power to—“enter into an agreement with a company for the purpose of —”  
—providing certain services. I can say that I am happy to see that they have now circumscribed the services that this company can provide. Previously, the company would have been authorized to get into all sorts of things with respect to the mental and physical disposition of persons who may be fitted with electronic monitoring devices.

However, I ask the Minister to tell us who were the public officials who would be given authority or put it another way, why they limited public officials to Minister and Permanent Secretary? The response I received was that that was all that was necessary—words to that effect.

I think it is wrong. In fact, it is bordering on the verge of recklessness to give a Minister. [*Crosstalk*] Yes—to give a Minister the authority to enter into a contractual agreement with a company. And, the reason is, a Minister is not an accounting officer. Under our rules, our public service regulations the Permanent Secretary of the Ministry is the accounting officer and the person who has to account for all contracts entered into by a particular Ministry.

I think it is downright dangerous to authorize a Minister to enter into a contractual agreement with a company for the provision of electronic monitoring services. I would ask the Government to revisit the whole question of the public official including the Minister in the context of this particular amendment which is now going to allow the Minister of Justice, for example, to enter into a contractual arrangement with a service provider.

That is completely out of order. It is downright dangerous to expose a Minister to the hazards that may occur with respect to disputes that might occur with respect to a contractual agreement and the whole question of accountability for the expenditure of public funds. It is downright dangerous for a Minister to enter into a contractual arrangement.

With respect to the amendment to clause 10, I see that the Government has deleted the use of the word child. In our system a child is anybody under the age of 18. It is well recognized and this has been evolving over the years. It used to be 17, before that it was 16 and now

within the last five to 10 years it is well established that a child is anybody under the age of 18. In the previous incarnation of this legislation where a child—somebody under the age of 18—was in difficulty, the parent or guardian would get involved, but now it is someone who is 16 and over, so a 16-year-old or somebody 16 years and one day old, a 17-year-old and so on, is now going to be treated like an adult. I see no reason why that is necessary. We have a lot of legislation dealing with the rights of the child. In fact, I think we are going to be dealing with that a little later in this session.

If one looks at the clause and one looks at the effect of the clause. If I go to clause 10, we are dealing with the imposition of a sentence of electronic monitoring. I really would like the Government to rethink this. Why are you bringing in these new definitions of what a child is somebody 16 years of age and so on? A child is somebody under the age of 18. There is no need for this. I think this is going to cause confusion within the legal system because you have the whole concept of a child being unable to enter into a contract; that is a well-established principle of law that the Member for St. Joseph will be well aware of. I would ask you to revisit this section. Thank you, Mr. Speaker.

**Mr. Volney:** Mr. Speaker, the Member for Diego Martin North/East has raised a concern as to the justification for the inclusion of the classification in lieu of suitably qualified persons to be as is now in the amended version to be persons of tertiary level education.

Mr. Speaker, our Government recognizes the qualifications of persons of tertiary education from accredited institutions, and anyone with those degrees would qualify for appointment.

As regards the use of the term, “suitably qualified” in the interim period in clause 5 subclause (1), this is a transitional period that is being addressed here. During this period one would expect that before advertisements go out the department—PMCD department of the Ministry of Public Administration would look at the job specifications; what is required for the job and would establish the next necessary qualifications for persons for appointment. And in so doing would obviously have to look at the bar that has been set for persons required to perform the functions of the Director and Deputy Director of Electronic Monitoring.

I am surprised that the Member for Diego Martin North/East who has spent all these years in Government would not appreciate that the Government, the political directorate really has no hand in establishing qualifications. These are matters that are dealt with with administrators; experts in the Ministry of Public Administration. So that I do not think that he needs to be unduly concerned about that.

Mr. Speaker, in clause 7 subclause (1). [*Crosstalk*]

**Mr. Speaker:** Please, please, please.

**Hon. H. Volney:**—the public official who enters into a contract with the service provider does so with the authority of the Cabinet. Since my time in our People’s Partnership Cabinet, I know of no time when our Cabinet has authorized a Minister to perform such a function. Invariably—I do not know how it was done in the time of the last Government but that is not the way of our Government. I do not think that the Member for Diego Martin North/East should be concerned about the expression as is.

I now go to, why is it necessary to treat a child under 18 but older than 16 as an adult? For the purposes of electronic monitoring, the world has



changed since the time the hon. Member for Diego Martin North/East was 16 years old.

**Hon. Roberts:** That is a long time ago boy—1806.

**Hon. H. Volney:** The 16-year-old of today goes on the Internet and knows how to make bombs and he is involved in criminal activity like never before. The charges that come before the courts range from possession of dangerous weapons, drugs, and even murder and kindred other criminal offences.

**2.15 p.m.**

We are being realistic. We are being real in the world as is now and we have to allow the protection of the criminal justice system to be offered as well to young persons over 16, who for bad company find themselves in trouble with the law, and that is why we felt to open the definition to 16.

Mr. Speaker, I accordingly beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Senate amendments read as follows:*

*Clause 16.*

Delete subclause (2) and substitute the following subclause:

“(2) In this section, ‘tampering’ means anything which interferes with or is capable of interfering with the proper functioning of the device or which disrupts or is capable of disrupting the transmission of the monitoring signal of the device to the Unit.”

*Clause 17.*

In subclause (2) delete the words “EM Manager” and substitute the

word “Director”.

*Clause 18.*

- A. In subclause (3), delete the words “section 17” and “section 19” and substitute the words “section 18” and “section 20”, respectively.
- B. Delete the words “EM Manager” wherever they occur and substitute the word “Director”

*Clause 19.*

In subclause (1), delete the words “section 17(3)” and substitute the words “section 18(3)”.

*Clause 20.*

Delete the words “section 19(2)”, “section 17” and “section 16” and substitute the words “section 20(2)”, “section 18” and “section 17”, respectively.

*Clause 21.*

Delete the words “EM Manager” and substitute the word “Director”.

*Clause 22.*

Delete the words “EM Manager” and substitute the word “Director”.

*Clause 23.*

In subclause (1)—

- (i) in paragraph (b), delete the words “section 15” and substitute the words “section 16”; and
- (ii) in paragraph (c), delete the words “section 19(2)” and substitute the words “section 20(2)”.

**Mr. Volney:** Mr. Speaker, these are really consequential amendments to the changes made earlier in the course of the Bill. I beg to move that the House

of Representatives doth agree with the Senate in the said amendments.

*Question proposed.*

*Question put and agreed to.*

*Senate amendments read as follows:*

*New clause 13.*

A. Insert after clause 12, the following new clause:

“Electronic Monitoring by application 13. (1) Any individual may apply to the Court on the prescribed Form application and subject to criteria prescribed in regulations to have a device fitted on him.

(2) Before granting approval for the use of the device, the Court shall explain to the applicant the purpose and use of such a device as well as his responsibilities under the Act.”.

B. Renumber clauses accordingly.

*New clause 24.*

A. Insert after clause 22, (Clause 23 as renumbered), the following new clause.

Offence of Duplication “24. An individual who makes, copies or in any way duplicates an electronic monitoring device commits an offence and is liable on summary conviction to a fine of twenty five thousand dollars and imprisonment for one year.”

B. Renumber clauses accordingly.

*First Schedule* A. Delete item 4.

B. Renumber items accordingly.

- Second Schedule*
- A. Delete the words “shall be” and substitute “may include”
- B. Delete the words “EM Manager” wherever they occur and substitute the word “Director”.
- C. Delete the words “Section 24” and substitute the words “Section 26”.
- D. In the proposed amendment to the Bail Act—
- (i) in the proposed section 12(3D)(2), delete the words “section 23” and substitute the words “section 25”; and
- (ii) in the proposed section 12(3E), delete the words “track or supervise a person” and substitute the words “assist in the supervision of an individual”.

*Third Schedule* Delete the words “EM Manager” wherever it occurs and substitute the words “Director”.

**Mr. Volney:** Mr. Speaker, it was felt in the course of the debate in the other place, that to tidy up the usefulness and to allow for the greater utility of electronic monitoring, especially as it relates to the domestic violence supervision of a person against whom there is an order, that the victim could herself or himself apply now to the court to be electronically monitored so that if there is a breach by the person against whom the order is made, that is the domestic violence protection order, the victim would be told that this person is proceeding in their direction. It could well be that the victim could be proceeding in the direction of where the person against whom the order is

made, and this is for the better protection and enforcement of the domestic protection order against person. So it was felt that this provision should be included for better use of the legislation and also for the better use of the monitoring available.

The new provision, that is new clause 24, relates to the copying of the electronic monitoring device by persons who may think that it is funny or it is bling to have an electronic monitoring device lookalike on their leg. So we felt that in order to put a stop to that from the outset, that we would make it an offence punishable by a fine on summary conviction of \$25,000 and imprisonment for one year. The consequential amendments are set out also in the second column and first column, Mr. Speaker, so that the First Schedule is amended. These are all consequential amendments and renumbering of sections.

Mr. Speaker, I beg to move that this House agree with the Senate in the amendments to new clauses 13 and 24, that is, by inserting them into the Bill, as amended, the proposed amendments, as well as the Schedules—  
*[Interruption]*

**Miss McDonald:** I am not hearing you, Minister.

**Hon. H. Volney:** As well as the amendments to the First, Second and Third Schedules of the Bill.

I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

*Question proposed.*

**Mr. Imbert:** Thank you, Mr. Speaker. It is clear to me, regrettably, that the Minister has not given this legislation the necessary level of rigour required—

**Mr. Speaker:** Please, please, please!

**Mr. Imbert:**—to understand the impact of what is being done. In the amendment just before, I pointed out that the Minister was redefining the definition of “child” and, as I said, later on we will deal with the definition of a child.

In Trinidad and Tobago a child is defined as “anybody under the age of 18.” The Minister sought to redefine a child by saying there are—and internationally as well. I am reminded by the Member for Diego Martin Central. The Minister sought to redefine children as dangerous 16-year-olds who maybe making bombs. Now, it shows me that the Minister has come into this Parliament woefully unprepared.

The issue with respect to the 16-year-old—and this is relevant to the new clause 13—was that court shall explain to the person or respondent—and in the case of the child, his parent or guardian—the meaning and effect of the decision to put on an electronic monitoring device, as well as the effect of non-compliance with it. There was a very good reason for that, that we all understand the legal definition of what is a child and what is not a child. The whole point was that, if the person is below the age of 18, the parent or guardian is necessary to be present to explain to this 16-year old, who is not an adult, the meaning and effect of having an electronic bracelet placed on them and the meaning of non-compliance with the requirements of that electronic bracelet. But the Minister has redefined a child as a dangerous 16-year old now.

When we go to the new clause 13, we see a repetition of this error because the new clause reads as follows:

“(1) Any individual may apply to the Court on the prescribed Form

and subject to criteria prescribed in regulations to have a device fitted on him.”

That means anybody, whether child or adult, and when you add it to what has been done before, with the Minister now defining a child as a 16-year old, this makes absolutely no sense.

We do not agree with giving this Government the power to put electronic monitoring devices on children and not take the precaution of having their parent or guardian present to explain to them the significance of this device and what will happen if they do not comply with the criteria. We cannot agree with this. There is a repeated error in this legislation and a repeated error in these amendments.

You have got to circumscribe it so that if the person is an adult, they are deemed competent to understand what is happening when this device is placed on them and what will happen if they go outside the restricted zone, and if there is a child their parent or guardian must be present. I see no reason—that is what was in the legislation before, Mr. Speaker, through you.

**2.30 p.m.**

Before, the legislation said:

If you are a child, your parent or guardian must be present when you agree to have this device put on you.

Now, it is anybody 16 and over in the previous clause, and now, it is

“Any individual can apply to the Court on the Prescribed Form...to have the device fitted on him.”

Mr. Speaker, young adolescents are in no position to understand the effect of restraints of their liberty, they are in no position to understand, it is entirely inconsistent with what we in this Parliament have been debating for

the last year with respect to the rights of the child, and the way children should be treated differently from adults, and how children are in a special category all of their own.

I do not understand this Government, “ah big song and dance” about treating children in a particular way, and now, you want to put an electronic bracelet on a child, and you do not want to explain to them the significance of this, and what will happen to them when they go outside the restricted zone. Under no circumstances can we on this side agree to this.

**The Minister of Justice (Hon. Herbert Volney):** Mr. Speaker, it seems to me that the hon. Member is looking for a reason for the Opposition not to support the measure, because there really is not much in what I consider to be no more than idle rhetoric of what I have just heard for the Government to change the policy of this legislation.

Mr. Speaker, given that there is really nothing of substance raised in what has been said by the Member for Diego Martin North/East.

I beg to move that this House of Representatives agree with the Senate in the said amendments.

**Mr. Speaker:** Can I have your cooperation?

*Question put and agreed to.*

**Hon. Member:** Division.

**Mr. Speaker:** You want a division? [*Crosstalk*]

**Mr. Peters:** “Is long division or short one?”

**Mr. Speaker:** Are we calling for a division on these last clauses or the omnibus?

**Hon. Member:** Omnibus!

**Mrs. Persad-Bissessar:** All, Mr. Speaker.



**Mr. Speaker:** Okay, all right.

*The House divided:* Ayes 27 Noes 10

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar, Hon. K.

Warner, Hon. J.

Dookeran, Hon. W.

Sharma, Hon. C.

Alleyne-Toppin, Hon. V.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Seemungal, J.

Volney, Hon. H.

Roberts, Hon. A.

Cadiz, Hon. S.

Griffith, Hon. Dr. R.

Ramadharsingh, Hon. Dr. G.

Baksh, Hon. N.

Ramadhar, Hon. P.

Khan, Hon. Dr. F.

De Coteau, Hon. C.

Indarsingh, Hon. R.

Baker, Hon. Dr. D.

Samuel, Hon. R.

Roopnarine, Miss S.

Ramdial, Miss R.

Partap, Hon. C.

Khan, Miss N.

NOES

Mc Donald, Miss M.

Cox, Miss D.

Hypolite, N.

McIntosh, Mrs. P.

Imbert, C.

Jeffrey, F.

Browne, Dr. A.

Thomas, Mrs. J.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

*Question proposed.*

*Question put and agreed to.*

**The Minister of Gender, Children and Youth Affairs (Sen. The Hon. Verna St. Rose-Greaves):** Mr. Speaker, I beg to move the following Motion standing in my name:

*Be it resolved* that the Senate Amendments to the Children Bill, 2012 listed in Appendix II, be now considered.

*Question proposed.*

*Question put and agreed to.*

**Mr. Speaker:** Before the Clerk begins to read those amendments, I would like again to advise the House, that we take these amendments in batches,

and the Clerk is so advised and directed.

*Senate amendments read as follows:*

*Clause 3.*

- A. In the definition of “child pornography” delete all the words after the words “part of a” and substitute the words “or civil proceedings or in the lawful performance of a person’s professional duties and functions;”
- B. In the definition of “Children’s Attorney” delete after the word “section” the words “66” and substitute the word “88”.
- C. In the definition of the word “Court” insert after the word “Magistrate” the word “Court”.
- D. Delete the definition of “family matter” and substitute the following definition:
  - “family matter” means any cause, matter or legal proceeding arising out of any written or other law and connected with a matrimonial, familial or other domestic relationship;”.
- E. Delete the definition of “Juvenile Court”.
- F. In the definition of “video recording” insert after the word “produced” the words “or transmitted”.
- G. In subclause (b), delete subparagraph (i) and substitute the following subparagraph:
  - “(i) the person’s purpose in relation to it, is because of its nature, sexual; or”
- H. Delete subclause (3).

*Clause 4.*

A. Delete subclause (1), and substitute the following subclause:

- “(1) Where a person has responsibility for a child and—
- (a) the person willfully assaults, ill-treats, neglects, abandons or exposes the child or causes or procures the child to be assaulted, ill-treated, neglected, abandoned, or exposed in a manner likely to cause that child suffering or injury to his physical, mental or emotional health; or
  - (b) an infant under the age of three years dies whilst in bed or any other place with that person and it is proved that—
    - (i) the death was not caused by disease or any other medical cause; and
    - (ii) the person was, at the material time under the influence of drink, dangerous drugs or other substances having a similar effect and this resulted in the death of the child the person commits the offence of cruelty to a child.”.

B. Delete subclause (4), and substitute the following subclause:

- “(4) Where a person is charged with an offence under subsection (1), it is a defence for him to prove that, at the material time, he was unable to adequately provide for the child because he suffered from an infirmity of the mind or body.”.

C. Insert after subclause (7), the following subclause:

- “(8) Nothing in this section shall be taken as preventing proceedings from being brought against any person in respect of an offence under any written law.”

*Clause 5(1).*

Delete after the words “begging” the words “or receiving alms or inducing the giving alms”.

*Clause 6(2).*

Delete after the words “respect of an” the word “indictable”.

*Clause 7(3).*

Delete after the words “respect of an” the word “indictable”.

*Clause 8(3).*

Delete after the words “respect of an” the word “indictable”.

*Clause 10.*

Delete after the words “of her” the word “own”.

*Clause 11.*

Delete the chapeau and substitute the following chapeau:

“A person having responsibility for a child who knowingly allows or encourages that child to reside in or to frequent a brothel, as defined in section 2 of the Sexual Offences Act, commits an offence and is liable—”

*Clause 12.*

A. In subclause (4)—

- (a) in the chapeau, delete after the words “knowledge of the” the words “parent or guardian of the child” and substitute the words “parent, guardian or person with responsibility for the child”; and
- (b) delete paragraph (a), and substitute the following paragraph:
  - “(a) order that the parent, guardian or person with responsibility for the child enter into a recognizance to exercise due care and supervision in respect of the

child; or”

*Clause 14.*

- A. Renumber clause 14 as clause 14(1).
- B. In the chapeau of clause 14(1), as renumbered, delete after the word “Tobago” the words “or elsewhere”.
- C. Insert after subclause (1), as renumbered, the following subclause:  
 “(2) Where a national of Trinidad and Tobago does an act in a country outside of Trinidad and Tobago which would, if it had been done in Trinidad and Tobago, constitute an offence under this section, he is liable to the penalty prescribed under subsection (1).”

**2.45 p.m.**

**Mrs. St. Rose Greaves:** Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendments.

**Mr. Speaker:** Normally, you would offer some rationale or explanation for these amendments which the House is about to consider.

**Mrs. St. Rose Greaves:** Mr. Speaker, if I may, and with your permission, since we have done extensive discussions collaboratively on both sides of the House, I would like to respond if there are particular queries.

**Mr. Speaker:** First of all, if that is the approach, then you will so indicate and beg to move.

**Mrs. St. Rose Greaves:** Mr. Speaker, I beg to move.

*Question proposed.*

**Dr. Browne:** [*Desk thumping*] Thank you, Mr. Speaker. I must confess to being a bit taken aback by the lack of explanation, particularly since there are a number of editorial changes which were made. With specific reference

to clause 5(1), I would regard that change to be one of some significance and I would really invite the Minister's attention thereto. It refers to the offence of begging which is not an uncommon reality in this country. I was struck by the change that was made in removing the phrase after "begging", "or receiving alms or inducing the giving of alms".

In my view, that really narrows the offence created to an extent that some of the practices that we are observing would now be excluded. We have seen cases of children being given lists or little extracts that they would take around to show to people to try to induce sympathy. I do not know if that would fall formally under the category of begging, but it may have fallen under the category of inducing the receipt of alms. I see little difference.

In some countries, children are given a little T-shirt with a few lines designed to illicit sympathy. So the adult would be there accompanying the child or nearby and the child is not actually begging, but it is a part of a conspiracy—whether it is a family conspiracy or otherwise—to engage in the receiving of alms or to induce the giving of alms.

So, Mr. Speaker, I was curious about that change that the Government has brought to the Lower House. I am asking the Minister for some explanation because it was the view of this House that the language that was there before was well chosen and it has now been removed.

**Mr. Imbert:** Mr. Speaker, the Minister sought to justify her decision not to explain the rationale behind the amendments by saying there were extensive discussion and collaboration between the Government and the Members on this side. There was absolutely no collaboration and discussion between the Government and the Members on this side on this 10-page list of

amendments.

I want to repeat that: no discussion, no collaboration whatsoever between the Government and the elected Members of Parliament on this side with respect to these amendments. It is not correct for the Minister to say or even give the impression that we were consulted on these amendments. If we were, I would have asked the Minister to tell us why, in the Bill that came before the House—and may I say that we on this side consulted with the Government; there was a lot of goodwill with respect to the Bill that was passed in the House of Representatives; a lot of discussion; a lot of give and take; a lot of goodwill; and as a result we voted to support the Children's Bill, 2012, as amended in the House of Representatives, unanimously. It was because of that rapport and spirit of that compromise between the Government and the Opposition and the fact that most of the amendments—I believe there were 15 pages of them—that the Government eventually tabled in the House of Representatives were agreed to by us on this side and, in fact, the Bill was improved by the Government taking on board many of the recommendations we made. However, what we see here is completely alien to the discussions we had in this place and alien to the spirit of collaboration between Government and the elected Members on this legislation. It is a complete misrepresentation to say that there was collaboration. There was none on these amendments.

What I would like the Minister to explain, in the previous incarnation of this legislation passed in this House, clause 4(1)(b) read as follows:

Where a person has responsibility for a child and the person is in bed or in any other place of rest with an infant under the age of three years and that infant dies as a result of suffocation whilst in bed or any other



place of rest with that person and it is proved that the suffocation was not caused by disease, et cetera and the person was at the time of going to bed under the influence of drink, dangerous drugs or other substances, the person commits the offence of cruelty to a child.

So we have a situation where previously the person has to suffocate the child. Now, look at what they have inside of here. They have changed that now; they have taken out the whole concept of suffocation and they are saying:

Where a person has responsibility for a child and an infant under the age of three years dies whilst in bed or any other place with that person and it is proved that the death was not caused by disease or any other medical cause, and it goes on, the person commits an offence.

They have taken away entirely the whole concept of suffocation. The Member for Caroni East will be aware of Sudden Infant Death Syndrome (SIDS). You are well aware of it. In Sudden Infant Death Syndrome, there is no medical cause. When you examine the child, the child has died, but there is no medical cause. So I really would like the Government to explain why we engaged in a spirit of collaboration with respect to the initial amendments to this Bill and now they have come with this very strange amendment where now the person is in bed with the child and the death is not caused by disease or any medical cause and the person is guilty of cruelty. What happens if Sudden Infant Death Syndrome is involved?

**Dr. Khan:** That is a medical cause.

**Mr. Imbert:** Really. Is that so? I hear the Minister of Health, but it shows how unprepared they are. You have a dead child in bed with the person and this person is now going to be guilty of cruelty to a child under this

amendment where previously the child had to be killed by way of suffocation. I would like the Minister to explain why they have removed the concept of suffocation.

**Mr. Speaker:** Is there anyone else on the Opposition Bench?

Hon. Minister of Gender, Youth and Child Development, could I ask you, when you are responding, this House does not want to know, quite frankly, what Senators said upstairs in the other place. We are dealing with what the justification is and I would like you not to make reference to what Senator X or Y said in the other place. Just focus on the rationale, the justification, et cetera.

**Sen. The Hon. V. St. Rose Greaves:** Thank you, Mr. Speaker, and thank you for that caution. As it relates to clause 4A, the concern of the Member for Diego Martin North/East, that was, to establish a causal connection between being under the influence of drink, dangerous drugs or other substances having a similar effect and the death of the child, yes, all the issues of Sudden Infant Death Syndrome were considered and it was felt that that was the best way that we could capture all the other eventualities.

As it relates to the Diego Martin Central representative and his concern about alms and begging, the law permits for children with raffle sheets, or whatever else may have come out of their schools or groups, to apply to the Children's Authority to have permission for that to happen. We are aware of the many ways that children are used to get support from people in terms of alms and begging. That was taken into consideration and it was felt that this was dually captured here.

I beg to move.

*Question put and agreed to.*

*Senate amendments read as follows:*

- 15           A. Renumber clause 15 as clause 15(1).
- B. In the chapeau of clause 15(1), as renumbered, delete after the word “Tobago” the words “or elsewhere”.
- C. Insert after subclause (1), as renumbered, the following subclause:
- “(2) Where a national of Trinidad and Tobago does an act in a country outside of Trinidad and Tobago which would, if it had been done in Trinidad and Tobago, constitute an offence under this section, he is liable to the penalty prescribed under subsection (1).”.
- 16           A. Renumber clause 16 as clause 16(1).
- B. In the chapeau of clause 16(1), as renumbered, delete after the word “Tobago” the words “or elsewhere”.
- C. Insert after subclause (1), as renumbered, the following subclause:
- “(2) Where a national of Trinidad and Tobago does an act in a country outside of Trinidad and Tobago which would, if it had been done in Trinidad and Tobago, constitute an offence under this section, he is liable to the penalty prescribed under subsection (1).”.
- 22           Delete after the words “imprisonment for” the words “twenty-five years” and substitute the word “life”.
- 27           Delete all the words after the words “they are” and substitute the words “or believed on reasonable grounds that they were lawfully married to each other.”.

33

Delete and substitute the following clauses:

“Power of Arrest 33. A constable may take into custody, without warrant, a person who has committed, or who the constable has reason to believe has committed an offence under section 18 or 19(3).

Powers of constable with respect to child sexual offenders 33A. (1) Where a constable has reasonable cause to believe that a sexual offence has been committed by a child, the constable shall, as soon as practicable, notify–

- (a) the parents, guardian or person with responsibility for the child;
- (b) the Authority; and
- (c) the Children’s Attorney.

(2)A constable referred to in subsection (1) shall make a written report of the action taken under this section to his superior officer within seventy-two hours of the taking of such action.”.

38

A. In subclause (1), delete subparagraphs (ii) and (iii) and substitute the following subparagraphs:

- (ii) obtain the name, address and contact details of the child or person, and of the parent, guardian or person with responsibility for the child or person; and
- (iii) immediately notify the Authority, who shall contact the parent, guardian or the person with responsibility for the child, forthwith on receiving the information.

B. Delete and substitute the following subclause:

(2) A person or child referred to in subsection (1) shall heed the warning of the constable and comply with the request by him for information.

**3.00 p.m.**

*Clause 40.*

A. In subclause (1) –

- (a) in the chapeau, insert after the words “person who” the word “knowingly”;
- (b) in paragraph (b), insert after the word “distributes” the words “,transmits”;
- (c) in paragraph (d), delete the word “knowingly”; and
- (d) delete paragraph (e), and substitute the following paragraph:

“(e) has in his possession or control any child pornography; or”.

B. Delete the chapeau of subclause (2) and substitute the following chapeau:

“(2) For the purposes of subsection (1), a person knowingly distributes child pornography, if he knowingly –”.

C. Delete subclause (3) and substitute the following subclause:

“(3) Where a person is charged with an offence under subsection (1), it is a defence for him to prove that he had not himself seen the child pornography, or did not know or did not have any cause to suspect it to be child

pornography.”.

D. In subclause (5) –

- (a) in paragraph (f), delete after the words “pornography;” the word “or”;
- (b) renumber paragraph (g) as paragraph (i); and
- (c) insert after paragraph (f) the following paragraphs:
  - “(g) a legal officer involved in the prosecution or defence of a case;
  - (h) a teacher or counsellor in the execution of his duties for the purpose of education or counselling; or”; and
- (d) insert after the word “official” the words “or professional”.

*Clause 41.*

Insert after the word “who” the word “intentionally”.

*Clause 42.*

A. Delete and substitute the following clause:

“Inciting 42. (1) A person who intentionally or causes, incites, controls, arranges or facilitating facilitates a child’s involvement in child pornography in Trinidad and Tobago is pornography liable on conviction on indictment, to imprisonment for twenty years.

(2) Where a national of Trinidad

and Tobago does an act in a country outside of Trinidad and Tobago which would, if it had been done in Trinidad and Tobago, constitute an offence under this section, he is liable to the penalty prescribed under subsection (1).”.

*Clause 43.*

A. In subclause(1) –

(a) in the chapeau –

(i) delete after the words “this Act” the word “and” and substitute the word “or”; and

(ii) insert after the words “these Parts” the words “or the Sexual Offences Act”; and

(b) in paragraph (b), delete after the word “is” the words “sixteen years of age or under” and substitute the words “under sixteen years of age”.

*Clause 44.*

Delete the word “complainant” wherever it occurs and substitute the words “virtual complainant”.

*Clause 45.*

In subclause (1), delete all the words after the words “committed,” and substitute the following words and paragraphs:

“ and shall notify –

- (a) the Authority;
- (b) the parent, guardian or the person with responsibility for the child;
- (c) a Children's Attorney; and
- (d) the police.”

**Mrs. St. Rose-Greaves:** Mr. Speaker, I beg to move that this House of Representatives doth agree with the Senate in the amendments to clauses 15 to 45 of the Children Bill, 2012. I beg to move.

*Question proposed.*

**Mr. Imbert:** Thank you, Mr. Speaker. Once again, the Minister has refused to tell us the underlying philosophy behind these amendments and has disrespected this Parliament in my opinion.

Mr. Speaker, I would like the Minister to explain to this House, since the Minister did not do so in her introduction of the same amendments, the theory behind the amendments to clause 40. Now, clause 40 deals with child pornography. In the previous legislation and in other similar legislation, the whole question of the offence of child pornography and related offences is a strict liability offence. They consulting with whomever, I do not know, not us on this side, have now introduced the concept of, “knowingly.”

Now, Mr. Speaker, this goes to the core of what is a child and who is a child. In other jurisdictions, you have the offence of statutory rape. It varies from country to country and jurisdiction to jurisdiction, but in several States in the United States, if you have sexual intercourse with someone under the age of 17, you are guilty of statutory rape. That is, if you, yourself are an adult. You do not have to know or not know that the person is 17.



The fact is if the person is below the age of 17, you are guilty of statutory rape. Let us see how this clause will read now:

“40. (1) Subject to subsection (5), a person who —“—knowingly—  
 “(a) makes or permits to be made any child pornography or  
 copy thereof;  
 (b)”—knowingly—“publishes, distributes or shows any child  
 pornography;  
 (c)—knowingly—“...causes to be published any  
 advertisement” showing any child pornography and so on.

Why are they putting into this whole question, this very, very, controversial area of child pornography, the question of knowing that the person is under 18 or over 18? I would think that anybody who is engaged in the production of pornography, whether as a film producer or taking photographs or whatever it is, anybody engaged in the production of pornography should be treated very harshly. [*Desk thumping*] It should be incumbent on that person to establish the age of the persons that they are encouraging to get involved in pornography. It should be their responsibility to establish whether the person that they have just encouraged to make a “blue movie” is a child or not a child. If they do not, they should be subject to the full brunt of the law, Mr. Speaker. [*Desk thumping*] Why has the Minister watered down this legislation?

If you go to clause 42: “Inciting or facilitating child pornography”, you are now adding in the word “intentionally”.

“(1) A person who intentionally causes, incites, controls, arranges or facilitates a child’s involvement in pornography in Trinidad and Tobago is liable to conviction on indictment, to imprisonment for

twenty years.”

What does intentional has to do with that? You are encouraging the person to get involved in pornography. You must know what you are doing. Why you have to put in the law now that you have to prove, the prosecution has to prove that the person knew and that the person intended to encourage the child in pornography? Why is this Government watering down this good piece of legislation that we spent so much time in this Parliament collaborating in the House of Representatives to put good law on the books? This is wrong, Mr. Speaker, and I would like the Minister to explain.

**Mrs. St. Rose-Greaves:** Thank you, Mr. Speaker. As it relates to clause 40 (a), the word “knowingly” was included to ensure that the offence is not one of strict liability. If we are aware of how the computer works, how the technology works—and we have had extensive input from persons who are experts and specialists in this field. You may have something on your phone or your computer that somebody has sent to you but you are not aware of what it has been and it can be transmitted. There are lots of other ways that those things can happen. We are talking about transmission here.

Mr. Speaker, I wish to assure this honourable House and the nation that there is no intent to water down protection of our children. There is an intention to strengthen and we have given it our all in terms of strengthening, taking as much information as we can from those persons who also say and suggest that they are interested in strengthening. So, I am suggesting that all the changes that we have put here have been towards getting better legislation.

Mr. Speaker, we sought to balance the rights of the victim and the rights of the accused and that is important in any jurisdiction. That is why

we have been taking that approach. As I said, there are instances, it is not about the experts in child pornography as such, but it is the question of transmission and the question of the technology and, “knowingly” becomes very important when we are treating with that.

Mr. Speaker, as it relates to clause 42, the offence can no longer be charged summarily. Thank you very much. I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Senate amendments read as follows:*

*Clause 46.*

A. In subclause (1), delete the chapeau and paragraphs (a) and (b) and substitute the following chapeau and paragraphs:

- “(1) Where a person having responsibility for a child has been -
- (a) convicted of committing an offence under this Act or an offence mentioned in Schedule 1 in respect of that child;
  - (b) committed for trial for any such offence; or
  - (c) bound over to keep the peace towards such child.”.

B. In subclause (2), in the chapeau, delete after the word “during” the word “the” and substitute the word “any”.

*Clause 50.*

A. In subclauses (1) and (2), delete after the words “require a” the words “parent or guardian of the child” and substitute the words “parent, guardian or person with responsibility for the child”.

B. In subclause (4)(a), delete after the words “custody of a” the words “parent or guardian” and substitute the words “parent,

guardian or person with responsibility for the child”.

- C. In subclause (8), delete after the words “the child,” the words “parent, guardian, or other person” and substitute the words “parent, guardian or person with responsibility for the child”.

*Clause 51.*

In paragraph (a), delete all the words after the word “which” and substitute the words “carries a term of imprisonment in excess of five years;”.

*Clause 52.*

Delete after the words “accordance with” the words “section 49” and substitute the words “section 51”.

*Clause 53.*

Delete after the word “preventing” the words “, so far as practicable,”.

**3.15 p.m.**

- Clause 55*
- A. In subclause (1), delete after the words “Act, his” the words “parent or guardian” and substitute the words “parent, guardian or person with responsibility for him”.
- B. In subclauses (2) to (5) delete the words “parent or guardian of the child” and “parent or guardian” wherever they occur and substitute the words “parent, guardian or person with responsibility for the child”.
- C. In subclause (4) in the chapeau, delete after the words

“referred to in” the words “section 48(1)” and substitute the words “section 50(1)”.

D. In subclause (6) –

- (a) delete after the words “attendance of the” the words “parent or guardian of a child” and substitute the words “parent, guardian or person with responsibility for a child”;
- (b) delete after the word “Court” in the first place where it occurs, the word “shall” and substitute the word “may”;  
and
- (c) delete after the words “control of his” the words “parent or guardian” and substitute the words “parent, guardian or the person with responsibility for him”.

*Clause 56*

A. In subclause (1) –

- (a) in the chapeau, delete the words “Where a child is charged and brought before a Court with an offence, the commission of which attracts a fine, damages, or costs,” and substitute the words “Where a child is charged with an offence, the commission of which attracts a fine, damages, or costs and is brought before a Court,”; and
- (b) delete the words “parent or guardian of the child” and “parent or guardian” wherever they occur and substitute the words “parent, guardian or person with responsibility for the child”.

- B. In subclause (2), delete after the words “order his” the words “parent or guardian” and substitute the words “parent, guardian or person with responsibility for him”.
- C. In subclauses (3) to (5), delete the words “the parent or guardian” wherever they occur and substitute the words “the parent, guardian or person with responsibility for the child”.
- D. In subclauses (4) and (5), delete the words “a parent or guardian” wherever they occur and substitute the words “a parent, guardian or person with responsibility for a child”.

- Clause 57*
- A. Delete the words “the parent or guardian of the child”, “the parent or guardian” and “the parent” wherever they occur and substitute the words “the parent, guardian or person with responsibility for the child”.
  - B. In subclauses (2), (3) and (5) delete the words “a parent” and “a parent or guardian” wherever they occur and substitute the words “a parent, guardian or person with responsibility for a child”.
  - C. In subclause (3), insert after the word “enter” the word “into”.

- D. In subclause (5), delete the words “parent’s or guardian’s” and “parent’s” wherever they occur and substitute the words “parent’s, guardian’s or person’s”.

*Clause 59* A. In subclause (1)(b), delete after the word “child” the words “who is fourteen years of age or over,”.

- B. In subclause (2)(g) and (h), delete the words “parent or guardian of the offender” wherever they occur and substitute the words “parent, guardian or person with responsibility for the offender”.

*Clause 61* Delete after the words “Where a” the words “parent or guardian of a child” and substitute the words “parent, guardian or person with responsibility for a child”.

**Mrs. St. Rose-Greaves:** Thank you, Mr. Speaker. I beg to move that the House of Representatives doth agree with the Senate in the amendments to the clauses 46 - 61 of the Children Bill 2012. I beg to move.

*Question proposed.*

**Mr. Imbert:** Mr. Speaker, I did not even put up “meh” hand. The only thing I will say is these amendments demonstrate the split personality of the Members opposite. Because if one—[*Interruption*—no, Mr. Speaker, the problem with the hon. Members opposite is that they cannot handle the truth. If one goes to clause 59—and as far as I am aware, we are dealing with clauses up to 61, so therefore—it is relevant. There is an amendment to clause 59 which adds in the words “a child who is 14 years”—or deletes the

words “who is 14 years and over”.

Mr. Speaker, let us read clause 59. And I want the Minister of Justice to listen because the Minister of Justice apparently is not au courant with the law.

“57 (1) Notwithstanding any other written law, in determining the sentence of any child who has been convicted of any offence, the Court may—

(a) request an investigation and report by—

- (i) a probation officer or social worker;
- (ii) a child psychologist, or a child psychiatrist;
- (iii) a Children’s Home; or
- (iv) the Authority.”

And so on and so on. If one goes to the definition of child—because to understand clause 59 and to understand the amendment to clause 59, if we go to the definition of what or who is a child—this is on page two of the Bill—child means a person under the age of 18 years without exception. All of these amendments here right up to clause 61 and inclusive of clause 59 recognize that until a person attains the age of 18 years they are considered in law to be a child. In this clause we are seeking to put special arrangements in place before a child—somebody under the age of 18—is sentenced if they are being convicted for any offence.

Mr. Speaker, how then can the Government rationalize redefining a child to somebody 16 years—or redefining an adult to a 16 year old? The Government has to make up its mind. Are you really interested in children? “How you could have one Minister say ah 16 year old is ah adult and must not have his parent and guardian present when he is being sentenced and



convicted, and another Minister saying, ah chile is anybody under the age of 18 in the same day; and saying there must be special arrangements put in place for children which is anybody under the age of 18, in the same session?”

Mr. Speaker, we ask the Government, “make up yuh mind”. [*Desk thumping*] I would like the Minister to explain to this Parliament, in the minds of People’s Partnership Government or the UNC coalition or whatever you want to call it; what is the definition of a child? What is the purpose of these amendments that recognize that you must treat people under the age of 18 in a special way? You must have compassion. You must bring adults to help them. Explain why you are adopting this approach in this legislation, and yet you are adopting a contrary approach in other legislation, Mr. Speaker.

**Mrs. St. Rose-Greaves:** Thank you, Mr. Speaker. I embrace any of the concerns that are expressed to strengthen the legislation for children. As I continue to say, whatever we do for our children cannot remain static. We must change as times change and situations change. All suggestions will be taken on board. But the purpose of the Children Bill we have done everything to make the required arrangements to treat with the situation.

As the Member for Diego Martin North/East has said he has already identified what the definition of a child is. So, I think for us to go back into that would be counter-productive. All I want to assure this honourable House and assure the nation is that we are working to strengthen the legislation. There may be loopholes in several pieces, as we know there are and have been for years, but we must continue to be vigilant and to work together to ensure that our children get the best protection. I thank you,

Mr. Speaker, I beg to move.

*Question put and agreed to.*

*Senate amendments read as follows:*

*Clause 66* A. In subclause (1) –

- (a) in the chapeau, delete after the word “defined” the words “by Part V” and substitute the words “in section 29(3)(c)”;
- (b) in paragraph (a), insert after the words “Residence;” the word “and”; (c) delete paragraph(b); and
- (d) renumber paragraph (c) as paragraph (b).

B. Delete subclause (4) and substitute the following subclause:

“(4) Where the child is a child offender, the managers of the Community Residence may at anytime, by order in writing made with the approval of the Authority revoke any such licence and order the child offender to return to the Community Residence.”.

*Clause 68* A. In subclause (1) –

- (a) delete after the words “believing that” the words “his parent or guardian” and substitute the words “the parent, guardian or person with responsibility for the child offender,”;
- (b) Delete after the words “requiring the” the words “parent or guardian” and substitute the words “the parent, guardian or person with responsibility for him”;
- (c) insert after the words “the child” the word “offender”.

B. In subclause (2), delete after the words “If a” the words

“parent or guardian of a child” and substitute the words “parent, guardian or person with responsibility for a child”.

*Clause 71* A. In subclause (1), delete after the words “care to a” the words “hospital or asylum” and substitute the words “general hospital or mental hospital”.

B. In subclause (2) –

(a) insert after the words “certifying that the child” the word “offender”;

(b) delete after the words “discharged from the” the words “hospital or asylum” and substitute the words “general hospital or mental hospital”; and

(c) delete after the words “signed by the”, the words “Chief Medical Officer (Attendant)” and substitute the words “Medical Chief of Staff”.

*Clause 72* In subclause (1) –

(a) delete the words “Community Residence” wherever they occur and substitute the words “Rehabilitation Centre”; and

(b) delete after the words “order that he be” the words “again sent” and substitute the word “re-committed”.

*Clause 81* In subclause (5), delete the words “Proceedings in the Juvenile Court” and substitute the words “Proceedings in any Court with respect to sexual offences involving children”.

*Clause 86* Delete all the words after the words “fine of” and substitute the

words “five thousand dollars and to imprisonment for nine months.”

*Clause 87* A. In subclause (1) -

(a) delete after the word “Part” the word “may” and substitute the word “shall”; and

(b) delete all the words after the word “managers” in the second place where it occurs and substitute a full-stop.

B. In subclause (2), delete all the words after the word “managers” and substitute a full-stop.

*Clause 88*

A. In subclause (2), delete after the word “under” the words “Part I” and substitute the words “Parts I and II”.

B. Delete subclauses (3) and (4) and substitute the following subclauses:

“(3) The Senior Children’s Attorney shall be an attorney-at-law with not less than seven years experience as a family law practitioner.

(4) The Children’s Attorney shall be an attorney-at-law with not less than three years experience as a family law practitioner.”.

*Clause 89* In subclause (1), delete after the word “section” the words “66(4)” and substitute the words “88(4)”.

**3.30 p.m.**

*Clause 103.*

Delete the definition of “family” and substitute the following definition:

“ family” means a person within the familial relationship as defined in section 32;”.

*Clause 105.*

Delete all the words after the word “undertaking” in the second place in which it occurs and substitute the words “,owned and controlled by members of the same family; and any person who employs any such child, commits an offence.”.

*Clause 106.*

Delete paragraph (b)(iii) and substitute the following subparagraph:

“(iii) a programme of guidance or orientation designed to facilitate a choice of an occupation or apprenticeship of any line of training, formal or informal.”.

*Clause 107.*

In subclause (3), delete all the words after the words “fine of” and substitute the words “twenty thousand dollars and to imprisonment for one year.”.

*Clause 108.*

In subclause (2), delete after the words “require a” the words “parent or guardian” and substitute the words “parent, guardian or person with responsibility for a child,”.

*Clause 110.*

A. Delete after the word “A” the words “parent or guardian” and substitute the words “parent, guardian or person with responsibility for a child”.

B. Insert after the word “offence” the words “and is liable on summary conviction to a fine of five thousand dollars.”.

*Clause 112.*

A. Delete the words “parent or guardian” in the first and third places where they occur and substitute the words “parent, guardian or person with responsibility for the child”.

B. Delete after the words “parent or guardian” in the second place where they occur and substitute the words “parent, guardian or person with responsibility for him”.

*Clause 114.*

Delete all the words after the words “fine of” and substitute the words “twenty-five thousand dollars and to imprisonment for three years.”.

*Clause 120.*

In paragraph (a), delete the words “sections 26 and” and substitute the word “section”.

**Mrs. St. Rose-Greaves:** Thank you, Mr. Speaker. I beg to move that this House agree with the Senate in the amendments to clauses 66 to 120 of the Children Bill, 2012. I beg to move.

*Question proposed.*

**Mr. Imbert:** Thank you, Mr. Speaker. [*Crosstalk*] I know the Members opposite are anxious to go to a concert at NAPA which starts at six o’clock, but I think it is important to let the national population know what is happening. In clause 88, the concept of children’s attorney is introduced, and clause 88 reads as follows:

“(1) There shall be appointed by the Judicial and Legal Service Commission, an appropriate number of attorneys-at-law to be called “Children’s Attorneys” including one attorney-at-law who shall be appointed as the Senior Children’s Attorney.”

Now, the amendment qualifies the senior children’s attorney as an attorney-at-law with not less than seven years’ experience as a family law practitioner—that is the senior attorney—and the children’s attorney shall be an attorney-at-law with not less than three years’ experience as a family law practitioner.

Now, as we look through these amendments and these clauses, exactly what is the purpose of children’s attorney? The children’s attorney is designed to safeguard the rights of a child in any court of law. If you go now to clause 117 its says:

“Where a person is brought before any Court—

(a) charged with an offence; or

(b) for the purpose of giving evidence,

and it appears to the Court that the person is a child, the Court shall make due enquiry as to the age of that person and take such evidence as may be forthcoming at the hearing of the case.”

If you go to clause 121, Mr. Speaker, it says:

“Where a person may be charged in respect of the same conduct both with an offence under the provisions of this Act and an offence specified in any other enactment, the provisions of this Act shall apply to the exclusion of any such enactment.”

So, the Government has brought a piece of legislation which has had a long gestation through other governments, where when a child, somebody under

the age of 18, is charged with any offence and appears in any court, the services of a children's attorney would be made available.

I would like the Minister to tell me with this very laudable provision with respect to the children's attorney, when the 16-year-old is charged under the electronic monitoring law, will a children's attorney be present [*Desk thumping*] and will the children's attorney be there to explain to that child the impact of that electronic monitoring device. You see, Mr. Speaker, this Government has to make up its mind. You cannot treat a child as someone under 18 in one legislation and you cannot put into this legislation as you have put here in clause 121, where a person may be charged in respect of the same conduct, both with an offence under the provisions of this Act, and an offence specified in any other Act, the provisions of this Act shall apply. Which one applies? Is the 16-year-old an adult for the purposes of electronic monitoring or is the 16-year-old a child? I would like the Government to make up its mind. There is split personality behaviour here. Explain yourself!

**Mrs. St. Rose-Greaves:** Thank you, Mr. Speaker. I do not know that there is any right-thinking person in this country who would deny a child proper representation [*Desk thumping*] by the levels of representation we are trying to ensure that our children have.

I wish to assure that wherever a child offends and is brought before the court, the Children's Authority is mandated and legislated to provide the protection for the children in our jurisdiction. I would think that the Member for Diego Martin North/East appreciates that, and he is merely raising it to make us a little bit more conscious.

I thank you, Mr. Speaker. I beg to move. [*Desk thumping*]



*Question put and agreed to.*

*Senate amendments read as follows:*

Schedule 3           A. Renumber paragraphs (g) to (i) as paragraphs (h) to  
new Item 3(g)       (j).

B. Insert after paragraph (f) the following new  
paragraph:

“(g) in section 26, insert after the word “Act” the words  
“or under Parts V, VI or VIII of the Children Act,  
2012;”.

Schedule 3           Insert after the words “Children Act” the words “, 2012”.  
Item 3(j)(b) as  
renumbered

Schedule 3           A. Insert after the chapeau the following paragraph:  
Item 6               “(a) in section 3, in the definition of “fit person” delete  
after the word “children” the words “and young  
persons”;

B. Renumber paragraphs (a) and (b) as paragraphs (b)  
and (c), respectively.

Schedule 3           Delete and substitute the following paragraph:  
Item 8(b)           “(b) in section 41(b), delete after the words “fit person”  
the  
words “under section 23(1)” and substitute the words “as  
defined in section 3”.

Schedule 3           Delete the words “section 64” and substitute the words  
Item 8(c)           “section 66(1)”.

**Mrs. St. Rose-Greaves:** Mr. Speaker, I beg to move that this House do agree with the Senate in the amendments to Schedule 3 of the Children Bill, 2012.

Mr. Speaker, I beg to move.

*Question proposed.*

**Mr. Imbert:** Mr. Speaker, why are they groaning behind me? This is the Parliament. They do not want to learn, they must be lacking in education. Mr. Speaker, I see that we are now deleting the words “young persons” so that it would be crystal clear that we are talking about children and, at least, in this legislation, the definition of a child is consistent and the treatment of a child is consistent.

I noticed the Minister said that she is giving an assurance on behalf of the Government that whenever a child is charged and appears before a court, that child will be treated as a child and a children’s attorney will be present and parent or guardian as the case may be.

Mr. Speaker, I just want to make a statement on behalf of the Opposition, because we are in a difficult position with the legislation that is before the House today. The Government has completely abandon the concept of collaboration with the elected Members of Parliament. It is a serious transgression on the part of the Members of the Government [*Desk thumping*] to bring 10 pages of amendments to this Bill with all sorts of serious repercussions such as introducing the concept of “knowingly”— [*Interruption*—Mr. Speaker, could you—

**Mr. Speaker:** Members, would you allow the hon. Member for Diego Martin North/East to speak in silence?

**Mr. Imbert:** Mr. Speaker, it is a serious indictment on the Government,

that having reached such a level of peace and harmony with the elected Members with respect to this legislation, on the last occasion, they would completely abandoned this whole concept of bipartisanship when it comes to something as important as protecting our children. It is really an indictment on the Government that they have abandoned the principle of bipartisanship.

These amendments create all sorts of problem for us on this side. We are very uncomfortable with the whole question of weakening the legislation with respect to child pornography. We are very uncomfortable with the whole question of changing the question of suffocation of a child. It is really putting us in a difficult position.

Mr. Speaker, notwithstanding all the flaws and all the bad law that has been introduced into this legislation with these amendments, notwithstanding all of the loopholes this is now going to open up for intelligent lawyers to exploit the legislation, and to allow people to get off, because there is a technicality in the law or it is badly drafted, or there is an opening for somebody to wiggle out and escape sentencing and conviction for an offence against children, notwithstanding the Government's bad faith and notwithstanding the fact that they have broken the spirit of bipartisanship, we will still vote in favour of this legislation. [*Desk thumping*]

**Mrs. St. Rose-Greaves:** Thank you, Mr. Speaker, today is another great day for Trinidad and Tobago. [*Desk thumping*] I beg to move, Mr. Speaker. [*Desk thumping*]

*Question put and agreed to.*

**3.45 p.m.**

The House voted:

Ayes 36

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar, Hon. Mrs. K.

Warner, Hon. J.

Dookeran, Hon. W.

Sharma, Hon. C.

Alleyne-Toppin, Hon. Mrs. V.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. Mrs. C.

Seemungal, J.

Volney, Hon. H.

Roberts, Hon. A.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Ramadharsingh, Hon. Dr. G.

Ramadhar, Hon. P

Khan, Hon. Dr. F.

De Coteau, Hon. C.

Indarsingh, Hon. R.

Baker, Hon. Dr. D.

Samuel, Hon. R.

Douglas, Hon. Dr. L.

Roopnarine, Hon. Miss S.

Ramdial, Hon. Miss. R.

Partap, Hon. C.

Khan, Miss N.

McDonald, Miss M.

Cox, Miss D.

Hypolite, Mr. N.

McIntosh, Mrs. P.

Imbert, Mr. C.

Jeffrey, Mr. F.

Browne, Dr. A.

Thomas, Mrs. J.

Hospedales, Miss A.

*Question agreed to.*

**THE NATIONAL RAMLEELA COUNCIL OF  
TRINIDAD AND TOBAGO (INCORPORATION) BILL, 2011**

**Mr. Jairam Seemungal:** Mr. Speaker, I beg to move the following Motion in my name:

*Be it resolved* that the Senate Amendments to the National Ramleela Council of Trinidad and Tobago (Incorporation) Bill, 2011 listed in Appendix IV, in the Supplemental Order Paper, be now considered.

*Question proposed.*

*Question put and agreed to.*

*Senate amendment read as follows:*

- |                 |   |
|-----------------|---|
| <i>Clause 4</i> | A. Insert after subclause (c), the following subclause:<br>“(d) sue and be sued in its corporate name.” |
| <i>Clause 5</i> | A. Delete subclause (2) and substitute the  |

following subclause:

“(2) All real or personal property of whatever nature now held by or vested in any other person for the use and benefit of the Organization prior to the coming into force of the Act is hereby transferred to and vested in the Organization.”

B. In subclause (3):

Delete the word “Council” and substitute the word “Board”.

*Clause 6(2)*

Delete and substitute the following:

“(2) Every document requiring the seal of the Organization shall be sealed with the common seal of the Organization in the presence of the President and the Secretary (or any other person appointed for that purpose) who shall both sign the document.

(3) The signing of a document shall be prima facie evidence that the lawful seal of the Organization was duly affixed.”

*Clause 7(3)*

Delete.

*New Clause 3*

A. Insert after clause 2 the following:

“Establishment and 3.(1) The business of the  
Composition of the Board Organization shall  
be executed by a  
Board, consisting  
of a minimum of

five and a  
 maximum of ten  
 members including  
 the President,  
 Vice-President and  
 Secretary.

(2) Members of the Board shall be elected by  
 an annual general meeting in accordance  
 with rules made under section 8.”

B. Re-number clauses 3 to 11 accordingly.

**Mr. Seemungal:** Mr. Speaker, I beg to move that this House agree with the Senate amendments to clauses 4, 5, 6, 7, new clause 3 of the National Ramleela Council of Trinidad and Tobago (Incorporation) Bill, 2011.

Mr. Speaker, these amendments are mainly for the purpose of tidying up the Bill and to keep the Bill within the purview of other similar Bills and also added for the protection of the Members of the committee.

Mr. Speaker, I beg to move.

*Question put and agreed to.*

**JOINT SELECT COMMITTEE  
 RED HOUSE RESTORATION PROJECT  
 (Accommodation)**

**The Minister of Trade and Industry (Hon. Stephen Cadiz):** I beg to move the following Motion standing in my name:

*Be it resolved* that the House adopt the Second Report of the Joint Select Committee on Parliamentary Accommodation of the Second Session of the Tenth Parliament (2011/2012).

Mr. Speaker, on October 8, 2010 and October 12, 2010 the House of

Representatives and the Senate respectively agreed to the following resolution:

*“Be it resolved* that the Joint Select Committee on Parliamentary Accommodation be established.

*And be it further resolved* that this committee be mandated to consider essential guiding policies relating to Members and staff accommodation during the restoration project and report to both Houses from time to time.”

Mr. Speaker, since the last report, there have been the following developments: a complete evacuation of the Red House and temporary accommodation of the Parliament, Members offices and all areas of administrative support at Levels G-7, Tower D at the Port of Spain International Waterfront Centre.

Mr. Speaker, since the relocation of the Parliament your committee has met four times to discuss general policy issues pertaining to the Red House restoration project on the following dates: Friday November 4, 2011, Wednesday January 25, 2012, Friday February 3, 2012, and Friday March 23, 2012. Key areas of concern by Members were taken into consideration and can be categorized as follows:

- adequate space for Members, for office work and meetings;
- appropriate accommodation facilities for staff;
- openness and accessibility while ensuring adequate security;
- appropriate storage facilities;
- related services to be adjacent to each other;
- an interconnection of functions and services;
- traffic and circulation;



- parking arrangements;
- future expansion for Parliamentarians activities over the next 20 years.

Against the back drop, Mr. Speaker, set out above, your committee recommends the following:

- A. All efforts should be taken to ensure that the Red House Restoration Project is completed within the shortest possible time consistent with the accommodation specifications as outlined in the user brief. This project should include the construction of adjacent administrative and business centre for essential modern parliamentary operations within a distinct parliamentary precinct.
- B. The restoration of the Red House should be given the utmost priority and should be seen as a critical and long overdue project.
- C. The proposed distinct parliamentary precinct should accommodate all the core functions of Parliament as well as the varied work of parliamentarians in a safe and dedicated facility. Such a facility should celebrate and reflect the cultural and political heritage of the country including the importance of the nation's Parliament as a place of and for the people of Trinidad and Tobago.

The restored Red House and companion building should provide appropriate facilities for the work of parliamentarians and staff that fully recognized and meet the requirements which should enable excellent communication between Members and the public, keeping them inform of the work of Parliament through a variety means including the media and parliamentary communication services. Your committee hopes that the restored Red House would continue to be strong and enduring national

symbol that will resonate with the citizenry and together with its companion Building project to the world an image of Trinidad and Tobago as a modern, dynamic and developed society.

Mr. Speaker, I beg to move.

*Question proposed.*

**Mr. Colm Imbert** (*Diego Martin North/East*): Mr. Speaker, I noticed some Members are dress quite fashionably which confirms my suspicion that they want to go to this concert at NAPA. But we are about serious business here. This Parliament is going to prorogue shortly for all I know today, the Leader of Government Business may adjourn to a date to be fixed, for all I know, I am not aware that we have any other matters to attend to. Therefore, when we are dealing with these issues we must talk to the national population about them. The Member for Fyzabad constantly is interrupting.

**Mr. Sharma:** You make yourself a fool.

**Mr. C. Imbert:** You heard that? Put him out.

**Ms. McDonald:** Eh, who you calling a fool? Apologize and withdraw it.

**Mr. Speaker:** Please withdraw. Member for Fyzabad I know that you have a good relationship with the Member for Diego Martin North/East, but please use better language in this honourable House or maintain your silence. Continue hon. Member.

**Mr. Sharma:** Agreed.

**Mr. C. Imbert:** Thank you, Mr. Speaker. Mr. Speaker, what I would say about the meetings of our committee on accommodation is that by and large, the suggestions, contributions and recommendations made by all Members were accepted—[*Interruption*]—Mr. Speaker, what is going on?

**Mr. Speaker:** Please, please hon. Members, allow the Member for Diego Martin North/East to speak in silence, please. Continue hon. Member.

**Mr. C. Imbert:** Mr. Speaker, we just did a Children Bill. Is that what is going on here, we dealing with children. Yes is children we are dealing with. I would just like to put on record that the meetings of the committee on accommodation, by and large were conducted in a spirit of cooperation and that the Chairman of the committee accepted most of the recommendations and suggestions made by all members of the committee whether they were there, belonging to different political parties, Independent Senators and so on. I think we have arrived at a reasonable solution for the construction of a new Parliament, building, the refurbishment of the old Parliament building. I would just want to say one thing, Mr. Speaker.

It has come to my attention that someone in the Cabinet has decided to remove from the Parliament the responsibility for the oversight function for parliamentary accommodation, Mr. Speaker.

Mr. Speaker, it has come to my attention that someone in the Cabinet has proposed—[*Interruption*]

**Mr. Roberts:** Just like that.

**Mr. C. Imbert:** No, no, there is a Cabinet Note to this effect. Do not try that—has proposed the removal of the oversight function from the Speaker, yourself, and also the Members of this House. That, Mr. Speaker, is a grave error.

**4.00 p.m.**

**Mr. Speaker:** Hon. Members, may I just correct the record. That matter of the Speaker being in charge of the oversight committee is maintained, so I want to give this House the assurance that that position is maintained.

**Mr. Roberts:** “You always wrong, boy.”

**Mr. C. Imbert:** Mr. Speaker, I hear Members opposite muttering about “always wrong”, but it is a fact that someone tried to take away the oversight function from this Parliament, and the Parliament put its foot down. [*Desk thumping*] I want to say that we on this side support the Parliament in having conduct of its own affairs, and we reject any attempt by this Government to remove from the Speaker or from the Parliament the oversight function of Parliament buildings. That is all I have to say.

I am not saying that the Chairman of the committee had anything to do with this. In fact, he is not mentioned in the documents that have come to my attention in my mailbox. The Member for Chaguanas East is not the culprit here. I want to end by saying that in my opinion he has chaired the committee well. [*Interruption*] I am telling you as it is. He chaired the committee well and, [*Crosstalk*] we arrived at decisions with respect to the reconstruction of the Red House and the construction of a new Parliament building that would redound to the benefit of all concerned.

As I end, we are on your side, Mr. Speaker. We will not want anyone to take away the oversight function for Parliament from you. [*Desk thumping and laughter*]

**Mr. Speaker:** Any other Members? If not, I will call on the hon. Minister of Trade and Industry.

**The Minister of Trade and Industry (Hon. Stephen Cadiz):** Mr. Speaker, I dare say, I am a little concern about the support given to me, at this particular time also. [*Laughter*]

**Mr. Roberts:** “Yuh go get reconfigure.” [*Laughter*]

**Hon. S. Cadiz:** But I do thank you. The Member of Diego Martin North/East, as everyone knows, is my Member of Parliament, so I thank you for your support. [*Crosstalk*]

**Mr. Roberts:** “Poor you!”

**Hon. S. Cadiz:** Based on what you said, the Speaker has spoken.

**Mr. Imbert:** He has maintained his position.

**Hon. S. Cadiz:** Therefore, Mr. Speaker, I beg to move.

*Question put and agreed to.*

*Report adopted.*

**Central Tenders Board Act  
(Proposal to Repeal and Replace)  
(Adoption)**

**The Minister of Planning and the Economy (Sen. The Hon. Dr. Bhoendradatt Tewarie):** Thank you very much, hon. Speaker and Members of this honourable House.

Mr. Speaker, I beg to move,

*Be it resolved* that the House adopt the report of the Joint Select Committee appointed to consider and report to Parliament on the legislative proposals to provide for public procurement and disposal of public property and the repeal and replacement of the Central Tenders Board Act, Second Session, 2011/2012, Tenth Parliament.

I consider it a privilege to move this Motion for the adoption of this report. The fact that we have arrived at this juncture is due to the tremendous efforts and sacrifices made by Members of this House and of the Senate and of the several technocrats, stakeholders and interested persons who have contributed to the work of the committee over the last 18 months, from November 2010 to now.

The membership of this committee is set out in the report, but I think it would be remiss of me if I did not formally acknowledge the tremendous, laudable contribution that each and every one of these members have made to the people of Trinidad and Tobago by participating diligently in this process to produce what we have before us today.

The issue of public procurement practices has been an area of contention, spanning almost every administration. Why has this been so? It has been so because at once it is a sound method to combat corruption, as well as being a mechanism to move the development agenda forward. Corruption in all its forms is inherently detrimental to the socioeconomic and political development of any country, and it can have disastrous results for countries like ours that are developing countries.

Corruption became an issue of major political and economic significance here in Trinidad and Tobago, from time to time, but it almost came to a head in 2009 and 2010, and the necessity to tackle it has become more evident and urgent

Mr. Speaker, while we acknowledge that efforts have been made at various times to introduce new policies and rules to enhance system as we know it, it is possible to argue that the people of Trinidad and Tobago have been robbed of millions, perhaps even billions, of dollars through the operation of an ineffective and irrelevant system of public procurement, and that may not have to do with the issue of corruption alone, it may have to do with simply the system of procurement.

The Government of Trinidad and Tobago, very mindful of this issue, made its commitment to procurement legislation very clear. In the 2010 People's Partnership Manifesto, which formally and officially informs

Government policy, the following commitment to procurement reform has been made. I quote from the Manifesto at page 61:

“Our policy on infrastructure will be based on ensuring quality, reliability and maintenance of existing infrastructure, while adopting transparent and fair procurement practices.”

Again on page 18, we will:

“Prioritize the passing of procurement legislation and appropriate rules and regulations

Establish equitable arrangements for an efficient procurement system ensuring transparency and accountability by all government departments and state enterprises.”

Mr. Speaker, the current system of public procurement was established in 1961 under the Central Tenders Board Act which established the Central Tenders Board for the Government of Trinidad and Tobago and certain statutory bodies.

This Act in large part still governs the operations of Government ministries, departments and only a few statutory authorities, because through a series of amendments to the 1961 legislation, other agencies have been empowered to act independently of the CTB. These include the armed forces and the protective services which, since 1991, are not required to revert to the Central Tenders Board; Nipdec, which since 1973 as an agent of the State, can conduct its own procurement, and additionally a 1987 amendment grants power to Government to undertake procurement during a period of emergency. However, in all cases, the regulatory framework which governs the Central Tenders Board applies, in other words, an

overarching framework of rules governs all Central Tenders Board is not the sole agency authorized to award and execute contracts.

Mr. Speaker, there have been previous attempts at procurement reform which were considered by various Cabinets. The draft National Tenders Board Bill of 1997 was considered by Cabinet, but was not introduced in Parliament. The reform of the public procurement regime, a White Paper, was produced by the Ministry of Finance and presented to Parliament in 2005 followed by the Public Procurement and Disposal of Property Bill, 2006, based on that White Paper, but the Bill was never debated.

The last amendment of the Central Tenders Board Act was in 1993. Parliament itself has not considered or debated any amended or new procurement legislation since then. So I would say that a debt of gratitude is owed by this country to the committee, because through the work of this committee this is about to change.

It is against this background, and in response to the public demand for accountability in public expenditure, legislative proposals to provide for public procurement and disposal of public property, in the form of the draft Procurement and Disposal Bill of 2006 and to repeal and replace the Central Tenders Board Act, in the form of the draft National Tenders Board Bill of 1997, were laid in Parliament within the first 30 days of this Government assuming office. For the record, these proposals were laid in the House on Friday, June 25, 2010 and in the Senate on July 06, 2010, although the committee charged with the responsibility to examine these was not, in fact, appointed until November of that year.



Mr. Speaker, following two days of debate on October 01 and October 08, 2010, on a motion moved by the former Chairman of the committee, the Member of Parliament for Caroni East, the House and a Senate resolved to establish a Joint Select Committee whose mandate was as follows, and I quote:

To consider and report on the legislative proposals to provide for public procurement and disposal of public property, together with the legislative proposal to repeal and replace the Central Tenders Board Act which were laid in the House of Representatives on Friday, June 25, 2010, and in the Senate on July 26, 2010.

The committee was also required to consult with stakeholders, experts and interested persons, to send for persons, papers, records and other documents, to recommend amendments to the proposals with a view to improving the drafts, and to submit a report to Parliament within three months from the date of appointment. That committee, appointed in November 2010, was chaired, as I indicated, by my distinguished colleague, the Member of Parliament for Caroni East.

The committee engaged in a lot of intense work. The work of the committee primarily entailed examination of the legislative proposals, request for submission from stakeholders, consultation with stakeholders, assessment of the legislative proposal against submissions received from stakeholders and made recommendations made in a report to Parliament.

The committee reviewed the legislative proposal referred to against legislative models for public procurement from other jurisdictions, and invited and received written submissions from the public and various stakeholders. These included the Joint Consultative Council for the

construction industry, JCC, now currently associated with the umbrella body called the Civil Procurement Committee, a private sector/civil society group, the National Insurance Property Development Company Limited (Nipdec), the Chief Parliamentary Counsel's Department, (CPC), the Ministry of Finance, and the Treasury Solicitor.

After consulting with stakeholders and considering their submissions, the committee assessed the relevance of the legislative proposal referred to it and submitted an interim report to Parliament on February 04, 2011, requesting an extension of three months. In that report, your committee informed Parliament that it was of the view that two legislative proposals were mutually exclusive, that is to say the two legislative proposals were mutually exclusive, and that neither of the legislative proposals met the requirements of an appropriate legislative framework for a modern and relevant procurement system in Trinidad and Tobago.

The committee continued its work in collaboration with the Ministry of Finance and the Chief Parliamentary Counsel's Department with a view to the preparation of a legislative framework. One of the key issues of discussion was whether the Joint Select Committee should agree on appropriate policy guidelines by consensus or whether Government should present its policy position for consideration by the committee.

The Government's view was that we should seek to achieve a consensus position on the policy, because such an approach would contribute to a policy which would guide the legislation and the procurement system which emerges from it, in a truly nonpartisan manner.

**4.15 p.m.**

The committee was unable to fulfil its mandate within this extended deadline and requested a further extension. However, in anticipation of the prorogation of the first session 2010/2011 of the Tenth Parliament on June 17, 2011, the committee requested that all of its work be saved and referred to a new committee when appointed.

Mr. Speaker, a new committee with the same mandate was reappointed by Parliament on Tuesday, November 22, 2011 to consider the report on the legislative proposals along with the work of the previous committee. The committee was given a deadline to report to Parliament on February 23, 2012. The composition of the committee remained the same, except for the replacement of Sen. Kevin Ramnarine and Sen. Dr. Rolph Balgobin by myself as Chairman and Dr. James Armstrong, respectively. The chief parliamentary counsel's department continued to provide expert advice.

So the committee that, in fact, is actually presenting this report on whose behalf I present this as Chairman, consists of the following Members: Dr. Tim Gopeesingh, Mr. Prakash Ramadhar, Mr. Herbert Volney, Dr. Keith Rowley, Mr. Anand Ramlogan SC, Mr. Collin Partap, Mr. Colm Imbert, all Members of this House; Mr. David Abdulah, Mr. Faris Al-Rawi, Mrs. Helen Drayton, Dr. James Armstrong, all Members of the Upper House.

Mr. Speaker, again the issue of a consensus document, that is a consensus position on policy versus Government putting forward a policy position on the procurement system continued in this committee and emerged as an issue. But it was also, in fact, agreed that the result of your committee's deliberation ought to be a recommended framework on procurement that would inform the drafting of legislation.

The committee appointed in this session sought to build on the foundation laid by the last committee and endeavoured to resolve the following issues that it considered critical for the advancement of its deliberations.

- (a) Whether a procurement regulator or an equivalent to a contractor-general is necessary for Trinidad and Tobago and the reasons for this;
- (b) the role of the Minister and the Executive, the issue of parliamentary oversight;
- (c) the registration and application process for contractors;
- (d) the question of appeals and the allowance for due process while not hindering the business of production;
- (e) balancing value for money transparency and accountability against the need to facilitate development; and
- (f) being current not only with good practice, but with the latest thinking on good practice.

Mr. Speaker, in accordance with its mandate, your committee received valuable written and oral submissions from organizations and persons as follows: The Inter-American Development Bank; Mr. Greg Christi, Contractor-General of Jamaica; the Ministry of Labour and Small and Micro Enterprise Development; the Chairman, Procurement Committee, Private Sector Civil Society Group; Mr. Joao Veiga Malta, Senior Procurement Specialist from the World Bank, and in the discussion and debate about policy emerging from the committee, or policy coming from the Government, the Chairman of this committee presented a policy position on behalf of the Government of Trinidad and Tobago to the committee.

Mr. Speaker, following the return of the Opposition to the Joint Select Committee the chairman circulated a document outlining Government's policy position on procurement in advance of the fifth meeting of your committee, and this was held on May 28, 2012. In outlining its policy position, the Government of Trinidad and Tobago has taken into account features identifying the relevant literature to support good and modern public procurement systems appropriate to a country such as ours. These include:

Demand identification, which takes into account what we need in Trinidad and Tobago; a platform of Government spending which would address:

- (a) Government agencies now subject to the Central Tenders Board, as well as state enterprise and state agencies which may not now be so subject; and
- (b) the achievement of best value for each unit of Government spending.

Secondly,

Needs-Based Assessment in the case of Trinidad and Tobago.

This refers to the collective assessment of what might have gone wrong in the current system and what needs to be done differently to improve the system and facilitate enlightened practice.

Best Identifiable Remedy, which in the case of Trinidad and Tobago would mean remain a universal system encompassing all arms of Government and such a system would allow for the following things:

- (a) Government savings, while spending in procuring goods at good value.

- (b) the use of Government special purpose companies as an incubator for sound principles in contracting;
- (c) the use of Government spending to grow skills in local industry;
- (d) the use of Government spending to encourage small business, green practices and innovation;
- (e) the use of Government spending presented to the public in a clear, easily identifiable manner;
- (f) good quantification or accounting for Government spending;
- (g) easy identification of goods for the short and long term value and their position within Government strategy;
- (h) an identifiable link between Government macroeconomic strategy, macroeconomic spending and microeconomic initiatives.

Implementation of the Best Identifiable Remedy which will require adherence to the following principles:

- 1) Best value for money;
- 2) open and effective competition;
- 3) transparency;
- 4) enhancing opportunities for local business within the framework of the three items identified above, that is to say, best value for money; open and effective competition and transparency.

Mr. Speaker, at the fifth meeting, your committee considered the Government's policy document at Appendix II of the report. Your

committee considered the document page by page and made amendments where necessary. Amendments were made to allow for the inclusion of several items.

So, basically, the policy that we have emerging out of the committee is a policy presented by Government and amended during the course of the joint select committee's meeting to make those amendments that were collectively and unanimously agreed by the committee as a whole. So the policy document now here, included in this set of documents that have come as a report from the committee, includes all the work that went into the making of the final policy.

The work of this committee has spanned almost two sessions of Parliament. Over the period of the work of this committee a fair range of proposals have been considered and the joint select committee on procurement has sought to examine and assess the current public procurement arrangements in Trinidad and Tobago and recommends that the report, together with Appendix I and II be used as a guide for drafting of legislation and the implementation of policy initiatives for the reform of the public procurement system in Trinidad and Tobago.

Mr. Speaker, through participating in the work of this committee, I have acquired a better understanding of the salient statement made by the 28<sup>th</sup> President of the United States, Thomas Woodrow Wilson, who once said that the work of Parliament is in its committees. It has been a tremendous learning experience going through this and I hope that this report will be adopted with bipartisan support.

Mr. Speaker, I beg to move. [*Desk thumping*]

*Question proposed.*

**Mr. Speaker:** Before I invite the Opposition to speak, may I seek the House's indulgence. It is now 4.25. I know that there are just two matters before us again, and rather than break for tea and come back, if I can urge Members to sit through the tea period until the completion of the exercise. I am asking for the House's indulgence. Are Members in agreement?

**Hon Members:** Agreed.

**Mr. Speaker:** Okay. Let us continue.

**Mr. Colm Imbert** (*Diego Martin North/East*): Mr. Speaker, I am being urged by Members opposite to keep it short. As I said, it seems everybody wants to go to this concert at NAPA. But, Mr. Speaker, this is a serious matter. [*Interruption*] Mr. Speaker, through you, the sotto voce from Fyzabad—this honourable gentleman just does not have a clue. The concert is a symphony orchestra from the United States.

**Mr. Sharma:** What you have against calypso?

**Mr. C. Imbert:** It has nothing to do with calypso.

**Mr. Roberts:** “Doh worry with Fyzabad”—

**Mr. C. Imbert:** I must worry. He is a Minister.

Now, Mr. Speaker, I think it is necessary to correct the record. The Minister of Planning and the Economy, in introducing the topic, had the misfortune to say that the genesis for this policy position came from a perception of corruption that came to a head in 2009 and 2010. That was a very unfortunate statement, Mr. Speaker. I “doh need tuh tell you”, Mr. Speaker. It is a matter of public record that the UNC Government of 2001 collapsed in 2001 when three Ministers walked out of that government, thus reducing the Government's majority below the required 19 votes which was what was required at that time, saying that they could no longer tolerate



what they referred to as the rampant corruption associated with that Government. And that led to the famous 18/18 solution where the then President appointed the PNM as Government on the basis of moral and spiritual values.

So it is very unfortunate for the Minister of Planning and the Economy to imply, or infer, or even say that we are here because of corruption that came to a head in 2009 and 2010. Mr. Speaker, alleged corruption in state enterprises has been a concern in Trinidad and Tobago for many, many years. We will remember the infamous commission of enquiry, or the famous commission of enquiry, into the Piarco Airport scandal where there were all sorts of revelations with respect to corruption associated with the contract to construct the Piarco Airport.

Arising from the commission of enquiry and other investigations, persons associated with that Piarco Airport contract found themselves before the courts in the United States; not Trinidadians, foreigners.

**Hon. Member:** Sub judice.

**Mr. C. Imbert:** No, no, not Trinidadians. It is not. Foreigners found themselves before the courts, pleaded guilty, were convicted and sentenced and served prison time for their crimes in seeking to defraud the people of Trinidad and Tobago.

**4.30 p.m.**

So, Mr. Speaker, allegations of corruption and public concern about procurement has been with us for quite a while. I reject any suggestion that the public became concerned about corruption only in 2009 and 2010. The public voted out a Government in 2001 and 2002 because of public perception of corruption.

Now, let us go to the matter at hand. In February 2011 an institute called the Caribbean Procurement Institute, submitted their proposals and recommendations on the Public Procurement Reform Legislative Package 2010. And it is instructive when you go to the cover page that they make the following statements: on June 25, 2010 the Public Procurement and Disposal of Property Bill, 2010, the National Tenders Board Bill, 2010 and the National Tenders Board Bill, 1997 were laid in the Parliament of Trinidad and Tobago. The Bills were forwarded to a newly established Joint Select Committee for public procurement reform, and on December 6, 2010 the said committee issued a call for submissions from stakeholders, and they submitted this paper in response to that call for stakeholders. At that time the committee was being chaired by the hon. Member for Caroni East.

Mr. Speaker, that was June 25, 2010 that the package of procurement proposals was laid in this Parliament. It is now June 2012, more or less exactly two years later. Two years later the Government is asking us on this side to agree to a policy—two years, and it would be remiss of me if I did not put on record that we are on this side, and I am sure the national community is disappointed that it has taken two years to get to this stage.

In the first year of the committee's life, when it was being chaired by the hon. Member for Caroni East, the Government adopted a position that they had no policy. Notwithstanding the fact that the Procurement and Disposal of Property Bill, 2010 had been laid as a legislative proposal, notwithstanding that fact, the repeal of the Central Tenders Board Act had been laid as a proposal, the Government adopted the position that they had no firm policy on procurement. We spent the entire year, from 2010 to 2011 asking—we on this side—the Government to produce a policy, because in

our mind it was impractical, unworkable and impossible to get anywhere with respect to this very controversial matter, which, as I said, has been controversial for many, many years; not last year, it has been going on for 20—30 years. There has been concern about public procurement.

For a whole year the Government resisted our request that a policy be produced. The committee died a natural death on the prorogation of Parliament last year in June and shortly thereafter a new committee was appointed and a new chairman was appointed to head the committee. If you go into the report itself—

**Mr. Sharma:** All of that was said, you are wasting time.

**Mr. Speaker:** Please, Member for Fyzabad, allow the Member to speak.

**Mr. C. Imbert:** Mr. Speaker, you know, it is always the case when the Government does not want the public to know what is going on. It is necessary for the public to know that for two years the present Government has delayed reform of the public procurement regime. It is important for the public to know that, because that Government is not going to tell them.

So, a whole year passed where the Government refused to produce a policy. We come now to the present committee, where, in November 2011—and this is now, almost, 18 months after the laying of the Disposal of Property Bill and Public Procurement Bill in 2010, a new committee is now being appointed, and that committee eventually elected a chairman, the current Minister of Planning and the Economy, and the committee was asked to report to the Parliament on February 23, 2012. We started off on the same footing again, resistance from the Government with respect to the production of a policy, and we went through the process of inviting presentations from stakeholders. We had a visit from the Contractor General of Jamaica, so that

members of the committee would get an overview of the operations of the office of the Contractor General—[*Interruption*—Mr. Speaker, there are two senior Ministers there who seem to be having their own meeting.

**Mr. Speaker:** Members!

**Mr. C. Imbert:** Thank you. Yes. Mr. Greg Christie, the Contractor General of Jamaica made a submission to the committee on January 16, 2012.

The Inter-American Development Bank sent something on August 30, 2011. The Ministry of Labour and Small and Micro Enterprise Development made a written submission, March 21, 2012. Then you had the Private Sector Civil Society Group, submitted a revised draft procurement Bill, April 16, 2012; then April 17, 2012 there was a submission from a procurement specialist from the World Bank. Arising from that submission, finally, after almost two years, we see this appearing in the minutes of the committee, and this is in the Fourth Meeting of the Joint Select Committee, April 17, 2012. As I said, almost two years after the Government laid its draft Bill and then refused to come up with a policy, and I am reading from the minutes, item 10.1, under the heading “Formulating a Policy Position.”

Following the discussions with the officials from the World Bank, the chairman directed Members’ attention to the issue of the formulation of a policy position. So, after two years of Members of the Opposition and independent members, requesting a policy—because without knowing what the Government wants us to do with respect to competitive tendering, with respect to disposal of public property and with respect to tendering for

public goods and services; without the Government stating its position, we are just talking in a vacuum, as in the local parlance, “spinnin’ top in mud.”

So, after two years the new chairman directed Members’ attention to the issue of formulation of a policy, and the chairman then committed to provide members with a document, stating the Government’s policy position on public procurement, at least five days before the next meeting. This was on April 27th, and the committee resolved to meet on May 9th, which meant that the public policy, Government policy would have been made available, say, around May 3th or 4th. In fact, the next meeting of the committee was not until May 28th, so there was a further delay. So, just a short while ago—we are here now in the middle of June—from May 28th, which is almost exactly two years to the day, the Government produced a policy position on procurement. Something that they could have done two years prior, because when you read the public position the policy—

**Dr. Gopeesingh:** Would you give way?

**Mr. C. Imbert:** Sure.

**Dr. Gopeesingh:** I thank the Member for giving way. Being a Member of the committee you would realize and remember that out of the discussions the last committee was trying to bring out a policy, by consensus, from all sides and we hoped that the policy would have emanated from the discussions that took place by all Members. But then you all later on kept insisting that the Government must bring its own policy, and that is why the Government had to bring a policy, subsequent to after a year or a year and a half work that was done, then we had to revert to bring a policy to you. I am sure you are aware of that.

**Mr. C. Imbert:** Mr. Speaker, the Member has not said anything different to what I have just said. The whole first year was spent with us asking the Government to produce a policy. It is Government procurement we are talking about! It is not Opposition procurement. Independent Senators do not procure goods and services; Opposition MPs do not procure goods and services. It is public officials, and we heard a definition of public officials today; Ministers and permanent secretaries.

So, if the Government intends to reform the public procurement regime, the very least one, any right-thinking person would expect is that the Government would produce a draft policy for people to discuss. It took until May 28th—

**Dr. Moonilal:** Ten minutes up.

**Mr. C. Imbert:** I beg your pardon?

**Dr. Moonilal:** Ten minutes up.

**Mr. C. Imbert:** I have 75 minutes, boss. [*Interruption*] So, on June 25, 2010 the legislative package was produced, and on May 28, 2012 the public policy is produced. [*Interruption*] Betrayal, you must be kidding me. I told you I would be speaking for my full time. [*Interruption*] “Doh try that.”

Mr. Speaker, let us try and figure out why we are here. The reason why, there has been so much concern about public procurement. [*Interruption*] Mr. Speaker, they cannot stop talking. [*Interruption*] “Look he talking again.” [*Crosstalk*] Why do you all not be quiet, the two of you all. Why are we here? We are here because there has been a realization in Trinidad and Tobago over the last five to 10 years that there is a difficulty with procurement by State enterprises. That is the real problem. There is no real problem with procurement by the Central Government, because procurement

by the Central Government is governed by the Central Tenders Board Act. And once you have a legislative framework for procurement, then, if somebody is aggrieved they can invite the court to review the decision of the public official or the public authority, as the case may be. So, with tenders invited by the Central Tenders Board, there is a legal regime where persons can claim that the public authority did not comply with the provisions of the Central Tenders Board Act in terms of prequalification of tenderers, in terms of public invitation of bids, in terms of proper evaluation of tenders and so on.

So, within the Central Government system there is already a framework for the judicial review of public tendering. The Central Tenders Board has other problems where it is notoriously inefficient and can take years to deal with matters that really should be dealt with within a couple months. But within the state enterprise sector there is no legal framework that binds the state enterprise sector to comply with legally prescribed tender rules and procedures. *[Interruption]* Mr. Speaker, there is some sort of conversation going on between the two of them upfront there.

**Mr. Speaker:** All right, Members on the Front Bench on both sides, may I ask you if you have conversations to conduct you can do it behind my back—behind the Chair I should say. Continue, hon. Member.

**Mr. C. Imbert:** Thank you, Mr. Speaker. Within the state enterprise sector, state corporations—like, let us use Petrotrin as an example—and state companies that may invite tenders and award a contract, like the famous UDeCott, they are not bound by any legal framework, and the state of the law at this point in time, and I think I need to educate Members on the other side about the state of the law as it relates to competitive tendering.

Over the last 10 to 20 years, there have been a number of decisions of the courts within the Commonwealth with respect to the role and function of state enterprises and whether tender awards and contract awards by state enterprises are subject to judicial review. Even in Trinidad and Tobago there is a famous case where an aggrieved contractor took UDeCott to court claiming that the directors of UDeCott acted irrationally in the award of a particular contract, and at the end of the day the Court of Appeal in Trinidad and Tobago ruled that state enterprises are entitled to act commercially in the award of contracts and unless there is a public law element in the tender process the court would not intervene or interfere with the award of contracts by state enterprises.

Now, this is very, very important, because this is the source of all the confusion. We have had a situation here in this Parliament in the Motion of No Confidence, where I gave some details, and I would give credit to the Minister of Education, he acted on it, where you had irregularities or alleged irregularities with respect to the award of contracts by the Education Facilities Company Limited.

**4.45 p.m.**

But for one of those aggrieved contractors, who was aggrieved by a decision of the Education Facilities Company, there is no legal framework for them to go to court and seek the intervention of the court with respect to judicial review of the decisions of the board of Education Facilities with respect to the award of contracts.

What the present state of the law tells us, Mr. Speaker, is that apart from requiring a public element, as is the case with respect to the Central



Tenders Board Act which binds Ministries—that is the public law element—what an aggrieved tenderer would be required to do is to demonstrate that there was fraud, that persons acted with bad faith, that there was some sort of perversion of the procurement process. Quite often it is difficult unless you have evidence. You may have information but you do not evidence, where you can demonstrate fraud and demonstrate bad faith within. I see the Minister of Finance is in agreement with me. You have information but you do not have evidence where you can prove fraud and bad faith in terms of the award of contracts.

What all of the cases have shown us is that—[*Crosstalk*]—I am so happy you have educated me, Member for Chaguanas West—unless you can come up with some sort of public law element within the tender process the courts cannot intervene in terms of judicial review. What are we doing here today? The draft Public Procurement and Disposal of Property Bill had proposed that we put into law the tender rules and tender regulations that would govern the conduct of State enterprises as well as Ministries. The tender rules for Minister are already in law. That is in the Central Tenders Board Act and in a number of authorities such as: the Regional Health Authorities, the Civil Aviation Authority and so on. The tender rules that govern the award of contracts by those entities are also in law. If you go into the RHA regulations, for example, or you go into the Civil Aviation Authority regulations, you will see very detailed tender rules and procedures with respect to the identification of bidders, pre-qualification advertisement and the factors on which you must evaluate a tender to give value for money

and so on. But there is no such thing as it relates to state enterprises.

And this is despite, a decision of the Privy Council which describes public bodies as follows, and I am reading:

A state-owned enterprise is a public body. Its shares are held by Ministers who are responsible to the House of Representatives and accountable to the electorate. The State corporation carries on its business in the interest of the public. Decisions in the public interest by the corporation, a body established by statute may adversely affect the rights and liabilities of private individuals without affording them redress.

However, despite this finding the state enterprises are public bodies, judicial review was held to not available in this particular case, unless a case of fraud, corruption or bad faith could have been established.

This is the law as it now stands. Just let me state at the outset. There are two Members of the House of Representatives on this side who are Members of this committee, myself and the Leader of the Opposition. The Leader of the Opposition is unavoidably absent. It falls to me, therefore, to speak on behalf of the elected Members on this side. I had quite a conversation with the Leader of the Opposition this morning. And some of the points that I am raising and some I have not yet raised are points that I have discussed with the Leader of the Opposition, that he would like me to put on the table and bring to the attention of this honourable House. So despite the anxiety and the agitation of Members on both sides—[*Laughter*]*—*it is my duty to report

to this honourable House the views of the hon. Leader of the Opposition as well as my own views.

**Hon. H. Volney:** He was absent for the meeting.

**Mr. Speaker:** Please, allow the Member to speak.

**Mr. C. Imbert:** Mr. Speaker, “yuh know joke is joke but damn joke is no joke.” This attendance record shows five meetings: a meeting on February 12, a meeting on the January 6; January 17; April 17; May 28 and December 2. First meeting: December 2; Second meeting: January 6; third meeting: January 17; fourth meeting, April 17; fifth meeting: May 28. What is the attendance record? For the first meeting there were three absences: Mr. Ramadhar, Mr. Imbert and Mr. Al-Rawi.

**Dr. Moonilal:** That is circulated for everybody.

**Mr. C. Imbert:** No, it is obviously not it is not circulated to the Member for St. Joseph; the Member for St. Joseph is annoyed that I am speaking on the grounds that I missed most of the meetings. I attend four out of the five meetings. Is that how they do maths over there, four out of five meetings.  
[*Crosstalk*]

**Mr. Speaker:** Please, Member for St. Joseph allow the Member to speak in silence.

**Mr. C. Imbert:** Is that missing most of the meetings?

**Dr. Browne:** Crime is down.

**Mr. C. Imbert:** Crime is down, is true. Serious crime is down in the world of the Member for St. Joseph. Murders are much more than last year but serious crime is down in the world of St. Joseph. Attending four meetings

out of the five in the world of the Member of St. Joseph, is missing most of the meetings. Absolutely ridiculous!

Mr. Speaker, let me go back to the thing. So the whole point is if we look at the state of the law at this point in time, it is very, very difficult for aggrieved persons to get the courts to intervene when they feel there is something wrong with a tender process—very, very difficult.

So at the outset in the deliberations of this committee, one of the things that we made clear and I made pains to make it clear because I have some knowledge about this aspect of commercial law. I have a little bit of this aspect of commercial law, the whole question of judicial review of competitive tendering. [*Crosstalk*] You could say what you want. I have some knowledge and I will say it again, about this aspect of commercial law judicial review of competitive tendering.

Mr. Speaker, we were at pains to tell Members opposite that we had to be very careful about what we are doing because we have to strike a balance between what is good for the country and what is being requested by the stakeholders. Initially, the stakeholders wanted to be part and parcel of the decision making process. So the persons who would have been beneficiaries of contracts wanted to be involved in establishing what the tender rules were. That was the request coming to us as a committee from stakeholders that contractors and consultants who would be beneficiaries of contract awards wanted to be involved in choosing tender rules, choosing the regulator and determining who gets which contract.

I am very happy to say that the new chairman, as well as the old chairman recognized that was a very serious conflict of interest. You cannot have the beneficiaries of contracts determining what the contract tender rules would be, so we went through this long process of establishing that we had to put something in the law. If you go now to the actual policy itself—[*Crosstalk*]*—*well, one has to give an overview. One has to explain why we are here.

If we go to the actual policy, what is the Government now proposing to us?

The procurement regime be established to deliver goods and services more efficiently, effectively and at higher performance levels than currently exists—  
nobody could have any argument with that.

The system should take into account clear lines of accountability ensure transparency and promote ethical conduct.  
Well, that is just an overarching policy statement.

Framework legislation rather than prescriptive legislation is recommended.  
That is fine.

That such framework legislation should come to Parliament together with general regulations and the net of coverage of State institutions should be wide in keeping with the policy pledge to ensure transparency and accountability by all Government departments and state enterprises. That a hybrid model involving a system with

centralized as well as decentralized elements would be more practical and more desirable.

Let me explain what that means, Mr. Speaker.

This hybrid model would result in greater efficiency in public procurement by permitting Government agencies to engage in their own procurement process, that is, within the context of law, rules and regulations but still subject to scrutiny through the oversight of a procurement regulator.

So what this policy is telling us by a process, which is, one of the problems that we have to resolve. I am asking the Minister to tell this Parliament because it is very, very important. We spent two years to come up with a policy which in my opinion the Government could have produced in six months. They could have done it. Because, there is nothing in here that —is rocket science they could not, based on all of the information available to them, have produced as Government policy.

So we spent two years to get to this point where we are just dealing with a policy paper. But out of this now must be drafted public procurement legislation. If the Government takes another two years to draft the legislation and pass it through both Houses of Parliament and then another year to make the regulations that govern the award of contracts, then the next general election will be upon us without any meaningful reform to the procurement regime. I would like the Minister to make a commitment. I do not know if he can. But, somebody must be able to give a commitment as to when the draft legislation, with respect to procurement is going to be laid in this Parliament. So we can get on with the job. We are already in 2012.

The rate they are going at, the draft legislation may not arrive until 2013. We do not know, Mr. Speaker.

**Hon. Roberts:** Ten years you were there.

**Mr. Speaker:** Please, please Members. Allow the Member—

**Mr. C. Imbert:** I am asking the Government to give us a timeline. Give us a timeline.

**Hon. Roberts:** Timeline for the Su.

**Mr. C. Imbert:** You know, I hear them shouting and screaming. But, there are all sorts of things going on in state enterprises going on at this point in time.

**Mrs. Gopee-Scoon:** Exactly.

**Mr. C. Imbert:** The reason why all of these people in these state enterprises—I want to make a comment, Mr. Speaker, quite often Ministers are not involved, you know. Quite often, Ministers are not involved. It is the boards of directors of the state enterprises. It is the management within the state enterprises. It is the persons who are given the responsibility to invite tenders and award contracts who are the guilty parties. But, we as politicians everything comes up towards the top in terms Ministers having responsibility for state enterprises. [*Crosstalk*] Yes. And Ministers are blamed for the actions of functionaries within state enterprises. [*Crosstalk*]

**Mr. Speaker:** Members do not get there please. Take your notes.

**Mr. C. Imbert:** Now, the fact of the matter is that after two years we have a policy. I am urging the Government do not wait another two years to bring draft legislation. Because, four years would have elapsed without any

reform of the public procurement regime and there are serious loopholes in the system right now.

We sit in Public Accounts and Public Accounts (Enterprises) Committee and other Members sit on the Joint Select Committees overseeing Ministries and state enterprises. I am talking about the public sessions not what goes on in camera. I am talking about what is exposed to the public and there is a lot going on within these state enterprises that is being exposed to the public where serious questions are being asked as to the tender rules and regulations that these state enterprises are following.

**5.00 p.m.**

I can talk about a public session. I am not breaking any rules, because it was publicized. I remember asking the former chairman of the Education Facilities Company Limited, what were the tender rules the Education Facilities Company Limited was using in 2012? He could not say if he had inherited tender rules from the former board, if he had made up new tender rules or whether they were following the state enterprises manual, he could not say, and that is rampant throughout all of these state corporations, Mr. Speaker. In some cases it is so because of pure ignorance, they just do not know what tender rules they should be following. There is no approved tender procurement regime within these enterprises and they are just doing their own thing. In some cases they are doing what they think is best. In some cases it is corruption, and we have to put a stop to this. As a serious country and a serious Parliament, we need to put proper procurement legislation on the books.

So, what this is saying:

Government agencies would be permitted to engage in their own



procurement process, but within the context of laws, rules and regulations, and they will be subject to the scrutiny and oversight of a procurement regulator.

Quite frankly, that is the only way it could be done, because the time has come to rein in these state enterprises, and to prescribe in law the tender rules and regulations that they should be subject to. State enterprises should no longer be allowed to make up their own tender rules and do what they want, and then the Minister gets blamed at the end of the day for some foolishness that somebody in a state enterprise has done, without the Minister's knowledge. I am talking on behalf of all Ministers, present and past.

So this is a significant move forward, we now have a policy where the Government is saying it is going to put into law the tender rules and procedures for all state enterprises. [*Interruption*] "Wah five minutes?" "He talking for five minutes, not me." [*Laughter*]

When we go to the next point, Mr. Speaker: Transparency, accountability—"Yuh know, Mr. Speaker, ah know we coming to de end ah de the session, but you know there is ah tendency on the side of Members opposite, they like to trivialize serious matters." The public needs to know about these things. [*Desk thumping*] The public needs to know the decisions that are being made by this committee of legislators dealing with something as important as public procurement, tendering, award of government contracts and expenditure of public funds.

So it goes on to say:

Transparency, accountability, fairness and equity, value for money be regarded as essential to enlighten policy and practice.

Again, an overarching statement, not a specific one, but nobody could argue with that. Then it says:

Efficiency, ethics and fair dealing should be an important outcome.

Well, again that is just an overarching statement.

And here is an important one:

The new procurement regime should promote local industry, ensure that local content considerations are adequately addressed, and that international trade is facilitated.

I say this because the previous Government was accused of having a liking for foreign contractors, particularly Chinese contractors. And as a member of the Government, I had to sit there for seven to eight years, and listen to Members opposite complain bitterly about the award of contracts to Chinese contractors, and it was a mortal sin to award a contract to a Chinese contractor. Lo and behold, I see this Government—new children's hospital, Chinese contractor; south campus for UWI in Debe, Chinese contractor, and they are doing exactly what they accused the previous Government of doing, Mr. Speaker, and they are doing it with a straight face. It is because we need to save money, because the Chinese bid was lower, because they could build the thing faster. All of the arguments advanced in the previous regime.

The new Government is as if you just changed faces, and they are saying exactly the same things that were subjects of damnation and condemnation by the Opposition when they were in Opposition, and now they are in Government—[*Desk thumping*]*—split personality behaviour and this and has got to stop. A political party cannot spend eight years in Opposition, condemning the use of foreign labour, condemning the award of large hundred million dollar contracts to Chinese contractors, and as soon as*

they get into Government within a year, they are awarding \$500 million contracts to a Chinese contractor for a new campus of the university. [*Desk thumping*] It has got to stop, and we need to have a proper local content policy established once and for all in Trinidad and Tobago.

Next item:

The procurement regime should also promote enlightened progressive environmental practices, adherence to national labour laws and standards. Provide opportunities for innovation, human capital development and skills building.

This is important because one of the accusations thrown at foreign contractors is that they do not respect the labour laws of Trinidad and Tobago. Mr. Speaker, you will understand this as a former labour leader, that it is really frustrating when local employers have to comply with OSHA, and have to comply with all of the regulations and procedures respecting the employment of labour in Trinidad and Tobago, and then foreign contractors come in and you hear all sorts of allegations about inhumane conditions and low substandard wages and so on. Again, we have to put a stop to this and we have once and for all to make it clear to foreign contractors that when they are coming to work in Trinidad and Tobago, they must comply with the local labour laws of this country. This is a very important aspect of this policy.

The policy also goes on to propose the position of an office of regulator, and it is an independent body. Again, nobody can argue with that except somebody who would not want to be scrutinized by an independent regulator. I must compliment the Minister for putting something into the

policy that I think must have been his idea—he could correct me if I am wrong that:

To oversee the reporting of the procurement regulator to Parliament, the Public Accounts Committee be made to perform the oversight function and the procurement regulator be accountable to the Public Accounts Committee.

Now, as you know, Mr. Speaker, in a previous incarnation you would have been involved in the Public Accounts (Enterprises) Committee, those committees are always chaired by a Member of the Opposition, and that is to provide the necessary check and balance. The Government is in power, they have control over the public purse, you put a Member of the Opposition to oversee the award of contracts and so on by public bodies.

I want to compliment the Minister of Planning and Economy for putting in this provision, that the regulator will be subject to oversight by the Public Accounts Committee which is going to be chaired by a Member of the Opposition. And this will require some amendment to the Standing Orders and the rules that govern the conduct of the Public Accounts Committee, but that could be dealt with in due course in the legislation.

The next one we have a little difficult with, and one of the problems with this is that it has been rushed, it really just came about two weeks ago, Mr. Speaker, because it was on May 28, the policy was produced, and here we are in the middle of June, it is really just about two weeks that we on this side have had to look at it. While I can say that by and large many of the proposals within the draft policy are acceptable, and are an improvement on the current system, when we go to this one:

The regulator be responsible for establishing centralized rules and regulations that will generally guide procurement matters at all levels, including e-procurement within the context of public procurement laws and regulations.

that needs to be tightened. And I think this has to be subject to affirmative resolution, or approval of Parliament; even if the regulator makes these tender rules, I think Parliament must approve them, okay. Now, it may be implicit, it may be implied within the document, because at the front of the document it talks about the parliamentary involvement in the process, but it is not explicit here, and this needs to be tightened.

I would hope that when the legislation comes, the Government will make it certain that the Parliament will have the final say in terms of what the tender rules and procedures should be, but the regulator will develop them. Nobody will tell the regulator what to do, he will prepare a set of tender rules based on consultation, his own knowledge and so on, and bring it to the Parliament, and the Parliament will then give its stamp of approval to these rules and regulations, this is to avoid argument because we are the highest court of the land.

The next feature is that:

The regulator will be responsible for investigating complaints to ensure that procurement process at all levels is above approach, address complaints in an expeditious manner, identify matters which may require investigation, make recommendations to Minister of Finance for action.

Now, this is important, because there was a concern that the Minister of Finance being a member of the Government, is himself to himself. So you

have a complaint about—[*Interruption*]

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Mr. N. Hypolite*]

*Question put and agreed to.*

**Mr. C. Imbert:** Thank you, Mr. Speaker. [*Desk thumping*] I do not know what is wrong with some of the Members opposite, I honestly do not know. [*Interruption*]

**Hon. Member:** On your side.

**Mr. C. Imbert:** No. I am talking about on your side, because I know persons such as the Minister of Finance are interested, the Minister of Education are interested, the Minister of Foreign Affairs and Communications is interested, and the Minister of Planning and the Economy is interested.

**Dr. Gopeesingh:** The Minister of Education is interested.

**Mr. C. Imbert:** Is interested. Is, is, I said is. Sorry, Mr. Speaker, but some of the Members at the back there seem to want to go somewhere, but I am speaking to the Members who are interested. [*Crosstalk*] Some Members of this honourable House do not understand the role and function of Parliament, they do not understand the concept of freedom of speech; they do not understand the meaning of the word Parliament which comes from the word parley which means to speak—there is no such thing.

**Hon. Member:** You over parley!

**Mr. C. Imbert:** There was a view that if a complaint is made about an irregular contract award in a state enterprise which reports to the Minister of

Finance as Corporation Sole, it was a case of himself to himself, if you report that matter to the Minister of Finance. So reporting an irregular contract award by a state enterprise that reports to the Minister of Finance to the Minister of Finance; on the surface it does appear a bit questionable. The way the committee dealt with that, is that you not only report that matter to the Minister of Finance, you report it to the Public Accounts Committee at the same time.

So if you had a Minister of Finance, who God forbid, was inclined to encourage improper conduct, then he could do whatever he wants, he could suppress, he could cover up or whatever the case may be, hypothetically speaking. *[Interruption]* I said hypothetically speaking and I said God forbid. Come on. The Public Accounts Committee will also get the information and can expose the matter for public consultation.

**Mr. Dookeran:** A watchdog over the watchdog.

**Mr. C. Imbert:** A watchdog over the watchdog. Nice! “Ah like it.” *[Laughter]* You see, Mr. Speaker, as I said, there are some Members who are interested in what we are doing here at this point in time.

**5.15 p.m.**

**Dr. Khan:** *[Inaudible]* I will resign myself. By faith, I will resign.

**Mr. C. Imbert:** All right, all right. Just let me read it out properly:

“...to make recommendations to the Minister of Finance for action on any matter where issues of transparency, probity or good governance may be compromised.”

So you are dealing specifically with matters where there is a problem. That is referred to the Minister of Finance.

Whenever the regulator is given a serious matter to investigate, what we proposed was that the regulator report to Parliament on an annual basis in the normal course of things, but not later than of 90 days following the end of the reporting year and that the regulator submits special investigation reports within 30 days of the initiation of an investigation to the Minister of Finance as well as to Parliament. So within one month of the regulator getting a complaint, he submits a report to the Minister of Finance and he will submit a report to the Parliament for transmission to the Public Accounts Committee. So you have a double system. You have routine investigations which will be contained in the annual report, but if there is a problem, it will be submitted to the Minister of Finance and the Public Accounts Committee within 30 days.

Again, to ensure the independence of the regulator, the committee had agreed that the regulator be appointed by the President in consultation with the Prime Minister and the Leader of the Opposition; so in his own discretion, but following consultation.

Finally, the next two items in the policy are straightforward: that the regulator can appoint staff on a merit basis and can use alternative dispute resolution, mediation, et cetera.

Finally, there was a proposal that we introduce a system of adjudication in Trinidad and Tobago where an adjudicator will propose a solution within 30 days of a dispute being referred to him or her. This is very important. In the United Kingdom after many, many years of dealing with disputes and problems arising from contractual agreements, they came up with a system of adjudication. So there would be a list of professional adjudicators, who would be selected based on their qualifications: their



education, their competence and their experience in terms of the particular field of procurement; and when there is a dispute between parties, before it goes to court and even while it is in court, the adjudicator is entitled to give a decision within 28 days, in England, and that is binding on the parties until the court overturns it. There are similar provisions in industrial relations situation, where an authority figure would give a decision that is binding until the industrial court or some higher tribunal overturns it. We thought this very, very important to put into the legislation because we do not want complicated disputes just clogging up the whole system of development in this country.

Basically, we on this side would have preferred that the Government did not rush this matter. We are grateful that the Government has produced a policy paper. It is a good beginning, but we need to see the legislation because, you know, the devil is always in the details. We need to see the legislation and I am hoping that, before the end of 2012—I think that is a reasonable time—before December 31, 2012, if the Government would bring proper procurement legislation based on this policy, then I think we would be able, in the next session of Parliament, that is by June 2013, to enact proper procurement legislation in this Parliament. I am urging the Government to do it.

One of the things I think that the Government needs to do now that this policy is produced, there needs to be consultation with stakeholders. This is really an incestuous sort of thing, looking inward. The Government has produced a policy, but has had no wide-ranging or in-depth consultation with the persons who will be subject to this policy—the state enterprises, the contractors, the consultants and so on. There has been no consultation

outside there with suppliers to Government with respect to this policy, whether they agree with it or not; whether they agree with the regulator in the form here. I am hoping that the Government will use the time over the next couple months to have consultations with industry with respect to this policy.

We, on this side, will be having consultation with industry with respect to this policy that has been produced by the Government and, therefore, we are not going to oppose this report. We are not going to oppose it. We are not going to vote against it. As I said, many of the things here are worthy of support, but on some of the things we need feedback from our stakeholders and feedback from the people who will be affected by this policy before we can give this our 100 per cent unequivocal support.

We are not going to oppose it because this has been hanging around for the last two years. This is a very good start and I would like to compliment both the former chairman of the committee and the present chairman of the committee. Do not mind it took two years, at least we get to this point where we now have a written policy.

So, we will abstain if this Motion goes to the vote, but we will not oppose it because there are many things within the policy that are worthy of our support. We need more time to consult with our stakeholders with respect to some of the details in this policy.

I thank you, Mr. Speaker.

**The Minister of Planning and the Economy (Sen. The Hon. Dr. Bhoendradatt Tewarie):** Thank you very much, Mr. Speaker. I cannot believe that the hon. Member for Diego Martin North/East, who was a member of this committee and with whom I spent many hours following the

report—trying to get the report and all the documentation to the point where we can have mutual agreement—would come to this honourable House at this time and indicate that their position now would be, after coming to a consensus in the meetings of the joint select committee and, more particularly, the last meeting, that he would come at this point and indicate that they would abstain, but not oppose; secondly, that he will now go for consultation when, in my presentation, here and in all the documentation related to the report, we have a fulsome indication of the tremendous amount of consultation that went into the two years of preparation; and, finally, the bringing to this honourable House the report from your joint select committee.

I really am flabbergasted by this because, as I understand it from the Clerk of the House, as well, despite the consensus achieved, the only Members who have not signed the report—and, I suspect, they are going to take the position that they are not going to sign the report, although we agreed on the policy by consensus because the Government brought its policy; amendments were made by Independent Senators as well as Opposition Senators and those were discussed and all of these amendments were taken into account, suggestions, and ultimately we brought a consensus document here.

I cannot believe now, at this late hour, they would indicate that they are unwilling to sign; unwilling to vote for and adopt; but prepared to abstain and so not oppose. It is a minimalist position on the part of the Opposition, but I am flabbergasted, but I am not surprised given the behaviour of the Opposition on this particular matter.

The hon. Member for Diego Martin North/East talked about a split

personality on the part of the Government, but I really think that everything that was said here today by the hon. Member and which reflects in verbal terms, in words, the behaviour that has accompanied their conduct on this committee indicates clearly that what we are dealing with here is, first of all, an avoidance of the reality of what they are doing and the difference between what they were saying and what they are doing.

Secondly, it represents a significant sleight of hand in terms of behaviour because they say one thing and you can never rely on anything that they say. There is no such thing as giving their word and accepting it. Then, it is also a question of moving the goal post. They wanted policy although we said let us build a consensus, so that we can have a policy emanating out of Parliament.

When they withdrew from the committee, for whatever reason they might want to rationalize, that is what explains the gap here. It was not our trying to extend the time for the bringing to the Parliament or to the committee policy, but that period between January 17, 2012 and April 17, 2012, a period of nearly three months, was a period in which they had actually withdrawn from the committee and would not come. We had to come to the Parliament, Mr. Speaker, and bring a Motion to get the advice of Parliament on how to proceed to get the committee going. They had subverted the entire joint select committee process.

A joint select committee is made up jointly of the two Houses of Parliament and what we did, in order to entrench democratic practice, was to make that joint select committee, by quorum, a member of each element of both Houses. So we required for a quorum, one Independent Member, one Opposition Member and one Government Member, when, in fact, all that

was required under the Standing Orders was one Member of each House. They used that in order to subvert the process, so much so, that we had to change the quorum so that we could proceed with the business of the House.

At the end of the day, we had a situation in which they were prepared, as they said, to present a minority report. Again, in the interest of democracy, in the interest of trying to get the parliamentary system to work—that is why I made reference to the quotation from one of the former deceased presidents of the United States about the committee system. We really tried to work as a parliamentary committee in the tradition of Parliament, understanding that Parliament is different from the Executive and that these committees of Parliament are meant to work in a bipartisan, multipartisan nature in order to achieve certain objectives as Parliament distinct from the Executive.

We tried to do that, but what we begin to see here now is that the Opposition is taking the position, really, that while it gives verbal support by saying: “Yes, we got the policy; we brought it; there are some things we support”, they are now saying: “Come quickly with the legislation because you now bring the policy, you took two years to bring the policy.” I indicated, first of all, that it is 18 months. I established that for a fact—18 months from the time the committee was established. That is the first thing. Secondly, that the process of preparing the policy was subverted by the Opposition and now that we have brought it to Parliament as a consensus document, which they support, and we indicated that we would go quickly to legislation and bring the legislation to Parliament hoping for their support.

Now they are changing the goal post again and you realize what they are doing, Mr. Speaker. What is happening here is that they are going out

for consultation with what is essentially our policy with minor modifications by them. They come here now and they are carrying out our policy to get different points of view in order to do what, I do not know; whether it is to subvert the process; whether it is to stymie the process; whether it is to undermine the entire process and it is clear in any mind that if there is one entity in this country that does not want procurement legislation, it is the Opposition of Trinidad and Tobago. [*Desk thumping*]

**Mr. Imbert:** Nonsense!

**Sen. The Hon. B. Tewarie:** They absolutely do not wish to have procurement legislation

**5.30 p.m.**

All right! They absolutely do not wish to have procurement legislation. [*Interruption*]

**Mr. Imbert:** “So why yuh eh bring it?”

**Sen. The Hon Dr. B. Tewarie:** And if they would have it, as they did from 1993 to now without bringing any legislation to the Parliament on procurement, it would go on until year 3000 without any change of the procurement legislation. They are not interested one iota in changing the procurement system in this country. But, Mr. Speaker, we are resolved to bring this issue to a head and to completion. We will bring the legislation to Parliament. I am not going to allow the Government’s agenda to be determined by Mr. Imbert, but we are going to bring the legislation to the Parliament. [*Interruption*]

**Mr. Imbert:** Mr. Speaker, point of order.

**Ms. McDonald:** “Doh call him by his name!”

**Mr. Imbert:** “Yuh a stranger here.”

**Mr. Speaker:** All right. He is here—the hon. Minister is here. Members are referred to—I suspect it is an oversight on your part—Members are not called by their names, by their constituency, so be guided.

**Sen. The Hon. Dr. B. Tewarie:** Mr. Speaker, I apologize to the Member and especially to you—it was an error. I could have said Member for Diego Martin North/East as I did before. It was only an error and it was not meant in any way to disrespect. But, the point, nevertheless, stands which is that the agenda of the Government cannot be set by a Member of the Opposition, and I know that they like to do that. But, in this particular instance, it will not be set. But, I give the assurance—[*Interruption*]

**Mr. Imbert:** Bring the legislation!

**Sen. The Hon. Dr. B. Tewarie:** —to the population that just as we have brought the policy—we wanted to do the policy from the time we came, but we wanted to do it by consensus.

**Hon. Members:** Wow!

**Sen. The Hon. Dr. B. Tewarie:** It took us a matter of weeks to bring the policy because the policy was always clear.

**Ms. Hospedales:** Two years!

**Sen. The Hon. Dr. B. Tewarie:** The manifesto was there, the medium-term framework was clear—it was always dear. It was a question of articulating into points what the policy was, and also to take into account how you might get support for the policy, because it is no sense the Government brings a policy that then finds itself in difficulty at the committee stage in the Joint Select Committee. So, we tried to intuit it where the Opposition was and where the Independent Senators were.

I want to say this, the Independent Senators are very clear. They are

very, very supportive of the procurement regulator. and the independence of that office. They are very supportive of the enlightened elements, having to do with the environment, having to do with labour laws, having to do with fair practice, having to do with local content, and this is the driving power behind the policy to change it. It is clear to me now, Mr. Speaker—it was always clear—that the Opposition is absolutely not interested in having procurement legislation in this country that changes anything to the existing legislation. [*Desk thumping*]

**Mr. Imbert:** It is you who have to bring the legislation.

**Sen. The Hon. Dr. B. Tewarie:** We will bring the legislation; you need not worry about that.

**Mr. Imbert:** “Stop complaining and bring it nah!”

**Sen. The Hon. Dr. B. Tewarie:** We do not complain, you are the one who complained.

**Mr. Sharma:** He is a crybaby!

**Sen. The Hon. Dr. B. Tewarie:** Mr. Speaker, I just want to correct something. The Member for Diego Martin North/East indicated, you know, that when I had said about things had come to a head in 2009/2010, it was not meant as an accusation. I was really referring to the fact that when the Uff Report came out, that was the central document coming out in the public domain. I had said before that the issue of corruption had dogged several administrations over the history of our country. But, I was pointing to the fact that things came to a head in 2009/2010 and that is a fact.

**Mr. Imbert:** 2001.

**Sen. The Hon. Dr. B. Tewarie:** It was long over—the airport scandal and everything like that—I am not excusing it. Those were facts of life—



**Mr. Imbert:** “It eh over!”

**Sen. The Hon. Dr. B. Tewarie:** —but the point is that those were the things that came to a head in 2009 and 2010.

**Mr. Sharma:** “Doh forget YAPA eh!”

**Sen. The Hon. Dr. B. Tewarie:** You are saying that what is good for the country may not necessarily be good for the stakeholders, and what is good for the country may not necessarily be good for other interested parties. I am clear in my mind now that what is good for the country is not good for the Opposition. [*Desk thumping*] There is no question in my mind.

**Mr. Imbert:** Mr. Speaker, on a point of order.

**Dr. Moonilal:** What point of order?

**Mr. Sharma:** What kind of foolishness is this?

**Mr. Imbert:** I will be seeking the two minutes to clarify; he has misrepresented me, Mr. Speaker.

**Sen. The Hon. Dr. B. Tewarie:** No misrepresentation, Mr. Speaker. I am interpreting exactly what he said.

**Mr. Imbert:** No, Sir. That is not true.

**Mrs. Gopee-Scoon:** Untrue!

**Sen. The Hon. Dr. B. Tewarie:** It is clear to me that good legislation on the procurement issue is something that they want to avoid like the plague. We saw this in the committee stage, we saw this in the discussion and the negotiation, but we were prepared to go along to get enlightened legislation for this country.

Mr. Speaker, I do not want to carry on here, and I do not want to say more than is necessary. I am happy that the Member, who was a Member of the committee, has indicated that there are elements of our policy which he

favours. I am happy that on the committee, they made some constructive contributions, but I am extremely unhappy about the fact that, one: they subverted the Joint Select Committee process; stymied the work of the committee; extended the time that we should have taken to bring the policy;—[*Interruption*]

**Mr. Imbert:** Standing Order 33(4).

**Mr. Speaker:** Continue.

**Sen. The Hon. Dr. B. Tewarie:** —stymied the work of the committee. Now, at the eleventh hour, after we have agreed on a consensus policy document—to which the Member contributed, and to which another Member of the committee in the Opposition team contributed—and after we had agreed that they would neither sign the report, offer constructive support to the report in the adoption of the report, have now taken the position that they want to go out on consultation on their own.

Mr. Speaker, this is very much like the Opposition. You know, we had the 50th Anniversary celebration which is a celebration for the whole country. We invited every Member of the Opposition and every Member of Parliament to the launching of the logo and the beginning of the process of independence launched by the hon. Prime Minister, in Queens Hall where the first Constitution of this country of 1962 was actually presented for the first time in draft before it went to Malborough House. We invited the Opposition and not a single Member of the Opposition came.

**Mr. Sharma:** What a shame!

**Sen. The Hon. Dr. B. Tewarie:** We invited them to a whole series of events in Trinidad and Tobago having to do with the Independence celebration—no participation. [*Continuous crosstalk and interruption*]

**Ms. Cox:** “What all yuh used to come to?”

**Ms. McDonald:** What they use to come here to?

**Sen. The Hon. Dr. B. Tewarie:** Then I heard—*[Interruption]*

**Mr. Speaker:** All right, Members, I know that the heat is rising.

**Mr. Imbert:** What is the relevance to this?

**Mr. Speaker:** But, I would ask you to allow the hon. Minister to make his contribution in silence. Thank you.

**Sen. The Hon. Dr. B. Tewarie:** Mr. Speaker, the relevance of this is the behaviour of the Opposition in working together with the Government as part of the parliamentary process, understanding—*[Interruption]*

**Hon. Members:** What! No, no.

**Ms. Hospedales:** Nonsense!

**Ms. Cox:** Mr. Speaker, Standing Order 36(1), I would like to know what is the relevance of this to procurement?

**Mr. Speaker:** Continue. Overruled! Continue.

**Sen. The Hon. Dr. B. Tewarie:** It is the behaviour of the Government on this procurement question that replicates itself in other aspects of existence. *[Desk thumping]* And it is important to point that out to the population, Mr. Speaker, because the Member was at pains to point out things to the population. I am equally responsible in my obligations to the population to point out my interpretation of what is happening.

Mr. Speaker, I said that I would not go on longer than I need to.

**Ms. McDonald:** Thank you!

**Ms. Cox:** Thank you, Mr. Speaker. *[Crosstalk]*

**Sen. The Hon. Dr. B. Tewarie:** I can go on until—*[Interruption]*

**Mr. Speaker:** You are not addressing them and they are not addressing

you. You address me.

**Sen. The Hon. Dr. B. Tewarie:** I would say—*[Interruption]*

**Ms. McDonald:** “Dat time they eh know nothing about the policy.”

**Mr. Speaker:** Please, Member for Port of Spain South, please.

**Sen. The Hon. Dr. B. Tewarie:** I will get another opportunity to speak about the policy, but I simply want to assure, first of all, the stakeholders who contributed to the development of this policy—that is why when we bring the legislation to the Parliament, obviously, as you know, Mr. Speaker, when a Bill is laid in the Parliament, there is an opportunity for public comment and consultation at that point in time. We will certainly be able to engage at that point in time.

The policy has benefited from the consultation so far in the first year, by the former Chairman and his committee, which is, really, basically, the same committee, except for three Members who have been added new to the committee. Secondly, by the committee which I chaired, of which the Member for Diego Martin North/East was a participant and a Member—and there was also significant contributions from them and from the stakeholders. A number of those ideas have been brought into it, and a number of those ideas will continue in the legislative drafting stage before we bring the Bill to the Parliament.

So, Mr. Speaker, there will be opportunity for consultation through the parliamentary process, and there is no need for the Opposition to “gran’ charge” and pretend to be consulting anybody outside.

**Ms. McDonald:** “Gran’ charge!” Strong language!

**Sen. The Hon. Dr. B. Tewarie:** Because we now have a document that they are trying to misappropriate in order to go out and give the

impression—[*Interruption*]

**Mr. Imbert:** Standing Order 36(5), Mr. Speaker. [*Continuous crosstalk and interruption*]

**Mr. Speaker:** Please, please. Member for Port of Spain South, he is a Member and he is invited here, so let us not question the presence of the hon. Minister. [*Sen. Dr. Tewarie stands*] Member, please.

Let us not go to the point of accusing Members of the Opposition of seeking to misappropriate; it could be misinterpreted. So I ask you to be very guarded in your language. Okay, continue.

**Sen. The Hon. Dr. B. Tewarie:** I will be, Mr. Speaker. As I close now—[*Interruption*]

**Hon. Members:** Thank you.

**Sen. The Hon. Dr. B. Tewarie:** You see, you are provoking me; [*Laughter*] you want me to really go on because—anyway. But, we have business to do so we will proceed. It is really not necessary, given the stages that we have gone through this, and the stages that we will go through as the legislation comes to Parliament, for any extra parliamentary consultation of the kind that the Member for Diego Martin North/East is raising or suggesting.

From my point of view, it is simply an attempt basically to call the Government to action, and to ensure by what they do, that they ensure non-achievement, but that ploy is not going to work. Because, our commitment is to bring the legislation to Parliament, establish a new procurement regime, and on the basis of that, continue the business of good governance in Trinidad and Tobago. Thank you. [*Desk thumping*]

**Mr. Speaker:** I beg to move.

**Sen. The Hon. Dr. B. Tewarie:** I beg to move, Mr. Speaker.

**Mr. Speaker:** All right. Hon. Minister, the Member for Diego Martin North/East did indicate to me that he was misquoted under Standing Order 33(4) or his position was misrepresented. But having moved the Motion, it puts the House in a very unusual, so I seek the House indulgence that even though you have moved, if you could revisit that. Because having moved, the matter is now properly before, you know, for me to put the question.

**5.45 p.m.**

So could I ask Members because of the circumstances, rather than to go to untie a situation that could be very difficult for us, could I ask the Member for Diego Martin North East to probably at the end of this session to have some discussions behind the Chair with the Member rather than us—

[*Interruption*] **Hon. Member:** No, Mr. Speaker.

**Mr. Imbert:** I raised the Standing Order. No! Not behind the Chair!

[*Desk thumping*]

**Hon. Members:** No! [*Opposition Members beat their desks*]

**Hon. Member:** Walk out!

**Mr. Imbert:** I am entitled—[*Desk thumping*]

**Mr. Speaker:** I have not put the question formally, so let me allow the Member for Diego Martin North East one minute. [*Desk thumping*]

**Mr. Imbert:** Mr. Speaker, in his winding up, the Minister of Planning and the Economy said it is clear from what I said that we on this side have no interest in procurement legislation, and we intend to sabotage and undermine the whole process of procurement legislation. I said no such thing! I said the opposite. [*Desk thumping*] I said this Government has taken two years and dragged this thing through and only come up with a policy now. It is

the Government's responsibility to bring laws to this House. The Opposition does no draft laws; the Government drafts laws. The Opposition does not introduce laws; the Government introduces laws. I called upon the Government; "stop procrastinating, stop ducking, running and hiding and bring procurement legislation to this Parliament. [*Desk thumping*]

**Mrs. McIntosh:** Well said, well said! **Mr. Speaker:** I cannot speak if everyone is speaking. The *Hansard* reporter will not be able to record what I am saying. So, could I ask you to pay attention?

*Be It Resolved* that the House adopt the report of the Joint Select Committee appointed to consider and report to Parliament that the House adopts the report of the Joint Select Committee appointed to consider and report to Parliament on the legislative proposals to provide for public procurement and disposal of public property and the repeal and replacement of the Central Tenders Board Act, Second Session 2011/2012 Tenth Parliament.

*Question put an agreed to.*

### **ARRANGEMENT OF BUSINESS**

**Mr. Speaker:** Members, may I seek your indulgence to return to the item Presentation of Reports from Select Committee. There is a matter that has come up in terms of a report subsequent to this item being addressed, so I seek your leave. Do I have the leave of the House?

*Question put an agreed to.*

### **PRIVILEGES COMMITTEES REPORTS (Presentation)**

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I wish to present the first report of the Committee

of Privileges of the House of Representatives Second Session of the Tenth Parliament (2011/2012).

### ADJOURNMENT

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move that this House do now adjourn to a date to be fixed.

**Mr. Speaker:** Before I put the question for the adjournment there is a matter by the Member for Diego Martin North/East on the Motion for the Adjournment. I now call on the hon. Member for Diego Martin North/East. [*Desk thumping*]

#### Roads/Drainage Infrastructure

**(Diego Martin Region)Mr. Colm Imbert (Diego Martin North/East):** Mr. Speaker, the matter that I would like to raise is the need for the Minister of Works and Infrastructure—[*Interruption*] Mr. Speaker, they are eating into my time.

**Mr. Speaker:** You have my full protection, continue.

**Mr. C. Imbert:** I want injury time “eh”—to be more proactive in dealing with the infrastructure needs, roads and drainage infrastructure needs of—[*Interruption*] Sorry.

**Mr. Speaker:** Members, I do not want to seek the protection of the Member from the very Members of the Opposition. I ask you to pay attention to the Member’s contribution. Continue, hon. Member.

**Mr. C. Imbert:** Thank you, Mr. Speaker. As I said, there is a need for the Minister of Works and Infrastructure to be more proactive in dealing with the infrastructure needs of the Diego Martin region. [*Crosstalk*]

**Hon. Member:** More active or proactive?

**Mr. C. Imbert:** More proactive! I am going to deal with a number of



issues. The first one I would like to deal with is the fact that in November of last year—I am reading here from the *Newsday* newspaper, November 23, 2011: “Maraval clean up.”

“Clean-up efforts continued in Maraval yesterday with residents keeping an anxious eye on gathering rain clouds even as they washed away mud and cleared debris brought down into streets and into homes by the weekend’s floods and landslides.”

And in this article, Mr. Speaker, there is a photograph of a house perched on the edge of a cliff about to fall over.

**Dr. Gopeesingh:** Is that your story—

**Mr. C. Imbert:** No.

“More than 100 residents have been rendered homeless by the weekend’s deluge, said chairman of the Diego Martin Regional Corporation...80 persons have been housed at three shelters set up at the North Diego Martin Community Centre, La Seiva Community Centre and BelleVue Community Centre.

Others have sought refuge with relatives and friends.

Among the dislocated residents are those from houses located on the hillsides of La Seiva Village in Maraval. Three of these houses came crashing down with the weekend’s heavy rains...”

The situation in La Seiva and Maraval was really quite terrible, Mr. Speaker.

“The entire area is without electricity, and residents complained that they have made calls to the Trinidad and Tobago Electricity Commission but no one visited them yesterday.”

The article goes on to talk about the devastation. For example:

“On third street, a number of cars were pushed downhill by the force of the water into the Maraval River...”

That article was published on November 23 2011, Mr. Speaker.

We have another article published on the November 19. It is in the *Express*:

“...Warner observes Maraval clean up

Works and Infrastructure Minister Jack Warner toured parts of Maraval yesterday and observed the clean-up operations that followed yesterday afternoon’s heavy rainfall which caused landslides and floods in the Maraval, St James, Diego Martin and Westmoorings areas.

Warner toured affected areas....

...residents led him to see and assist in the clean-up of roads and driveways as a few gated communities off the Maraval Road were flooded out when part of the wall that surrounds the Country Club came crashing down, sending torrents of mud and water onto their premises”.

Mr. Speaker, this is a photograph of the wall that collapsed in November. This is the collapsed country club wall that fell down November, 2011.

**Hon. Member:** They build a fence on top of the debris.

**Mr. C. Imbert:** Now Mr. Speaker, the rainy season is upon us again, and about a week ago I raised the question of the failure of the Ministry to dredge the main water courses in region of the Diego Martin. I spoke about the fact that the Maraval River was not dredged, the Diego Martin River was not dredged and I can say now the La Seiva River has not been dredged, the Dibe Ravine has not been dredged.

So, unless the Minister of Works and Infrastructure is more proactive in dealing with the clearing of main water courses in the region of Diego Martin, what happened in November of last year is quite likely to occur in November of this year. In fact, it could occur in September, it could occur in August because the M office has told us we are already into the rainy season.

When I raised the point, Mr. Speaker, that the rivers had not been dredged the Minister categorically denied it, and said that it is not so, and even the Member for Chaguanas East who lives in Maraval in the Moka area told him, and I heard him say “da is” not true. And the Minister said to me across the floor; you know he has dredged the rivers. Mr. Speaker, this is a picture of the Maraval River. Trees growing in the river! [*Member holds up picture*]. This picture was taken today.

**Hon. Member:** Show us, show us!

**Mr. C. Imbert:** Trees growing in the Maraval River. Look at it.

**Mr. Speaker:** Member, I have a ruling here. And do not violate the ruling. Any photos any Member would wish to display, please bring it to the Office of the Speaker an hour before, so I can look at the particular photo so that it does not infringe the Standing Orders. I have not seen any of those photographs until now. So, I ask you not to display anymore.

**Mr. C. Imbert:** Mr. Speaker, that is quite all right. The people who live in Maraval will be aware that there are six feet of silt in the area just before you get into the Haleland Park area where the Minister of Trade and Industry drives home every single day. As he looks outside his car window, as he bends the corner out of Maraval Village and he heads towards Haleland

Park, where the hon. Member for Diego Martin Central resides, he can look down in the river and see six feet of silt, bush and trees growing in the river.

The situation also occurs lower down in the Maraval River as you stand up on the bridge on the Morne Coco Road and you look down into the river; seven feet of silt, trees and bush growing in the river.

As you go further down, Mr. Speaker, the Minister visited Andalucía earlier this week. I am sure when he crossed the Andalucía Bridge across the Maraval River he look to his right, he looked to his left, he would have seen eight feet of silt in the Maraval River on these photographs which I will not display, but I am simply describing them.

**Mr. Sharma:** Yuh measure the river?

**Mr. C. Imbert:** Yes. “I went in the river with a tape and ah measure”, eight feet of silt, trees, bush, Mr. Speaker. [*Desk thumping*]

In the La Seiva tributary, you cannot even see the riverbed.

**Mrs. McIntosh:** Oh my God!

**Mr. C. Imbert:** Nine feet of bush, trees growing in the river, Mr. Speaker.

**Dr. Gopeesingh:** Growing from your time.

**Mr. C. Imbert:** When you go down by Adam’s Bagels, as you go lower down on Saddle Road, six feet of silt in the Maraval River. As you pass and you look over, six feet of silt in the Maraval River.

The Dibe River has not been cleaned. It is full of silt, debris, bush and trees. But I came into this Parliament and heard the Minister say that he has dredged the rivers in Diego Martin. I am calling upon the Minister; you have not done anything between January and June of significance with respect to dredging the Maraval River in the constituency of Diego Martin North East.

For your information, if you do not know, hon. Minister, through you, Mr. Speaker, the constituency of Maraval East starts just up of the Moka area and the constituency of Diego Martin North/East—I am very sorry—starts up at the top of the Moka Golf Course, and it ends just around the Ellerslie Plaza area.

The Maraval River continues from Ellerslie Plaza and goes down through Woodbrook and out into the sea. But I am speaking about the section between Ellerslie Plaza and the Moka Gulf Course which is now full with six feet of silt, rocks, debris, bush, trees, “ole” car, “ole” galvanize, “ole” fridge, “ole” stove.

We are into the rainy season. I am calling on the Minister to clear the Maraval River. While you are at it, clear the Diego Martin River, the La Seiva River, the Dibe Ravine—[*Crosstalk*]—I am only talking about the region of Diego Martin. I am certain that the situation also applies in other areas but I cannot speak for them. I have personal knowledge, having walked along the length and breadth of all these rivers and ravines I have spoken about. And I am calling upon the Minister to dredge and clear these rivers. Be more proactive!

**6.00 p.m.**

Now, Mr. Speaker, the other thing that I would like the hon. Minister to do is to deal properly with the expansion of the Diego Martin Highway. I raise this matter again. I told the Minister there are no workmen, no construction equipment and no construction activity taking place on the Diego Martin Highway expansion.

I have here an article in the *Newsday* dated June 06, 2012. It is a letter to the editor and it reads as follows:

**Mr. Warner:** By C. Peters?

**Mr. C. Imbert:** Yes. It says:

“I heard the Minister of Works and Infrastructure, Jack Warner, in Parliament on Monday in response to a question from MP Colm Imbert, saying work had already started on the Diego Highway and to quote him ‘over a month ago’. The minister, who is always eager to take the media along with him, should tour the highway and show exactly where this construction is taking place.” [*Desk thumping*]

Mr. Speaker, I do not think the Minister has accused me of that yet. The fact of the matter is, the hon. Minister of Works and Infrastructure came into this Parliament and gave this Parliament an assurance that work would commence on the highway improvement in Diego Martin in February of 2012, and would be completed by June 2012. Those were his words.

He came into this Parliament and those were his exact words—“work would commence on the widening of the Diego Martin Highway in February 2012 and be completed by June.” I read an article in the *Trinidad Express* dated November 25, 2011 by Anna Ramdass which says:

“Diego highway continues in 2012

Works and Infrastructure Minister Jack Warner assured yesterday that works on the Diego Martin Highway Improvement project will recommence in February 2012 and be completed by June 2012.”

June 2012 is almost over.

Mr. Speaker, I received an angry email—I think it was copied to you—from the Minister saying that, you know, I was gallerying when I said that no work was taking place. I was so flabbergasted, because I drive up and down that highway at least three or four times for the week. I went to

the stop—Mr. Speaker, I cannot show the photographs—but there are trees, houses, walls—here, look at it!—not a single piece of construction equipment, no workmen, no construction activity whatsoever taking place on the Diego Martin Highway. There is nothing going on, and the Minister is fooling himself. Somebody is setting him up.

I went there today just to make sure that I could speak without any fear of contradiction, and I can say that there is no construction work, no equipment and no workmen dealing with the Diego Martin Highway expansion. [*Desk thumping*] I am asking the Minister—he has come into this Parliament three times and given three dates for the completion of the Diego Martin Highway Improvement Project—three dates—and he has missed every single one of these dates. He is inconveniencing 100,000 people who reside in the region of Diego Martin. You are inconveniencing 100,000 people.

I am calling upon the Minister to be more proactive. Dredge the rivers in Diego Martin; fix the roads in Diego Martin and do what you say you are going to do. People are watching on. You think people did not hear the hon. Minister says that this work would be finished in June? You do not think people heard the Minister say he has dredged the Maraval River when you could go down inside there? If a little child falls in the Maraval River he or she will be covered in mud. I am calling upon the Minister—using his own words—to stop gallerying and deal with the infrastructure needs of the region of Diego Martin. Thank you, Mr. Speaker.

**The Minister of Works and Infrastructure (Hon. Jack Warner):** Thank you, Mr. Speaker. I rise to respond out of respect for you and this august House. I do not think, of course, the very Motion deserves the respect which

I would give notwithstanding. I do not have to rise 11 times to speak in one day in Parliament to gallery [*Laughter*] as another speaker—in fact, as the Member for Diego Martin North/East has done. I can gallery by my deeds. [*Desk thumping*]

Mr. Speaker, the Member for Diego Martin North/East is one of the bands of absentee MPs on the other side who do not take care of their constituents—

**Hon. Members:** Ohoooo!

**Dr. Moonilal:** That is true!

**Hon. J. Warner:** —because if they had taken care of their constituents, they would have known what is going on. In fact, a simple phone call—and he likes to text and BBM and so on, any one of those—would have given him the answer he sought this afternoon.

The intention is to give the appearance that it is the Government and, more so, this Ministry is not doing anything. He wants to make us look bad. Mr. Speaker, I want to tell the Member for Diego Martin North/East that he is no longer the Minister of Works and Transport and, furthermore, in our collective lifetime he will never be again. [*Desk thumping*] And, therefore, the kind of “tabanca” he has, he should wean himself from that. Let us take his argument.

He goes to a river he said, the Maraval River, and takes a tape and measures the silt in the river, six feet, seven feet, eight feet and this five foot man was not covered by the silt. [*Laughter*] [*Desk thumping and crosstalk*]

**Mr. Speaker:** Member for Diego Martin North/East, you had you say. [*Crosstalk*]

**Mr. Imbert:** I did not say anything.



**Mr. Speaker:** Yeah, but I see you are displaying. You are displaying photographs again. Please, pack it up and put it in your briefcase. [*Crosstalk*] No, I do not want to see it. Pack it away and put it in your briefcase. Please, do not display those things in this honourable House. Continue, hon. Member.

**Hon. J. Warner:** Thank you, Mr. Speaker. So, he goes to the river he says and he measures, as I said, for six feet, seven feet and eight feet and he comes out unscathed. [*Laughter*] No silt fell over him. He was not covered at all, and he was there measuring the silt and looking up—six feet, seven feet and eight feet, and he left there and not a piece of silt fell on him. If God—anyhow, let me not say anything.

Mr. Speaker, if the Member for Diego Martin North/East would visit his constituency and talk to his constituents he would know. On July 28, 2010—[*Crosstalk*]

**Mr. Imbert:** [*Photos in hand*]

**Hon. J. Warner:** Mr. Speaker, can I? I sat very quietly.

**Mr. Speaker:** Member for Diego Martin North/East, this is the last time I am appealing to you, do not display these photos whilst the Member is on his legs. I have already ruled on this matter. You are disregarding my ruling and my authority.

**Mr. Imbert:** I am sorry; I am sorry.

**Mr. Speaker:** I have asked you to put away those things. I do not want to see them. I have asked you that for the third time. Please, we are coming to the close of our Second Session, could you kindly cooperate? I appeal to you. Continue hon. Member.

**Hon. J. Warner:** Thank you, Mr. Speaker. If I were in this House as long as he has been, I would have more respect for you, Mr. Speaker. I want to apologize for the display we see here this afternoon.

The Member has joined the Member for Diego Martin Central and the Member for Diego Martin West in his complaint. I want to read for you an article written on July 28, 2010 by Ria Taitt in the *Express* and the headline is “Absent PNM MPs affected Diego results” and it says:

“...the PNM lost Diego Martin by seven/three to the People’s Partnership where it currently has three sitting MPs.

Significantly two of the three MPs, Diego Martin North East MP and former Works Minister Colm Imbert who was also an aspirant to the PNM political leadership and Amery Browne were absent from the local government election campaign.”

It says here, they were absentee MPs. Mr. Speaker, this may have been the exception, but let me show you the norm.

In another article dated May 05, 2012 in the *Express* says: “Rowley: I’m doing what I was elected to do” and it says: [*Crosstalk*]

**Mr. Speaker:** Please, please, Members.

**Hon. J. Warner:** I quote:

“...he understands the feeling of some of his constituents that the role of the Opposition Leader is all-consuming, leaving him little time for the people.”

It continues, and now Dr. Rowley is quoting and saying:

“It is true that I have not been on the ground as much.”

That is Dr. Rowley, who is complaining about, of course, the same Diego Martin.

Mr. Speaker, I am sure you hear about the absentee MPs who know nothing about their constituencies. I go further to say that it befuddles me and it befuddles anyone when you listen to the kind of accusations being made by the Member for Diego Martin North/East.

**Mr. Speaker:** Member for Diego Martin North/East would you be quiet.

**Mr. Imbert:** But he would not build the highway, Mr. Speaker.

**Mr. Speaker:** Listen, Member for Diego Martin North/East, please, I am appealing to you. You have had your say. You always appeal to the Chair for protection whilst you are on your legs. I offer you full protection. I feel you want to leave early, you know. [*Laughter*] I am getting the impression you want to go and you want me to assist you in leaving. I really feel you want me to do that. Oh God, I am just appealing to you, kindly allow the hon. Minister to speak in silence. Continue, hon. Minister.

**Hon. J. Warner:** Thank you, Mr. Speaker. I am very sorry you know, but, you see, I listen quietly and I did not say “boo”, but I would try to make my point regardless.

On May 19, 2012, in the *Express* again, the writer was Kim Boodram, and he said that the Diego Martin North/East MP Colm Imbert is credited by some constituents—possibly for the first time—for assisting them to be placed in jobs and in training programmes. They have given him credit for URP. However, the Trinidad and Tobago Attackers Football Club said that the Member had not supported them. They said he does not support sports in Maraval. Mr. Speaker, they also said it took years for the lights—

**Mr. Imbert:** Mr. Speaker, Standing Order 36(1). He is not dealing with infrastructure at all; 36(1).

**Mr. Speaker:** Member, if you could link those points.

**Hon. J. Warner:** Mr. Speaker, I am showing that absent MPs cannot account for the work in their constituencies.

**Mr. Imbert:** No, the river and the road!

**Hon. J. Warner:** I am coming to that. [*Crosstalk*] I am saying that you are absent, and because you are absent you do not know. Mr. Speaker, I would go further to make the point what a member of the club David said about the Member for Diego Martin North/East.

“We feel as if you only see him when it is time to take credit for something, even if...”

**Mr. C. Imbert:** Mr. Speaker, Standing Order 36(1). It has nothing to do with my Motion; 36(1).

**Mr. Speaker:** Continue, continue, hon. Member.

**Hon. J. Warner:** It continues:

“...it has nothing to do with him.”

Mr. Speaker, on November 23, 2011, the report says:

“Imbert not seeing Diego Martin...”

And they went on and on.

**Mr. Imbert:** What that has to do with the Motion? [*Crosstalk*]

**Hon. J. Warner:** I am making the point, Mr. Speaker, that the Member for Diego Martin has not been paying attention to his constituency.

**Mr. Imbert:** Build the highway!

**Hon. J. Warner:** Mr. Speaker, he reads from an article by one C. Peters. Mr. Speaker, try to recall, on Monday, June 04, 2012 we came here and I said that work began on the highway in Diego Martin. I said so. That is on

the Monday and on the Wednesday, June 06, 2012 in an article by C. Peters—and I know what “C” Stands for—the very same article he read in this House a while ago says at the bottom of the article:

“Editor’s note: Clearing the buildings, that stand in the way of the widening of this highway was started about three weeks ago.”

**Mr. Imbert:** That is not true!

**Hon. J. Warner:** Why did he not read that note from the very same article he read to the House?

**Mr. Imbert:** That was not in the article.

**Hon. J. Warner:** The editor of the newspaper says:

“Clearing the buildings, that stand in the way of the widening of this highway was started about three weeks ago.

But he comes here and reads half of the report.

I go now, of course, to the Diego Martin Highway. Very quickly, this highway had a genesis from since 2004. [*Crosstalk*]

**Mr. Speaker:** Hon. Member for Diego Martin North/East, I think you should leave the Chamber now.

**Mr. Imbert:** Yes, Sir. I cannot stand—

**Mr. Speaker:** Yes, yes, I think you should leave.

**Mr. Imbert:** He is just not speaking the truth.

**Mr. Speaker:** Leave, leave. [*Crosstalk*]

**Mr. Imbert:** [*Inaudible*] of untruths. [*Crosstalk*]

**Mr. Speaker:** Member—

**Mr. Imbert:** I am leaving, I cannot take the untruths. The boldfaced untruths! Not a stroke of work is taking place in Diego Martin. Nothing is being done in Diego Martin. [*Crosstalk*] The people will hear about this. [*Crosstalk*]

**6.15 p.m.**

**Hon. J. Warner:** Thank you, Mr. Speaker. I hope the members of Chaguanas West will understand that I will never behave that way. My constituents will know I will never get put out of the House, never.

Mr. Speaker, 2004, Diego Martin Highway has a history beginning 2004. Between 2004 and 2006 the Member for Diego Martin North/East interfered in the process on several occasions and therefore frustrated the process for the highway to begin 2004 and 2006. Mr. Speaker, for four years nothing was done. It was left alone. In January 2010, again attention was placed on the Diego Martin highway. For four years it remained dormant—2006—2010. Began in 2004, designs and works and so on, 2006 it remained dormant—2010. For four full years nothing happened.

Mr. Speaker, again, when work began in 2010 the Member for Diego Martin North/East again interfered in the work. And for a second time work was stopped on the Highway in Diego Martin. I would want to say to you quickly, on June 6 in an article, *Newsday*—all I am saying here was confirmed—very easy to check it. I am accused of doing no work in Diego Martin.

Let me give you some examples of the work that is done in Diego Martin, and I will talk about the rivers just now. We now go to bridges, Mr. Speaker. Bridges built, bridges strengthened, sidewalks built and retaining walls built in Sierra Leone Road, in Maraval Road, in Coblentz Avenue—

2013 for Coblentz Avenue, but the first two, Maraval Road and Sierra Leone Road, bridges strengthened, retaining walls and sidewalks.

In 2011, road rehabilitation undertaken—in September 2011, the Western Main Road, \$258,000. Scorpion Alley off Hague Street, \$942,000. Fort George Road off George Cabral Street in St. James, \$2.65 million, but to know that, you have to go up there to see, you have to drive to see for yourself.

In Diego Martin, contracts have been awarded for Diego Martin, lay-by road for \$5.5 million. It has been awarded. Morne Coco Road, Westland Avenue from Western Main Road to Four Roads, the work has started for \$4.1 million. Humming Bird Avenue, off Sparrow Drive, \$1—  
[*Interruption*]

**Mr. Speaker:** You have one minute, Sir, one minute.

**Hon. J. Warner:** Mr. Speaker, for dredging roads in Diego Martin, we spent \$5.3 million. For road works in Diego Martin we spent a little more than \$8 million. There are works for \$2.3 million in 2012. The bridge in Bagatelle Ravine, Mohogany Trace, Pregnancy Lane La Puerta, Petit Valley Ravine—yesterday I was in Andalucia where the MP was not there and the people were saying that for eight years they have not seen him—Andalucia eight years. I went there on Wednesday to see a river that had to be cleared and I was asking them when did this happen, two years ago? They said no, this is an eight-year-old problem. I asked, who is your MP is. They say he living across there.

**Dr. Gopeesingh:** That is the eight feet he talking about.

**Hon. J. Warner:** Yes, and telling me that we have not—there is no way, no constituency in the deep south, Siparia, Oropouche, Fyzabad, Naparima or in

Central, no constituency could boast in the last eight years of that Member being a Minister what has been done in Diego Martin in the last two. We have done in two years what he has never done in eight years for any constituency in south—[*Desk thumping*]

Mr. Speaker, I rest my case. I thank you.

**END OF 2<sup>ND</sup> SESSION OF 10<sup>TH</sup> PARLIAMENT  
(EXPRESSIONS OF THANKS)**

**Mr. Speaker:** Hon. Members, before putting the question for the adjournment of the House, may I seek your indulgence. Hon. Members we have come to that time, and before putting the question for the adjournment of this honourable House, may I join with you, and of course, I would imagine the hon. Leader of the House who will say a few words shortly and of course, the Opposition Chief Whip who I am going to invite to say a few words.

I would like to say that we have had a very successful session to date, and that this House demonstrated its commitment to the high standards of democracy. We have been tolerant and patient with each other and all have been given equal opportunity to be heard in this honourable House. During this session as well, many of you contributed to a number of initiatives aimed at strengthening the legislative arm of the State, including the committee system. I give you the assurance that all these initiatives will continue in the new session.

Although, we were unable to present a report of the Standing Orders Committee, rest assured that the work by the technocrats will continue through the recess period, so that when the new committee is appointed in the new session there will be work to be done from the outset.



Hon. Members, like all of you, I look forward to a very great Third Session of our Tenth Parliament. I will now call on the hon. Leader of the House to say a few words and then the hon. Member for Port of Spain South, the Chief Whip.

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Thank you very much. Mr. Speaker, at this time it is appropriate to express on behalf of the Head of the Government and Prime Minister, the Member for Siparia, the Hon. Kamla Persad-Bissessar, to extend our thanks and gratitude to you for the very important role that you have played over the last year, the Second Session of the Tenth Parliament in presiding over this Chamber and in the House of Representatives. [*Desk thumping*]

Mr. Speaker, it is without doubt that you have presided over these proceedings with a level of dignity, a level of flexibility, but yet sternness that the office no doubt requires. May I also express gratitude to the parliamentary staff, to the Clerk of the House and all the members of staff of Parliament for their professional work. [*Desk thumping*] I will not call the divisions of the Parliament, but all employees and members of the staff who have performed well and beyond the call of duty. There were several occasions during this session when members of staff, we know, were strained somewhat and at wits end to ensure that they provide all services to Members of the House and indeed to the Speaker at very difficult and unsocial hours.

Mr. Speaker, may I also remind Members that it was in this session that we had what we believed to be the longest sitting of the House of

Representatives in our history, some 26 hours of continuous debate during a particular matter. On that occasion, as on several occasions, the staff performed with distinction.

May I also thank the members of the Trinidad and Tobago Police Service and police officers attached to the Parliament for the work that they do. These are members who work hours before the arrival of Members, but they also stay hours after the departure of Members to ensure that all is smooth and safe for the Parliament and within the precinct of the Parliament.

Mr. Speaker, it would be the remiss of me if I do not take the opportunity to congratulate and express gratitude to all Members of the Government, Ministers of Government, who notwithstanding very hectic schedules, have been able to participate fully, Parliament and ensure that the work of the Government takes place in terms of our parliamentary agenda; all Members of the Government.

May I also express my gratitude to the Opposition Chief Whip, the Member for Port of Spain South who has lent during the Second Session as before, an enormous amount of cooperation and support to ensure the smooth conduct of business of this House. [*Desk thumping*] I also thank by extension, all Members of the Opposition. Notwithstanding the adversarial nature of the Westminster political model, and notwithstanding the passion that all representatives of people do display time and time again, I believe over the last session that Members of the Opposition in genuine pursuit of the interest of their constituents and by extension Trinidad and Tobago, have also demonstrated an enormous ability to perform, sacrifice and participate with Government Members in the conduct of the business.

We often forget that there are members of the public gallery who have become almost a ritualistic part of the proceedings since many are repeat participants and attendees at the House. We thank all who have participated.

It is not at this point, Mr. Speaker, to give any account of the work of the Second Session, but to indicate that we are extremely pleased with the output and with the outcome of our Second Session and, Mr. Speaker, during any break that would be pending, we want to wish all Members of the House, we want to wish you, Mr. Speaker, we want to wish the Clerk of the House and her hard working staff at least a very comfortable stay and vacation, if vacation will be embarked upon during the time that we may not be at regular sittings of the House.

Mr. Speaker, before I take my seat, may I take the opportunity as well on Sunday it is Father's Day, to wish all the fathers in Trinidad and Tobago a very wonderful day. Next week is also the Labour Day celebration in Trinidad and Tobago and on behalf of the Government express our best wishes and commendation to members of the labour movement in commemoration of Labour Day, June 19, which is a very important day in the life and history of Trinidad and Tobago. Mr. Speaker, I thank you.

**Ms. Marlene McDonald** (*Port of Spain South*): Thank you, Mr. Speaker. Mr. Speaker, we have just come to the end of a rather exciting Second Session of the Tenth Parliament of the Republic of Trinidad and Tobago. I want to describe this session as rather challenging in parts. The Leader of Government Business spoke very eloquently about the success, et cetera, of the Second Session. I will like to state on behalf of this Bench that the legislative agenda of the Government remains very unclear to us and at best unknown to this Parliament. We on this Bench would appreciate more time

between the laying of a Bill and the actual date of the debate. This would lend to a much better quality of debate in this House.

Mr. Speaker, I also want to register the fact that too oftentimes during the course of this Second Session I have witnessed or we on this Bench, we have witnessed where the Government has used its majority to pass Bills ignoring many of the pitfalls and the concerns of the Opposition.

Whilst those might be some of the shortcomings, Mr. Speaker, I have also witnessed the trilogy of Bills that came to this House between October to December last year. I am very privileged to have debated in all three: the DNA, the Indictable Proceedings and Electronic Monitoring. I have to state though, Mr. Speaker, that the DNA we already had in our books, but I think that the two groundbreaking pieces of legislation were the Indictable Proceedings, that is the removal of the Preliminary Enquiries and the Electronic Monitoring. Though we did not agree with it, the point about it is that the concept was good, the implementation we believe was bad.

But we still await the Capital Offences Bill which was supposed to return to this Parliament. We also await the legislation on the Land and Building Taxes, because I believe that if the citizens of Trinidad and Tobago are looking on here this afternoon, I know people would like to pay their Land and Building Taxes, in whatever form, in whatever name it goes by, property tax, land and building, we would like to pay our taxes. So we await, Mr. Speaker, legislation on same.

All and all, I want to thank my colleagues both on the Opposition Bench as well as the Government Bench for their contribution made during the Second Session. Let me grasp this opportunity also to thank the Leader of Government Business, my colleague from Oropouche East, the hon.

Minister of Housing and the Environment with whom I interact virtually on a daily basis in order for us to structure and focus what we are doing here on a weekly basis. And for this, I thank the hon. Member, because many times people would not know what goes on behind the scenes.

**6.30 p.m.**

I want to thank the staff of the Parliament for their dedication and their commitment to their jobs. [*Desk thumping*] Many times I know they go beyond the call of duty, and I want to thank them sincerely—the Clerk of the House—and sometimes I myself add to the stress, asking for things at very short notice. I want to thank you all, sincerely. [*Desk thumping*]

Last, but not least, I say thanks to you, Mr. Speaker, and I will say no more. [Interruption] Member for Fyzabad, there was not any input. [*Laughter and desk thumping*]

Mr. Speaker, I also grasp the opportunity to wish all my colleagues on both sides of the House—this House is going to be adjourned to a date to be fixed. I want to wish you all the best. I want to wish you—you know, take some holidays. Today I was having a conversation with the Member of Fyzabad upstairs and he said to me that a doctor told him that if you look at the history of parliamentarians, we all will get sick. If it is not pressure, it is heart. I want to agree with him, because I myself this week was really under the weather. I want to just tell you, take some time out. I know you all have your ministries, but just take a little time out and relax, as you return to the third session. We are the legislators and the citizens are, indeed, waiting on us to pass the necessary legislation.

Mr. Speaker, with those few words, I thank you. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, let me finally also join both Leaders in extending happy Father's Day greetings to all the fathers of the nation, as well as to extend to members of the labour fraternity and labour movement, a happy Labour Day, June 19.

Members, also, finally, let me indicate to the national community, we here extend our congratulations as we prepare for the imminent celebration of this nation's 50<sup>th</sup> anniversary of Independence. I just want to record that as well.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.33 p.m.*