

HOUSE OF REPRESENTATIVES

Monday, September 17, 2018

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

**PAPERS LAID**

1. Audited Financial Statements of the Vehicle Management Corporation of Trinidad and Tobago Limited for the financial year ended September 30, 2014. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Audited Financial Statements of the Trinidad and Tobago Free Zones Company Limited for the financial year ended December 31, 2017. [*Hon. C. Imbert*]
3. Annual Audited Financial Statements of National Flour Mills Limited for the financial year ended December 31, 2017. [*Hon. C. Imbert*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Development Bank of Trinidad and Tobago for the year ended September 30, 2014. [*Hon. C. Imbert*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Agricultural Development Bank of Trinidad and Tobago for the year ended September 30, 2015. [*Hon. C. Imbert*]
Papers 1 to 5 be referred to the Public Accounts (Enterprises) Committee.
6. Consolidated Audited Financial Statements of the Trinidad and Tobago Bureau of Standards for the year ended September 30, 2016. [*Hon. C. Imbert*]

7. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the National Library and Information System Authority for the year ended September 30, 2011. [*Hon. C. Imbert*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Fair Trading Commission for the year ended September 30, 2017. [*Hon. C. Imbert*]
9. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the year ended September 30, 2006. [*Hon. C. Imbert*]
10. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the year ended September 30, 2007. [*Hon. C. Imbert*]
11. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the year ended September 30, 2008. [*Hon. C. Imbert*]
12. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Children's Authority of Trinidad and Tobago, Children Authority Fund for the year ended September 30, 2016. [*Hon. C. Imbert*]
13. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Children's Authority of Trinidad and Tobago, Children Authority Fund for the year ended September 30, 2017. [*Hon. C. Imbert*]
14. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Mayaro/Rio Claro Regional Corporation for the year ended September 30, 2007. [*Hon. C. Imbert*]

15. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the San Fernando City Corporation for the year ended September 30, 2005. [*Hon. C. Imbert*]
16. Special Report of the Auditor General of the Republic of Trinidad and Tobago on a Follow-Up Audit of the Targeted Conditional Cash Transfer Programme (TTCCTP) of the Ministry of Social Development and Family Services. [*Hon. C. Imbert*]

Papers 6 to 16 to be referred to the Public Accounts Committee.

17. Report of the Central Bank of Trinidad and Tobago with respect to the Progress of the Proposals to Restructure CLICO, BAT and CIB for the quarter ended June 30, 2018. [*Hon. C. Imbert*]
18. Ministerial Response of the Ministry of Finance to the Sixteenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago Electricity Commission for the financial years 2012 to 2015. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
19. Ministerial Response of the Ministry of Finance to the Eleventh Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Accounts, Balance Sheet and other Financial Statements of the National Maintenance, Training and Security Company Limited for the financial years 2008 to 2016. [*Hon. C. Robinson-Regis*]
20. Ministerial Response of the Ministry of Public Utilities to the Eleventh Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Accounts, Balance Sheet and other Financial Statements of the National Maintenance, Training and Security Company Limited for the financial years 2008 to 2016. [*Hon. C. Robinson-Regis*]

21. Ministerial Response of the Ministry of Finance to the Twelfth Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Accounts, Balance Sheet and other Financial Statements of the National Training Agency for the financial years 2008 to 2011. [*Hon. C. Robinson-Regis*]
22. Ministerial Response of the Ministry of Education to the Twelfth Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Accounts, Balance Sheet and other Financial Statements of the National Training Agency for the Financial Years 2008 to 2011. [*Hon. C. Robinson-Regis*]
23. Ministerial Response of the Ministry of Public Utilities to the Ninth Report of the Public Administration and Appropriations Committee on the Examination of the Ministry of Public Utilities with specific reference to Follow-up to the First and Third Reports and the corresponding Ministerial Responses as well as the Ministry's Statement of Expenditure as at October 2017. [*Hon. C. Robinson-Regis*]
24. Ministerial Response of the Ministry of Energy and Energy Industries to the Thirteenth Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Accounts, Balance Sheet and other Financial Statements of Union Estate Electricity Generation Company Limited for the financial years 2008 to 2015. [*Hon. C. Robinson-Regis*]
25. Ministerial Response of the Ministry of Energy and Energy Industries to the Eighth Report of the Joint Select Committee on State Enterprises on an Inquiry to examine the Operations of the National Quarries Company Limited and to determine its effectiveness in fulfilling its mandate by

- maintaining quality of product and stability of supply. [*Hon. C. Robinson-Regis*]
26. Response of the Statutory Authorities Service Commission to the Eighth Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA) on an Inquiry into the Efficiency and Effectiveness of the Statutory Authorities Service Commission. [*Hon. C. Robinson-Regis*]
 27. Ministerial Response of the Ministry of Public Administration to the Tenth Report of the Public Administration and Appropriations Committee on an Examination into the Inventory Control and Internal Audit Systems within the Public Service with specific reference to Follow-up to the Third and Fourth Reports of the Public Administration and Appropriations Committee. [*Hon. C. Robinson-Regis*]
 28. Response of the Personnel Department to the Tenth Report of the Public Administration and Appropriations Committee on an Examination into the Inventory Control and Internal Audit Systems within the Public Service with specific reference to Follow-up to the Third and Fourth Reports of the Public Administration and Appropriations Committee. [*Hon. C. Robinson-Regis*]
 29. Response of the Personnel Department to the Sixth Report of the Public Administration and Appropriations Committee on an Examination into the Tobago House of Assembly with specific reference to Accountability and Transparency, Inventory Control, Internal Audit, Sub-Head 02-Goods and Services, Sub-Head 03-Minor Equipment Purchases, Sub-Head 04-Current Transfers and Subsidies and Sub-Head 09-Development Programme-Consolidated Fund. [*Hon. C. Robinson-Regis*]

30. Response of the Service Commissions Department to the Sixth Report of the Public Administration and Appropriations Committee on an Examination into the Tobago House of Assembly with specific reference to Accountability and Transparency, Inventory Control, Internal Audit, Sub-Head 02-Goods and Services, Sub-Head 03-Minor Equipment Purchases, Sub-Head 04-Current Transfers and Subsidies and Sub-Head 09-Development Programme-Consolidated Fund. [*Hon. C. Robinson-Regis*]
31. Ministerial Response of the Office of the Prime Minister to the Seventh Report of the Joint Select Committee on Human Rights, Equality and Diversity on an Inquiry into the Status of the Implementation of the 2015 Report of the Joint Select Committee on Human Rights, Diversity, the Environment and Sustainable Development on the Examination of Programmes and Services which provide support to Victims of Domestic Violence. [*Hon. C. Robinson-Regis*]
32. Ministerial Response of the Ministry of Health to the Eighth Report of the Public Administration and Appropriations Committee on an Examination into the Ministry of Education with specific reference to Inventory Control, Internal Audit, Sub-Head 02-Goods and Services, Sub-Head 03-Minor Equipment Purchases, Sub-Head 04-Current Transfers and Subsidies and Sub-Head 09-Development Programme-Consolidated Fund and Infrastructural Development Fund. [*Hon. C. Robinson-Regis*]
33. Ministerial Response of the Ministry of the Attorney General and Legal Affairs to the Eighth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General of Trinidad and Tobago on a Special Audit of the Public Transport Service Corporation. [*Hon. C. Robinson-Regis*]

34. Ministerial Response of the Ministry of National Security to the Fifth Report of the Joint Select Committee on Social Services and Public Administration on an Inquiry into the Adverse Health Effects of Fireworks. [*Hon. C. Robinson-Regis*]
35. Ministerial Response of the Ministry of Trade and Industry to the Ninth Report of the Joint Select Committee on State Enterprises on an Inquiry into the Operations of Evolving Technologies and Enterprise Development Company Limited and to determine its effectiveness in fulfilling its mandate to make suitable real estate available to qualified tenants, developers and operators in a commercially viable manner. [*Hon. C. Robinson-Regis*]
36. Ministerial Response of the Ministry of Rural Development and Local Government to the Fifth Report of the Joint Select Committee on Social Services and Public Administration on an Inquiry into the Adverse Health Effects of Fireworks. [*Hon. C. Robinson-Regis*]
37. Administrative Report of the Port of Spain Corporation for the period 2016-2017. [*Hon. C. Robinson-Regis*]
38. Administrative Report of the Ministry of Trade and Industry for the fiscal year 2016. [*Hon. C. Robinson-Regis*]
39. Administrative Report of the Ministry of Trade and Industry for the fiscal year 2017. [*Hon. C. Robinson-Regis*]
40. Animals (Importation) Control (Amendment) Regulations, 2018. [*Hon. C. Robinson-Regis*]
41. Motor Vehicles and Road Traffic (Amendment) Regulations, 2018. [*Hon. C. Robinson-Regis*]
42. Motor Vehicles and Road Traffic (Amendment) (No.2) Regulations, 2018. [*Hon. C. Robinson-Regis*]

43. Green Paper on the revised Draft National Policy on Persons with Disabilities and the Action Plan. [*The Minister of Social Development and Family Services (Hon. Cherry-Ann Crichlow-Cockburn)*]
44. Delegation Report on the Annual Conference of the Caribbean, the Americas, and the Atlantic Region of the Commonwealth Parliamentary Association on Building Small Developing States held in Grand Cayman, Cayman Islands from June 15 to 23, 2018. [*The Deputy Speaker (Mr. Esmond Forde)*]
45. Ministerial Response of the Ministry of Finance to the Seventh Report of the Public Administration and Appropriations Committee on an Examination into the Ministry of Sport and Youth Affairs with specific reference to Follow-up to the First Report of the Public Administration and Appropriations Committee and Current Expenditure Related to Official Travel to Tobago. [*Hon. C. Robinson-Regis*]
46. Ministerial Response of the Ministry of Finance to the Tenth Report of the Public Administration and Appropriations Committee on an Examination into the Inventory Control and Internal Audit Systems within the Public Service with specific reference to Follow-up to the Third and Fourth Reports of the Public Administration and Appropriations Committee. [*Hon. C. Robinson-Regis*]
47. Ministerial Response of the Ministry of Education to the Eighth Report of the Public Administration and Appropriations Committee on an Examination into the Ministry of Education with specific reference to Inventory Control, Internal Audit, Sub-Head 02 – Goods and Services, Sub-Head 03 – Minor

- Equipment Purchases, Sub-Head 04 – Current Transfers and Subsidies, Sub-Head 09 – Development Programme – Consolidated Fund and Infrastructure Development Fund. [*Hon. C. Robinson-Regis*]
48. Ministerial Response of the Ministry of Planning and Development to the Ninth Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA) on an Inquiry into Certain Aspects of the Chaguaramas Development Authority. [*Hon. C. Robinson-Regis*]
49. Ministerial Response of the Ministry of Public Administration to the 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. [*Hon. C. Robinson-Regis*]
50. Ministerial Response of the Ministry of Works and Transport to the 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. [*Hon. C. Robinson-Regis*]

JOINT SELECT COMMITTEE REPORTS

(Presentation)

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, I beg to present the following reports:

Trinidad and Tobago Revenue Authority Bill, 2018

Interim Report of the Joint Select Committee established to consider and report on the Trinidad and Tobago Revenue Authority Bill, 2018, Third Session (2017/2018), Eleventh Parliament.

Gambling (Gaming and Betting) Control Bill, 2016

Third Interim Report of the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016, Third Session (2017/2018), Eleventh Parliament.

Income Tax (Amdt.) Bill, 2018

Report of the Joint Select Committee appointed to consider and report on the Income Tax (Amdt.) Bill, 2018, the Mutual Administrative Assistance in Tax Matters Bill, 2018 and the Tax Information Exchange Agreements Bill, 2018.

Cybercrime Bill, 2017

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, I beg to present the following report:

Report of the Joint Select Committee appointed to consider and report on the Cybercrime Bill, 2017, Third Session (2017/2018), Eleventh Parliament.

**Local Authorities, Service Commissions and
Statutory Authorities (including the THA)****National Lotteries Control Board**

Mr. Esmond Forde (Tunapuna): Madam Speaker, I beg to present the following report:

Tenth Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA), Third Session (2017/2018), Eleventh Parliament, on an Inquiry into the Internal Controls Systems and Corporate Social Responsibility Policies of the National Lotteries Control Board.

Constitution (Amdt.) (Tobago Self-Government) Bill, 2018**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**

Thank you very kindly, Madam Speaker. I have the honour to present:

Report of the Joint Select appointed to consider and report on the Constitution (Amdt.) (Tobago Self-Government) Bill, 2018 in the Third Session of the Eleventh Parliament.

URGENT QUESTIONS**POS General Hospital
(Provision of Urgent Surgery)**

Dr. Tim Gopeesingh (*Caroni East*): Thank you, Madam Speaker. To the Minister of Health: Could the Minister indicate how the Ministry intends to provide the required urgent care for hundreds of patients on the waiting list for major surgical interventions as a result of the closure of the Central Block of the Port of Spain General Hospital?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. There are five operating theatres at Port of Spain General Hospital. Two are currently being used for emergency surgeries; three are being used for HDU and ICU care. If any major surgery is needed they are accommodated at the two operating theatres. In addition, all major surgeries involving gyne and breast surgeries have been moved to the St. James facility. We have also increased the hours of operation at St. James, the theatre hours, to 7.00a.m. to 6.00 p.m. in case Port of Spain cannot cope with anything there.

Also, I have directed all the other RHAs to accommodate cases in case of the event that Port of Spain cannot handle them. For example, starting tomorrow all neurosurgeries are being done at Eric Williams Medical Sciences Complex.

What we have also done at St. James is put all elective surgeries, which are

now being done seven days a week there at St. James, elective surgeries for orthopaedic, plastics and other elective surgeries. So no patient is being denied the opportunity to receive an operation that they require.

Let me just put on record that it is this Government under this Prime Minister that took ownership of the issue of Central Block in Port of Spain. No government, from 2009 to 2015, took ownership of that, and work on a new Central Block began this month six years overdue. And we have done that because other people ignored the issue of Central Block, ignored the PAHO report and it is this Prime Minister who took it upon himself to lead the charge to have a new Central Block built where others failed to do so. I thank you very much, Madam Speaker.

Dr. Moonilal: Thank you very much, Madam Speaker. Minister, based on your response, could I ask, given the statement you made, has the Ministry, the Government or yourself signed a contract to this date for the construction of a new Central Block in Port of Spain?

Hon. T. Deyalsingh: Thank you, Madam Speaker. As I said in a statement to the Parliament of June of 2017, Central Block will be built in a two-phased process. Phase one covers basically the clearing of a site to accommodate—[*Crosstalk*] well, if you will—

Madam Speaker: Members, I remind you of the provisions of Standing Orders for those Members who are not speaking. Minister of Health.

Hon. T. Deyalsingh: So the contract for the clearance of the site to accommodate the new Central Block has been signed; it has been given to Kee-Chanona Limited. That project starts this month. [*Desk dumping*]

The contract to build Central Block has not yet been awarded, which is phase two of the project.

Dr. Gopeesingh: In your statement Minister, could you indicate to this House, what plans you have for dealing with the other surgical cases that need intervention, which you have not mentioned, to be done at St. James and at Mount Hope which is over brimming and filled to capacity already?

Hon. T. Deyalsingh: Madam Speaker, that is the assertion of my friend there, who in an earlier time said there were 3,000 unemployed doctors, which was false. I caution the public to take everything that comes from there with a pinch of salt. [*Crosstalk*]

Madam Speaker: Order!

Hon. T. Deyalsingh: Every single—

Dr. Gopeesingh: Stop lying; he is lying again, Madam Speaker.

Hon. Member: That is unparliamentary!

Madam Speaker: Member for Caroni East—Member for Caroni East, I rule that your language is unparliamentary. I will ask you to stand up and withdraw and apologize, and we will go on.

Dr. Gopeesingh: Madam Speaker, I will withdraw if the Minister withdraws his statement.

Hon. Members: No! No! No!

Dr. Gopeesingh: He said I lied, and if he withdraws, I will withdraw. [*Crosstalk*]

Madam Speaker: Member for Caroni East, if you are getting up to withdraw and apologize I expect it to be unconditional, so I give you the opportunity again.

Dr. Gopeesingh: Well, I will be more statesmanlike than the Minister of Health and I apologize. [*Desk thumping*]

Hon. T. Deyalsingh: The Member for Fyzabad was also a Member of that unfortunate Sunday press conference. He could talk about the veracity of my statement, but coming back to the question, I have said between St. James, Eric

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Williams and Port of Spain, all persons needing both major and elective surgeries are being accommodated. And to further flesh out my answer, RFPs went out in January of this year for the new Central Block. Out of that we are evaluating three proposals and UDeCOTT will make that announcement when they are finished. But proposals are being evaluated for phase two of the project, which is the construction of the new Central Block, after phase one is completed which is the clearing of the site to accommodate the new bed tower; 540 beds, Madam Speaker.

Thank you very much.

**Barrackpore Schools
(Plans to Repair After Earthquake)**

Mr. Rodney Charles (*Naparima*): Madam Speaker, to the Minister of Education: Could the Minister indicate the plans to urgently restore/repair the Barrackpore East and West Secondary Schools as a result of the 6.9 magnitude earthquake?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. Immediately after the earthquake struck, the following steps were taken: one, school supervisors were asked to visit all schools to ascertain whether any damage was suffered as a result of the earthquake. As a result of this, 66 schools were flagged for urgent attention. The Ministry of Education engaged the assistance of the Ministry of Works and Transport in having its structural engineers visit the schools, and this was done during the vacation, prior to the opening of schools.

The Barrackpore East and West Secondary Schools were identified as suffering some structural damage to certain areas of the school. When teachers returned to the school after the July/August vacation period they felt that their safety was being compromised and as a result they found that they could not work under those conditions.

The Ministry of education sought the assistance of OSH, and the OSH last Wednesday, together with officials from the Ministry of Works and Transport, did a walk-through of the compound. Certain areas were identified that were safe for the occupation of the students, and other areas that were not so safe were cordoned off. Those areas were cordoned off. We are now awaiting the official report from both OSH and the Ministry of Works and Transport, and it is our view that these schools can be back on stream by Wednesday the 19th of this month. Thank you very much.

Mr. Charles: Thank you, Madam Speaker. If the reports are not in place, Minister, how are you in a position to say that by Wednesday the schools would be repaired and ready for students to continue classes?

Hon. A. Garcia: Madam Speaker, I never said that the schools would be repaired by Wednesday. What I said is certain areas were identified that could have been occupied by both students and teachers, and there are certain areas that we had some problems with and those areas would be cordoned off. We are awaiting, as I said, the official response from OSH because we know where the teachers are concerned they would want to see something in writing, official, and that is what I am saying. But judging from what we were told by OSH and the Ministry of Works and Transport, schools should be in a position to resume on Wednesday. Thank you very much.

Dr. Gopeesingh: Could the Minister indicate or give this House information as to what he is going to do about the other 63 of the 65 schools which you just spoke about that have been affected by the earthquake?

Madam Speaker: I will not allow that as a supplemental question.

**Petrotrin Refinery Workers
(Termination Benefit Packages)**

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker, question No. 3 to the Ministry of Energy and Energy Industries. But before I ask my question, I would like to welcome back the Member for La Horquetta/Talparo into this Lower House.

In light of the response by the Minister of Energy and Energy Industries in the Senate on September 11, 2018, could the Minister provide an update on the calculation of the termination benefit packages for all categories of Petrotrin Refinery workers and the number of employees this would impact?

2.00 p.m.

Madam Speaker: Minister of Energy and Energy Industries.

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you, Madam Speaker. Madam Speaker, the termination packages and the benefits therein are currently being negotiated by the board of Petrotrin and the Oilfield Workers' Trade Union, a meeting is carded for tomorrow. So, in a sense, I would not want to pre-empt or prejudge what package they will come up with. As a base, they have a collective agreement, and they will probably be working on enhancement.

As to the number of employees that will be impacted, the total number of permanent employees that will be impacted from the Petrotrin restructuring and remodelling is approximately 3,500 permanent workers, and approximately 1,200 non-permanent workers.

Madam Speaker: Supplemental, Member for Oropouche East.

Dr. Moonilal: Thank you very much, Mr. Minister. In light of your response, is it therefore, that the statements being made earlier by the Prime Minister and

Members of the Government about separation packages to the tune of \$2 billion or \$3 billion, are you therefore saying that those statements made and that figure put out in the public is invalid and wrong?

Madam Speaker: Minister of Energy and Energy Industries.

Sen. The Hon. F. Khan: I am not—in fact, I personally said the packages will be upward of \$1 billion. And if you take \$1 billion, and if you take collective agreement and do some basic calculations, it is obviously more than \$1 billion. But the State, the Government and the board of Petrotrin is willing to sit down with the union, go through all the numbers and possibly offer some enhancement to that package.

Dr. Rowley: Madam Speaker, I rise on a point of clarification. [*Crosstalk*]

Madam Speaker: Prime Minister, Members, [*Crosstalk*] Prime Minister—

Dr. Rowley: Madam Speaker—

Madam Speaker: Prime Minister, other Members, we are all here guided by the Standing Orders. All right? And I know we have been on a break, I just remind us where we are. Supplemental question, Member for Oropouche East.

Dr. Rowley: Madam Speaker—

Dr. Moonilal: Madam Speaker, I am on by legs with a supplemental question to the Minister.

Madam Speaker: Prime Minister.

Dr. Moonilal: To the hon. Minister of Energy and Energy Industries. Minister, in light of the impending closure of the Petrotrin facility, could you indicate to the House and the country, [*Device goes off*] what steps are being taken by Petrotrin and/or your Ministry—

Madam Speaker: Member for Oropouche East, one minute, please. Can I ask

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all Members, this is about the third time a device has gone off. Could I ask all Members to ensure that their devices are on silent. Member for Oropouche East.

Dr. Moonilal: Thank you very much. The Minister of Energy and Energy Industries, may I repeat. In light of your response on this matter, in light of the impending closure of the refinery and the Petrotrin facilities, and in light of statements being made by the chairman of Petrotrin, that indeed it is all workers at Petrotrin to go home. What steps have been taken by your Ministry and/or Petrotrin to secure confidential information, reports, evidence, witness statements, expert reports—

Madam Speaker: Member for Oropouche East.

Dr. Moonilal:—vis-à-vis the AV drilling scandal? [*Desk thumping*]

Madam Speaker: Member for Oropouche East, there is a time limit. I will not allow that as a supplemental question.

Dr. Moonilal: Would not allow?

Madam Speaker: No. Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Could the Minister, based on the Lashley report, indicate whether severance payments will be calculated for 5,322 employees at Petrotrin?

Madam Speaker: Minister of Energy and Energy Industries.

Sen. The Hon. F. Khan: Madam Speaker, the Lashley report made no mention of such activities, and it has nothing, and it has made no mention of severance packages. [*Crosstalk*]

Madam Speaker: Hon. Members, again, and this is the last time I intend to caution Members with respect to the decorum which is required. Member for Mayaro.

**School Maxi-Taxi Service
(Impending Shutdown)**

Mr. Rushton Paray (*Mayaro*): Thank you very much, Madam Speaker. Question no. 4 to the Minister of Education. Given recent threats to the shutdown of the School Maxi-Taxi Service by drivers, and the severe hardships that will be placed on parents, can the Minister advise on the status of payments to maxi drivers of this School service?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. Madam Speaker, the position with respect to payment for services rendered by the maxi-taxi drivers is as follows: for May, sorry, for March 2018, we have received permission from the Comptroller of Accounts to cut the cheque and that has been done, and I have been assured that the payments should be in the banks of the maxi-taxi drivers by this afternoon.

For April, invoices were received from PTSC, but there were some adjustments to be made. PTSC has to resubmit the invoices with the necessary corrections.

In May, invoices were submitted to the Ministry of Education by PTSC on Sunday; that is yesterday. We had our staff working assiduously, and at this point I have been told that two-thirds of these invoices have been completed, and whatever adjustments needed to be made, those were made.

For June and July, again, we received the invoices yesterday from PTSC. In some instances, submissions were incomplete, for example, claims from drivers in the south were not received. We have contacted the PTSC asking them to get into contact with the drivers in the southern area so that they can submit their invoices. We have been assured that we have the necessary funds

so that all of our maxi-taxi drivers can be paid, once we receive the invoices and once it is verified. Thank you.

Madam Speaker: Your time is now spent. Hon. Members, the time for Urgent Questions is now spent.

ANSWERS TO QUESTIONS

Madam Speaker: Member for Oropouche West. One minute, please. Let us just hear the Leader of the House.

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Ma'am. Madam Speaker, there are 14 oral questions, we will be answering all 14 questions. [*Desk thumping*] There are 13 questions for written answer. We will be answering seven of these, and we are asking for a deferral of questions 293, 294, 295, 296, 297 and 299. These will be answered at the next sitting, Ma'am. Thank you very kindly.

Madam Speaker: The extensions, Members, again. The extensions sought are granted. Question 254. Member for Oropouche West.

WRITTEN ANSWERS TO QUESTIONS

Increased Gun Violence (Steps to address)

283. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of National Security:

Could the Minister indicate the specific actions taken to address increased gun violence in Chaguanas?

Quarries Authority (Details of)

298. Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Energy and Energy Industries:

Could the Minister provide:

- a) the status of the establishment of the Quarries Authority as well as the proposed starting date;
- b) the breakdown of the total amount spent on the establishment of the Authority as at July 31, 2018

**University Graduate Recruitment Programme
(Details of)**

300. Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Energy and Energy Industries:

With regard to the University Graduate Recruitment Programme, could the Minister state:

- a) the number of university graduates hired during the fiscal year 2018; and
- b) the total amount spent as at July 31, 2018.

**Petrotrin
(Purchase of Offtake Products from NiQuan)**

301. Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Energy and Energy Industries:

In light of reports that Petrotrin agreed to purchase the offtake products produced by NiQuan Energy Trinidad Limited as part of its Gas to Liquids (GTL) Agreement, could the Minister provide the list of offtake products and the commodity price for each product.

**Trinidad and Tobago Upstream Downstream Energy Operations Company
Limited
(Details of)**

302. Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Energy and Energy Industries:

In light of reports that all upstream assets of the State including the National Gas Company would be transferred to the newly incorporated state company, Trinidad and Tobago Upstream Downstream Energy Operations Company Limited, could the Minister provide a list of the assets that would be transferred and their total value.

**Oil and Gas Sector
(Implementation of New Fiscal Incentives)**

303. Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Energy and Energy Industries:

Could the Minister state the new fiscal incentives enacted and undertaken by the Ministry within the oil and gas sector for the period October 1, 2017 to July 1, 2018.

**New Business Development Programme
(Details of)**

304. Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Trade and Industries:

Could the Minister state:

- a) the date on which the New Business Development Programme became operational;
- b) the number of firms that have accessed funding for this Programme as at July 31, 2018;
- c) the total amount spent as at July 31, 2018;
- d) and the highest and lowest amounts disbursed as a grant to small business?

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS**Corporación Andina de Fomento Development Bank
(Loan Agreement)**

254. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Finance:

Could the Minister state the purpose for the new loan agreement with Corporación Andina de Fomento Development Bank?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. The new loan agreement with the Corporación Andina de Fomento also known as CAF Development Bank, will continue to support the Government of Trinidad and Tobago's medium-term fiscal consolidation strategy, and the implementation structural reforms to boost potential growth and reduce the economy's vulnerability to external fluctuations and volatility in terms of trade.

This policy-based loan will support institutional reforms and policy actions aimed at straightening fiscal sustainability. In particular the following specific objectives have been established: to increase fiscal revenues; to improve public expenditure, efficiency and accountability; to strengthen public debt management; and to promote fiscal policy sustainability.

Madam Speaker: Member for Oropouche East, supplemental. Member for Caroni East, supplemental.

Dr. Gopeesingh: Could the Minister indicate, what was the quantum of that loan by the organization, by the bank?

Madam Speaker: Minister of Finance.

Hon. C. Imbert: Madam Speaker, I will have to submit that information at a subsequent sitting. I would not want to give the incorrect answer.

Madam Speaker: Member for Oropouche West, supplemental.

Mrs. Gayadeen-Gopeesingh: Minister, and the time period, what is the time period for repayment of this loan?

Madam Speaker: Minister of Finance.

Hon. C. Imbert: Madam Speaker, I have to submit that information at a subsequent sitting.

Madam Speaker: Member for Couva South. [*Crosstalk*]

Payment of Property Tax (Commencement date)

265. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Finance:

Could the Minister inform this House of the effective commencement date for citizens to pay property tax based on the Property Tax (Amdt.) Bill, 2018?

Madam Speaker: Minister of Finance.

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, barring unforeseen circumstances, it is anticipated that property tax will be collected in 2019.

Foreign Exchange Shortage (Importation delays)

273. Dr. Lackram Bodoie (*Fyzabad*) asked the hon. Minister of Finance:

Could the Minister indicate whether shipping couriers are experiencing delays to import goods due to foreign exchange shortages?

Madam Speaker: Minister of Finance.

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker, neither the Ministry of Finance nor the Central Bank of Trinidad and Tobago

have received complaints indicating that local shipping couriers are experiencing inordinate delays to import goods due to foreign exchange shortages.

**Usine Pond, Ste. Madeleine
(Plans to Secure Facilities)**

282. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Agriculture, Land and Fisheries:

In light of reports that the Usine Pond, Ste. Madeleine is used as a dump site for the bodies of murder victims, could the Minister indicate whether there are any plans to secure the facility to deter this activity?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam Speaker. Madam Speaker, Caroni (1975) Limited continues to maintain this area by the removal of shrubs to prevent flooding and other hazards along the roadway and by the cutting of grass in the area surrounding the pond. Signs have also been placed around the perimeter of the pond to warn trespassers.

With respect to national security issues, the Minister of National Security has requested that police patrols in the area be increased. Thank you.

**Mrs. Gail Miller-Meade
(Dismissal of)**

284. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Health:

Could the Minister provide the reasons for the dismissal of Mrs. Gail Miller-Meade as the former Chief Executive Officer, South West Regional Health Authority?

The Minister of Health (Terrence Deyalsingh): Thank you very much,

Madam Speaker. I am advised that Mrs. Gail Miller-Meade, resigned in May 2018 for personal reasons from the position of Chief Executive Officer, South-West Regional Health Authority. Thank you very much.

Madam Speaker: Supplemental question, Member for Oropouche West.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, is this the same Mrs. Gail Miller-Meade who is now occupying a permanent position as general manager?

Hon. T. Deyalsingh: I am not aware of that, but if she has a substantive position at the South-West Regional Health Authority, my information is, she was in a substantive position. She applied for the post of Chief Executive Officer, got it, resigned, and has gone back to her substantive post, which is normal.

Madam Speaker: Member for Oropouche West, please, contain your outburst. Member for Oropouche West.

**La Romain Displaced Family
(Provision of Housing Assistance)**

285. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Housing and Urban Development:

With regard to the recent collapse of a home and a family being homeless at Murli Street, La Romain, could the Minister indicate whether housing assistance can be provided to this family?

The Minister of Housing and Urban Development (Hon. Maj. Gen. Edmund Dillon): Thank you, Madam Speaker. Madam Speaker, the Ministry of Housing and Urban Development visited the family's home on Monday, June 25, 2018, to assess the damage done to the structure.

Based on the assessment, it was recommended that the family apply for

the Emergency Shelter Relieve grant which is disbursed by the Ministry of Housing and Urban Development to victims of disasters to assist in the repairs of their homes or construct a temporary shelter.

Subsequent to this, the application for the Emergency Shelter Relief Grant was approved, and the applicant received the cheque from the Ministry of Housing and Urban Development in the sum of \$15,000 to assist with the construction of a temporary shelter, Madam Speaker.

**Assistance to Farmers
(Details of)**

288. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Agriculture, Land and Fisheries:

Could the Minister indicate the mechanisms, if any, employed by the Agricultural Development Bank (ADB) to assist farmers/agribusiness entrepreneurs with the restoration of their projects including:

- a) the number of farmers/agribusiness entrepreneurs impacted;
- b) the quantum of funds utilized in these relief efforts;
- c) the quantum of funds, in terms of subventions, remitted by the Ministry to the ADB to assist in these relief efforts?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam Speaker, thank you very much. I thank the Member for this question. Madam Speaker, the ADB utilized its established mechanisms through loan renewals and a loan refinancing facility to assist clients affected in the weather issues last year.

A new loan product namely the disaster relief loan was developed and launched to assist clients who were negatively impacted. Approximately \$1

million has been disbursed under this category.

Madam Speaker, the disaster relief loan was designed as a specific response to meet the challenges faced by clients after natural issues relating to the weather.

With respect to part (a), the number of farmers impacted was 619. This is indicative of the number of clients affected by tropical storm Bret in June 2017, and excessive rainfall in October—December 2017.

(b). The quantum of funds utilized in these relief efforts is as follows: for loan renewals, \$3,223,738; for loan refinancing, \$9,328,627; and for the disaster relief loan facility, \$1,049,641, for a total of \$13,702.06.

(c). No funds in terms of subventions were remitted to the ADB to assist in these relief efforts. The bank accommodated these relief initiatives by managing cash flows derived from various loan repayments. I thank you.

ADB Employee Wage Negotiations (Details of)

289. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Agriculture, Land and Fisheries:

Could the Minister indicate:

- a) the expected date for ADB employee wage negotiations to be concluded for the negotiating period 2011 to 2013;
- b) whether the prolonged ADB employee wage negotiations has impacted on the implementation of relief initiatives to farmers/agribusiness entrepreneurs and if so, can he provide details?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence

Rambharat): Madam Speaker, again, I thank the Member for this question. I am happy to say that on July 17, 2017, a memorandum of understanding was signed between the ADB and its employees with respect to wage negotiations for the period 2011 to 2013.

The agreement involves a wage increase of 11 per cent for period made up of 3 per cent for the first year, 4 per cent for the second year, and 4 per cent for the third year.

During the negotiations the bank was closed on a few occasions and customers were affected to some extent. The bank ensured that the disruption was minimized. Thank you.

Madam Speaker: Supplemental, Member for Princes Town.

Mr. Padarath: Thank you, Madam Speaker. In light of the Minister's advocacy in today's newspaper for a pay increase as a Minister, could you indicate whether the negotiations for the next corresponding period will commence?

Madam Speaker: Member, I just want to remind you that, please, avoid the preambles. You have 15 seconds to ask a question. Minister.

Sen. The Hon. C. Rambharat: Madam Speaker, I must say that I was not clear on the question.

Madam Speaker: Supplemental, Member for Princes Town.

Mr. Padarath: Thank you, Madam Speaker. Madam Speaker, the question really is, when will the negotiations for the next corresponding period commence?

Sen. The Hon. C. Rambharat: Madam Speaker, that is a matter for the trade union and the employer. And the negotiations will commence as soon as proposals are received from the recognized majority union in the normal course

of things. Thank you.

Madam Speaker: Member for Princes Town, supplemental.

Mr. Padarath: Thank you, Madam Speaker. Madam Speaker, is the Minister saying that he is unaware that proposals are before his Ministry right now?

Madam Speaker: Minister of Agriculture, Land and Fisheries.

Sen. The Hon. C. Rambharat: Madam Speaker, the normal course of negotiations between an employer and a recognized-majority union, the union makes a proposal, and none of that reaches the Minister or the Ministry. I thank you.

**Captain Watson Bridge
(Official opening of)**

290. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Works and Transport:

Could the Minister inform this House when will the Captain Watson Bridge be officially opened?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam Speaker. Madam Speaker, work on bridge B1 Camden Road Couva familiarly known as the Captain Watson Bridge has been progressing fairly well. The main bridge structure has been completed, and the river protection walls which includes the installation of Reno mattresses, river paving and the installation of roadside concrete box drains have also been completed.

Currently, the road work on the project is being undertaken. The final layer of base course material is being placed, and upon completion, the asphalt layer and road markers will be installed. Weather permitting and barring any

unforeseen circumstances, it is expected that this bridge can be officially opened by end of September 2018. Thank you.

**National Insurance Appeals Tribunal
(Details of)**

291. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Finance:

Further to the response provided to Question No. 124 on March 9, 2018, could the Minister inform this House when will the board of the National Insurance Appeals Tribunal be fully established and all members appointed?

The Minister of Finance (Hon. Colm Imbert): Just one minute, Madam Speaker. Madam Speaker, the National Insurance Appeals Tribunal has been fully established, the members were appointed in August 2018.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Could the Minister inform this House, how many matters are before this National Insurance Appeals Tribunal to be determined?

Madam Speaker: I will not allow that as a supplemental. Member for Pointe-a-Pierre.

Mr. Lee: Supplemental to the Minister. Could the Minister state if the board, the tribunal was convened in August 2018, could he state, who are the members of that board, and how many members sit on that board?

Madam Speaker: Minister of Finance.

Hon. C. Imbert: Madam Speaker, notwithstanding the fact that question was not asked, I have some information. The members of the tribunal are as follows:

Ms. Stacy Cummings, Chairman; Dr. Roshan Parasram. Just one second, Madam Speaker. Dr. Roshan Parasram, director *ex officio*; Ms. Sunity Baldeo, member; Ms. Elicia Douglas-Cruickshank, member; Ms. Akani Duke, member; Mr. Christopher Joefield, member; Mr. Charles Mitchell, member; Mr. Narindra Moonan, member; Mr. Kenneth Jones, member; Ms. Cheryl-Ann Jordan, member; Ms. Lydia Peters, member.

**Collapsed Cylinder Crossing
(Steps to Repair)**

292. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Works and Transport:

Could the Minister inform this House when will repairs commence to the collapsed cylinder crossing the layby onto the north bound lane of the Solomon Hochoy Highway in the vicinity of the Couva/Point Lisas Interchange?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):
Thank you, Madam Speaker. Madam Speaker, with respect to the repairs to the collapse cylinder crossing the layby onto the north bound land of the Solomon Hochoy Highway in the vicinity of the Couva/Point Lisas Interchange, an invitation to tender for the Couva/Preysal cylinder crossing was published by the Central Tenders Board via the *Trinidad Express* newspaper on August 28, 2018, and the *Trinidad and Tobago Newsday* on August 30, 2018.

The site visit with prospective tenderers was conducted on September 07, 2018 at the Couva/Preysal interchange. The closing date for tender is September, 20, 2018. I thank you.

**Deep-water Bid Rounds
(Details of)**

305. Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Energy and Energy Industries:

Could the Minister state the number of deep-water bid rounds that have been undertaken by the Ministry for the period September 08, 2015 to July 01, 2018?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam Speaker. Madam Speaker, there were no deep water bid rounds that were undertaken by the Ministry of Energy and Energy Industries for the period September 08, 2015 to July 01, 2018.

However, the Ministry proposes to hold a bid round by the end of 2018 which will comprise blocks on land and in the shallow water. The shallow-water blocks so far identified are NCMA 2, NCMA 3 in the north coast area, one being the west coast marine area. Four 4CUC and lower reserve L in the east coast marine area. And the blocks on land include the Charuma block and central range block.

The Ministry has put on hold a new bid round while it conducted a review of the terms of the existing model production sharing contract. The Ministry has exchanged external consultants and international lawyers in this exercise, and the revised model PSC will be finalized shortly.

In the final form of the new model PSC will result in among other things the strengthening of the escrow arrangements in relation to the decommissioning of energy facilities, which was a major weakness in the first PSC, and improving marketing arrangements that will provide greater return for

Trinidad and Tobago.

Madam Speaker: Supplemental, Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker. Supplemental to the Minister. Minister, over the last 36 months you had talked about, when you became Minister of Energy and Energy Industries, sorry, about having deep-water bid rounds. What could be the rationale for not having that, given that this is critical for Trinidad and Tobago as far as—

Sen. The Hon. F. Khan: I never said we were having a deep-water bid round. I said we were having a bid round which was largely in the shallow water. There is deep-water exploration going on as we speak, and when this phase of exploration drilling is completed in the deep water, we have a new data set, and then we can go back out to the market for more interest.

Mr. Indarsingh: We cannot trust you. You are the bearer of fake news.

Madam Speaker: Member for Couva South, please. Member for Caroni East.

Dr. Gopeesingh: Minister, in light of your statement that there are no bid rounds for the last three years, how do you account for the fact that your Government is stating that you are increasing exploration and production in the future when you have had no bid rounds for three years?

Madam Speaker: Minister of Energy and Energy Industries.

Sen. The Hon. F. Khan: Madam Speaker, you have a bid round to offer unlicensed acreage on the bid round. A significant portion of Trinidad's acreage is already under licence, and exploration is going on there.

In the bid round that we have for the open blocks, I said what we went ahead and did, is we employed consultants and international lawyers. Because we go out to these bid rounds, but the model production-sharing contract is not to the

benefit of Trinidad and Tobago. So, we have gone out now with new conditions including escrow account for decommissioning. Under those old PSCs there is nothing of decommissioning of platforms and we are saddled with that environmental burden in the end, and we are looking for better terms and conditions for the Government and people of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Caroni Central.

Dr. Tewarie: Just a quick question, Minister. When do you anticipate, I know you said “soon”, but when do you anticipate that negotiations will be concluded?

Madam Speaker: Minister of Energy and Energy Industries.

Sen. The Hon. F. Khan: The contract has already been finalized, and we will be going out with this bid round very likely before the end of this year, in fact, most definitely, before the end of this year.

Madam Speaker: Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker.

Eximbank Forex Facility (Details of)

306. Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Finance:

Could the Minister state:

- a) the United States (US) capital actually injected into the Eximbank Forex Facility, given the initial allocation of US \$1 million dollars within the 2018 Budget;
- b) the number of local manufacturers that have utilized this facility to date; and

- c) the total amount of US currency utilized to date from the allocation?

Mr. Lee: Question 306 to the Minister of Finance, but I just want to state, in question (a), it is a typographical error. It is supposed to be \$100 million, not \$1 billion.

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker, that makes no difference. The answer to (a), the initial amount injected into the Eximbank forex facility to date US\$5.16 million.

Answer to (b): six local manufacturers have so far utilized this facility. Answer to (c): the total amount of US currency utilized to date is US \$783,182.04.

Additionally, there are five scheduled transactions for the next two weeks in the amount of US \$809,047.45.

Madam Speaker: Supplemental, Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker. To the Minister of Finance, supplemental in question part (b), he stated six local manufacturers. Could he identify the six manufacturers, please?

Madam Speaker: Minister of Finance.

Hon. C. Imbert: Madam Speaker, I was asked for the number not the names. So the Member can submit the question and I will see whether if it breaches banker confidentiality or not.

Madam Speaker: Supplemental, Member for Pointe-a-Pierre.

Mr. Lee: Supplemental to the Minister of Finance. Minister, the original aspect of this Eximbank \$100 million was for a purpose, and recently the Minister of Trade and Industry had said, it was only for new export manufacturers. Could

he enlighten if that is so?

Madam Speaker: Minister of Finance.

Hon. C. Imbert: Madam, I cannot speak, I cannot operate on the basis of hearsay which was probably inaccurate coming from the mouth of the Member for Pointe-a-Pierre. I have no—

Mr. Lee: Why you have to get on like that?

Madam Speaker: Member for Pointe-a-Pierre, please. [*Crosstalk*] Members, I am on my legs. Member for Naparima, you have a supplemental question?

Mr. Charles: Yes. To the Minister of Finance, is the facility opened to new manufacturers or existing manufacturers?

Madam Speaker: Minister of Finance.

Hon. C. Imbert: All.

Madam Speaker: Member for Pointe-a-Pierre.

**NiQuan Energy Trinidad Limited
(Petrotrin's Agreement to purchase GTL Plant)**

307. Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Energy and Energy Industries:

Could the Minister provide a status update on:

- a) whether the NiQuan Energy Trinidad Limited agreement with Petrotrin to purchase the GTL Plant has been finalized by both parties; and
- b) the expected commencement date for NiQuan's ownership of the GTL Plant?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam Speaker. Madam Speaker, Petrotrin was

not a party to the sales and purchase agreement dated May 19, 2016 for the sale and purchase of the assets of World GTL Trinidad limited in receivership which included the GTL plant.

The sale and purchase agreement was between World GTL Trinidad Limited in receivership and NiQuan Energy Trinidad Limited.

The sales and purchase agreement was completed on July 11, 2018, and the assets of World GTL Trinidad Limited in receivership were transferred to NiQuan Energy Trinidad Limited on that date.

Madam Speaker: Supplemental, Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker. Supplemental to the Minister, based on his response part (a) of the question, could the Minister clarify what role Petrotrin has played in the NiQuan energy deal or the WGTL?

2.30 p.m.

Sen. The Hon. F. Khan: I am not sure what you mean by what role have they played. World GTL was a joint venture between—World GTL-Trinidad Limited was a joint venture between World GTL and Petrotrin. Okay? But it is a different entity, and that company went into receivership. A receiver was appointed, the receiver went on the open market to look for a buyer, the receiver selected a preferred buyer, which was NiQuan Energy Trinidad Limited, negotiations commenced, and they settled on a final price, and terms and conditions.

Madam Speaker: Supplemental, Member for Pointe-a-Pierre

Mr. Lee: Thank you, Madam Speaker. To the Minister, you said that Petrotrin was part owner. Could the Minister state who gave the approval from Petrotrin to sell World GTL—their part—to NiQuan Energy Trinidad?

Madam Speaker: Minister of Energy and Energy Industries.

Sen. The Hon. F. Khan: You are not understanding what I am saying hon. Member of Parliament for Pointe-a-Pierre. The company went into receivership. It was now the responsibility of the receiver to dispose of the assets. That is the terms and conditions. That was negotiated under the UNC. [*Crosstalk*] Okay? They went out by open tender—

Madam Speaker: Order! Order! Order!

Sen. The Hon. F. Khan:—they had request for proposals, and there was absolutely no influence over the receiver as to who was the choice. [*Continuous crosstalk*]

Madam Speaker: Members! Order. I am standing. I want to hear the response from the Minister of Energy and Energy Industries. Minister, please proceed. [*Interruption*] Member for Siparia, I am on my legs, please.

Mrs. Persad-Bissessar SC: Okay, Ma'am.

Madam Speaker: Please continue.

Sen. The Hon. F. Khan: Well, I am through, Ma'am.

Madam Speaker: Supplemental, Member for Caroni East.

Dr. Gopeesingh: Could the Minister indicate, what cost did Petrotrin have to incur on the World GTL plant originally, so that it be liquidated at a nominal cost of \$30 million?

Madam Speaker: I am not going to allow that as a supplemental question.

DEFINITE URGENT MATTER

(LEAVE)

Closure of over Twenty-Five Schools (Failure of Government to Prevent)

Madam Speaker: Member for Caroni East. [*Desk thumping*]

Dr. Tim Gopeesingh (Caroni East): Madam Speaker, in accordance with Standing Order 17, I hereby request your leave to move the adjournment of this House at

Definite Urgent Matter (cont'd)
Dr. Gopeesingh (cont'd)

2018.09.17

this sitting, today, for the purpose of discussing the following definite matter of urgent public importance, namely the lack of preparedness and failure of the Government, to prevent the closure of over 25 schools across Trinidad and Tobago, as at the commencement of the new academic year on September 03, 2018.

The matter is definite because it relates to the closure of over 25 primary and secondary schools throughout the country at the start of the new school term. These schools have been closed because of a lack of preparedness, and the failure of the Minister of Education to implement the necessary remedial infrastructural measures in a timely manner, thus preventing thousands of our students from attending classes since the opening of the school term. The matter is urgent because of the critical need to reverse the deleterious impact on our nation's students who are being denied their education, as well as crucial examination preparation time, as a result of the closure of their schools.

Madam Speaker, the matter is of public importance because it demonstrates serious negligence by the Government, towards the educational needs and requirements of our students and educators through its continued failure in infrastructural appraisal and remediation.

Madam Speaker: Hon. Members, I am not satisfied that this matter qualifies under this Standing Order. I advise the Member that he may pursue this matter under Standing Order 16.

STATEMENTS BY MINISTER

Draft National Policy on Persons with Disabilities

The Minister of Social Development and Family Services (Hon. Cherry-Ann Crichlow-Cockburn): Thank you, Madam Speaker. I am authorized by the

Statements by Minister (cont'd)
Hon. C. Crichlow-Cockburn (cont'd)

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Cabinet to make this statement. In 1976 Trinidad and Tobago marked a significant occasion in its history when it moved from Independence to Republican status. Our forefathers had a clear vision for the continued development and prosperity of our country, and were committed to ensuring that the existing and enhanced degree of equality, inclusion, social justice and security for all citizens of this Republic.

They were also committed to ensuring that policies, programmes, initiatives and services were designed to suit the unique needs of a young developing nation, and so today, as the nation prepares to commemorate the 42nd anniversary as a Republic, Madam Speaker, I am pleased to lay before this honourable House the Draft National Policy on Persons with Disabilities, a significant document which endeavours to enhance and protect the rights and dignities of a key socio-economic community of citizens, persons with disabilities.

It was only in June 2015, Madam Speaker, that this country ratified the United Nations Convention on the Rights of Persons with Disabilities. This landmark piece of legislation for the promotion and fortification of international human rights is also designed to promote, protect and enable the full and equal enjoyment and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. The United Nations Convention on the Rights of Persons with Disabilities also emphasizes that governments must become compliant and ensure that appropriate legislative, administrative and regulatory arrangements are established to protect and promote the human rights and inclusion of persons with disabilities. Indeed, Madam Speaker, this represented a paradigm shift in the way that governments and societies ought to respond to the community of persons with disabilities and their various networks of support. No longer was the issue of disabilities to be regarded as a medical or charity issue, but as a human rights

model. This shift is in alignment with the Government's National Development Strategy, Vision 2030, for a caring and nurturing society built on inclusiveness.

Accordingly, the draft national policy on persons with disabilities is Trinidad and Tobago's most recent effort to ensure that persons with disabilities are guaranteed the same freedoms and accessibility in all areas of society. The policy speaks to the overarching aim of nurturing and expanding an inclusive society for all, where none are indeed left discriminated against or marginalized and where no one is indeed left behind.

The aims and objectives of the national policy are, inter alia, to:

- Promote and protect the human rights of person rights of all persons with disabilities;
- provide a framework which will guide the development of public policy to incorporate disability related issues;
- eliminate marginalization of, and discrimination against all persons with disabilities, ensuring effective access to justice;
- empower persons with disabilities and their families to participate in discussions on the implementation of disability related initiatives;
- provide a national direction for greater inclusion and participation of persons with disabilities in social, educational, cultural, economic and recreational aspect of society; and
- create a barrier-free environment to allow for independent functioning of persons with disabilities.

Over the last fiscal year, the Ministry of Social Development and Family Services awarded over \$31 million in subventions and one-off grants to non-governmental organizations which provide services to the community of persons

Statements by Minister (cont'd)
Hon. C. Crichlow-Cockburn (cont'd)

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with disabilities. Throughout the past year, significant developments have occurred which have impacted the community with disabilities at all levels: nationally, regionally and internationally. For example, the international focus on a rights-based development approach has heightened awareness of the plight of persons with disabilities and facilitated increased action on disability and disability related issues.

Additionally, advancements in technology have made information widely accessible, resulting in the population of persons with disabilities not only being more educated and informed, but very cognizant of developments occurring across the globe relevant to their community and therefore demand services of parallel quality in their local environment. As we move toward the creation of a new framework for development, we have a responsibility and obligation as advocates, as policy makers, as citizens, to ensure that an enabling environment is provided for persons with disabilities in Trinidad and Tobago, so that they can experience a sense of pride and satisfaction as fellow citizens of this beloved country.

Today, we present a Green Paper which directly addresses equality and non-discrimination, accessibility, health, education and employment. In addition, it also addresses the important issue of right to life, home, family, recreation and independent living. There is also important emphasis throughout the policy on collaboration and partnerships which are fundamental in being able to achieve an inclusive society cognizant of the various challenges in the global, political and socio-economic environments.

Madam Speaker, this House should note that the Ministry of Social Development and Family Services has invested significant resources and time in the development of this iteration of the draft policy. Several public consultations

and conversations with various stakeholder bodies and members of the public were undertaken. Additionally, many of the recommendations contained in the 2005 policy were incorporated in this draft, as those recommendations were informed by stakeholder workshops and discussions around physical infrastructure, transport and housing, sport, recreation, culture and hospitality, education, training and employment, research, data collection and legislation, and remained relevant today.

It is important to note however, that whilst work had progressed on the development of the new policy, quite a significant number of initiatives have and continue to be implemented for the community of persons with disabilities to improve their quality of life. Permit me to inform this House of some of these measures.

- Establishment of a committee to review the Equal Opportunity Act to address all forms of inequality and discrimination against persons with disabilities;
- Establishment of a National Employment Service to integrate and promote persons with disabilities into the labour market, with particular emphasis on assistive technologies for those persons who are visually impaired;
- Establishment of built environment standards and codes to facilitate accessibility to public spaces;
- Continued transport and mobility services through the ELDAMO initiative;
- Provision of the special child grant for eligible children, as well as vision and hearing screening programmes are also available for both primary and secondary school students;

Statements by Minister (cont'd)

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Hon. C. Crichlow-Cockburn (cont'd)

- Provision of annual subventions and other transfers for habitation, rehabilitation and other critical services for persons with disabilities;
- Enhancement of health and rehabilitative services for persons with disabilities through ongoing dialogue with the Ministry of Health.

Madam Speaker, these strategic interventions, initiatives and continuous support demonstrate Government's multi-dimensional approach to the development and social advancement of persons with disabilities towards inclusion, integration and mainstreaming of all citizens.

As I conclude, Madam Speaker, this national policy on persons with disabilities is poised to ensure that all citizens of the Republic of Trinidad and Tobago, particularly our most vulnerable, will be empowered to lead resilient, disciplined, independent and productive lives as proud citizens of this nation.

Madam Speaker, I thank you. [*Desk thumping*]

Dr. Tewarie: Madam Speaker, 24(4).

Madam Speaker: Member for Caroni Central.

Dr. Tewarie: Madam Speaker, through you, to the hon. Minister. Does the Green Paper speak to the issue of cerebral palsy rehabilitation? And could the Minister indicate whether works have been completed to allow the facility in Carlsen Field to be opened shortly? [*Desk thumping*]

Madam Speaker: So, Member for Caroni Central, you are allowed one question for elucidation; if you could decide which one.

Dr. Tewarie: Well, the opening of the centre I would ask.

Madam Speaker: Minister of Social Development and Family Services.

Hon. C. Crichlow-Cockburn: Thank you, Madam Speaker. The National Enrichment Centre at Carlsen Field has not been opened to date because of issues

Statements by Minister (cont'd)
Hon. C. Crichlow-Cockburn (cont'd)

2018.09.17

that resulted—that started from the onset. First of all, the centre was not built to the design brief. In addition to which, although the centre was launched, the centre, that whole area continues to be a construction site.

Mr. Padarath: Three years later.

Hon. C. Crichlow-Cockburn: Three years later it continues to be a construction site because the necessary requirements were not received. A completion certificate has not been received—

Mr. Padarath: Three years later.

Hon. C. Crichlow-Cockburn: And it could not be received because—

[Madam Speaker rises]

Sorry, Madam Speaker.

Madam Speaker: Member for Princes Town.

Hon. C. Crichlow-Cockburn: Madam Speaker, because the centre was not built to design specifications, it was not built in accordance with established standards, and the necessary provisional approvals were not sought and not gotten, we have not been able to open that centre. It is also noted that there were issues with the structural integrity of the building, and this Government had to seek the University of the West Indies' intervention to do an assessment of the centre to determine whether we could have proceeded.

We are now in a position, Madam Speaker, where we have had most of the remedial actions done, and we expect to have the centre open on a phased basis commencing in October. Thank you, Madam Speaker. *[Desk thumping]*

Statements by Minister (cont'd)
Hon. C. Crichlow-Cockburn (cont'd)

2018.09.17

Madam Speaker: Minister of Social Development and Family Services.

National Social Mitigation Plan for Trinidad and Tobago

The Minister of Social Development and Family Services (Hon. Cherry-Ann Crichlow-Cockburn): Thank you, Madam Speaker. Madam Speaker, I am authorized by the Cabinet to make this statement. Early in this Government's term, the hon. Prime Minister of the Republic of Trinidad and Tobago expressed concerns about the impact of the economic fallout as a result of the decline in energy prices, particularly on the most vulnerable in the society. The Ministry of Social Development and Family Services was then charged with the responsibility to develop a National Social Mitigation Plan to cushion the impact of the economic downturn on citizens in Trinidad and Tobago. Following extensive research and consultation with key stakeholders, a comprehensive mitigation plan appropriately themed "Building Resilience to Secure Our Nation" was developed and submitted to and approved by Cabinet in August 2017 along the recommendations outlined therein.

Madam Speaker, the National Social Mitigation Plan was developed as a deliberate and proactive response to mitigate the potential physiological, social and economic effects associated with the decline in the economy. The National Social Mitigation Plan targets citizens in vulnerable socio-economic positions such as retrenched or terminated workers, unemployed and low-income persons, at risk youth, persons with disabilities, poor and single-household families or individuals, and other marginalized groups. The main purpose of the National Social Mitigation Plan is to equip persons affected by the economic downturn with the resources and tools necessary to cope with the short-term consequences and overcome these in the medium to long-term on the principles of sustainability, empowerment,

resilience and overall improvement in living standards.

Madam Speaker, the National Social Mitigation Plan is focused on achieving three main objectives, as follows:

1. Strengthening the social protection system;
2. Promoting community and civil society action; and
3. Enhancing productivity and innovation.

The strategies and programmes to achieve the objectives are covered under seven key action areas:

- Unemployment relief and basic needs provision;
- Health and wellness;
- Education, skills training and re-tooling;
- Employment and productivity and innovation and enterprise development;
- Safety and security;
- Poverty prevention through financial security awareness; and
- Community and civil society action.

It is expected that the overarching outcome of the National Social Mitigation Plan will be social and economic transformation embodied through a more resilient population. It is anticipated that the plan will promote greater coordination, integration and efficiency in the social protection framework, and engender movement away from handouts, welfare and dependency towards self-sufficiency, innovativeness and productivity, thereby facilitating a synergistic relationship with the Government's Vision 2030 agenda. Operationally, the implementation of the plan is underpinned by a whole of Government approach, as the Government seeks to consciously veer away from isolated silos in public administration towards

greater inter-agency collaboration and partnerships.

In this regard, Madam Speaker, the Ministry of Social Development and Family Services, will work in conjunction with several key stakeholder Ministries and agencies as well as civil society organizations to implement this robust plan. Additionally, Madam Speaker, two inter-ministerial committees were established to provide oversight and focus throughout each phase of the implementation. Madam Speaker, the plan will be implemented in three phases:

Phase 1, which deals with the short term measures, includes:

- Establishment of a walk-in one stop facility for persons seeking services provided by the Government;
- Establishment of a toll free call centre to facilitate the dissemination of timely information to persons seeking Government assistance;
- Provision of temporary short-term programming measures for retrenched workers which may include food support, public assistance or general assistance grants;
- Establishment of a standardized means test as a means of identifying and targeting the vulnerable sector;
- Extension of the electricity subsidy by the Ministry of Public Utilities to include vulnerable retrenched workers;
- Provision of financial and technical support to NGOs that provide food and other services to the vulnerable, and this may include soup kitchens and temporary shelters;
- Public education campaign on financial security, and this is already in place and ongoing in collaboration with the Central Bank; and

Statements by Minister (cont'd)
Hon. C. Crichlow-Cockburn (cont'd)

2018.09.17

- The establishment of health and wellness centres through the Ministry of Health.

Phases 2 and 3, Madam Speaker, will focus on addressing the broader socio-economic issues facing Trinidad and Tobago, and create the platform for building sustainability and resilience. More pointedly, phases 2 and 3 will focus on expanding the provision of training and entrepreneurial opportunities as we seek to enhance the productive and innovative capacity of our citizens.

In closing, Madam Speaker, I would like to reiterate that the National Social Mitigation Plan is about transforming the way we do business in the social sector to effectively respond to the needs of our citizens in a timely, holistic and coordinated manner. The provisions of the country's social safety net require us to respond to the immediate needs of all our citizens and to do all that is possible to lift them out of their dire circumstances and set them on the road to recovery. It is the vision of this Ministry, and by extension the Government, that building the capacity for resilience in all citizens is a key factor in propelling the country on its pathway to prosperity.

Madam Speaker, I thank you. [*Desk thumping*]

Mr. Lee: Madam Speaker, 24(4). Thank you, Madam Speaker.

Madam Speaker: What is your point of order?

Mr. Lee: 24(4). To the Minister, just for some clarity, this National Social Mitigation Plan, could you state what is the budgeted amount to roll out this plan?

Hon. C. Crichlow-Cockburn: Madam Speaker, we have budgeted \$1 million to roll out the National Social Mitigation Plan.

JOINT SELECT COMMITTEES**(Extension of Time)****Trinidad and Tobago Revenue Authority Bill, 2018**

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

Thank you very kindly, Madam Speaker. Having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Trinidad and Tobago Revenue Authority Bill, 2018, I beg to move that the committee be allowed an extension to continue its work and report by September 26, 2018. Thank you, Madam Speaker.

Question put and agreed to.

Gambling (Gaming and Betting) Control Bill, 2018

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

Thank you very kindly, Madam Speaker. Having regard to the Third Interim Report of the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2018, I beg to move that the committee be allowed an extension to complete its work and submit a final report by September 26, 2018. Thank you, Madam Speaker.

Question put and agreed to.

STANDING ORDER 79(3)**Continuation of Bills in the Fourth Session**

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

Thank you very kindly, Madam Speaker. In accordance with Standing Order 79(3), I beg to move that in the Fourth Session of the Eleventh Parliament, the proceedings on the following Bills be resumed:

1. The Constitution (Amendment) (Tobago Self-Government) Bill, 2018.
2. The Cybercrime Bill, 2017;

3. The National Statistical Institute of Trinidad and Tobago, Bill, 2018;
4. The Whistleblower Protection Bill, 2018;
5. The Planning and Facilitation of Development (Amendment) Bill, 2018;
6. The Mutual Administrative Assistance in Tax Matters Bill, 2018; and
7. The Tax Information Exchange Agreements Bill, 2018.

Thank you very kindly, Madam Speaker.

Question put and agreed to.

PAYMENTS INTO COURT BILL, 2018

Senate Amendments

The Attorney General (Hon. Faris Al-Rawi): [*Desk thumping*] Thank you, Madam Speaker. I beg to move the following Motion standing in my name:

Be it resolved that the Senate amendments to the Payments into Court Bill, 2018 listed in the Appendix II to the Supplemental Order Paper be now considered.

Question proposed.

Question put and agreed to.

Long title.

Senate amendment read as follows:

In the long title delete after the words “custodial bank account” the word “in” and substitute the words “held under”.

Mr. Al-Rawi: Thank you, Madam Speaker. I beg to move that this House agree with the Senate in the amendments to the long title of the Payments into Court Bill, 2018.

Madam Speaker, the proposed amendment is really just a matter of a better expression of language. We propose instead that there be a certain amount of

clarity, so recommended by the Office of the Chief Parliamentary Counsel, by a simple replacement. [*Interruption*] Sorry.

Mr. Lee: Would you kindly do all the amendments together?

Mr. Al-Rawi: Sure. Madam Speaker, I am being asked by the Opposition if we consider doing all of the amendments together. Is this procedure adopted?

Madam Speaker: Once there is agreement by both sides we can proceed in such a way.

Mr. Al-Rawi: There is agreement?

Mr. Lee: Yes.

Mr. Al-Rawi: Much obliged. Ma'am, in the context of agreement—you want me to put it otherwise?

Madam Speaker: Therefore, what we will have to do is, unless, again, both sides agree, the Clerk will have to stand up and read all en bloc.

Mr. Al-Rawi: Should it please you?

Madam Speaker: Yes.

3.00 p.m.

Senate amendments read as follows:

Long title In the long title, delete after the words “Custodial Bank Account”, the word “in” and substitute the words “held under”.

Clause 1. In the short title—

(a) Insert before the word “Payments” the word “Electronic”; and

(b) Insert after the word “into” the words “and out of”.

Clause 2. Insert after the word “date” the words “to be”.

Clause 3. A. In the definition of “Accounts and Investment Officer of

the Judiciary”, delete after the words “holding the”, the word “office” and substitute the word “position”.

- B. Insert after the definition of “Auditor General”, the following definition:

Chap. 4:21 ““bailiff” has the meaning assigned to it under section 2 of the Petty Civil Courts Act;”.

- C. Delete the definition of “Central Bank”.

- D. In the definition of “Court”, delete the words “includes a Magistrate’s Court” and substitute the words “means the Supreme Court or a Magistrate’s Court”.

- E. In the definition of “Court Administrator”, –

(a) delete the word “office” and substitute the word “position”; and

(b) delete after the words “Division of”, the word “the” and substitute the word “a”.

- F. In the definition of “Court Executive Administrator”, delete the words “who is charged with responsibility for the administration of the Judiciary and heads the Department of Court Administration and holds” and substitute the words “holding or acting in”.

- G. In the definition of “Custodial Bank”, delete the words “commercial or other bank” and substitute the words “Financial Intermediary”.

- H. Delete the definition of “Custodial Bank Account” and substitute the following definition:

““Custodial Bank Account” means a Custodial Revenue Bank Account referred to in section 5(1) or a Custodial Trust Bank Account referred to in section 5(2);”.

- I. In the definition of “Deputy Court Executive Administrator”, delete after the words “holding the”, the word “office” and substitute the word “position”.

- J. Delete the definition of “financial institution”.

- K. In the definition of “Magistracy Registrar and Clerk of the Court”, insert after the word “holding”, the words “or acting in”.

- L. Insert before the definition of “Magistracy Registrar and Clerk of the Court”, the following definition:

““Financial Intermediary” has the meaning assigned to it under regulation 2 of the Exchequer and Audit (Electronic Funds Transfer) Regulations, 2015;”.

- M. Insert before the definition of “Registrar”, the following definition:

““Receiver of Revenue” has the meaning assigned to it under section 2 of the Exchequer and Audit Act.

(2) There shall be established and maintained accounts to be known as “Custodial Trust Bank Accounts” which shall be held under the name of the Judiciary of Trinidad and Tobago at a Financial Intermediary in Trinidad and Tobago, to facilitate the payment into and out of Court of—

- (a) maintenance payments; and
- (b) any other payment made pursuant to an order of Court, Rules of Court or any other law, which is not by its nature revenue.

(3) The payments referred to in subsections (1)(a) to (c) and (2)(a) and (b) shall be held in separate Custodial Bank Accounts.

(4) Custodial Bank Accounts shall be public accounts for the purposes of section 116 of the Constitution.”.

Clause 6.

A. In paragraph (a),—

- (a) in subparagraph (i), delete the word “or”;
- (b) in subparagraph (ii), delete the word “and”; and

- (i) into an account at a Financial Intermediary; or
- (ii) onto a pre-paid debit card issued by a person licensed under the Financial Institutions Act and registered by the person or entity with the Court Executive Administrator.

(2) The signatories to a Custodial Bank Account may authorise a payment out of a Custodial Bank Account—

- (a) in the case of a payment to the Treasury, by directing the Custodial Bank by letter or electronic means, to prepare a cheque made payable to the Treasury; or
- (b) in the case of a payment to a person or entity other than the Treasury, by directing the Custodial Bank by letter or

electronic means, to pay the person or entity on production of identification and provide the Court Executive Administrator with proof of payment out.”.

New Clause 9A

Insert after clause 9, the following new clause:

- “Requirement 9A. A requirement under any under written law for moneys to be paid law satisfied to—
- by payment (a) the Court;
- in Custodial (b) the Judiciary;
- Bank Account (c) a Magistrate;
- (d) the Registrar and Marshal;
- (e) the Court Executive Administrator;
- (f) a Marshal;
- (g) a Deputy Marshal;
- (h) a Second Deputy Marshal;
- (i) a Marshal Assistant;
- (j) a bailiff;
- (k) a Magistracy Registrar and Clerk of the Court;
- (l) a Receiver of Revenue;
- (m) a Collector of Revenue; or

(n) a Collecting Officer,
is satisfied by those moneys being paid
electronically into a Custodial Bank
Account held for that purpose.”.

- Clause 10.* In paragraph (1), delete the words –
- (a) “payment in”, and substitute the words “payments in”;
 - (b) “payment out”, and substitute the words “payments out”; and
 - (c) “receipt”, and substitute the words “receipts”.
- Clause 12.*
- A. In the marginal note, delete the word “Judiciary”.
 - B. Delete the words “the Judiciary shall notify the recipient of the sum” and substitute the words “the Court Executive Administrator shall cause the recipient of the sum to be notified.”.
- Clause 14.*
- A. Renumber clause 14 as clause 14(1).
 - B. Insert after subclause (1) as renumbered, the following subclause:
“(2) The Court Executive Administrator may issue or cause to be issued, a pre-paid card to be used for the electronic payment of fees pursuant to subsection (1).”.
- Clause 15.* Delete subclause (1) and substitute the following subclause:
- “(1) The Rules Committee established under section 77 of the Supreme Court of Judicature Act may make

Rules of Court for carrying into effect the provisions of this Act.”

Mr. Al-Rawi: Thank you, Madam Speaker. Madam Speaker, for the record, may I through you ask the Member for Pointe-a-Pierre, there is agreement that we can do all of these together?

Mr. Lee: Yes, yes AG.

Mr. Al-Rawi: Much obliged, Ma'am. Madam Speaker, I beg to move that this House agree with the Senate in the amendments to the several clauses read by the Secretary to this committee a short while ago, being specifically the long title, clause 1, clause 2, clause 3, clause 5, clause 6, clause 8, clause 9, clauses 10, 12, 14, 15 and by the insertion of a clause 9A.

I thank the hon. Members for proposing that this be dealt with in one fell swoop. Certainly it is a welcome change from past practice. Madam Speaker, the amendments before us have been brought at the recommendation of the Senate as we had an opportunity to receive some further inputs of public consultation, in particular, from the Central Bank and also the Law Association.

We also had an opportunity to have further conversations with the Comptroller of Accounts, the Auditor General, the Treasury Division of the Ministry of Finance and therefore we have a mix of proposed amendments before this honourable House. This mix may be disaggregated into, firstly, what I considered to be mere cosmetic changes and those are really to be found in some of the innocuous clauses before us here for consideration, such as, the pluralization of matters as opposed to maintaining the singular.

Second category is that which falls about from agreeing to better describe in expressed form the considerations in respect of other laws to be intersected. In

particular that falls about when we come to look and reflect upon the insertion of a new clause 9A which I will come to in a short while.

The third category of amendments that we are considering before us as a group, Madam Speaker, come under the rubric of ensuring in expressed terms the continued prevalence of the Exchequer and Audit Act in conjunction with the Constitution of the Republic of Trinidad and Tobago. The Senate recommended as the Government's proposal was accepted that we expressly provide for the maintenance of the Exchequer and Audit Act as opposed to relying upon an implied statement which, albeit, is perfectly acceptable and has been the standard for umpteen years, we sought it fit to recommend for this House's consideration a more expressed statement of particulars.

Madam Speaker, the amendment to the long title is really very simple. We are effectively proposing that payments into and out of court be made electronically and into and out of a custodial bank account held under the name of the Judiciary. This was a mere harmonization of what the expressed terminology is in fact and that stands as pellucidly clear.

Clause 1 of the Bill, we propose a small amendment. Instead of the short title being that the:

“...Act...be cited as the Payments into Court Bill...”—we thought that we should also provide for the payments out of.

Even though it is to be gleaned from the operational structures of the Bill that it is both into and out of court, electronic payments, we are instead now providing for a small amendment to the short title.

Clause 2 of the Bill, we simply tidied the language. We provide that the proclamation clause be a date to be fixed by the President. Those words were

regrettably not included when the proofing of the Bill that came to the House was considered. Clause 3 of the Bill proposes 14 sub-amendments. And some of them are to take care of some of the concerns raised in the stakeholder consultation.

In particular, we are better describing by reference to standard terminology, the difference between public officers and contract officers. And the first event where that falls to be considered is in the proposed amendment that you would see on the Schedule of amendments at 3A where we say that the:

“Accounts and Investment Officer of the ‘Judiciary’ means a person holding the”—position—“of Accounts and Investment Officer of the Judiciary.”

That of course takes care of the fact that it may be a contract officer. And I ask you, Madam Speaker, to note that this ability to utilize non-public servants is a standard feature of our law and has been since prior to the proclamation of our independence constitution.

Indeed, the Exchequer and Audit Act which itself is of considerable antiquity and vintage, that is Chap 69:01, that was an Act of Parliament, No. 20 of 1959. It now stands some 59 years old. And when you look to the provisions, in the Exchequer and Audit Act there is an absolute ability for persons to be appointed as repositories or receivers of revenue both in contract position and in permanent position as the sections of the Exchequer and Audit Act so provide. But more particularly, as the rules to the Exchequer and Audit Act also provide, and in particular, I refer to rule 20 of the Exchequer and Audit Act, where any person authorized by the Treasury has that privilege because there is an absolute liability associated with that functionality.

Madam Speaker, we propose as in the Schedule seen, the inclusion of the expression “bailiff” in reference to section 2 of the Petty Civil Courts Act. This is

annexed to an amendment which we propose is an expressed inclusion in clause 9A of the persons who are listed as receivers of revenue. There are of course eight clauses and one rule of court or subsidiary law which operate in conjunction with the Exchequer and Audit Act. And this Act and putting forward the definition of bailiff ties in with the description in the use of that term in clause 9A where we identify receivers of revenue in relation to particular laws where they find that expression.

Madam Speaker, we are amending in clause 3B in the Schedule shows the definition of court. We are making it specific that we are dealing with the Supreme Court, meaning, the High Court and the Court of Appeal and the Magistrates' Court. This is very important because we are not proposing yet the expansion of the jurisdiction to all courts of superior record. And all courts of superior record would obviously include the Industrial Relations Court and the Equal Opportunity Tribunal. We are limiting this to the Judiciary of Trinidad and Tobago specific core functions at the Court of Appeal, High Court and the Magistracy, so that not all court of summary jurisdiction are necessarily caught there in light of a recent decision coming out of the Industrial Court. So there is specificity in the definition of court.

Madam Speaker, in 3E as shown on the Schedule, we are proposing to use the terminology "holding or acting in" in reference to the Court Executive Administrator, so done because this is in reference to a permanent position so created in the year 2004, if I recall—2003 when the Second Schedule to the Judicial and Legal Service Commission was amended pursuant to PNM Cabinet's decision that the Court Executive Administrator not be a contract officer but be a public officer.

Madam Speaker, when we look at 3G on the Schedule we are proposing the utilization in reference to custodial banks that we deal with the functionality of a financial intermediary. We are keeping the language in concert and in harmony with the Exchequer and Audit Act specifically using financial intermediary because that term is the term, albeit, it means a financial institution under the definition of the Financial Institutions Act, Chap.79:09, which is an Act of Parliament of the year 2008. We are keeping it in concert with the language for ease of reading and operation with the Exchequer and Audit Act.

Madam Speaker, we are proposing the use of custodial bank account as a new definition. It:

“...means a Custodial Revenue Bank Account referred to in...5(1) or a Custodial Trust Bank Account...”

Here is where we agree to segregate specifically the reference to what is revenue accounts or what is to be in trust accounts. And revenue accounts versus in trust accounts take care of revenue accounts capturing, Marshal's fees, fines and filing fees. And non-revenue accounts or in trust accounts capturing maintenance payments, compensation payments, payments into court to encourage settlement or security for costs.

Very importantly, Madam Speaker, in 3I on the Schedule, it appears, we are proposing that the definition of financial intermediary be harmonized again, as I said before, with the Exchequer and Audit Act, regulation 2. In 3M we propose that there be a utilization of the term as it appears in the other laws that come into operation with this. That is, the term of “Receiver of Revenue”. We are harmonizing that with section 2 of the Exchequer and Audit Act and it is linked directly to the insertion of a new clause 9A where we specify all of the receivers of

revenue into the Bill as it is proposed for consideration.

Madam Speaker, we have in 3N proposed that the definition of “Registrar” be harmonized in keeping with the law as it currently stands.

“Registrar means the person holding or acting in the office of the Registrar and Marshal of the Supreme Court listed in the Second Schedule of the Judicial and Legal Services Act.”

This is to keep us in keeping with what we decided and passed in the Family and Children Division Act and in the Criminal Division Act. We are using the contemporary terminology.

Madam Speaker, in clause 5 we propose that we reorganize and better describe the functions that we propose are treated with by electronic payments. They are specifically where we have two types of accounts, firstly, a custodial revenue bank account and secondly, a custodial trust bank account. And these are so separated as I referred to earlier, to take care of the two species of moneys that the Judiciary can and has since prior to Independence been receiving. Very importantly, in the subclause (3) we are saying that these custodial bank accounts shall be kept as separate bank accounts.

Also importantly, we are proposing that these be public accounts for the purposes of section 116 of the Constitution. And what does that mean? Importantly, public accounts are so defined in section 2 of the Exchequer and Audit Act as both revenue and trust accounts. We are repeating the applicability of that to this Bill. Secondly, we are specifically exposing them to the audit functions of the constitutionally independent office holder of the Auditor General, therefore allowing for transparency in the management of the accounts, added on to the transparency which one gains from the utilization of the Treasury approval and

Treasury liability in the confines of the Exchequer and Audit Act.

Madam Speaker, in clause 6, at the recommendation of the Law Association, we have sought to broaden the signatories to the custodial bank accounts. That is, both types of accounts, in trust and revenue accounts. We are adding the Registrar of the Supreme Court and the Chief Magistrate. And importantly, as co-signatories, the Deputy Registrar and Marshal.

Madam Speaker, in clause 8 of the Bill, we have simply modified the language. Instead of saying that the Judiciary may receive, we are saying:

“A payment into a Custodial Bank Account may be made electronically.”

Madam Speaker, we move on to clause 9. In clause 9, we have sought to tidy up the language. In the first part of clause 9, clause 9(1), we are defining the payments to the Treasury and also in the case of payments to a person. That is, 9(1) (a), where we say:

“in the case of a payment to the Treasury”—that they may be—
“transferring”—of—“payment into an account identified by the Treasury...”

And in 9(1)(b), where there is a:

“...case of a payment to a person...other than the Treasury...”

Importantly, here we are saying that you can do that through the financial intermediary, meaning a financial institution, that is, electronically have the moneys go directly to the beneficiary and very importantly in 9(1)(b) (ii), we are saying that people may receive their moneys entitled by way of the in trust accounts, in particular, on a pre-paid debit card issued by a person licensed under the Financial Institutions Act. This is the subclause that revolutionizes payments to people who are “bankless” and who do not have the facility of having standing accounts they are entitled to an ease of payment that this clause provides in a rather

spectacular fashion.

Madam Speaker, the second part of clause 9 is where we simply authorize payments which have come electronically out by way of cheque to persons identified by the Judiciary. Now, Madam Speaker, this entire clause 9 combined with clause 5 of the Bill, these two provide the backbone of operability of this particular payments by electronic means. They are in keeping with the Exchequer and Audit Act, in particular, Part IVA of the Exchequer and Audit Act so amended in 2014 by the inclusion of a new 23A and 23B of that Act. And very importantly it is in harmony with the Supreme Court of Judicature Act which was amended in the year 2005 by the inclusion of a clause 24A and 24B which allowed for electronic payments to be made into accounts deemed to be interest-bearing in the fashion advised by the Privy Council decision in the Kirvek case.

Madam Speaker, clause 9A as it is proposed to be inserted in subclauses (a) to (n) inclusive, sets out the receiver of revenue. And for the benefit of Members, the receiver of revenue fall to be lifted from the following pieces of law and regulations. Firstly, the Supreme Court of Judicature Act, Chap. 4:01; secondly, the Petty Civil Court Rules and the Petty Civil Court Act, Chap. 4:21; thirdly, the Children Act, Chap. 46:01; fourthly, the Attachment of Earnings (Maintenance) Act, Chap. 45:52; fifthly, the Age of Majority Act, Chap. 46:06; sixthly, the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08; seventhly, the Exchequer and Audit Act, Chap. 69:01; eighthly, the Family and Children Division Act, No. 6 of 2016; and lastly, ninthly, the Civil Proceedings Rules 1998 as amended to be found in Part 37 of that particular law.

Madam Speaker, at clause 10 we again simply make it abundantly clear that payments in, payments out and receipts can stand as financial records, and this was

done for the benefit of clarity. Madam Speaker, clause 12, instead of using the term “in the duty to satisfy recipients of the duty to check entries”, instead of using the term “Judiciary” we have personified the obligation onto the administrative arm of the Judiciary, meaning, the Court Executive Administrator, so that they may be liability associated with that office holders, approval under the treasury rules the Exchequer and Audit Act and most importantly the fact that that office holder is the warrant holder under the Treasury Division, therefore having personal liability for these matters.

Madam Speaker, in clause 14 we propose that there be an amendment to subclause 2. We again personifying into the Court Executive Administrator the ability to issue or cause to be issued prepaid cards to be used for electronic payments. Again, this is associated with clause 9 which is the radical simplification and benefit for the “bankless” people in our society and here is personalized obligation on the part of the executive court administrator.

Madam Speaker, clause 15 is proposed to be amended and really it was to make sense of the fact that there could have been a collision between the treasury’s rules which are issued under the Exchequer and Audit Act and the court rules which are issued pursuant to section 77 and 78 of The Supreme Court of Judicature Act. In particular, it preserves the fact that it is the Treasury, the Minister of Finance wearing the hat as Treasury that issues the rules under the Exchequer and Audit Act and not the Judiciary which does that pursuant to sections 77 and 78 of the Supreme Court of Judicature Act. That was a submission which the Law Association got wrong, quiet respectfully, where they assumed that it was the rules of court promulgated under section 78 of the Supreme Court of Judicature Act that would govern the manner in which this is done. That is, always was and always

will be from a financial perspective the role of the Treasury under the Exchequer and Audit Act.

Madam Speaker, these are the amendments brought from the Senate for consideration of Members of this honourable House and I beg to move. [*Desk thumping*]

Question proposed.

Dr. Moonilal: [*Desk thumping*] Thank you very much, Madam Speaker, and thank you for the opportunity to contribute on these amendments to the Payment into Court, to cite properly, the Bill cited as the Payments into and now out of Court Act, 2018.

Madam Speaker, the matters before us involve a few minor changes, but in some cases some fundamental issues related to accountability in a very and critical arm of the State. Thankfully, we have the opportunity to look at the amendments before us together because in commenting on one part it might be necessary to draw reference to another part of the Bill. So I will begin, Madam Speaker, and may I begin actually by starting at the end on a matter that the Attorney General discussed only moments ago which is an amendment. In this case, we have numbered 15 areas but there are more amendments than 15.

The presentation today, Madam Speaker, is really to raise some issues for clarification on the amendments themselves so that we would be better informed as to support or not to support the specific amendments. So that there are questions to be raised as far as it relates to the amendment. We are very cognizant that we are not in a full fledged debate on the Bill and it is really the specific amendments.

3.30p.m.

But as fate would have it, we do have 33 amendments, more or less,

including, I believe, two new clauses before us. And for the record, I think those would be 4A, and I believe as well somewhere—.

Madam Speaker, just to put the Attorney General on track, I am using two documents really. One is the amendments as circulated in the Supplemental Order Paper and one is a marked-up copy of the Bill and the changes. [*Interruption*] Okay, fine.

So, I will just raise a matter related to the last issue that the Attorney General touched, and that had to do with the issue of the rules. Now, according to our amendment here—we have here amendment 15 listed:

“Delete subclause (1) and substitute the following subclause:”

Now in 15, and we would have had, and we have to do it this mechanical to stay on the amendments themselves. The introduction of the amendment is, and I quote:

“The Rules Committee established under section 77 Supreme Court of Judicature Act may make Rules of Court for carrying into effect the provisions of this Act.”

And that is one. So that, is it Attorney General that you have deleted from the Bill? Clause 15(1), you have deleted (a) and (b) good.

Mr. Al-Rawi: Yes, Sir.

Dr. Moonilal: Precisely, good. So that we now have the issue of what has been taken off. Because you see we are focusing on what you have put it, but I think it is important as well to link that to what was removed. What was removed—and the Attorney General can correct me as we go along. At 15(1)(a):

“(a) providing for the payment of any convenience fee, transaction fee or other fee, in relation to payments into and out of Court to a Custodial Bank Account; and

(b) for carrying into effect the provisions of this Act.”

Those are being removed and subclause (2) remains:

“Rules made under this section has been subject to negative resolution of Parliament.”

So that has remained.

Madam Speaker, the clarity that one wants to bring on this matter and without getting into the intent of the measure, let me say that no one can really dispute the intention of the measure which is to bring efficiency, which is to bring a greater level of clarity to the operations of the revenue side of the justice system, which is really money being paid in and money paid out through revenue and non-revenue areas.

There can be no doubt that everyone is in support of a more efficient system, particularly a more technology-driven system that is proposed here. So that we are not in any way against that, in principle or in policy, but we are really raising issues of accountability, and those are the issues that we come with.

Mr. Attorney General, when you look at this section here and reflect on the fact that at the Judiciary, by March this year, 2018, a system had been proposed and for all intents and purposes we are informed that a system has been implemented. Is this the same system we are talking about that this Bill purports to introduce? Because then if it is the same system—and I have here on the iPad which we can use, it is provided for by Parliament—this CourtPay system that has been introduced, beginning in March 2018, and pursuant to a practice direction in May 2018, and this spells out in good detail all the issues, the definition of “CourtPay” and so on. But one wants to know: Is this the system that is now getting legislative authority? If it is not, then you can explain that. Then there may

be two systems in place here. Is it that we are then creating two systems of transactions? One that is Judiciary-based, which has already, for all intents and purposes, been enacted, through a practice direction and through operations at the level of the Judiciary? And you are now proposing another system which deals with revenue and non-revenue.

Because according to this, I mean again, I do not want to get into it too much because it is not properly an amendment here. But they have already introduced CourtPay, custodial account, transaction fee, guidelines for drafting orders for maintenance as it relates to payments of fees, et cetera. And you are introducing now, because I am on the assumption that if we are discussing an amendment to a Bill, which we are, amendments, the Bill has not been passed. It has not been implemented. It has not been proclaimed. So the Judiciary or any other agency touched cannot be implementing something that no law has been passed to so effect. So that some serious clarification would be needed.

On this amendment as well, given that we are now putting into place a new regime, and with this new regime there are also new challenges, and we live in a period when there is a great accent on accountability. You yourself, Mr. Attorney General, has really popularized the phrase: "following the money". It is something you have a deep passion for and it is something you are convinced on the rightness of. And in this measure, would you consider as well that instead of negative resolution, you go for affirmative resolution of Parliament? So that the Parliament can meet and treat with the rules so shaped, pursuant to the implementation of this measure. [*Desk thumping*]

Because, clearly, given the gravity and the moneys we have read in the public domain and so on, I think yourself or another Government speaker said

“\$119 million” lying in a drawer somewhere and it could be much more millions and millions of dollars, and so on. And we are establishing accounts. How many accounts are we establishing? And I would come later to custodial accounts, both the trust accounts and, of course, the revenue accounts. But how many accounts exactly are we establishing? I will come to that. I will come to the signatures, and so on, which are provided for in the amendments.

But I really want to crave your indulgence early o'clock to suggest that you look at affirmative resolution of Parliament as opposed to negative, as provided for here. According to another amendment, and I will get it from our amendment, which would be 14, you are also, by renumbering and so on, you are inserting after subclause (1), as renumbered because of the nature of this, another subclause. But the effect of it, is to create, of course, a prepaid card to be used by what you would call “unbankable” people or persons without bank accounts, and so on, to make it much more easy. Because the intent, of course, is to bring efficiency and it is to deliver an important service to a very desperate group of people who are depending on the enforcement of orders to get their living allowance, to get allowances for themselves and children. So you are dealing with, in many cases, underprivileged persons, dispossessed persons who depend on this.

And one can argue whether or not this would make any difference in the first place. Because one of the critical problems, of course, is the enforcement of orders, not the paying in, paying out that way specifically—the method—but the enforcement. So, you are trying to help people to go by and get what the court orders, and so on. But they are creating also this regime of prepaid card.

And on the website of the Judiciary, which we touched earlier, which I looked at earlier, this also dealt with that electronic transaction and prepaid cards,

and so on. And we are told that there is already an application available for persons to use. There is already a provider of that service. And this is why there is a puzzle almost as to: Are we are dealing with parallel systems? Are we dealing with the same system? Because if we are dealing with the same system, that has great implications where the Judiciary, or any agency, has already begun to implement a system without legal authority to do it in the particular Act.

The Attorney General as well spoke to the issue of office holders. And one of the amendments here, Madam Speaker, deals with the removal of office and indicating you are not dealing with office, of course, you are dealing with position. Now, I hear the Attorney General, and the Attorney General is correct in that the Exchequer and Audit Act has been around us for 59 years or so and we have built on that. We have amended it I think in and around 2014 to deal with electronic transactions. But the fact that it has been around so long may not mean necessarily that we abide by all the principles and tenets of that particular Act.

But one thing that has been useful over the years is to reflect on this issue of office and position. Now, while you may be correct that there are examples in the public service where contract officers sign-off on vouchers, sign-off on cheques, and so on, pay into, pay out of Ministries, and so on, you would ask yourself: Given the particular nature of this enterprise that we have embarked upon, and I am reflecting here on your removal of “office” and your insertion of “position”. It happens in two places. I am looking—just to anchor me in the amendment. I am looking at amendment 3, I am looking at (i), and I am looking at one that came earlier I believe, (e). All right? So I am there.

The purpose of this amendment is clearly to ensure that the person who holds the position—because in the Judiciary, in the structure of the Judiciary,

which we have before us, they provide for what is called an accounts and investment unit. And presumably, you will have there an officer, or somebody called an officer—investment and accounts officer of some kind. But the suggestion now is that this officer would not be someone in the public service; not a public service position. It will be a contract position, and that person as a signatory.

Now, given the nature of this, and I wanted to make this point in a way—There is a sensitivity with this arm of the State. Many on your side have been speaking within recent time of the Great Wall of China. There is a great wall between the Judiciary and the Executive and the Legislature so that we are not dealing with a simple department of government. We are not dealing with the Ministry of Sport. We are not dealing with the Sports Company or something like that. We are dealing with the Judiciary. And there is always a sensitivity on that, because of the separation of power principle, where it has gone further now even in the area of administration, and so on.

And to consider whether we ought to be having a system where contract officers in an already insulated arm of the State have the authority to sign cheques, to receive moneys to sign-off, and so on, where these positions may be filled. But somebody could be in a position today and “dey gone” tomorrow. They are on contract. And whether, because of the nature of this department, this particular enterprise, we ought not to fall strictly on public officers being signatories to accounts in that area. Because in your amendments you list—and I heard you when you said it was in response to the Law Association in particular—you list the signatories, and so on, persons’ positions and office that would be signing off.

Our understanding of this is that there is a great risk in a department that is

already insulated, politically and otherwise, to have contract officers as signatories to what could be millions and millions of dollars, where there is no involvement of the Legislature or the Executive, there is no involvement by the Permanent Secretary or otherwise as to the filling of contract officers, the firing, the hiring, and that could lead to some serious matters.

Mr. Attorney General as well, we read of this, and regrettably, as you know, this is the first we are engaging the attention of the House, in dialogue, on this Bill. I think when it was passed it was on a dark, cold, lonely night on June 6th, when the Opposition walked out on principle on the matter of the Commissioner. And you chose on that night to come and pass it “whap”. [*Desk thumping*]

The Bill has 15 clauses. It is your karma that with 15 clauses you come back in the House with 33 amendments on a Bill with 15 clauses. That is their legislative karma or Kamla. But it is that you will confront your karma and your Kamla on this matter today. Because you tried to pass it in the dark of the night without the Opposition; 15 clauses turn into 33 amendments and two new Bills. So, what you tried to avoid you “bounce into”. Madam Speaker, a concern we have is with those signatories being contract officers in a very sensitive area. It is not the CEPEP, or the URP, or the something. It is the Judiciary.

I also wanted to ask the hon. Attorney General if he can give us any example which may be there, but simply we do not have information, of this notion of custodial bank accounts, and so on. Custodial bank accounts: Give us some examples of that, how it may operate, and so on.

The other issue—and I am not dealing at this moment with the finer issues, but really with a bigger amendment issue here. Mr. Attorney General, you can correct us if we are wrong, because I did have the benefit of reading some

contributions elsewhere. In the Bill that we have before us now, that area of the amendments that deal with the Exchequer and Audit Act shall apply to this Act, and in the event of a conflict between this Act and the Exchequer and Audit Act, this Act shall prevail. Is that in the Bill?

Mr. Al-Rawi: No, Sir.

Dr. Moonilal: Now, something has happened in a mysterious way and you will clarify. It means, therefore, in the vote in the other place that came out—

Mr. Al-Rawi: We never presented it.

Dr. Moonilal: You never presented it. Okay, fine. Because that had some serious, serious matters.

But, having said that, I go to another part of the Bill now, which I think is here. I understand in your opening presentation you spoke, again, with passion, over the issue of the role of the Auditor General. Now you would know that in summary form, the Auditor General reports of 2016/17 specifically, but it may be elsewhere, had some serious comments to make on the accounting in the Judiciary and it had to do with contracts as well. It had to do with rental of property. It had to do with other areas of expenditure, movement of moneys, and so on. So there have been concerns.

And in our Bill before us, we speak to:

“...the electronic records...” for the purposes of accounting “...may be made available to the Auditor General...”

Should you want to change that to “shall be made available to the Auditor General”? If the Judiciary, by way of this measure, decides that they will not make available information to the Auditor General, what is the recourse? What are the options available to the Auditor General to ensure that information in an electronic

form, which we are dealing with here, it is mandatory to make it available to the Auditor General?

It is mandatory. Because, you see Mr. Attorney General, sometimes in this business things may have been happening by practice over the years. But you are not sure that you will get a compliant person in charge and that will be a good practice that will continue. Someone can wake up tomorrow, the Parliament or any other arm asks for issues of accountability, records, electronic records involving this matter, and “dey say: hold on. We are guided by an Act of Parliament and it says we may make available electronic data? But for reasons one, two, three, we will not.” What do you do? What do you do? And you are dealing with hundreds of millions of dollars. I put that also on the table for you to respond if you so choose.

So, I want to be very clear. I want to be very, very clear that in this matter, if there is a conflict at any time between the Payments into and out of Court Bill and the Exchequer and Audit Act, the Exchequer and Audit Act reigns supreme. I would ask for that to be answered now, that the Attorney General give us some assurance that the Exchequer and Audit Act reigns supreme over this Act of Parliament, the Payments into and out of Court Bill.

The other troubling matter with the amendments had to do with this position. Now, I have heard the Attorney General on several occasions, and I am dealing with 3F, the Court Executive Administrator. I am also dealing with the issue of the Deputy Executive Court Administrator, and so on. Now, the Attorney General had said on more than one occasion that person, that office of Court Executive Administrator was introduced by the United National Congress, 1998 or thereabout. But by 2003, by way of a Cabinet decision, it was included in the Schedule under the Judicial and Legal Service Commission. So the Court

Executive Administrator was included.

But what was not and has never been included to my knowledge is the Deputy Court Executive Administrator. And in this measure, Madam Speaker, you will see that the Deputy Court Executive Administrator has certain powers and can easily be authorized as a signatory to all of these matters. That person can easily be given the right, Madam Speaker.

So I wanted to ask the Attorney General now, again, in amendment 6, the amendment here speaks to signatories to the account. Is it that you have left out now, which you had suggested before, the Deputy Court Executive Administrator? Have you left that out? Because you have included the Registrar and you have included the Chief Magistrate. So you have sort of broken down the long list into a few. Have you also excluded the Accounts and Investment Officer of the Judiciary? Because that was also advanced, the Accounts and Investment Officer of the Judiciary as a signatory. Because those would have serious consequences given the nature of those contract positions.

But, there is an amendment here that deals with the Chief Magistrate as well. I am just reading so I can make sense for myself first and then others. In clause 6, we have added:

“In paragraph (a):

(i) in subparagraph (1), delete the word ‘or’;”

Good.

“insert the following...

(iii) the Registrar; or

(iv) the Chief Magistrate;

B. In paragraph (b), in subparagraph (ii), delete...‘the Registrar’ and

substitute the words ‘a Deputy Registrar...’”

But all the others remained to my knowledge. All the others remained. So it will read, when you add this amendment—amendment 6 I am on. It will read the following persons: the Court Executive Administrator, a Deputy Court Executive Administrator authorized by the Court Executive Administrator. So here you have a public officer authorizing a contract officer to be a signatory who that person would have hired. You have the Registrar and the Chief Magistrate as this amendment provides for now.

So you will have, just to put it in its frame, because you see when you read the amendment you cannot understand the entire thing unless you have the marked-up Bill. There shall be two or more signatories to each custodial bank account, two or more signatories, one of the following persons: the Court Executive Administrator, a Deputy Court Executive Administrator, the Registrar of the Chief Magistrate. Now there are problems, as I have said here, with this Deputy Court Executive Administrator. That is not a public service position.

So let us play it out with this amendment, that the Court Executive Administrator which, you hear time and time again, is akin to a public servant. So you have the Court Executive Administrator that, over the years, have assumed the enormous power and authority within that arm of the State, authorizing a contract officer who that person would have been part of hiring, to be a signatory. And, thereafter, you have persons—one or more from the following persons, again authorized by the Court Executive Administrator. So the Court Executive Administrator authorized a deputy, who that person would have hired and then authorized someone else, a collector of revenue, a collecting officer, an investment officer, to be a signatory and a signatory to millions and millions of dollars.

Madam Speaker, I say this not to scare or to be gloomy, or so on. But there are serious matters when arms of the State and departments and agencies have control over bank accounts and money.

Madam Speaker, I just remind this country, in case people would have forgotten, that NIB invested in World GTL \$60 million that went down the drain. UDeCOTT invested in Clico. And I make those points in passing to say if we do not have checks and balances and accountability structures in place, the same thing. What can prevent that from happening again? The sum of \$60 million from NIB went into World GTL. UDeCOTT took money and invested in Clico and then lost all. So, we have to be guarded when you establish accounts like this, and you put it in the hand of signatories who are contract officers.

I would be happy if the Attorney General could say. Just how a PNM Government in 2003 made the Court Executive Administrator a public officer, make the Deputy Court Executive Administrator a public officer as well. And review this area. Because when you read the Supplemental Order Paper list of amendments, you have to read it with the Bill—what is being proposed—and review this and remove some of these officers. I cannot see that someone called an accounts and investment officer could be a signatory. I cannot see a collecting officer as a signatory. All these people who can come and go at will. That has serious implications, Madam Speaker.

Madam Speaker, the matter of accountability is what we are concerned about. They have deleted, of course, several other areas of concern which have been raised by, I believe, the Law Association. The issue being raised with the collection—I am going to root this in another amendment as well. The amendments here that give rise and change somewhat the signatories, and so on,

deals with fines, fees. Yes I am at No. 5, if you want to root it there. You are dealing with thing—establishment of custodial bank accounts, custodial revenue bank accounts and trust accounts, and so on, and they are to facilitate payments into and out of court of fines, fees and other payments pursuant to orders, and so on.

And, Madam Speaker, the Law Association did make a very telling observation. I am looking at a copy of their report. In fact the Law Association, I think, wrote the Attorney General on more than one occasion on this matter. And I am looking at their correspondence dated 20 August, 2018, in which at point 8 they are making the point—and I just want to quote because it is really a matter for this Part 2, clause 5, issue of fees, and I wanted the Attorney General to respond to this concern of the Law Association. Whether they are right or wrong, you can respond, that:

We perceive that a law which provides for the payment of fines imposed by the Judiciary at the end of a criminal trial into an account in the name of the Judiciary blurs these strict lines of separation and may give the appearance that the Judiciary is a beneficiary of and, therefore, has a pecuniary interest in the outcome of a criminal trial.

A point made by the Law Association. And it is on that issue of creating accounts in the name of the Judiciary in this way that has the concern here and is a concern that we raise, Madam Speaker.

They have also raised—which is consistent with the amendments as well, because the amendments speak to the signatories in detail—this issue of the relationship between the Court Executive Administrator and the Chief Justice, the Court Executive Administrator and other judges of the Supreme Court. Madam

Speaker, it goes without saying that we are living in intriguing, if not difficult times as it relates to this arm of the State. Only today, at the Ceremonial Opening we heard of judges boycotting. But the issue here is really the Court Executive Administrator in a relationship with members of the staff of the Judiciary, and that staff will include signatories to the accounts. And in this case now, a more elaborate system of accounts—

Madam Speaker: Member for Oropouche East, you original 30 minutes are now spent. You are entitled to 15 more minutes if you wish to complete your contribution. Please proceed.

Dr. Moonilal: I am most grateful, Ma'am. I am sure my colleagues will have a lot more to say on these amendments, so I may not exhaust the time allotted to me.

But Madam Speaker, to indicate to the Attorney General that the e-filing, the system of electronic transactions, we are not against that and ought not to be taken that our concerns are about that. Our concerns are about rooting the entire provision within a structure of accountability and within a structure of responsibility, given recent experiences on these matters.

Madam Speaker, another area, but I guess the Attorney General had indicated his concern with that already. It had to do with a definitional issue as well, Madam Speaker, in the Bill. The Attorney General may not be minded to relook some of the definitions that have not been subject to amendments in the other place. But there are concerns as well, Madam Speaker, with the receiver of revenue matter and the Exchequer and Audit Act where, in the other place, it was mentioned about the staff at the Judiciary usurping somewhat the Exchequer and Audit Act.

And now that today you have indicated that this will not be so, we believe you, of

course, but we would really want to take a look at the Bill to ensure that the Bill reflects the supremacy of the Exchequer and Audit Act. [*Desk thumping*]

4.00 p.m.

So, Madam Speaker, those were some of the concerns that we wanted to raise in this matter, but to indicate to the Attorney General that notwithstanding the apparent clash and conflict between the Attorney General and some of the comments of the Law Association, we believe that this measure is a welcomed measure if only you would relook the measure and you would—I know it is late. I know you are running out of time. I know you have your timetable because next week is an important day—next week—for this session, but we would really want to—

Again, Madam Speaker, in closing, I would really like to ask the Attorney General to consider strongly reversing that decision on negative resolution to get an affirmative resolution. And now that you have said, Attorney General, now that I have your divided attention—now that I have your undivided attention, you have indicated for the record that the Exchequer and Audit Act shall apply to this Act, and you have removed that notion that in the event of a conflict between this Act and the Exchequer and Audit Act, this Act shall prevail. You have removed that completely so we do not have that situation where this Act supersedes the Exchequer and Audit Act.

Madam Speaker, I thank you. [*Desk thumping*]

Mrs. Persad-Bissessar SC: Thank you very, Madam Speaker, and I take the opportunity, first of all, to welcome back to this honourable Chamber the Member for La Horquetta/Talparo. [*Desk thumping*] In speaking on the amendments to this Bill, I endorse the comments made by my colleague and will not detain this

Chamber much longer. But, in addition, to the points raised by my colleague I would just like to add to those comments and issues. It is true the Law Association did say they welcome this e-filing and using electronic transactions. It is long awaited given the technology and the way the world is going. That really makes ease of payment in the court. But there are some concerns and I will ask the hon. Attorney General to see if he can satisfy us with respect to those concerns.

The first has to do with the readiness of the courts for this system, and we see that even the Law Association in their letter to the AG pointed out this issue. And if we want to confine it to which particular amendment—I mean clauses 3, and 5 and 6, several of the clauses in the amendments relate to the use of using the Magistrates' Courts in particular, but, of course, all the courts. And so, the question then is the state of readiness and I will ask the AG to help us, seeing that implementation is really what is going to be important in getting the system off the ground.

In their letter of June 29th to the hon. AG, the Law Association stated and I quote:

We are constrained to bring to your attention that the facilities in which our courts currently operate throughout Trinidad and Tobago are less than desirable, and yet additional resources are contemplated for the establishment of a Criminal Division.

I continue to quote from their letter:

There are Magistrates' Courts that are in desperate need of repair and resources. The Hall of Justice in Port of Spain does not have a functioning air conditioning system, photocopiers, printers, sufficient paper, functioning security scanners, functioning toilet facilities, amongst other issues which

hamper the administration of justice.

I know some of these have been raised before with respect to the Hall of Justice and AG can tell us where they have gone along with respect to those repairs, but, in particular, the condition of the Magistrates' Courts are even far worse than anything that we can imagine. We can look, for example, at the old San Fernando Magistrates' Court which is operating—

Madam Speaker: Hon. Member, I have allowed you some leeway, but you know we are dealing specifically with the amendments, and if it were that the issues you were referring to in the letter covered this system—but I really do not want this to become a debate about the state—the general state and condition of courts, and the repairs and upkeep of courts, please.

Mrs. Persad-Bissessar SC: Ma'am, I do appreciate, but I refer the hon. Speaker to the amendments being made to clause 5, where clause 5 is deleted and insert thereof the establishment of the bank accounts, and thereafter the remit given to the Magistrates' Courts to collect these moneys, to accept these payments, and I am saying [*Desk thumping*] in the amendments the state of readiness of the courts to implement the system. Because you see, the amendment really deletes certain things, but it does not—let us take the definition section. It brings in clause 2 definitions of the Summary Courts, the Magistrates' Courts; there is an amendment to that. First, it was Court of Summary Jurisdiction, changed now to Magistrates' Court.

So, Madam, I am trying my best to stay within because I understand how the House operates on amendments brought from the Senate. Therefore, if this is to work, the amendment being brought refers us to the Magistrates' Courts and, therefore, the state of readiness is very important. [*Desk thumping*] Unless I am

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guided otherwise, Madam, I would like to continue with my contribution on the state of readiness of the courts.

Madam Speaker: And again I will just repeat, once you relate it to this. So when you go to toilets, and so on, I really think that that is outside of what we are dealing with. I understand the general concern about readiness, but I want us to confine it to what we are dealing with.

Mrs. Persad-Bissessar SC: I am guided, Madam Speaker.

Madam Speaker: Thank you.

Mrs. Persad-Bissessar SC: So I am speaking again, continuing, guided by the hon. Speaker. We have a problem with the San Fernando Magistrates' Courts—the old court. Are we going to be able to implement this system in that court? For three years we are talking about getting the repairs. Look at what is happening in the Princes Town Magistrates' Court being run out of a police station. Will they be able to accept these electronic payments? [*Desk thumping*] Will they be able to pay fines and court charges where we are being run out in a police station? Lawyers, clients, victims, everyone in there.

And so, there are no facilities in some of these courts to properly make applications for anything to do with finance and for payment into or out of. Tied to that then will be the issue of staff. If we are to implement this are we getting new staff who would be trained in the, into court and out of court payments? How is that going to work? Equipment: How are we going to pay it? Will you give new equipment to these courts to take credit cards as the case may be? It is electronic. Will we have the staffing? Will we have the equipment? If so when, and how soon? So that is one point I would like to bring, the state of readiness of the courts.

But a more serious issue which was touched upon by my colleague had to do

with the procurement process in all of this. The Bill speaks to a financial intermediary to be chosen by the Judiciary. What is process for this to be done? My colleague mentioned that the Judiciary has already started this process. So how was that done? What was the process? I think in the other place we were told it is Republic Bank who is going to be doing some of this. If that has already happened, are we legalizing backwards? My colleague mentioned from March I think it was of this year. How is that going to work, and then how are we going to choose with respect to the software being utilized? I mean, there were some stories about how there was already a software company inside there. What was the procurement process and where is the transparency with respect to that process? [*Desk thumping*]

Yet further, issues of security with respect to banking information coming from persons. There is nothing in the amendment even though we are saying we are going to be using our bank accounts and so on to pay in, or maybe pay out. What protection for privacy and confidentiality with respect to our bank accounts when those come up for payment into the court? So it is just these few points, Madam Speaker, I would ask the Attorney General to address when he winds up.

I thank you very much. [*Desk thumping*]

Mr. Al-Rawi: Thank you, Madam Speaker. I thank my learned colleagues for their contribution. Indeed, we have asked for consideration of a number of issues. I would say that these issues are all genuine issues and I am pleased to now provide a response to these issues as best as I can. Madam Speaker, specifically, the Member for Oropouche East raised a number of concerns and I propose to deal with them sequentially.

The hon. Member raised the issue of—starting at the first point at clause 15 of the

Bill. Clause 15 of the Bill is where we treat with the rules and the hon. Member asked the question about what we were removing and keeping with respect to the rules, and I am able just to clarify that now by saying that we did not remove 15(1)(a) and (b). We kept 15(1)(b). Specifically, clause 15 which treats with rules we sought to remove just part (a) of that.

Now part (a) of clause 15 said:

“The Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules of Court—

- (a) providing for the payment of any convenience fee, transaction fee or other fee, in relation to payments into and out of Court or a Custodial Bank Account;”

But when we look to the Exchequer and Audit Act that specific provision is the purview of the Treasury; the Minister of Finance under the Exchequer and Audit Act.

Section 78 of the Supreme Court of Judicature Act allows the Judiciary to make rules for payment of fees to court, not fees in relation to this type of affairs which is where we deal with electronic payments. So, it would have been a collision of purpose had we left with 15(1)(a) alongside with the rules of Treasury under the Exchequer and Audit Act. We have allowed, however, for them to provide for rules coming into effect to bring the Act into effect, and we have allowed for that to be subject to negative resolution.

And I will just point out because the hon. Member asked a very good question: Should we put those to affirmative resolution? Because we are dealing with the rules under the Supreme Court of Judicature Act, section 78, we are keeping with what the standard position is and that is by rules subject to negative

resolution. The rules concerning the transactional fees for the accounts, et cetera, that falls under the Exchequer and Audit Act. It falls under sections 23A and 23B under Part IVA of the Exchequer and Audit Act, and it falls for interpretation under the 2015 regulations. And let me remind what that is, Madam Speaker.

Under that particular law, the Exchequer and Audit Act, the hon. Member for Oropouche East was correct. The law was amended in 2014. Under the previous administration, we introduced Part IVA of the Exchequer and Audit Act, and in 2015, again under the previous administration, we introduced the rules to govern electronic payments. Neither of those rules are subject to affirmative resolution as passed by my colleagues when they sat in Government. And I dare say that the correct approach was taken because to do that we like to rely upon affirmative resolution, but the experience in passing an affirmative resolution has shown us it is by far a better product when you treat with it by way of negative resolution because you get to cause the amendments. Affirmative resolution comes with rules already prepared, and if you do not pass the rules by affirmative resolution you have to start all over again. So I think there has been a misunderstanding of the importance of affirmative versus negative resolution.

The hon. Member for Oropouche East also asked that we clarify whether there was going to be a supremacy as he put it for the Exchequer and Audit Act, and I can say that that is definitely the purpose of the Bill. We have specifically made this subject to the Exchequer and Audit Act by making sure that we did not state otherwise meaning, the Exchequer and Audit Act prevails. That ties in with what the Member for Oropouche East was asking in terms of the role of the Auditor General. Now if you would permit me to treat with that.

Madam Speaker, the Auditor General has constitutional authority under

section 116 of the Constitution. Section 2 of the Constitution, of course, provides the statement that the Constitution is the supreme law. So this Bill, the Exchequer and Audit Act, none of them fall to be in priority to the Constitution, which is the supreme law of Trinidad and Tobago, and the Constitution with respect to the powers of the Auditor General always prevail.

Section 116 is to be found under Chapter 8 of the Constitution under the heading “Finance”. Section 116 sets out the powers moving forward—116, 117, 118, 119 of the Constitution. These provide the mandatory. You cannot exclude the Auditor General functions in the law. So whether the Bill say “may” or “shall” it is subjected to and always is subordinate to the Constitution which is the supreme law of Trinidad and Tobago. So I want to—*[Interruption]*

Mrs. Persad-Bissessar SC: If you would kindly give way? Thank you. I do understand that, but the question is: Are these moneys public moneys or private moneys? That applies to public monies. These moneys are moneys someone pays in the court for the benefit of another private person. So will that apply where it is not public money or it appears not to be public moneys that we are talking about?

Mr. Al-Rawi: Thank you. I thank the Member for Siparia. To answer specifically, yes, it is public money from two sources. One, in clause 5 of the Bill we are saying, specifically in subclause (4), in trust accounts and non-trust, revenue and non-revenue, are public moneys. So we said so in the Bill. Secondly, the Exchequer and Audit Act defines public money.

“Public moneys’ includes—

- (a) revenue;
- (b) any trust or other moneys held, whether temporarily or otherwise, by an officer in his official capacity either alone or jointly with

any other person”—or—“whether an officer or not.”

So the Exchequer and Audit Act also captures both.

But let us go to the supreme law. The supreme law of Trinidad and Tobago is the Constitution. Section 2, section 112 of the Constitution is absolutely clear, and I will read it into the record that all moneys as contemplated by this Bill for there—here is what section 112 says:

“(1) All revenues or other moneys raised or received by Trinidad and Tobago, not being revenues or other moneys payable under this Constitution or any other law”—read in there Exchequer or Audit, et cetera—“into some other public fund established for a specific purpose shall, unless Parliament otherwise provides, be paid into and from one Consolidated Fund.”

But subsection (4) of section 112 of the Constitution goes further.

“No moneys shall be withdrawn from the Consolidated Fund or any other public fund except in the manner prescribed.”

And what does prescribe means? The rules. And what are the rules? The rules are the rules which fall under the Exchequer and Audit Act, specifically the 1965 rules which is No., if I am not mistaken, 16 of 1965—no. Financial rules come to be, yes, 1965 rules. That is in the Exchequer and Audit Act. That was published Financial Regulations—gazetted Notice No. 118 of 1965 and, secondly, the Exchequer and Audit Electronic Fund Transfer Regulations 2015 which came under the stewardship of the Member for Siparia as Prime Minister then.

So we are absolutely confident “public moneys” captures in trust, it captures revenue, non-revenue, meaning in trust accounts, all are subjected to the Auditor General’s purview in the mandatory sense that the Constitution allows in section

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116 of the Constitution, and no law can be in priority to the Constitution because of the supremacy of law clause which is section 2 of the Constitution.

The hon. Member for Oropouche East asked a question, whether the Parliament is now being invited to do something which existed already. And the Member made mention of the CourtPay system. In fact, the Member made specific mention, as he was correct to do, to the guidelines which were issued in March and gazetted in fact in legal notice, and then the Practice Direction which was issued on the 18th of May, 2018. Let me make this clear, and I think it was a useful question that requires clarity. The Practice Direction issued lastly—so this is the one that is binding right now—18th May, 2018, under the hand of the Chief Justice, treats with only maintenance payments paid into court for the benefit of recipients, minors or dependents—only maintenance. It does not treat with any other category of money, and the reason that this CourtPay system is lawful and has been lawful with respect to maintenance payments only since May 2018/March 2018 is because the method of approval in law is by way of order of the court.

The parties in the Practice Direction are informed by the Judiciary that there is the option to make payments via the CourtPay system. They are specifically informed of the transaction fees which are scheduled out, the parties agree to the application of the order, and when it is made an order of the court it therefore is comprised and clothed as lawful and in the law. What we are seeking too by this Bill is to broaden the approach to other aspects, fees, fines, et cetera. So what existed previously in the CourtPay system, and which is in fact a feature going on right now since April of this year, that is completely lawful and is to be distinguished from what we are doing now.

The reason for this Bill is to comply firstly with section 112 of the

Constitution. We are specifically proposing that we are allowed to take electronic payments into Trinidad and Tobago and we do this for the benefit of the people of the Trinidad and Tobago. And why are we doing it this way? Because the Electronic Transactions Act which treats with goods and services was passed in 2011, and the IDB which has been responsible for mapping the Treasury's approach to that is taking a whole of government approach which will likely take us close to the year 2025 to get done. To ease the burden to the people of Trinidad and Tobago, we are segregating out this CourtPay, allowing for an Act of Parliament, electronic payments into and out of court to be passed, so that we do not have to wait on the Electronic Transactions Act [*Desk thumping*] which will take us all way to 2025. Because the Member for Siparia pointed out a very interesting thing and this is the correct thing to be done, are we physically ready to accept this system? The hon. Member referred to the situation at the Penal court—Princes Town forgive me—and the position of the Magistracy in San Fernando, what we call the old court, the Magistrates' Court. I am very pleased to say—well the Princes Town situation happened as a result of the earthquake, but the only system which worked when the entire public service was closed post the earthquake was CourtPay. The only system in the Judiciary that you could access without need to go to the court was CourtPay.

Mrs. Persad-Bissessar SC: So it is already there?

Mr. Al-Rawi: That was with respect to maintenance payments under the provisions of the Practice Direction. What we are doing now by broadening through the purposes of this Bill, Madam Speaker, is to allow everything else to be functional without the need for a physical environment. The Member for Siparia asked about the procurement. The procurement was procurement within the usual

terms. The hon. Member asked—I think it was the Member for Oropouche East—asked if there were other examples of where this type of procurement or structure for custodial accounts exists. I can name them immediately.

1. The Constitution. Section 112 of the Constitution allows for the creation of custodial accounts.
2. The Exchequer and Audit Act, section 23A, section 23B in Part IVA as it became law in 2014. That allows custodial accounts.
3. The Supreme Court of Judicature Act, section 24A, section 24B, both of which came about by an Act of Parliament in the year 2005.

So there was the Kirvek decision in the year 2002, a Privy Council decision. In that the complainant, the then plaintiff in court, came forward and said, “I want my interest. You are not giving me money in a custodial account in terms of interest”. The Privy Council agreed with that. There was an amendment in 2005 by way of Act of Parliament, and we specifically—in the year 2005 we repealed the Court Funds Investment Act, Chap. 7:06. Let me break that down. There was an Act of Parliament which allowed for investment by the court into custodial accounts. Why? Because of the Constitution we have had thousands—if you take it year-on-year—of custodial accounts inside of the banking system in Trinidad and Tobago and, therefore, it is not a new phenomenon that this is happening and I have given you actual precedent of all of the bases for this.

Now, let us deal with the other point which is the contract versus public officer argument and in particular this body of the Deputy Court Executive Administrator, and let me remind hon. Members, through you, Madam Speaker, of the following: The Department of Court Administration is the critical arm for delivery of the Judiciary’s services. In the laws it was originally contemplated the

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Chief Justice ran everything, the Chief Magistrate ran everything. They had administrative and judicial functions, but that, of course, has changed with the pace of society and the pace of justice. What we have now is a similar situation to what was then occupying Attorney General Ramesh Lawrence Maharaj's mind, and in the year 1998, 20 years ago, the UNC Government created the Department of Court Administration—20 years ago—and they approved contract positions for two officers, the executive court administrator and the deputy court administrator—20 years ago.

In 2003, under a Patrick Manning government, the PNM came to the Parliament amended the Second Schedule to the Judicial and Legal Services Act and created the public office of the Court Executive Administrator. That is the time it became a public office. The Deputy Court Executive Administrator was not created as a public office because of an anomaly in Judicial and Legal Service Commission versus the Public Services Commission, and that is the Deputy Court Executive Administrator, if that person is a lawyer, it has to be approved by the JLSC if it was a public office. And if it is a public officer, non-lawyer, human resource background, it is approved by the Public Service Commission.

Right now, our Cabinet will be asked to consider—there is a Note before it. I can just say that the purpose of it is to broaden the purview of the Judicial and Legal Service Commission specially to allow for the appointment of important officeholders including a deputy court executive administrator, judicial research assistant, judicial support officers who may be non-lawyers under a widened and improved JLSC. But dare I say, this Deputy Court Executive Administration has been in existence for 20 years. The protection which we have at law is to be found in the Exchequer and Audit Act, in regulation 20 in particular, which speaks to any

person being approved, whether permanent or contract by the Minister of Finance wearing the hat as Treasury Division and, therefore, allowing for liability to be pinned up these people.

So dare I say, when we look at clause 9A and we set out the receivers of revenue and the co-signatories—signatories and co-signatories—we are preserving the status quo and in particular we are preserving the use of custodial accounts as has been the position since prior to independence. Whether it is Republic Bank, FCB, et cetera, multiple banks are elected, multiple banks are considered on a procurement cycle basis usually by terms and conditions.

Now, this particular CourtPay system is part of what will work, but there was an interesting point that hon. Members opposite referred to, raised by the Law Association. The Law Association raised an argument saying that they were uncomfortable, deeply concerned about the Judiciary crossing what they call the separation of powers lines and accepting fines. Quite frankly, Madam Speaker, I was taken aback by that submission by the Law Association. Why? The Judiciary of the Republic of Trinidad and Tobago has been accepting the receipt of fines since prior to 1962.

Prior to 1962, fines have been paid to the Judiciary and they create accounts for that purpose. So I was alarmed that the Law Association could raise that submission because it demonstrated a fundamental lack of research on their part. Because had they asked the Auditor General, the Judiciary, the Treasury Division, anybody, the Central Bank, they would have been told that fines have been collected by the Judiciary. Now, let us deal with this fallacy of a full separation of powers. We do not have a full separation of powers because the Judiciary falls to be considered as an aspect of the State.

4.30 p.m.

Does the Department of Personnel Administration not deal with the Judiciary? Does the CPO not deal with the Judiciary? Does the Ministry of the Attorney General in line functionality, not deal with the Judiciary? All of these things demonstrate that whilst there is a separation of powers largely from a “do not intrude on my perspective” point of view, the Judiciary must work and be considered as a part of the State of the Republic of Trinidad and Tobago. So it is like—it is analogous to the Trinity, all are part of one, if you can borrow that core concept, or to Hinduism where all are part of one, if you look at the concept of Brahmin and how the deities fall under that. So, Madam Speaker—[*Interruption*] in Islam, there is one. [*Laughter*] So, Madam Speaker, forgive me for drawing a reference to some of the theological underpinnings of our society but perhaps, people can understand it that way.

Madam Speaker, the utilization of prepaid cards, I just want to remind that we are treating with that function. It came about—the Member for Oropouche East asked about the enforcement of orders. The hon. Member was correct but if I may refresh the memory of Members here, we dealt with enforcement of orders by way of an amendment to the Family and Children Act, No. 6 of 2016, giving a merged jurisdiction, High Court and Magistracy, for the first time, the ability to enforce maintenance orders by not having you rely upon the Magistrates’ Court alone where the order was made but having the High Court treat with it. So we have already been there, done that, passed that in terms of enforcement of orders perspective.

Madam Speaker, I think I have dealt with the positions there, role of the Auditor General, the Deputy Court Executive Administrator fines—e-filing. The

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hon. Member for Oropouche East raised the position of being supportive of e-filing. [*Crosstalk*] I will remind that e-filing can only happen with electronic payments and this Bill will facilitate electronic payments.

Madam Speaker, permit me to address the functionality of the—

Madam Speaker: Hon. Members, I appreciate that 4.30 has gone but there has been agreement by both sides that the Attorney General would complete the original time so I ask that we keep, you know, the decorum even though it is outside the 4.30 time. Please continue, Attorney General.

Mr. Al-Rawi: I promise not to be much longer. Madam Speaker, the hon. Member for Siparia asked the question about the courts being ready. I have demonstrated already that we are actually moving away from having the need to be physically present at any court and dealing it in an electronic environment. But permit me to say, it was as a direct result of the removal of the buildings operation and facilities operation in the Judiciary in 2013, that Trinidad and Tobago saw the crumbling of the plant and machinery in the Judiciary.

In 2013, the UNC Government proposed that they would be constructing new courts and there was no investment in the repairs, maintenance cycles of the Judiciary. In fact, it is the Parliament's obligation to ensure that that was done properly. Unfortunately, that was not the case. This Government has had to pick up the pieces. I am pleased to say that since the Law Association's letter of June 29th, the air-conditioning has been returned to normalcy at the Judiciary, the plumbing systems have been returned to normalcy. The fibre and asbestos that were treated with in the Magistrates' Court in San Fernando, left for us to be managed by the last Government, that is being aggressively managed. The state and condition of facilities post the earthquake is also equally being aggressively managed, but that

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is being done on the back of an improved facilities unit and buildings committee which this Government has set up by way of an inter-ministerial committee between the Ministry of Works and Transport, the Ministry of Finance and the Office of the Attorney General.

Madam Speaker, I believe that those were the submissions made in the round. In those circumstances, I ask my learned colleagues to support this legislation and to move the Judiciary alongside with the facility exercised by equally important providers and I will name one, seriously as I do so now: Ali's Doubles. Ali's Doubles has the privilege of having credit card and debit card payment for doubles right now in Trinidad and Tobago and the Judiciary cannot. We are moving the Judiciary into the 21st Century. We have done so on the back of significant improvements and I am confident that my learned colleagues in this House will do the opposite of what others on the Opposition Bench did in the Senate, and I am asking and I am sure that they can find support for this legislation. I beg to move. [*Desk thumping*]

Question put and agreed to.

ADJOURNMENT

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

Thank you very kindly, Madam Speaker. I beg to move that this House do now adjourn to Wednesday, the 26th day of September at 1.30 p.m. Madam Speaker, at that time, we will deal with the amendments that will come from the Senate on the matters that are before the Senate at this time.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.36 p.m.