

HOUSE OF REPRESENTATIVES

Tuesday, July 03, 2018

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]



LEAVE OF ABSENCE

Madam Speaker: Hon. Members, the hon. Maxie Cuffie, MP, Member for La Horquetta/Talparo has requested leave of absence from sittings of the House during the period July 3rd to 6th, 2018. Mr. Rudranath Indarsingh, MP, Member for Couva South, has requested leave of absence from sittings of the House during the period July 2nd to the 20th, 2018. And Dr. Fuad Khan, MP, Member for Barataria/San Juan and Mrs. Christine Newallo-Hosein, MP, Member for Cumuto/Manzanilla have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

PAPERS LAID

1. Report of the Central Bank of Trinidad and Tobago on Insurance and Pensions for the year ended December 31, 2016. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]

SILENCE OF DEVICES

Madam Speaker: And before we proceed, might I ask all Members to ensure that their devices are on silent so that they do not disturb the proceedings. The Minister of Education.

The Minister of Education (Hon. Anthony Garcia): Madam Speaker, I have been directed by Cabinet to make—

Hon. Member: Not that one, the next one. [*Crosstalk*]

PAPERS LAID

2. Administrative Report of the University of the West Indies, St. Augustine Campus for the fiscal year 2015 to 2016. [*Hon. C. Robinson-Regis*]
3. Administrative Report of the National Energy Skills Centre for the period October 2013 to September 2014. [*Hon. C. Robinson-Regis*]

PUBLIC ACCOUNTS COMMITTEE REPORT (Presentation)

Dr. Bhoendradatt Tewarie (*Caroni Central*): Madam Speaker, I have the honour to present the following reports:

Trinidad and Tobago Bureau of Standards

Seventeenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago Bureau of Standards for the financial years 2009 to 2013.

Airports Authority of Trinidad and Tobago

Eighteenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Airports Authority of Trinidad and Tobago for the financial years 2008 to 2012.

URGENT QUESTIONS

Bishop's Centenary College (Unpaid Salaries to Teachers)

Dr. Tim Gopeesingh (*Caroni Central*): Thank you, Madam Speaker. To the hon. Minister of Education: Notwithstanding the undertaking of the Minister to the Senate on May 29, 2018, why has the Ministry of Education not paid the teachers at Bishop's Centenary College which has resulted in the teachers at that College walking off the job due to unpaid salaries?

The Minister of Education (Hon. Anthony Garcia): [*Desk thumping*] Madam Speaker, the Ministry of Education does not pay teachers at private secondary

schools. Bishops Centenary College is a private secondary school. The Ministry of Education gives stipends to private secondary schools which accommodate students on the basis of the SEA exams. Let me reiterate, the Ministry of Education does not pay the salaries of teachers at the private secondary schools. Thank you.

Madam Speaker: Supplemental, Member for Caroni East.

Dr. Gopeesingh: Having made the statement of you paid the stipends, have the stipends been paid to the Bishop's Centenary College, and what date have the stipends been paid?

Madam Speaker: One question, have the stipends been paid? Minister of Education.

Hon. A. Garcia: Madam Speaker, the information that is available to me tells me that stipends for terms one and two have been paid, and at this moment, stipends for term three are being processed. Thank you very much.

Madam Speaker: Supplemental Member for Caroni East.

Dr. Gopeesingh: Hon. Minister, are there any other schools so affected, and therefore teachers affected by this?

Madam Speaker: Member, that question is a bit vague. What does "affected" mean?

Dr. Gopeesingh: Are there any other schools affected by such a situation?

Hon. Member: Non-payments.

Dr. Gopeesingh: Of non-payment?

Madam Speaker: Member for Caroni East, could you just clarify the question to be certain what are you asking?

Dr. Gopeesingh: Are there any other schools similar to this so affected by failure to pay the stipend to these schools?

Hon. A. Garcia: Madam Speaker, the fact that you have had to ask the Member for Caroni East [*Laughter*] on several occasions to clarify his statement—

Madam Speaker: Order! Order!

Hon. A. Garcia: —it tells me that he is confused. Once again, I do not know of which he speaks. I do not know what other schools he is talking about. I have made it clear; in our education system we have two types of schools. We have public schools and we have private schools. The Government does not pay stipends for teachers in the private schools and I do not know the genesis of this question. [*Crosstalk*]

Madam Speaker: Please, order! Member for Naparima.

**Trinidad and Tobago's High Commissioner to India
(Reported Resignation)**

Mr. Rodney Charles (*Naparima*): To the Minister of Foreign and Caricom Affairs: Could the Minister indicate whether the Trinidad and Tobago High Commissioner to India has in fact tendered his resignation based on administrative concerns as reported and if so, has the Prime Minister has accepted the resignation?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Madam Speaker. Madam Speaker, the High Commissioner of Trinidad and Tobago to India has tendered his resignation, and the Prime Minister of Trinidad and Tobago has accepted his resignation.

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Could the Minister indicate what were the concerns, including administrative ones, expressed by the High Commissioner in his letter of resignation?

Madam Speaker: Minister of Foreign and Caricom Affairs.

Hon. Maj. Gen. E. Dillon: Madam Speaker, I am unable to say the reasons for his resignation at this point in time.

Madam Speaker: Supplemental Member for Naparima.

Mr. Charles: Is the acting Minister in a position to say whether similar concerns were expressed by other High Commissioners and Ambassadors?

Madam Speaker: I would not allow that, having regard to the answer that was given. Member for Princes Town.

Mr. Padarath: Thank you, Madam Speaker. To the hon. acting Minister. Could the Minister say in the light of the acceptance of resignation of the substantive High Commissioner at that time, who will be acting in the position in India?

Madam Speaker: Minister of Foreign and Caricom Affairs.

Hon. Maj. Gen. E. Dillon: Madam Speaker, it is natural after the High Commissioner is the Head of Chancery, who would act. It is normal.

Treatment of Osteosarcoma (Lack of Local Specialists)

Mrs Vidia Gayadeen-Gopeesingh (*Oropouche West*): Thank you, Madam Speaker. To the Minister of Health: Regarding reports indicating that a San Fernando woman is seeking urgent funding for medical treatment abroad for osteosarcoma given the lack of local specialists able to treat this condition, can the Minister indicate whether the Ministry will consider providing any resources to this citizen at her time of desperate need?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Madam Speaker. This question is based on a false premise born out of a lack of understanding of the health care system. The way the question is phrased indicates there is a lack of specialists. That is the furthest thing from the truth. The patient is currently under the care of a specialist receiving chemotherapy, after which she

would be assessed and a decision made to continue her treatment. It is unfortunate that this patient chose to go to the media, so I now have to explain certain things. There is no need for the taxpayer to fund this patient abroad, because every inch of care that this woman needs is available locally at both San Fernando, where she is currently being treated under the care of an oncologist, and if not it is available at St. James. So, there is no need for this patient who is currently in the public care system, currently under the care of specialist doctors, to have a question phrased in this way talking about lack of local specialists. Nothing is further than from the truth.

And if the Member for Oropouche West would have checked with either the Members for Fyzabad, or Barataria/San Juan, she would not have phrased her question in this way. I want to reiterate, the public does not have to spend US \$200,000 because the treatment is available locally, and she is currently under the care of specialist doctors at San Fernando. I thank you very much, Madam Speaker.

Madam Speaker: Supplemental, Member for Oropouche West.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, how many specialists do we have in Trinidad dealing with this osteosarcoma?

Hon. T. Deyalsingh: Plenty. [*Laughter*]

Madam Speaker: Supplemental, Member for Oropouche West.

Mrs. Gayadeen-Gopeesingh: What is plenty?

Hon. T. Deyalsingh: More than a few.

Madam Speaker: Member for Caroni East. [*Crosstalk*] Order! [*Crosstalk*] Order! Member for Caroni East.

Flooding in Port of Spain (Preventative Measures)

Dr. Tim Gopeesingh (*Caroni East*): To the Minister of Works and Transport: Could the Minister indicate why preventative measures were not implemented on a timely basis prior to the onset of the rainy season which resulted in major flooding in the capital city of Port of Spain?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam Speaker. I think it is clear that the drainage in downtown Port of Spain—[*Crosstalk*]

Mr. Deyalsingh: Madam Speaker, I ask that what the Member for Oropouche just spoke to me across the floor be expunged from the record? She is being insulting and out of place. [*Crosstalk*]

Mr. Padarath: You called the Member “dotish”.

Madam Speaker: Member! Member for Princes Town, if you would face—[*Continuous crosstalk*]—may I have order please? I am standing! Member for Princes Town, I think if you face your chair in this way you would not so often be committing the infractions that you do. All right? Member for St. Joseph, one, I do not know under what Standing Order you have raised. And, secondly, nothing has reached this Chair. All right? I remind Members though, and this is for the continuing of today's proceedings, in that certain behaviour is expected at you. Certain things are considered unparliamentary, and while we are entitled to some banter, banter must know its boundaries. Minister of Works and Transport.

Sen. The Hon. R. Sinanan: Thank you, Madam Speaker. It is a clear fact that the Ministry of Rural Development—the Port of Spain City Corporation is responsible for the drainage in the capital city Port of Spain. However, the Ministry of Works and Transport does give assistance to the Port of Spain Corporation in the form of technical support and some equipment when required.

The Ministry of Works and Transport would have done exactly what was expected from the Ministry of Works and Transport before the rainy season, and that is why both the St. Ann's river and the Diego Martin river did not burst their banks. The water that came into the capital city, if I am just to give a little indication of how much rain fell on the 1st July, on the 30th of June, which was the day just before, you had in the St. Ann's area 1.2 millimetres. On the 1st of July, which is the day of the rain, it was 84.4 millimetres, a significant amount of rainfall. And, during the time of 5.00 to 6.00 p.m., which is when the flood took place, 55.8 millimetres of rain fell within just that one hour space.

Clearly, the channels in Port of Spain are not engineered for that amount of rainfall. The flooding took place on the lower part of Port of Spain where the water normally enters the sea. At 7.00 p.m. there was high tide. So, there was a challenge in the water getting into the sea. However, this morning, as directed by the acting Prime Minister, the Ministry of Works and Transport did accompany the city corporation on an inspection of the underground drains, and based on the preliminary report that I got on the inspection—

Madam Speaker: Hon. Minister, your time is now spent.

Sen. The Hon. R. Sinanan: Thank you.

Madam Speaker: Supplemental, Member for Couva North.

Ms. Ramdial: Thank you, Madam Speaker. Minister, can you give an update on the accessing of a US \$120 million IDB loan for a Flooding Alleviation Programme for the City of Port of Spain that was undertaken by NIDCO and drainage division since 2014?

Madam Speaker: The Minister of Works and Transport.

Sen. The Hon. R. Sinanan: Madam Speaker, as I was saying before, all inspections show that the drains were cleared. [*Desk thumping*] That study,

undertaken by NIDCO in 2014, was submitted to the IDB for its review. Unfortunately, the IDB rejected that proposal.

Madam Speaker: Supplemental, Member for Caroni East.

Dr. Gopeesingh: Minister, what would the Ministry of Works and Transport do about the recommendations by the Netherlands group for cleaning up the drains and the watercourses in Port of Spain? Are you aware of that?

Madam Speaker: Minister of Works and Transport.

Sen. The Hon. R. Sinanan: Madam Speaker, at this time there is an ongoing project of cleaning up the drains and the watercourses. However, the Ministry of Works and Transport, in-house, has designed a project which we are actually doing, a pilot project to install a sump and a pump to pull the water out of South Quay. If that is successful it will be duplicated along Wrightson Road to at least get the water out in the high tide. Thank you.

Madam Speaker: Minister of Education.

Accommodation of Students (Financial Arrangements)

Dr. Tim Gopeesingh (*Caroni East*): To the Minister of Education: With respect to discussions between the Ministry of Education and the Trinidad and Tobago Association of Private Secondary Schools for a new financial arrangement for accommodation of students, can the Minister indicate the state of such current negotiations and respective position of both entities?

Madam Speaker: Minister of Education.

The Minister of Education (Hon. Anthony Garcia): Madam Speaker, discussions between both parties are ongoing. It will not be prudent of me at this time to disclose the positions of the various parties, and therefore I am unable to do so at this point. Thank you.

Madam Speaker: Hon. Members, question time is now spent.

STATEMENTS BY MINISTERS**National School Code of Conduct
(Revision of)**

The Minister of Education (Hon. Anthony Garcia): [*Desk thumping*] Madam Speaker, I have been directed by Cabinet to make the following statement: I am pleased to inform this honourable House of the revision of the National School Code of Conduct, which includes principles of good conduct, standards of behaviour, and identifies possible consequences for misconduct for all school personnel. [*Desk thumping*] It establishes a framework for the development and implementation of rules and procedures at the school level, which are deemed prerequisites for safe, productive, teaching, learning and working environments.

Madam Speaker, Cabinet, in July 2009, approved the implementation of the National School Code of Conduct. However, since its inception the document has not been revised and updated. In 2018, the Ministry of Education undertook a comprehensive review of the document to ensure the incorporation of new legislation that impacts the schools, teachers and the children that reflects the pervasiveness of the internet and the social media, with their concomitant influence on cyber-related infractions, and the need to update responsibilities and standards of behaviour that is supportive of 21st Century learning environments.

Madam Speaker, this review process involves the establishment of a committee in February 2018, which comprised representatives from key stakeholders such as:

- The Trinidad and Tobago Unified Teachers Association.
- The National Parent/Teachers Association.
- The Association of Principals of Public Secondary Schools.
- The Association of Principals of Assisted Secondary Schools.
- The National Primary Schools Principals Association.

- The Division of Education, Innovation and the Energy, Tobago; and
- The Ministry of Education personnel.

Further, the Ministry of Education elicited the views, invited submissions from the various organizations, representatives on the committee, as well the general public. I am pleased to report that the committee was able to complete its work in record time with the submission of the revised code of conduct by June 2018. This revised code of conduct incorporates guiding principles that articulate the desirable and positive behaviours and attitudes required for individuals, comprising the school community, and assist in the determination of right and wrong.

The committee reviewed and updated these guiding principles to include areas pertinent to respect, responsibility, rights, integrity, courtesy, productivity and performance. To facilitate ease of reference by school personnel of related areas in the National School Code of Conduct the content of the school code of conduct was rearranged and a new framework developed to depict graphically the roles and responsibilities for school personnel, teachers, stakeholders, as well as promote the required standards of behaviour and range of consequences.

In establishing the expectations for reasonable behaviour of school personnel, the committee explored and updated the undermentioned standards related to academic performance, attendance and punctuality, good behaviour, dress and grooming and social transport, and further to combat fighting, assault, threats, arson, the use of dangerous objects, firearms and substance abuse. Additionally, the committee developed standards for addressing incidence of bullying, cyberbullying, the use of cellular phones, data security and privacy, the conduct of examinations and social media.

Madam Speaker, in addressing the enactment of new laws that impact the school environment, teachers and children of school age, the committee also reviewed and updated all legislation, regulations and circular memoranda governing the standards of behaviour. The range of consequences for infractions was also amended to incorporate new approaches such as mediation, referral to Learning Enhancement Centres, in-school intervention, and other initiatives aimed at deterring repeated behaviour.

Madam Speaker, referral to the learning enhancement centres is one of the recent options available for students who have displayed gross misconduct. These centres are facilities where students who engage in serious acts of misconduct and who are placed on extended suspension are assigned to reduce recurrence upon their return to school. The programme at the learning enhancement centres is conducted by officers of the Student Support Services Division and includes a series of assessments, individual or group counselling and the skill-building sessions to enhance the students' psychosocial functioning in preparation for reintegration to the school system.

It should also be noted, Madam Speaker, the Ministry of Education, in addressing incidence of misconduct on the part of administration and staff in schools is guided by the Education (Teaching Service) (Amendment) Regulations 2000. Madam Speaker, in promoting discipline, the Ministry of Education as part of its national strategy, has provided guidance for the development of data driven, context specific, school-based school discipline plans by all schools. The National School Code of Conduct therefore is fundamental to the development of these school discipline plans and provides the framework that assists schools in developing guidelines for behaviour and consequences for school personnel or what is referred to as the School Discipline Matrix. Through the use of such statistics, the Ministry

will report to the national community on the continued reduction of the incidence of indiscipline in our schools.

Madam Speaker, in conclusion, principals, in collaboration with staff, parents, students and other stakeholders within the school community are expected to implement this National School Code of Conduct in a manner that is sensitive to diversity and the culture of schools at the commencement of the 2018/2019 academic year beginning in September 2018. Thank you very much. [*Desk thumping*]

Madam Speaker: The Minister of Finance. [*Desk thumping*]

**Clarification of Information in Documents
(Purchase of *Galleons Passage*)**

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert):

Thank you, Madam Speaker. I have been authorized by the Cabinet to make the following statement: On Friday the 27th of June, 2018, I circulated seven documents related to the purchase of the *Galleons Passage* in the House of Representatives. These documents included:

- (a) The Memorandum of Agreement (Norwegian Sale Form) for the sale and purchase of the vessel executed on the 12th of January, 2018 between Sealease Limited of Hong Kong and the National Infrastructure Development Company Limited of Trinidad and Tobago (NIDCO), together with the Bill of Sale and associated documents lodged with the Vanuatu Commissioner of Maritime Affairs; and
- (b) the pre-purchase condition survey, done by Lloyd's Register Classification Society (China) Limited, dated December 10th, 2017.

The Parliament subsequently posted all seven documents on a link. Namely, <https://parlcloud.ttparliament.org/index.php/s/5QTNt9FTiTYNgsZ>—and it is going to be in the statement, Madam Speaker— And for those who did not hear that, it would be circulated.

However, after I circulated the documents, a number of articles appeared in the newspapers, which did not make reference to the Lloyd's Register pre-purchase condition survey and instead made reference to perceived issues regarding the condition of the vessel and its associated documentation that were not relevant.

2.00 p.m.

For the avoidance of doubt, when a vessel is purchased for use as a passenger vessel, a condition survey report is usually obtained from a classification society. A classification society is a non-governmental organization that establishes and maintains technical standards for the construction and operation of ships and offshore structures. Classification societies validate and report that construction of a vessel is in accordance with relevant standards and carry out regular surveys in service to ensure continuing compliance with the standards.

Lloyd's Register is one of the leading and most respected classification societies in the world, having been established in the year 1760, over 250 years ago. It has surveyed and classified thousands of vessels over the years and it goes without saying that a certificate of class from Lloyd's Register, or a similar reputable classification society is a sine qua non, or an essential condition for determining and confirming the seaworthiness of a vessel.

For the avoidance of doubt, the following words appear in bold on page 8 of the Lloyd's Register pre-purchase condition survey for the *Galleons Passage*, which was circulated to hon. Members last week and I quote:

Problems with engine vibration and shafting and stern bearings found during the sea trial were solved. During the sea trial on 11/07/2017, attending surveyor was satisfied with the related conditions. Shaft seal temperatures were measured and found satisfactory.

It is to be noted that Lloyd's Register and no other entity is the final arbiter of the condition of a passenger vessel and further, that Lloyd's Register gave the *Galleons Passage* a Category 1 status, that is to say, the highest category for all items surveyed, including the hull, deck, superstructure, engines, mechanical and electrical equipment, safety equipment, life-saving equipment, piping systems, gears, controls, generators, instrumentation, et cetera.

Accordingly, Madam Speaker, I am recirculating the Lloyd's Register pre-purchase condition survey for the *Galleons Passage* for the benefit of hon. Members and I would ask Members, the media and the general public to pay particular attention to the notation on page 8 of this document and the score, that is to say, the highest possible score, given by Lloyd's Register on pages 13 to —34 of the document for each item examined in the survey of the vessel.

I am also recirculating Appendix B to the Memorandum of Agreement (Norwegian Sale Form) for the sale and purchase of the vessel which gives full details of the seller's and buyer's obligations with respect to the completion of additional works on the vessel, inter alia. This appendix appears not to have been attached to the MOU in the aforementioned link to the seven documents. Thank you, Madam Speaker. [*Desk thumping*]

Mrs. Persad-Bissessar SC: Madam Speaker, may I rise with Standing Order 24(4) please?

Madam Speaker: Permitted.

Mrs. Persad-Bissessar SC: Thank you very much. Hon. Minister, having

indicated at a point in time that the Dun & Bradstreet had done a report of forensic and financial, my question is: Why was this report not laid with the other documents that you were so kind to lay?

Hon. C. Imbert: Thank you, Madam Speaker. Madam Speaker, Dun & Bradstreet does not certify, classify, investigate or examine the condition of a vessel or any other piece of equipment. All Dun & Bradstreet does is confirm the ownership and status of companies and entities. The Dun & Bradstreet Report, as I have said before, confirmed the status and ownership of the companies involved.
[Desk thumping and crosstalk]

JOINT SELECT COMMITTEE REPORT

Anti-Terrorism (Amdt.) Bill, 2018 (Adoption)

[Third Day]

Madam Speaker: Hon. Members, the committee stage of the following Bill that was adjourned on Friday, June 29, 2018, will be resumed.

A Bill entitled an Act to amend the Anti-Terrorism Act, Chap. 12:07.

The House will now go into the committee of the whole.

House in committee.

Madam Chairman: Are you all ready?

Mrs. Persad-Bissessar SC: May I ask you, Madam Chair, if this is a consolidation of all amendments thus far?

Madam Chairman: Yes it is.

Mrs. Persad-Bissessar SC: Including our last sitting here?

Madam Chairman: Yes. So hon. Members are we ready? And maybe my opening statement will clarify.

Mrs. Persad-Bissessar SC: Sure.

Madam Chairman: Hon. Members, on Friday, June 29, 2018, clauses 1 to 45 of the Anti-Terrorism (Amdt.) Bill, 2018, were considered in the committee of the whole and approved, with, and without amendments. As we resume the committee of the whole, we will proceed to consider the amendments submitted by the Leader of the Opposition for the inclusion of new clauses 46 and 47, as well as the Preamble. So that all the amendments taken up to clause 45 were considered and we are now looking at the inclusions of the new clauses 46 and 47, as well as the Preamble. AG.

Mr. Lee: Madam Chair, at the last sitting on Friday we had deferred clause 34. AG, you remember that?

Mrs. Persad-Bissessar SC: To the best of my memory, Madam, we had deferred clause 34, we had in fact considered new clause 46 and approved it, and clause 47, new clause, we had decided not to pursue that. That is the best of my memory.

Mr. Al-Rawi: That is what I recall, Madam Chair.

Madam Chairman: According to the *Hansard*, the record shows that clause 34:

“...the question is that clause 34 be amended to delete subsection (3A).”

There was a discussion, and:

“Clause 34, as amended”—was—“ordered to stand part of the Bill.”

Mr. Al-Rawi: Yes, I do recall. So that was the deletion of (3A), yes?

Madam Chairman: 3A.

Mr. Al-Rawi: —which was the second of the amendments proposed by the Leader of the Opposition.

Mrs. Persad-Bissessar SC: If you can verify that we have dealt with that in this House.

Madam Chairman: Yes. Members, as I say, the record indicates that clause 34 was dealt with and what we all have left are the inclusions of the new clauses, 46

and 47 as submitted by the Leader of the Opposition, as well as the Preamble.
Okay?

Mr. Lee: Madam Chair—

Mrs. Persad-Bissessar SC: It is not in the Bill, 46. [*Crosstalk*]

Mr. Al-Rawi: Okay, so mine is page 43 of 45, the consolidated Act. [*Crosstalk*]
Because we each have different points. [*Crosstalk*] What is the number of the
page from the report?

Parliamentary Counsel: 438.

Mr. Al-Rawi: 438. There is a subclause (3A), where the Commissioner had to go
back to the AG. That was deleted.

Mrs. Persad-Bissessar SC: May I ask that we revisit clause 28, through the
Chairman, we ask to do it. And I want to do this because up to when we left from
the last evening there were several areas in which we were able to find common
ground. And when we were coming to 28 and 34, I think we abstained, because
we made the point that we were just given the circulated amendments and at that
point the Leader adjourned the matter for another day.

Now, hon. Attorney General, we want to fight terrorism, but that has to be
balanced against human rights, and thus far we have found common ground on 27
and several other clauses. So, for consistency there is just one part of it if you can
guarantee that that has been dealt with in clause 28. Hon. AG you would recall
that, “one man’s freedom fighter is another man’s terrorist”.

In fact, Nelson Mandela the great was on the terrorist watch list at one point.
The ANC was on the terrorist watch list at one point, and so what we were trying
to do in our amendments is not to stop this Bill. I was very disturbed, we had
made so much headway and I was exceedingly disturbed [*Desk thumping*] to pick
up the paper and to see the comments coming from the Government’s side.

[*Crosstalk*] And so—

Madam Chairman: All right, Members one minute—

Mrs. Robinson-Regis: As part of the amendments—

Madam Chairman: Hon. Members, [*Crosstalk*] hon. Members, I have indicated that we are considering the new clauses. Now, I just want to remind Members that—and I am exercising my prerogative as Chair here, I want to remind Members that this is a Bill that was sent by a resolution of this House to a joint select committee for scrutiny, for improvements on the wording and the efficacy, and that select committee, that Joint Select Committee would have been empowered with all the powers that every joint select committee is enshrined with under the Standing Orders.

As you are also aware, a report came, I think it was a unanimous report, came to this House on the 29th of June. The report was adopted pursuant to Standing Orders 66 and 67. [*Crosstalk*] I would wish that we would all behave in accordance with the manner that we know how to behave. I also want to say that I would expect that it is reasonable to conclude that among other reasons for sending a Bill to a joint select committee is that the House would want to achieve legislative efficiencies in the process.

While—and I have heard the Member for Siparia say on more than one occasion that the Parliament is not a rubber stamp for the Joint Select Committee and of course that is accepted. But, the Joint Select Committee having submitted a unanimous report, which was adopted by the House without dissent—it almost seems as the process that we engaged in is likened to what doctors call autoimmunity, that is when the organism eats itself. And what we are engaged in, to me, may very well be tantamount to an abuse. So— [*Interruption*]

And Siparia, [*Crosstalk*] Siparia, [*Crosstalk*] Siparia, [*Interruption*] hon.

Member for Siparia, I do not expect that anybody is accusing the Chair of trying to provoke them. And I am also saying, just as Parliament is not a rubber stamp, I cannot sit here as Chair and see what in my view is amounting—and I am not accusing any side, I am not accusing any side, I am talking about the process that we have been engaged in, okay? And therefore, I cannot sit here and not draw it to our collective attention that we may very well be eating at our own selves in the process that we agreed to. And all I want to do is to draw it to our collective attention that this may be tantamount to abuse. [*Crosstalk*] I am not speaking to any particular side, okay?

Mrs. Persad-Bissessar SC: With the greatest respect on the Standing Orders, I beg to move that we revisit clause 28 to ensure that it is consistent with the changes that were already made in 27. [*Desk thumping*]

Mr. Al-Rawi: Madam Chair, may I just indicate that I have confirmed with the Clerk that the consistency between clauses 28 and 27 was achieved when we dealt with this clause and perhaps the Clerk can put it on the record. We deleted—and it is to be found at page 429 of your report—we deleted the subclause (4), which was offending. So it is page 429 of your report, where the subclause (4), that is the clause where the Commissioner came back to the Attorney General, we deleted that clause. So if the Clerk could just confirm that that was deleted, then perhaps we may avoid having to go back.

Mrs. Persad-Bissessar SC: It is in fact subsection (5) where the investigative report from the police was being required to come back.

Mr. Al-Rawi: Sorry, it is subsection (5), sorry.

Mrs. Persad-Bissessar SC: Has that been deleted?

Mr. Al-Rawi: Yes. Perhaps the Clerk can confirm that.

Mrs. Persad-Bissessar SC: Sure.

Madam Chairman: Maybe what I can ask, Attorney General, is that the *Hansard* be provided to guide you with respect to this, okay?

Mr. Al-Rawi: I took the opportunity to ask the Clerk in the break and I have the confirmation to that effect. So the *Hansard* will demonstrate it.

Madam Chairman: Leader of the Opposition, have you been satisfied that it has been?

Mrs. Persad-Bissessar SC: I take the assurance of the hon. Attorney General and I am sure of it, if that has not been done, there will be another place.

Mr. Al-Rawi: And we will request the *Hansard* just to confirm it out of an abundance of caution.

Mrs. Persad-Bissessar SC: Again, hon. Attorney General, I crave the Chairman's indulgence to revisit clause 34 again to have consistency with the amendments.

Madam Chairman: But, was it not clause 34, the first clause we dealt with when we came in?

Mrs. Robinson-Regis: Yes.

Mrs. Persad-Bissessar SC: No, no, we did not look as to whether the consistency carried through from the 27 and the 28. We just got this consolidation. Clause 34, AG?

Mrs. Robinson-Regis: Madam Chairman, clause 34 was the first thing that we dealt with and we were assured that it did in fact meet the concern that was raised by the Leader of the Opposition on the last occasion. And I would like us to move forward please.

Mr. Al-Rawi: So, Madam Chair, just to be clear as opposed to referring to numbers, what was amended and accepted by the House on the last occasion was that in section 25 of the parent Act, the proposed amendments, that we delete (3A), and that was the words which said:

“Where the Commissioner of Police receives a referral from the Attorney General under subsection (1), he shall as soon as the results of the investigation are known, provide the Attorney General with the results of the investigation.”

That has been deleted.

Mrs. Persad-Bissessar SC: Hon. AG, this copy that we have now been given by the Parliament, on page 45 you will see clause 34 still contains—

Mr. Al-Rawi: Right, so that—

Mrs. Persad-Bissessar SC:—still contains:

“...may refer the matter to the Commissioner...who”—may—“cause an investigation...”

We have removed it from all the other clauses.

Mr. Al-Rawi: Yes. So may I indicate—

Mrs. Persad-Bissessar SC: But it is still here.

Mr. Al-Rawi: That document does not come from the Attorney General. It was something which the Clerk apparently did out of courtesy to catch up to amendments. It is not the document that either of us should refer to. Just the *Hansard* record will speak to, and the Speaker’s notes, that in clause 34 we deleted subsection (3A). And that came as a result of your amendments—

Mrs. Persad-Bissessar SC: Sure.

Mr. Al-Rawi:—that that be deleted. So the Speaker’s notes can confirm that for us now as I am sure the Speaker has.

Mrs. Persad-Bissessar SC: AG, can you also please, through the Chair, in section 25 you are looking at the (3A). There is something with (3)(a). You can see it is in the Consolidated Act. Has that been removed?

We—“refer the matter to the Commissioner of Police...cause an

investigation”—and so on.

Mr. Al-Rawi: So that was consequent with the reversion to the old law. That has not been removed. It mirrors the section 25(3) and sections 32 and 33 of the parent Act. And I have just pulled the *Hansard* record from the 29th—

Mrs. Persad-Bissessar SC: No, it is in red.

Mr. Al-Rawi: Clause 34 was amended to deleted subsection (3A). That is at page 159 of the *Hansard*.

Mrs. Persad-Bissessar SC: May I also ask you to look for 25(3)(a)? Because it is in red in your consolidated Act, page 441.

Mr. Al-Rawi: Yes, so I confirmed that that was not removed because it stands in line with the provisions of the existing law. So all that the Attorney General—

Mrs. Persad-Bissessar SC: So why is it then in red, Sir?

Mr. Al-Rawi: So that came from the Joint Select Committee.

Mrs. Persad-Bissessar SC: So then you are asking for this to be inserted.

Mr. Al-Rawi: No, no. That was the Bill which came from the Joint Select Committee and which was read a second time, that Bill has that. So there was no insertion done on the last occasion. That is what the Joint Select Committee brought forward.

Mrs. Persad-Bissessar SC: But that is not the existing law, Sir.

Mr. Al-Rawi: But the existing law is that the Attorney General—

Mrs. Persad-Bissessar SC: And we have removed all of that, about the Commissioner being involved.

Mr. Al-Rawi: Okay. So if we look to what the Act as it was set out in original terms—

Mrs. Persad-Bissessar SC: 441, you have red and black there. Once it is in red, that is the amendment.

Mr. Al-Rawi: Right. Okay. So the original Act would have had—this is before the Joint Select Committee sent this work forward. It would be the words which were not in red. So it said that:

“The Attorney General...shall...cause an investigation to be carried out in respect of that allegation...”

But it did not specify. It has gone further now to say that the Attorney General may refer it to the Commissioner of Police who may cause an investigation. And there is nothing untoward with that. Because right now the Attorney General can refer anything to the Commissioner of Police.

Mrs. Persad-Bissessar SC: Sure.

Mr. Al-Rawi: So this does not go any further than saying, beyond the words in black, that the Attorney General can refer something to the Commissioner of Police as happens on a daily basis.

Mrs. Persad-Bissessar SC: Okay, but then the Commissioner has no duty to furnish the report.

Mr. Al-Rawi: None. We deleted that (3A), the Commissioner may ignore the Attorney General entirely.

Mrs. Persad-Bissessar SC: Excellent, we can go to watch England play somebody. We just have one new clause to deal with.

Madam Chairman: Okay, so that we move on to the new clauses, Attorney General?

Mr. Al-Rawi: Yes, please.

Madam Chairman: Proposal for the new clauses.

Mr. Al-Rawi: So Madam Chair, there was a proposal for a new clause 46—

Madam Chairman: Just allow the Clerk—

New Clause 46.

“The Act is amended by inserting after section 42, the following new section:

Annual Report 43. The Minister shall cause to be prepared and laid in Parliament an annual report on the ongoing prosecutions, convictions, a list of the listed individuals and listed entities and any Orders made pursuant to the Act.”

New clause 46 read the first time.

Question proposed: That the new clause 46 be read a second time.

Mrs. Persad-Bissessar SC: This is the Leader of the Opposition 46, Madam.

Madam Chairman: The question is, that new clause 46 which is an amendment that has been circulated by the Leader of the Opposition on the 29th of June, be added to the Bill.

Mr. Al-Rawi: Madam Chair, may I indicate that on the last occasion the Leader of the Opposition explained why we should not rely on the AG and indicated that the Minister of National Security was preferred because of the broader ambit of the orders, et cetera, which the AG would probably not be able to report on. We agree with that position. The CPC has assisted us somewhat by recommending that instead of a new clause 46, it really should be “insertion of a new clause 43A”, that it would fit sequentially there, and has suggested some small adjustment to the wording.

New clause 43A.

Mr. Al-Rawi: If I could ask Members to follow with the wording that we suggest be massaged. So it would read:

The Minister shall cause to be prepared and laid in Parliament an annual report on the number of prosecutions, convictions, listed entities and Orders made pursuant to this Act.

New clause 43A read the first time.

Mrs. Persad-Bissessar SC: Basically it is what we proposed. I just want to say you have “listed entities” and may I add it should also be “listed individuals”.

Mr. Al-Rawi: So the definition of “entities” includes individuals. So they went with that broader terminology.

Mrs. Persad-Bissessar SC: Certainly. So this takes in our concern here?

Mr. Al-Rawi: Yes. So, Madam Chair, if the Member is agreeing with this, we are proposing that instead of a new clause 46, as it is tabled, the CPC’s department has suggested that that should be a new clause 43A, as in capital A, and that the final wording to capture the essence of both the Opposition and Government would be as follows, if you will follow me:

The Minister shall cause to be prepared and laid in Parliament an annual report on the number of prosecutions, convictions, listed entities and Orders made pursuant to this Act.

Dr. Moonilal: Thank you very much. Just to clarify to the Attorney General—now, you had circulated before, the amendment to read “the Attorney General” and you had—just for the record and absolute clarity here—“laid in Parliament” as opposed to “laid in the House of Representatives” so that the report will be laid in both Houses. And whereas in the Leader of the Opposition you had “ongoing prosecutions”, you have now said, “number of prosecutions”.

Mr. Al-Rawi: Yes.

Dr. Moonilal: That would mean the number of prosecutions in the preceding year because it is an annual report—

Mr. Al-Rawi: As at the date of the submission of the report.

Dr. Moonilal: —at the submission. Would there be anything to capture, for example, in the reports of the Integrity Commission, for example, as you are

aware, you would have an area in the Integrity Commission Report that speaks to ongoing investigations and so on. Would there be any opportunity here—and if not, why not, to have an idea of ongoing prosecutions as opposed to just saying, “list of prosecutions”? Because you could see the difference. And may I also say that it is proper that you are taking this approach to insert this annual report feature, but it would be useful as well because these matters may go on and on, you could never tell.

2.30 p.m.

So that by putting just the number of prosecutions, you may really not capture the type of information required, even though every year you could end up with the same piece of information as part of an annual report. So that, in the way you are considering this now, and I appreciate your consideration, and for the record I would say that I also completely was disturbed and regret the statement by the head of Government on this matter who bullied and threatened Members—

Mrs. Robinson-Regis: That is not part of the amendments.

Madam Chairman: Member for Oropouche East—[*Crosstalk*] Member for Arouca/ Maloney, Member for Oropouche East and Member for Siparia. Member for Oropouche East, we take it that you are addressing this amendment, and therefore I will just limit you to that amendment. I think the point has been made. I give the Attorney General an opportunity to answer. I believe what your concern is, whether the number of prosecutions would also cater for ongoing prosecutions.

Dr. Moonilal: Ma'am, I am concerned with terrorist behaviour.

Madam Chairman: All right. And we are dealing with what is proposed here as, according to your side, new clause 46. Attorney General.

Mr. Al-Rawi: Yes, please, Ma'am. The Government looked at the Interception of Communications Act. We looked at a number of other places where one has to

treat with reporting to the Parliament on matters which could be sub judice, because there is an imprecision with the word “ongoing”. It left itself open to somebody having a discretion as to whether something was stopped or not, which could have been arid and technical, and which may have unwittingly taken us out of a full report.

The Member is quite correct. In particular in relation to the listing of entities, there is an active listing requirement that every six months it is reviewed. So unless it is taken off the list, it comes up on a constant reporting cycle every six months. So the CPC’s department asked us to consider that there would be difficulty in allowing somebody a discretion as to what is “ongoing”, so we went instead with “number of prosecutions”, because that would take care of active and historical information, as for instance we have in the Interception of Communications Act where the number of warrants issued is disaggregated in that similar fashion. So it was to go for a more precise terminology that “ongoing” was replaced with just “number”.

Dr. Moonilal: If I could just follow up on the point. Now, I do not know if you are coming close to saying that prosecutions pursuant to this piece of legislation, and so on, may carry significant national security consequences. But, clearly, there cannot be secret prosecutions.

Mr. Al-Rawi: Correct. It is a matter of public record.

Dr. Moonilal: It has to be a matter of public record, public information and transparency. So in light of that, I felt “after ongoing prosecutions” could be stated. I mean, there was no problem. I am not understanding the sequential problem you are pointing out that you cannot state “ongoing prosecutions”.

Mr. Al-Rawi: Sure. I appreciate it. So the position is this: the use of the word “ongoing” may allow a functionary who is preparing a report to say, “Listen,

‘ongoing’ does not necessarily include the number of prosecutions which we have for matters that are now completed. So we leave that out. We will only give you a current one.” But where there are matters that are stayed, for instance, because of an application in the criminal arena or otherwise, then it is debatable for somebody to say, well, that matter is not ongoing. It is actually stayed, or it is completed at the High Court and not the Court of Appeal. So we did not want to give the discretion. We wanted all. That is why we have gone for “number of prosecutions”.

Dr. Moonilal: But when you say “number”, exactly you mean 21, 31, 101, it is a number. So that an annual report, as you are proposing here, will carry no information as to the identity of any organization or person who is being prosecuted.

Mr. Al-Rawi: It will be disaggregated under High Court, Magisterial, Court of Appeal, Privy Council and also High Court civil jurisdiction insofar as listing of entities are included.

Madam Chairman: Member for Caroni East.

Dr. Gopeesingh: Thank you, Chair. Attorney General, when we get reports from the Integrity Commission—and just recently the Police Complaints Authority released two annual reports, 2016/2017—2015—and in that they include those that are under consideration. And if you go back and look at all the Integrity Commission reports you will see those named, the amount, to the quantum under consideration. So I want to just support my colleague, the Member for Oropouche East. I am getting a little difficulty in your distinction of the issue of—

Mr. Al-Rawi: If I could just ask, are you suggesting—

Dr. Gopeesingh:—ongoing cases.

Mr. Al-Rawi: Sorry to interrupt. Are you suggesting that the names of the

entities involved in the prosecutions be there?

Dr. Gopeesingh: No, not at all.

Mr. Al-Rawi: Okay. So if names are out, and when we say number we mean all, both those completed and those that are ongoing, do we then have a difficulty?

Dr. Gopeesingh: No.

Mr. Al-Rawi: Well, then, we are in agreement.

Dr. Gopeesingh: All right.

Madam Chairman: So having regard to the discussion, I am going to put the question.

Question proposed: That new clause 43A be read a second time.

Question put and agreed to.

Clerk: New clause 43A Annual Report

Question proposed: That new clause 43A be added to the Bill.

Question put and agreed to.

New clause 43A added to the Bill.

Madam Chairman: I therefore will put what was circulated by the hon. Leader of the Opposition as 47, as new clause 46.

New clause 46.

New clause 46 Amendment to section 22B.

New clause 46 read the first time.

Question proposed: That new clause 46 be read a second time.

Madam Chairman: Leader of the Opposition.

Mrs. Persad-Bissessar SC: Thank you very much. I am happy we are on the last clause. There was some discussion on the last day with the hon. Attorney General that gave us comfort in the fact that notification was provided elsewhere; that we were able to amend another clause—

Hon. Member: Twenty-seven.

Mrs. Persad-Bissessar SC: Twenty-seven, yes. We went through 27. We made changes that we all agreed to on 27, so that we will not pursue this particular amendment since it is taken care of elsewhere. And can I say, hon. Attorney General, we appreciate trying to find common ground which you have been trying to do from day one [*Desk thumping*] and that was almost undermined by your head of Government.

Dr. Moonilal: Thank God “he not here”.

New clause 46 withdrawn.

Madam Chairman: Attorney General.

Mr. Al-Rawi: I thank the Leader of the Opposition for the withdrawal of the clause. I think we are next to the Preamble.

Preamble approved. [Crosstalk]

Madam Chairman: Hon. Members, let us have one meeting—I think we have been doing well thus far.

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

House resumed.

Bill reported, with amendment. [Crosstalk]

Madam Speaker: Hon. Members. [*Crosstalk*] Hon. Members, the time we have spent here on this, I think demonstrates to the country—

Dr. Moonilal: Ma’am, I am being disturbed by—

Madam Speaker:—and therefore, I am going to ask everybody—[*Crosstalk*] I am standing, okay? I think the time we have spent on this, demonstrates to the country our commitment and our love. Let our behaviour reflect that, please. [*Desk thumping*]

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

Madam Speaker: This Bill requires a three-fifths special majority.

The House voted: Ayes: 35

Robinson-Regis, Hon. C.

Imbert, Hon. C.

Al-Rawi, Hon. F.

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. C.

Garcia, Hon. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Francis, Hon. Dr. L.

Jennings-Smith, Mrs. G.

Olivierre, Ms. N.

Antoine, Brig. Gen. A.

Leonce, A.

Smith, D.

Lee, D.

Persad-Bissessar SC, Mrs. K.

Charles, R.

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Moonilal, Dr. R.

Gopeesingh, Dr. T.

Gayadeen-Gopeesingh, Mrs. V.

Ramadhar, P.

Padarath, B.

Bodoe, Dr. L.

Paray, R.

Ramdial, Ms. R.

Singh, G.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Madam Speaker, before moving the adjournment of the House, I must advise on a matter which concerns the business of the House. I am informed by the Clerk that a document has come to the Parliament regarding a notification for the appointment to the office of Commissioner of Police.

Madam Speaker, you will recall that in this very House we have determined that the process of the Police Service Commission in this matter was lacking in transparency and that one can come to no other conclusion that the Commission did a job which cannot be explained and which was wholly unreliable and appeared to be flawed.

Consequently, Madam Speaker, any recommendations coming out of that

Adjournment

2018.07.03

flawed process cannot and will not be accepted. In the circumstances, Madam Speaker, as Leader of the House, I have instructed the Clerk that this matter will not be proceeded with. [*Desk thumping*]

Madam Speaker, I beg to move that this House do now adjourn sine die.
[*Crosstalk*]

Madam Speaker: Member for Caroni East—Member for Chaguanas West, I think your outburst is unparliamentary. All right? And I would just ask you to withdraw that term.

Mr. Singh: Madam Speaker, this matter that was raised is really a subversion of the Constitution. [*Desk thumping*]

Madam Speaker: Member for Chaguanas West, I have asked you to withdraw the outburst. If you do not wish to do so—I really cannot—but then I will exercise other powers.

Mr. Singh: Madam Speaker, I feel very strongly about it and I do not wish to withdraw. [*Desk thumping*]

Member leaves Chamber.

Madam Speaker: Leader of the House.

Hon. C. Robinson-Regis: Thank you very much. Madam Speaker, I have put to adjourn sine die. Thank you.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 2.47 p.m.