

**HOUSE OF REPRESENTATIVES***Friday, January 11, 2019*

The House met at 1.30 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**PAPERS LAID**

1. Statement of Her Excellency, the President, on the Economic Sanctions (Implementation of United Nations Resolutions on the Democratic People's Republic of Korea) Order, 2018. [*The Deputy Speaker (Mr. Esmond Forde)*]
2. Statement of Her Excellency, the President, on the Economic Sanctions (Implementation of United Nations Resolutions on the Islamic Republic of Iran) Order, 2018. [*Mr. E. Forde*]
3. Annual Report of the Police Service Commission for the period January 1, 2015 to December 31, 2015. [*Mr. E. Forde*]
4. Annual Report of the Police Service Commission for the period January 1, 2016 to December 31, 2016. [*Mr. E. Forde*]
5. Audited Consolidated Financial Statements of the Union Estate Electricity Generation Company Limited for the year ended December 31, 2017. [*The Minister of Finance (Hon. Colm Imbert)*]
6. Annual Report and Audited Financial Statements of the Trinidad and Tobago International Financial Centre Management Company Limited for the year ended September 30, 2018. [*Hon. C. Imbert*]  
*Papers 5 and 6 to be referred to the Public Accounts (Enterprises) Committee.*
7. Report on the Operations of the National Insurance Board of Trinidad and Tobago for the financial year ended June 30, 2018. [*Hon. C. Imbert*]

**UNREVISED**

8. Consolidated Audited Financial Statements of the Trinidad and Tobago Bureau of Standards for the year ended September 30, 2017. [*Hon. C. Imbert*]  
*Papers 7 to 8 to be referred to the Public Accounts Committee.*
9. Financial (Amendment) Regulations, 2018. [*Hon. C. Imbert*]
10. Ministerial Response of the Ministry of Finance to the Fourth Report of the Joint Select Committee on Finance and Legal Affairs on an Inquiry into certain aspects of the National Insurance System of Trinidad and Tobago. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
11. Response of the Trinidad and Tobago Police Service to the Eighth Report of the Joint Select Committee on Human Rights, Equality and Diversity on an Examination of the Perceived Inequality Faced by Single Fathers in Trinidad and Tobago with specific focus on Custody Matters, Policies and Access to Programmes and Services. [*Hon. C. Robinson-Regis*]
12. Response of the Trinidad and Tobago Police Service to the Ninth Report of the Joint Select Committee on Human Rights, Equality and Diversity on an Inquiry into the Treatment of Detainees and Conditions at Holding Cells in Trinidad and Tobago Police Stations. [*Hon. C. Robinson-Regis*]
13. Senior Citizens' Pension (Amendment of Schedule) Order, 2018. [*The Minister of Social Development and Family Services (Hon. Cherrie-Ann Crichlow-Cockburn)*]
14. Administrative Report of the National Flour Mills Limited for the year ended December 31, 2017. [*Hon. C. Robinson-Regis*]
15. Annual Report of the Trinidad and Tobago Civil Aviation Authority for the year ended September 30, 2018. [*Hon. C. Robinson-Regis*]

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

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. I have the honour 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.

**Gambling (Gaming and Betting) Control Bill, 2016**

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

**Foreign Affairs****Circumstances re Vote at OAS**

**The Minister of Sport and Youth Affairs (Hon. Shamfa Cudjoe):** Madam Speaker, I have the honour to present the following report:

Third Report of the Joint Select Committee on Foreign Affairs on the Circumstances surrounding Trinidad and Tobago's vote at the Permanent Council, Organisation of American States (OAS) on the Request by the Government of the Commonwealth of Dominica for a waiver of its contribution to the annual budget of the OAS on March 23, 2018.

**Cybercrime Bill, 2017**

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

Interim Report of the Joint Select Committee appointed to consider and report on the Cybercrime Bill, 2017 in the Fourth Session, Eleventh Parliament.

**Public Administration and Appropriations**

**Dr. Lackram Bodeo** (*Fyzabad*): Madam Speaker, I have the honour to present the following reports:

**Special Health Care Programmes in Trinidad and Tobago**

Thirteenth Report of the Public Administration and Appropriations Committee on an examination into the Administration of Special Health Care Programmes in Trinidad and Tobago.

**State-Owned or State-Funded Housing Projects and Units**

Fourteenth Report of the Public Administration and Appropriations Committee on an Examination into the Construction, Maintenance and Refurbishment of State-Owned or State-Funded Housing Projects and Units.

**URGENT QUESTIONS****Swine Flu****(Number of Confirmed Cases)**

**Dr. Lackram Bodeo** (*Fyzabad*): Thank you, Madam Speaker. To the Minister of Health: In view of the three reported deaths as a result of the swine flu, could the Minister state the number of laboratory-confirmed swine flu cases in Trinidad and Tobago in the past 12 months?

**The Minister of Health (Hon. Terrence Deyalsingh)**: Thank you very much, Madam Speaker, and Happy New Year to all. The number of laboratory-confirmed influenza cases: Influenza A H1N1, 17; Influenza A H3N2, 2; and Influenza B, 2. Thank you very much.

**Dr. Bodeo**: Thank you for those figures, Minister, and just to confirm that we are speaking about H1N1, which is the swine flu. Could you indicate to the public when they should seek H1N1 testing?

**Madam Speaker**: Minister of Health.

**Hon. T. Deyalsingh:** Thank you very much, Madam Speaker. Madam Speaker, the current protocols for a suspected case is based on the clinical case definition, whether you have fever below 38 degrees or fever above 38 degrees and you are very ill. But in the hospital, we treat all cases regardless of the threshold of 38 degrees using nasopharyngeal swabs. So we treat all regardless of whether they are suspected or confirmed. The reports that we get, as you know, are mainly retrospective to build your database after the fact because if you wait for reports to confirm, the person would have died. So in the public health care system, we treat all regardless of the clinical case definition and regardless of whether the fever is above 38 degrees or below 38 degrees. Thank you very much, Madam Speaker.

**Madam Speaker:** Supplemental, Member for Fyzabad.

**Dr. Bodoë:** Thank you, Madam Speaker. Minister, do you have any indication of how many pregnant women would have received the flu vaccination in the current circumstances?

**Hon. T. Deyalsingh:** Sure. Madam Speaker, vaccinating two classes of people in Trinidad and Tobago is very difficult, surprisingly. One, health care workers: You will be surprised to know how difficult it is to convince health care workers who are on the front line to accept the vaccine; and my former colleague will know that. And two, pregnant women: We have made a concerted effort in our antenatal clinics to advise the pregnant population to accept the vaccines. To date, we have vaccinated close to 2,000 pregnant women in the public health care system. Three of those women who were not vaccinated almost died and we had to get them over the hump by using very intensive Intensive Care Unit treatment.

So I am grateful for the question so I can speak directly to the women who are pregnant. The vaccine is safe for you as a mother and safe for your foetus because that is the main concern—as you know, as an obs/gyn specialist and my

Urgent Questions (cont'd)

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colleague from Caroni East. They are afraid that the vaccine will somehow cause birth defects. It does not; and the vaccine is safe for our pregnant women at any stage of pregnancy, from week 1 to week 40. And I want to reiterate that these vaccines are available free, free, free at public health care institutions. The country and the taxpayers have invested in 75,000 doses of vaccines. To date, we have given out close to about 17,000 and we have another 25,000 on order. Thank you very much, Madam Speaker.

**Madam Speaker:** Member for Barataria/San Juan.

### **Swine Flu Deaths**

#### **(Availability of Tamiflu)**

**Dr. Fuad Khan** (*Barataria/San Juan*): Thank you, Madam Speaker. Minister of Health, with regard to the three reported deaths as a result of swine flu, could the Minister indicate whether there are sufficient Tamiflu tablets in the public health care system to combat a possible increase of cases?

**The Minister of Health (Hon. Terrence Deyalsingh):** Again, thank you very much to my colleague for asking a very topical question. The answer is yes. There are currently 13,670 Tamiflu tablets in the public health care system. If you average you use about 10 per adult, it means immediately you could treat 1,367 patients—immediately, if you need to. We are keeping a very close watch on the stock and if we need more stock, it is readily available from PAHO's strategic stock in Panama within 24 to 48 hours. So there is absolutely no risk of running out of Tamiflu. We have currently, as I said, 13,670 tablets, which can treat 1,367 patients. Thank you very much, Madam Speaker.

**Madam Speaker:** Supplemental, Member for Barataria/San Juan.

**Dr. Khan:** Minister, could you indicate whether any pregnant woman in this country was refused the Tamiflu medication because of the fear of birth defects

and died as a result of that?

**Hon. T. Deyalsingh:** There is no evidence that any pregnant women has died of H1N1 for this current season. We offer Tamiflu to all the pregnant women that we are treating. The three that I have just mentioned were all given Tamiflu or other antiviral medication, and that is standard protocol and those three that we were treating since last year to this year, I am happy to report that the first two have made full recovery, the third one is currently being weaned off the ventilator, and we hope that she will follow the other two in having a full and successful recovery. But it is standard operating practice—and I have double-checked this with the Director of Women's Health—that we offer, but we cannot force, that we offer all pregnant women Tamiflu or other anti-viral medication as we are doing for the current case at Mount Hope. Thank you very much.

**Madam Speaker:** Supplemental, Member for Fyzabad.

**Dr. Khan:** Last question, Minister. Could you indicate to the population, being a pharmacist in your own right, whether Tamiflu causes birth defects?

**Hon. T. Deyalsingh:** There is no evidence that I am aware of that Tamiflu causes birth defects and that is an excellent question to ask because it gives me, again, the opportunity to tell our pregnant women, our pregnant population, that neither the vaccine nor the Tamiflu is deleterious to either you or the baby that you are carrying. And I want to urge the general population, five major categories: health care workers, our pregnant population, our obese diabetic population, children and our patients who are immuno-compromised, to make use of the free vaccines available in the public health care system. Thank you again, Madam Speaker.

### ANSWERS TO QUESTIONS

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Thank you, Madam Speaker. Madam Speaker, there are 24 questions for oral

answer; we will be answering 23. We would like a two-week deferral of question number 43. There are three written questions, questions for written answer; we will be answering all three. So, Madam Speaker, there are 27 questions, we will be answering 26. Thank you very kindly.

## **WRITTEN ANSWERS TO QUESTIONS**

### **Expenditure on Creative Industries**

#### **(Breakdown for Fiscal 2017)**

- 38. Mr. David Lee** (*Pointe-a-Pierre*) asked the Minister of Trade and Industry: Given that the actual expenditure on the business development of the creative industries for fiscal 2017 was \$4,111,000, could the Minister provide a breakdown of the 2017 actual expenditure inclusive of the creative industry businesses that were developed?

### **Remuneration to Cabinet-appointed Committees**

#### **(Details of)**

- 39. Mr. David Lee** (*Pointe-a-Pierre*) asked the Minister of Energy and Energy Affairs: Given that the actual expenditure on remuneration to Cabinet-appointed committees for fiscal 2017 was \$823,601, could the Minister state:
- a) a list of the committee membership; and
  - b) the remuneration for each member listed in part (a)?

### **Foreign Exchange Facility at Eximbank**

#### **(Details of)**

- 40. Mr. David Lee** (*Pointe-a-Pierre*) asked the Minister of Trade and Industry: With regard to the foreign exchange facility at Eximbank that was launched in April 2018, could the Minister state:

- a) the list of firms that accessed the facility as at November 30, 2018; and
- b) the total forex values obtained by each firm listed in part (a)?

*Vide end of sitting for written answers.*

### **ORAL ANSWERS TO QUESTIONS**

*The following question stood on the Order Paper in the name of Mr. Rodney Charles (Naparima):*

#### **Illegal Venezuelan Immigrants (Plans to Address Issue)**

**43.**

Given the influx of illegal Venezuelan immigrants, could the hon. Minister of National Security state whether there are plans to meet with the Minister of National Security of Venezuela to discuss mutually acceptable protocols to address the issue?

*Question, by leave, deferred.*

#### **Flood Victims (Assessment and Compensation)**

**12. Mrs. Christine Newallo-Hosein (Cumuto/Manzanilla)** asked the hon. Minister of Social Development and Family Services:

With regard to the floods during the period October 19 to 21, 2018, could the Minister indicate:

- a) whether the site visits to flood victims were completed;
- b) whether the assessment of flood victims was completed; and
- c) the status of cheque distributions to flood victims?

**The Minister of Social Development and Family Services (Hon. Cherrie- Ann Crichlow-Cockburn):** Thank you, Madam Speaker. Madam Speaker, 6,501

assessments had been conducted as at November 15, 2018, the deadline for the submission of requests for assessments and completed assessment forms. Just prior to the deadline, 639 requests for assessments were received. This figure was reduced after a check of our database for duplications. As at November 30, 2018, there were 348 outstanding site visits and assessments to be conducted. Part (b), no. Part (c), as at November 30, 2018, 5,523 cheques had been distributed to flood victims in all the affected areas. The distribution is ongoing. Thank you, Madam Speaker.

**Madam Speaker:** Supplemental, Member for Cumuto/Manzanilla.

**Mrs. Newallo-Hosein:** Thank you. Hon. Minister, could you indicate when the assessments of flood victims will be completed?

**Hon. C. Crichlow-Cockburn:** Madam Speaker, we are working with a deadline of January 31<sup>st</sup> to complete all assessments.

**Madam Speaker:** Supplemental, Member for Caroni East.

**Dr. Gopeesingh:** Minister, subsequent to your completion of your assessments, what time frame you estimate would be completed for those who you have assessed positively, needing help? When would they be able to get their remuneration or help, financial help?

**Hon. C. Crichlow-Cockburn:** Madam Speaker, the Ministry will attempt to complete them in the shortest possible time frame.

### **Older Persons Information Centre**

#### **(Calls During Recent Floods)**

**13. Mrs. Christine Newallo-Hosein** (*Cumuto/Manzanilla*) asked the hon. Minister of Social Development and Family Services:

With regard to the floods during the period October 19 to 21, 2018, could the Minister indicate:

- a) the number of calls received via the 800-OPIC (Older Persons Information Centre) for assistance; and
- b) the number of responses initiated by the Ministry as a result of calls received in part (a)?

**The Minister of Social Development and Family Services (Hon. Cherrie- Ann Crichlow-Cockburn):** Madam Speaker, 20 calls were received via the Older Persons Information Centre, 800-OPIC, for assistance regarding the flooding that occurred during the period October 19<sup>th</sup> to 21<sup>st</sup>, 2018. Part (b), the number of responses or follow-up action initiated by the Ministry as a result of calls received was 20.

**Madam Speaker:** Supplemental, Member for Cumuto/Manzanilla.

**Mrs. Newallo-Hosein:** Thank you. Hon. Minister, can you indicate what areas did these calls originate from, please?

**Hon. C. Crichlow-Cockburn:** Madam Speaker, I do not have the specifics in terms of the areas each person would have called from at this time.

**Madam Speaker:** Supplemental, Member for Cumuto/Manzanilla.

**Mrs. Newallo-Hosein:** Thank you. Hon. Minister, can you indicate what type of requests were, in fact, made during this period of flooding?

**Hon. C. Crichlow-Cockburn:** Madam Speaker, all calls received via the OPIC hotline were with respect to when their cheques would have been processed and ready for distribution.

### **Areas Affected by Floods**

#### **(Spraying and Defogging of)**

18. **Mrs. Christine Newallo-Hosein** (*Cumuto/Manzanilla*) asked the hon. Minister of Health:

With regard to areas affected by floods during the period October 19 to 21, 2018, could the Minister state:

- a) the number of areas that have been sprayed and defogged by the Insect Vector Control Division; and
- b) whether there will be continuous monitoring of these areas for additional spraying and defogging?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, again, Madam Speaker. Thank you to my colleague for the question. A total of 14,895 houses were sprayed or fogged in 36 areas in the following counties: St. George, St. Andrew, St. David, Caroni, St. Patrick, Nariva, Mayaro, Victoria. Answer to part (b), yes, continuing monitoring and evaluation of these areas have already began and the necessary follow-up action has been initiated. Thank you again, Madam Speaker.

### **Hospitals and Health Centres (Medical Services to Flood Victims)**

**19. Mrs. Christine Newallo-Hosein** (*Cumuto/Manzanilla*) asked the hon. Minister of Health:

Could the Minister indicate whether during the floods of October 19 to 21, 2018, the hospitals and health centres provided priority medical services to flood victims with asthmatic and respiratory ailments?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, again, Madam Speaker. “Ah feel like ah jack in de box today.” [*Laughter*] Yes, the flood victims who presented with asthmatic, repository ailments and all other health-related issues were triaged and treated at the various hospitals and health centres. Thank you very much.

**Flood-Contaminated Food****(Preventing Sale of)**

**20. Mrs. Christine Newallo-Hosein** (*Cumuto/Manzanilla*) asked the hon. Minister of Health:

With regard to the floods during the period October 19 to 21, 2018, could the Minister state:

- a) the precautionary measures being taken to ensure that contaminated food is not being sold; and
- b) the number of Health Inspectors who inspected food outlets and vegetable stalls for contaminated foods?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you. Madam Speaker, the answer to Question No. 20: (a), during the period 22<sup>nd</sup> October to 26<sup>th</sup> November, 2018, the following precautionary measures were taken to ensure that contaminated food was not being sold: national surveillance of markets, wayside vending, supermarkets, shops, vegetable stalls, restaurants, fast-food outlets and establishments impacted by floodwaters. A total of 17,449 premises were surveyed covering all counties in Trinidad. Public Health Inspectors, in collaboration with vendors, used the voluntary method of disposal for contaminated items and advice was given to self-regulate and separate foodstuff for insurance purposes, and continued health education to food handlers and vendors to properly dispose of contaminated foodstuff and to ensure proper sanitation of food premises. Thank you, again, Madam Speaker.

**Madam Speaker:** Supplemental, Member for Cumuto/Manzanilla.

**Mrs. Newallo-Hosein:** Thank you, Madam Speaker. Hon. Minister, can you indicate what process was used to identify the contaminated foods from goods that were not contaminated?

**Hon. T. Deyalsingh:** Sure. Thank you very much. So the Public Health Inspectors, under the direction of the Chief Medical Officer, will visit. They will, of course, look for physical damage. They will look for remnants of flooding and they will do a close inspection of whether it is vegetables, canned goods, bottled water and so on. On the judgment of the Public Health Inspectors, items will be isolated and subsequently disposed, based on established protocols. Thank you very much.

**Madam Speaker:** Supplemental, Member for Cumuto/Manzanilla.

**Mrs. Newallo-Hosein:** Thank you. Based on your answer, hon. Minister, how were these items disposed and where?

**Hon. T. Deyalsingh:** The items would have been picked up and taken and disposed of under the supervision of a Public Health Inspector at, I suppose, one of the established sites.

**Madam Speaker:** Supplemental, Member for Cumuto/Manzanilla.

**Mrs. Newallo-Hosein:** Yes, thank you. In light of the fact that there was a media report of carrots being disposed on a wayside and not being disposed properly and assumed to be contaminated, can the Minister indicate what would have happened in a case like that, seeing that there was not proper disposal in the first place? Thank you.

**Hon. T. Deyalsingh:** That is a matter that the Chief Medical Officer is looking at and as soon as I have a report on that, I will make it available to the hon. Member. Thank you very much.

### **Unregistered Geriatric Homes**

#### **(Legal Registration of)**

**22. Mr. Lackram Bodoë** (*Fyzabad*) asked the hon. Minister of Health:

With regard to reports that there are two hundred and sixteen (216) unregistered geriatric homes in Trinidad and Tobago, could the Minister

state the measures being taken to ensure that all geriatric homes are legally registered?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, again, Madam Speaker. Answer to question number 22: The measures being taken to ensure that all geriatric homes are legally registered include:

1. The Ministry of Health has written to all 217 homes advising on the need to register in compliance with the Private Hospitals Act.
2. The Ministry has also provided, apart from the application form, the Private Hospitals Act itself, hard copy, guidelines and requisite requirements to ensure maximum compliance. To date, the Ministry of Health has received a total of 43 completed applications.
3. Inspections for licensure and compliance have already begun on the above 43 homes and another 30 are being urgently looked at by the Ministry as identified by the Ministry of Social Development and Family Services. These inspections are expected to be completed by January 30, 2019, this month.
4. And fourthly, follow-up calls and a reminder letter has been issued to the remaining 144 homes and thereafter, legal recourse will be pursued under the Private Hospitals Act. The inspection team utilizes the skills and competencies of a multi-disciplinary team including members of the Division of Ageing, Ministry of Social Development and Family Services, the Ministry of Health and the regional corporations under the remit of the Ministry of Rural Development and Local Government.

Thank you again, Madam Speaker.

**Madam Speaker:** Supplemental, Member for Fyzabad

**Dr. Bodoë:** Thank you. Minister, can you indicate the time frame for compliance

for these homes?

**Hon. T. Deyalsingh:** Sure. So there will not be a blanket time frame. What we are doing, we are dealing with each home based on an audit of their readiness to comply with the Private Hospitals Act. So each home, based on an audit, based on the visit, will be given a schedule of activities to be performed to bring them into compliance. So we hope to have all of this done in the shortest possible time but there is no blanket date for all, because all, not each one, will be in the same state of readiness to comply. But I give this honourable Chamber the assurance that this is receiving urgent attention at the Ministry of Health. Thank you again, Madam Speaker.

**Madam Speaker:** Supplemental, Member for Caroni East.

**Dr. Gopeesingh:** Hon. Minister, would there be visits or are these visits conducted under the auspices of the Private Hospitals Board?

**Hon. T. Deyalsingh:** And the answer is yes because the Chief Medical Officer is the Chairman of the Private Hospitals Board and he is in full control of this. Thank you very much, Madam Speaker.

### **Floods in South Trinidad**

#### **(Compensation for Farmers)**

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

With regard to the floods that occurred in South Trinidad during the period November 15 to 19, 2018, could the Minister state:

- a) the number of farmers affected;
- b) the expected completion date for the processing of compensation payments; and

- c) whether compensation will be provided to affected livestock and poultry farmers?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam Speaker, I thank my colleague for the question. In response to part (a) of the question: At this time, the Ministry has received 141 applications from the south region for financial assistance arising out of the flooding for the period 15<sup>th</sup> to 19<sup>th</sup>, November, 2018. In response to part (b): Madam Speaker, the process for paying financial assistance involves the receipt of the request, investigation of the site, processing within the Ministry, auditing, a request for funding from the Ministry of Finance and preparation of cheques. The Ministry is at the processing and audit stage on these 141 requests and at the end of it, the payments would be made.

And in response to part (c), Madam Speaker, any farmer who meets the requirements and satisfies the requirements of the Ministry's criteria for financial assistance arising out of flooding will receive that assistance and the claims can be made to the Ministry. I thank you.

**Mrs. Gayadeen-Gopeesingh:** Hon. Minister, you said 141 applications, but how many have been assessed to date?

**Sen. The Hon. C. Rambharat:** Madam Speaker, to repeat, the process involves the receipt of the applications. There have been 141 applications. Site investigations, processing and audit, request for funding, preparation of cheques and payment. In respect of the 141 applications, the Ministry is at the processing and audit stage.

**Mrs. Gayadeen-Gopeesingh:** So, are you saying there is not a time date or a time limit when this assessment will be done and payments made? Are you saying that?

**Sen. The Hon. C. Rambharat:** Madam Speaker, at the end of the—the process

involves the receipt of the applications, the site investigation, processing and audit, request for funding and preparation of cheques and at the end of that period, the cheques will be in the hands of the recipients and we are at the processing and auditing period.

**2.00 p.m.**

### **Tulsa Trace Flood Gates**

#### **(Details of)**

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

With regard to reports indicating that the Tulsa Trace Flood gates are dysfunctional, could the Minister state:

- a) the expected completion date for repair works to the flood gates;
- b) the estimated cost of repair works; and
- c) the current impact of dysfunctional flood gates?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Thank you, Madam Speaker. There are two types of gates systems existing in Tulsa Trace site. The Cooray River saltwater intrusion gate, this is a seven flat gate system built by the Ministry of Agriculture, Land and Fisheries for irrigation purposes.

It was originally designed for the prevention of saltwater intrusion into in land areas, in an effort to support agriculture. These gates have not been functional over a long period of time. All seven flaps of the gate system were removed and are causing no restrictions to the flow of the Cooray River. The frame structure has been air-marked for removal by the Ministry of Agriculture, Land and Fisheries.

The Black Water channels sluice gates. These gates service two culverts that facilitate run-off from the Black Water channel into the Cooray River during low tide. During the high tide they are closed off to prevent back water effects from the Cooray River. These gates are old but functional, however, during the severe flooding event of November 2018, flood waters rose above the gate rendering them non-functional.

In 2018, Cabinet approved a programme for the upgrade of pumps and gates throughout Trinidad. These gates are included under the programme for upgrade and modernization in fiscal 2018/2019.

Part (b), the complete pumps and you gate systems along the Black Water channel is in its final stage of design. Tenders are to be invited and construction work is expected to commence in early 2019. The cost is not available at this time.

Part (c), non-functional flood gates impede the free flow of water and result in flooding and overtopping. Work has started on the raising of the earthen embankment in the area which would alleviate the potential of over topping, I thank you.

**Mrs. Gayadeen-Gopeesingh:** Hon. Minister, you said that you have procured pumps and gates. When is a likely date that these pumps and gates would be placed at the Tulsa Trace to prevent back flow to the Cooray River?

**Sen. The Hon. R. Sinanan:** Madam Speaker, just to repeat. I said that Cabinet approved a programme for the upgrade of pumps and gates throughout Trinidad and Tobago. The gates are included under the programme for upgrade and modernization in fiscal 2018/2019 and the procurement—the design stage, is at the final design stage and tenders are to be invited in early 2019. I did not say that we bought pumps and gates already.

**Increased Missing Person Cases  
(Measures to Treat With)**

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

Could the Minister state the current measures in place to treat with the increased number of missing person cases?

**The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much Madam Speaker. The Commissioner of Police has advised that after a report of a missing person is made at a police station, the report is passed immediately to the Anti-kidnapping Unit which is responsible for the investigations of missing persons. The AKU forwards the relevant profile and picture for publishing and broadcasting in the media. The AKU submits information on outstanding investigations to the Homicide Bureau of Investigations.

As a proactive measure to reduce the number of missing persons, the AKU has trained personnel who conduct interactive workshops and seminars. Topics cover missing persons, kidnapping, and safety precautions, how to reduce the risk of becoming a missing person. These events are facilitated upon request by Government agencies, foreign agencies, corporate entities, private sector, non-governmental organizations.

The TTPS has been focusing more resources on treating with missing persons' cases and our intelligence services have also been assisting in this regard.

**Mrs. Gayadeen-Gopeesingh:** Minister, can you state how many confirmed cases of missing persons currently exist?

**Madam Speaker:** I will not allow that as a supplemental question to the question that was asked. Member for Pointe-a-Pierre.

**Petrotrin Workers Severance Packages**  
**(Amount Spent to Date)**

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

Could the Minister state the total amount spent to date on the severance packages for Petrotrin workers?

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Madam Speaker. Madam Speaker, a sum of TT 2.419 billion has been paid to former Petrotrin workers to date. This figure comprises TT 1.9 billion in termination packages, TT 211 million for outstanding vacation, and TT 308 million in back pay.

**Mr. Lee:** Thank you, Madam Speaker to the Minister, supplemental. Out of the 1.9 billion that you mentioned for termination packages, could you state what percentage of this represent the total amount of termination packages that have to be paid out?

**Sen. The Hon. F. Khan:** Termination packages total 2.419 billion. It comprised of 1.9 in the actual termination calculation. But it also included outstanding vacation and back pay for the period 2011 to 201t.

**Mr. Lee:** Thank you, Madam Speaker. Could the Minister then state if the entire amount of termination packages have been paid out or is there still any outstanding amount to be paid?

**Sen. The Hon. F. Khan:** All termination packages payments have been—

*[Madam Speaker stands]*

**Madam Speaker:** Member for Pointe-a-Pierre, I think based on the question asked and the question as answered, I believe that was answered. Okay?

**Mr. Lee:** Total amount spent, Madam Speaker.

**Madam Speaker:** Please ask another supplemental question if you wish? Member for Oropouche East.

**Dr. Moonilal:** Hon. Minister, could you indicate whether or not Heritage Petroleum is embarking on a road show to raise US \$1 billion?

**Madam Speaker:** I will not allow that as a supplemental question. Member for Couva South.

**Mr. Indarsingh:** Thank you, Madam Speaker. Out of the sum, Minister, that you indicated, could you advise this House whether this represents also payments to 667 temporary employees at Petrotrin?

**Sen. The Hon. F. Khan:** It includes payment to non-permanent workers. However, the only outstanding payment to non-permanent workers is the calculation of a back pay and that is expected to be completed by January 15<sup>th</sup>.

### **Mothballing of Petrotrin Refinery**

#### **(Estimated Final Cost)**

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

Further to the contribution made on October 5, 2018, could the Minister state the estimated final cost to mothball the Petrotrin refinery?

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you again, Madam Speaker. The estimated cost of the preservation of critical assets of the Petrotrin refinery is TT \$14.5 million.

### **Restructuring of Petrotrin**

#### **(List and Cost of Hired Consultants)**

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

With regard to Petrotrin's restructuring and the launch of three new oil companies, could the Minister provide a list of all consultants hired to undertake recruitment/employment process and the cost of these consultancy services?

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you again, Madam Speaker. Madam Speaker, two local experts consultants/companies were hired to manage the recruitment process. They are HRC Associates Limited and Progressive Recruitment Specialists. The cost of their services totaled TT \$3,495,403.

**Mr. Lee:** Could the Minister indicate the two recruitment companies, how many employees have been recruited to date?

**Sen. The Hon. F. Khan:** Just for the records, they have not recruited anybody. They were providing logistical service for the recruitment process. However, the recruitment has largely been with Heritage. We have recruited 41 middle and senior managers and most of these middle and senior managers will now form part of the interview panel to interview subordinate employees, and that process is on-going.

**Mr. Lee:** To the Minister of Energy and Energy Industries: Could you clarify you just mentioned 41 but the Prime Minister had mentioned a couple days ago a thousand employees were hired at Heritage Petroleum?

**Sen. The Hon. F. Khan:** I doubt the Prime Minister has said that. [*Crosstalk*]

**Madam Speaker:** Order, order.

**Sen. The Hon. F. Khan:** He said a thousand people would be employed ultimately in the Heritage Company. But currently it is 41 and the process continues.

**Dr. Gopeesingh:** Could the Minister indicate what procurement methodology was used in getting these two companies to be on board? What procurement process

was used for this?

**Madam Speaker:** What procurement process was used? I did not get—?

**Dr. Gopeesingh:** In the selection of these two companies?

**Sen. The Hon. F. Khan:** It was a selective tender process where several local consultancy firms that are engaged in that business were requested to make proposals and these two companies were selected.

**Dr. Gopeesingh:** Could you give us a list of the companies and the value of their tender that was submitted?

**Sen. The Hon. F. Khan:** I doubt I can do that. But, if the question is posed we will consider it because we will get the list of things, but to give you the actual quotation of the bid may be a problem.

### **New Road Building**

#### **(Rationale for Priority Given)**

**41. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of Works and Transport:

Could the Minister provide the rationale for priority being given to building new roads rather than repairs to existing roads in the Ministry's work programme?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you, Madam Speaker. Madam Speaker, priority is not being given to building new roads over repairing the existing ones since it is necessary to undertake both, which is what the Ministry is doing.

The development of new roads provides access to remote areas, thereby promoting growth and socio-economic developments. Additionally, new roads decrease congestion and travel time resulting in increased productivity. The construction of new roads also stimulates the construction sector and the national

economy.

Madam Speaker, the repair of existing infrastructure can be classified as routine maintenance, periodic and backlog maintenance, rehabilitation or reconstruction based on the defects, and level of distress. Routine road maintenance is undertaken on an ongoing basis in-house by the Highways Division of the Ministry of Works and Transport.

This maintenance includes pothole patching, vegetation control, and repairs of sidewalks. Larger scale items of periodic maintenance such as road surface overlay, backlog maintenance, such as replacement of cylinder crossing and landslip repairs are undertaken by the Highways Division via contracted services. This is also supplemented by the Bridges, Landslip and Traffic Management (BLT) programme, and the PURE Unit, whereby rehabilitation and reconstruction work is undertaken. I thank you.

**Mr. Charles:** Could the Minister indicate, in fiscal 2019, the budgetary allocation for new roads as opposed to repairs for existing roads?

**Madam Speaker:** I will not allow that as a supplemental question, Member for Naparima.

**Mr. Charles:** Could the Minister indicate whether priority should be given to existing roads given the dilapidated state of most of the roads in the country?

**Sen. The Hon. R. Sinanan:** Thank you, Madam Speaker. Madam Speaker, I did indicate that priority has not been given to building new roads over repairing the existing roads, because both are being undertaken at the same time, and I did give the reasons for it. But just for information for the hon. Member, between 2016 and 2018, the Ministry of Works and Transport would have spent on rehabilitation of the existing roads over \$816 million, and over that same period, on new roads, we would have spent less than \$50 million. So the priority is not on new roads, but to

maintain the existing roads while we build new roads. [*Desk thumping*]

**Recent TTPS Polygraph Tests**

**(Application to Other Divisions)**

**42. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of National Security:

Given the recent use of polygraph tests within the Trinidad and Tobago Police Service, could the Minister state whether this measure will be applied to the Customs Division, Immigration Division, Trinidad and Tobago Coast Guard and the Trinidad and Tobago Regiment?

**The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. Madam Speaker, the authority to address polygraph testing within the Customs Division falls within the remit of the Ministry of Finance. In the case of the Immigration Division, Immigration Officers who are assigned to key sensitive areas within the division are subject to polygraph testing.

Additionally, the Trinidad and Tobago Defence Force consists of four formations: the Trinidad and Tobago Regiment, the Trinidad and Tobago Coast Guard, Trinidad and Tobago Air Guard, and the Trinidad and Tobago Defence Force Reserves. All personnel of the Trinidad and Tobago Defence Force are subjected to a security vetting process, as a means of pre-screening for employment, or integrity tests in certain circumstances.

The current system for integrity tests is the Voice Stress Analysis Test. The VSA is an internationally recognized and accepted system that is comparable to the polygraph test and has been in use by the Trinidad and Tobago Defence Force since 2012. At this time no consideration is being given to move from this proven system to the polygraph system.

**Mr. Charles:** Thank you, Madam Speaker. Could the Minister give an indication of the percentages of officers that are subject to polygraph tests in the respective institutions that you have just named?

**Hon. S. Young:** Madam Speaker, that is, in my view, an entirely different question and not one that I am prepared or have the statistics here to answer. But I am sure my friend knows the process and we can provide that going forward in the future.

### **Petrotrin Employees Pension Plan**

#### **(Details of)**

**48. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Energy and Energy Industries:

Further to the response in the Senate on November 20, 2018, could the Minister indicate:

- a) whether the Petrotrin Employees Pension Plan (PEPP) has met all payments/liabilities to the workers who retired on December 01, 2018; and
- b) whether after December 01, 2018, the PEPP can meet all its liabilities including cost for its 20,000 plus retirees?

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you once again, Madam Speaker. Madam Speaker, Petrotrin Employees' Pension Plan, commonly called PEPP has met all its pension obligations to its retirees, including those who qualified for retirement benefits on December 01, 2018. And to quote the Minister of Finance, let me repeat, all.

In response to question (b), PEPP is committed to ensuring that the plan can meet all its liabilities and/or obligations including the cost for its 20,000-plus retirees after December 01, 2018.

**Mr. Indarsingh:** Minister, can you confirm whether the last accrual valuation of

this pension plan showed a deficit of \$2.73 billion?

**Madam Speaker:** Having regard to the question that was originally asked and the responses given, I rule that supplemental question out of order.

### **Registration, Recognition and Certification Board**

#### **(Appointment of)**

**49. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Labour and Small Enterprise Development:

Could the Minister state when will the Registration, Recognition and Certification Board be appointed?

**The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus):** Thank you, Madam Speaker, [*Desk thumping*] and a happy and blessed New Year to you, Madam Speaker and all the hon. Members of this House, including the Member for Oropouche East. [*Crosstalk*]

Madam Speaker, the Registration, Recognition and Certification Board, popularly known as the RRCB, plays a critical role in promoting the integrity and credibility of the industrial relations systems of Trinidad and Tobago. Through its determination of the appropriate and recognized majority trade union, the RRCB is important in promoting the fundamental principles and rights at works, specifically that of freedom of association and the right to collective bargaining.

Madam Speaker, the RRCB is established under section 21 of the Industrial Relations Act, Chap. 88:01, section 21(3) and (4) and it states in part, that is 21(3):

“Subject to this Part, the Minister shall appoint the Chairman and other members of the Board as follows:

- (a) in the case of the Chairman, a fit and proper person selected by the President of Trinidad and Tobago after consultation with such organisations or other bodies of persons as in his opinion...”

—well, in this case in her opinion—

“...are the most representative of workers and employers; and”

—(b) states;

“in the case of the other members of the Board—

- (i) three members, being persons nominated by such organisations or other bodies of persons as in the opinion of the Minister are the most representative of workers;
- (ii) three members, being persons nominated by such organisations or other bodies of persons as in the opinion of the Minister are the most representative of employers; and
- (iii) two members, being persons jointly nominated by the organisations or other bodies of persons referred to in subparagraphs (i) and (ii).”

[*Crosstalk*]

**Madam Speaker:** I know this is the first—Member for Caroni East, I know this is the first sitting we have had since the Christmas break. I just would like us all to remember that we are back here and complying with the Standing Orders.

**Sen. The Hon. J. Baptiste-Primus:** Thank you, Madam Speaker. Patience, Caroni East.

“(4) In respect of each member of the Board (other than the Chairman), the Minister shall in like manner appoint an alternate member, and any such alternate member may, with the approval of the Chairman, act in the stead of the respective member...”

Madam Speaker, it should be noted that the term of the last board ended on February 24, 2018. Prior to the end of the term of the board, the Ministry of Labour

and Small Enterprises undertook the necessary action with respect to obtaining nominations from the organizations considered to be the most representative of workers and employers as well as in obtaining the joint nominees as outlined.

As indicated above, under section 21(3)(a) of the IRA, the selection of the Chairman of the RRCB is under the responsibility of the President of the Republic of Trinidad and Tobago. I was advised by the Office of the President in October 2018 in response to my enquiry—written enquiry—that the process of consulting with the organizations and bodies which are the most representative of workers and employers in an effort to select a suitable chairman of the RRCB was in progress and that I will be advised of the persons selected as soon as this process is completed.

In this regard, Madam Speaker, appointments to the RRCB will take place when the President of the Republic of Trinidad and Tobago has selected a chairman and Cabinet's approval of the membership of the board is subsequently obtained. Thank you, Madam Speaker. [*Desk thumping*]

**Dr. Gopeesingh:** You eventually answer the question.

**Mr. Indarsingh:** Thank you, Madam Speaker. Could the Minister advise this House as to how many matters are currently before the said board for determination?

**Sen. The Hon. J. Baptiste-Primus:** Madam Speaker, I am a bit taken aback by that question. I am not in a position to answer that question. That question is best directed to the RRCB.

### **Milton Presbyterian Primary School**

#### **(Reopening of)**

**50. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Education: Given that the Milton Presbyterian Primary School has been

closed since October 10, 2018, could the Minister inform this House when will the school be reopened?

**The Minister of Education (Hon. Anthony Garcia):** Thank you very much, Madam Speaker. Madam Speaker, in an attempt to expedite the works at the Milton Presbyterian Primary School, the Ministry of Education had initially engaged the Water and Sewerage Authority (WASA) to assist in rectifying the sewer issues at the school.

However, WASA has been experiencing difficulty, in the procurement of the materials to complete the works, and as such the Ministry took the initiative to engage the National Maintenance, Training, and the Security Company Limited, MTS, to conduct the said works to address the issues.

As a short-term measure, the school population of the Milton Presbyterian has been decanted into the California Government Primary School and the Couva South Government Primary School.

Madam Speaker, the sewer repairs at the Milton Presbyterian Primary School are expected to be completed by January 25, 2019, as every effort is being made to ensure that students have access to a quality education. Thank you.

**Mr. Indarsingh:** Yes, Madam Speaker. To the Minister, taking into consideration that the repairs should be completed by the 25<sup>th</sup> of January. Mr. Minister, could you give this House a definitive date of when the said school will be reopened?

**Hon. A. Garcia:** Madam Speaker, as soon as the necessary works have been completed the school will be reopened. Might I add, really, the school has not closed? It is just that the school has been decanted into the two different schools. But, as operates at the moment, the Milton Presbyterian Primary is up and

operating. Our students are accessing the quality education that we are determined to provide. Thank you. [*Desk thumping*]

**Mr. Indarsingh:** Thank you, Madam Speaker. Taking into consideration a number of parents of the Milton Presbyterian Primary School have lost their jobs in recent times, Mr. Minister, could you indicate if school-bus transportation has been provided by the Ministry of Education to facilitate the transportation of these said 130 pupils to the California Government Primary School and also the Couva South Government Primary School?

**Hon. A. Garcia:** Madam Speaker, on previous occasions, I have had the opportunity to discuss this very issue with the Member for Couva South and I have indicated to him that this Ministry of Education has in fact provided the necessary transport for the students of school. Thank you.

### EXPIRATION OF QUESTION TIME

**Madam Speaker:** Hon. Members, the time allotted to oral questions—the time is now spent and therefore having received a request in accordance with Standing Order 29(10), questions 53 to 58 shall be postponed for questioning to a later sitting—the next sitting.

*Question time having expired, the following questions (53, 54, 55, 56, 57 and 58) were not dealt with:*

### Money owed to Sandals International

#### (Payment of)

**53.** Could the hon. Minister of Tourism state whether the money owed to Sandals International for drawings and designs has been paid? [*Ms. R. Ramdial*]

**Sandals Hotel at Buccoo Estate****(Environmental Concerns)**

54. Could the hon. Minister of Tourism indicate what environmental concerns, if any, are associated with the construction of Sandals Hotel at Buccoo Estate?  
[*Ms. R. Ramdial*]

**Sandals Hotel, Tobago****(Proposals by Construction Companies)**

55. Could the hon. Minister of Tourism provide the list of construction companies that have submitted proposals in response to the expression of interest for Sandals Hotel, Tobago? [*Ms. R. Ramdial*]

**Thema Williams Court Matter****(Commitment to Pay Sum Awarded)**

56. Could the hon. Minister of Sport and Youth Affairs indicate:  
Has the Ministry of Sport and Youth Affairs committed to pay the sum awarded by the Court in the matter involving Ms. Thema Williams and the Trinidad and Tobago Gymnastics Federation? [*Mr. B. Padarath*]

**National Earthquake Disaster Plan****(Details of)**

57. Could the hon. Minister of National Security indicate the last time the National Earthquake Disaster Plan was reviewed and updated to meet international standards? [*Mr. B. Padarath*]

**National Sex Offenders Registry****(Introduction of Legislation)**

58. Further to the response of the Minister of State in the Office of the Prime Minister to Question No. 137 on March 23, 2018, could the hon. Attorney General indicate the timeframe for the introduction of the relevant

legislation in Parliament on the National Sex Offenders Registry? [*Mr. B. Padarath*]

*Questions, by leave, deferred.*

### **STATEMENT BY MINISTER**

#### **Trespass (Amdt.) Bill, 2019**

**The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds):** Thank you very warmly. Madam Speaker, I have been authorised by the Cabinet to issue the following statement.

Madam Speaker, one of the many rights enshrined in the Constitution of the Republic of Trinidad and Tobago is the right to the enjoyment of property.

At section 4(a) of our Constitution, under the rubric of “Rights Enshrined”, it states:

“the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law.”

Sadly, over many years, this constitutionally recognised and protected right has been severely challenged, as law-abiding citizens and rent-paying tenants, even in the Trinidad and Tobago Housing Development Corporation’s (HDC) apartments, and private home owners, are chased out of and denied re-entry into their apartments and dwelling houses by criminal elements, employing the ‘bully-boy’ tactics of intimidation and violence.

Madam Speaker, in one area in Port of Spain, police officers and soldiers went to a number of HDC apartments, where they were forced to break the locks of 14 such apartments and detained 15 persons who were illegally occupying these apartments. The brazen nature of these elements was exemplified when, a few weeks later, police conducted another similar exercise and again had to remove

Statement by Minister (cont'd)  
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several of the same persons from illegal occupation of the said apartments.

Madam Speaker, we have heard reports of retired and senior citizens, who worked for their entire careers to acquire a home and have been chased out, their cars firebombed, threats issued to flee or die. They are told, in colloquial terms to “ride out”. Many feel helpless and do just that.

There are many instances of these incidents across Trinidad and Tobago, Madam Speaker. The police often, when invited to take note and to get involved, see these as civil matters and have expressed feelings of powerlessness to treat with these matters in the way good sense and justice demands.

### **2.30 p.m.**

Madam Speaker, a man’s abode has always been known to be extremely important. As far back as 1604, the English judge and jurist, Sir Edward Coke, acknowledged in the Semayne’s case, 77, *English Reports*, page 194, that there were limits on the manner in which officials, such as sheriffs, could enter a person’s house to issue writs. But he also declared, and I quote:

“That the house of everyone is to him as his castle and fortress as well for his defence against injury and violence, as for his repose;”

Sir Edward’s legal principle was condensed over many centuries and today it is recognized in the old adage, every man’s house is his castle. Madam Speaker, the notion of a person and his family being unable to occupy and live peacefully in their home is unacceptable. The Government sought to address this unlawful situation and a reference was given to the Law Reform Commission to develop a policy and draft legislation to treat with these occurrences.

The constitutionally enshrined right, as described earlier, is guaranteed protection against the State, since only the State could infringe such a right. As

Statement by Minister (cont'd)  
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against private persons and criminals, new law is required. Subsequently, this reference was expanded to include a comprehensive review of Trinidad and Tobago's Trespass Act, Chap. 11:07, a piece of legislation which was originally passed in 1852 and last amended in 1910 and 1936. Madam Speaker, as part of the review exercise, lacunae in the existing Trespass Act were identified and the legislation of other jurisdictions was examined. These included the United Kingdom, Canada, Barbados, Jamaica, Guyana and the Cayman Islands. The outcome of this exercise was the drafting of the Trespass (Amdt.) Bill, 2018, which was considered by the Legislative Review Committee of the Cabinet and has now been approved by the Cabinet.

Madam Speaker, it should be noted that the Trespass (Amdt.) Bill introduces two new criminal offences, namely, forcible entry and forcible detainer. Madam Speaker, "forcible entry" will occur where:

"A person who uses force, threats or intimidation to enter land or a dwelling house which is in the lawful possession of another person in order to expel that person and take possession of the land or the dwelling house and does so otherwise than in pursuance of an order of a court or other lawful authority"

—this offender—"...is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for fifteen years."

Madam Speaker, "forcible detainer" will occur where:

"Any person who, being unlawfully, in or upon any land or dwelling house, maintains or attempts to maintain his possession or occupation thereof and does so by force or in a manner that would render the use of force as the only

Statement by Minister (cont'd)  
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reasonable or practicable means of recovering lawful”—property—“of the land or dwelling house...”—this offender—“is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for fifteen years.”

Madam Speaker, in addition to these two new, spanking new criminal offences, the Trespass (Amdt.) Bill will seek to modernize the archaic parent Act by increasing a number of the existing penalties, inserting new definitions and provide for the issue of regulations. The law here introduced is primarily designed to treat with a new discernible antisocial/criminal behaviour in our society which the Government finds wholly unacceptable. This is the Government’s response. I thank you. [*Desk thumping*]

**Madam Speaker:** I have been advised that it is agreed that the Prime Minister shall speak until the completion of his statement. Prime Minister. [*Desk thumping*]

### **Prime Minister’s Visit to Australia and China**

**The Prime Minister (Hon. Dr. Keith Rowley):** Thank you very much, Madam Speaker, and I would like to thank Members of this House for the facility extended. Madam Speaker, I thank you for the opportunity to provide the citizens of Trinidad and Tobago with a factual account of the Government’s successful procurement of two passenger fast ferries from the Australian shipbuilders, Incat Australia PTY Limited and Austal Limited, and two Cape-class patrol vessels from Austal for the Trinidad and Tobago Coast Guard. Madam Speaker, during the margins of the Caribbean Commonwealth leaders meeting in July 2017, the hon. Julie Bishop, MP, who was then the Minister of Foreign Affairs of Australia, invited me, as Prime Minister of Trinidad and Tobago, to visit Australia during the last quarter of 2017. However, due to conflicting work schedules, I was unable to

Statement by Minister (cont'd)  
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lead a delegation to Australia in 2017.

Madam Speaker, the population would undoubtedly recall that it was during 2017 that a number of issues arose with respect to the provision of the inter-island sea service between Trinidad and Tobago. And by way of background, Madam Speaker, in 2006 Trinidad and Tobago acquired two used fast ferries to service the sea bridge, the *T&T Express* and the *T&T Spirit*. By 2017 the *T&T Express* was 20 years old having been built in 1997, and the *T&T Spirit* was 15 years old having been built in 2002. Unfortunately, Madam Speaker, these vessels were not properly maintained during the period of 2010—2015, and on many occasions the vessels missed essential dry-docking and maintenance servicing dates. Due to their age, wear and tear and the lack of proper maintenance, the *T&T Spirit* and the *T&T Express*, inevitably, began having serious operational problems in 2016 that negatively affected their ability to sail and to provide the sea bridge, and thereby the sea bridge was badly affected in 2017.

As a result of these pressing issues, the Government took a decision that it was time to replace our aged passenger ferries and to look into purchasing new fast ferries. This was also a priority at a time when the Government's financial situation was extremely challenging. Two of the best international shipbuilders, and in particular fast ferry builders, are Incat and Austal from Australia, with whom we already had developed commercial relationships. Furthermore, we in Trinidad and Tobago are very familiar with both Incat and Austal vessels. Both the *T&T Express* and the *T&T Spirit* are Incat fast ferries. The water taxi service, en route between Port of Spain and San Fernando, is serviced by Austal vessels. The Trinidad and Tobago Coast Guard has six fast patrol vessels that are Austal built. With this in mind, Madam Speaker, having regard to the invitation of the

Statement by Minister (cont'd)  
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Australian Government for me to visit Australia, I requested a bilateral meeting with the then Australian Prime Minister, the hon. Malcolm Turnbull, MP, in the margins of the Commonwealth Heads of Government Meeting in London, in April of 2018.

At CHOGM, both Minister Dennis Moses, Minister of Foreign and Caricom Affairs, and I, met with the Australian Prime Minister, Mr. Turnbull, and the Australian Minister of Foreign Affairs, Ms. Bishop, in the margins. At this meeting I informed the Australian Prime Minister that the Government of Trinidad and Tobago was interested in procuring two new fast ferries. I also told him that we had an issue in securing our borders via sea, and I asked whether there was anything that the Australian Government could do to assist Trinidad and Tobago in fixing these problems which were priority items in our country. Madam Speaker, right then and there the Australian Prime Minister agreed that Australia will do what it can to assist, and for this, Madam Speaker, I want, on behalf of our grateful people of Trinidad and Tobago, to thank the Government and the people of Australia for coming to the aid of Trinidad and Tobago. [*Desk thumping*]

Prime Minister Turnbull informed me that his Government had recently taken a decision to establish a specific billion-dollar fund, called a Defence Grant Fund, for the financing of the purchase of military equipment from Australia, and that Austal-built naval military defence vessels and a purchase of such vessels would qualify for funding under this new fund that he had established. The Australian Prime Minister invited me to have a working visit to Australia whereby visits could be made to both Incat and Austal, as well as meeting with Efic, the Australian Government's export credit agency. Efic arranges financing for the purchase of Australian products for export, including marine vessels. Madam

Statement by Minister (cont'd)  
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Speaker, the purchase of the four water taxis and the six fast patrol vessels from Austal in Trinidad and Tobago were already financed by a loan from Efic.

By note verbale, No. P11/2018, dated May 04, 2018, from the Australian High Commission in Port of Spain, it was confirmed that there was an invitation for me as Prime Minister and a delegation to have a working visit to Australia, and it was agreed that such a visit could take place for a week, from May 20, 2018. By Cabinet Minute, No. 744 of May 09, 2018, Cabinet agreed that I lead a delegation on an official visit to the People's Republic of China from May 14<sup>th</sup> to the 19<sup>th</sup>, 2018, followed by a working visit to Australia from May 20<sup>th</sup> to the 27<sup>th</sup>, 2018. It was agreed that Minister Moses, the Minister of Foreign and Caricom Affairs, and Minister in the Ministry of National Security, Minister Stuart Young, Minister in the Office of the Prime Minister and Minister in the Office of the Attorney General and Legal Affairs, form part of the delegation, accompanying me on this trip to China and Australia.

Madam Speaker, it was announced in May 2018, that I would be going to China and Australia, and then during the course of the visits, on an almost daily basis, media releases were provided from the Office of the Prime Minister as to what meetings took place, with whom, and a level of detail was given as to what was discussed. This has been a feature of my stewardship as Prime Minister, whenever I go on official visits overseas, I insist that the citizens of Trinidad and Tobago are informed via official media releases which include photographs and sometimes video, what meetings I have attended, with whom and to discuss what. My visit to Australia was no different. During my working visit to Australia, Madam Speaker, the Foreign Affairs Ministry of Australia provided the Trinidad and Tobago delegation with an official protocol regime and liaison officers who

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accompanied the delegation to every meeting that was held in Australia. The Australian Government arranged for us to visit the shipyards at both Incat and Austal, and whilst there we met with the officials of each company.

On May 21, 2018, Madam Speaker, the Trinidad and Tobago delegation visited the Austal shipyard in Perth and toured their facilities. During this visit we were able to see the construction of a fast ferry that was taking place, and we were also able to tour a Cape-class patrol vessel owned by the Australian border patrol. After the tour, a presentation was made by Austal with respect to the type of fast ferry they would be able to build for our sea bridge. They also presented on the Cape-class patrol vessel and other facilities that they have. Discussions were held with Austal about repairing the six fast patrol Trinidad and Tobago Coast Guard vessels and getting them serviceable. The possibility of a public-private partnership project to establish a ship servicing industry or dockyard was also discussed. After our meeting with Austal, the Office of the Prime Minister put out a press release, along with photographs indicating that the delegation had met with Austal. Madam Speaker, I lay a copy of these releases on the table for the record. The release was titled, "Government Actively Looking for the Best Marine Vessels to Service Trinidad and Tobago". How much clearer or how much more transparent could a Government be than that, Madam Speaker? Not only did we inform the public of who we met with, what we did and discussed, but we also alerted the country to the fact that we were actively looking for the best marine vessels for Trinidad and Tobago. There was no secrecy. [*Desk thumping*]

On May 23, 2018, the Trinidad and Tobago delegation travelled to Tasmania where we visited the Incat shipyard. We were able to talk construction of one of their state-of-the-art fast ferries and their shipyard. The delegation accompanied by

Statement by Minister (cont'd)  
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the representatives of the Australian Government held discussions as to the type of vessel that could be built for Trinidad and Tobago. Of course, Madam Speaker, it is to be recalled that the *T&T Express* and the *T&T Spirit* are Incat fast ferries. Again, after this meeting with Incat, the office of the Prime Minister put out a media release along with photographs. I lay a copy of this release on the table for the record, Madam Speaker. The release was titled, "Prime Minister Meets with INCAT". On May 24, 2018, I met with, amongst other people, the Prime Minister of Australia, hon. Malcom Turnbull, MP. There was also a meeting with the Prime Minister, the Minister of Foreign Affairs, hon. Julie Bishop, and the Minister of Trade, the hon. Steven Ciobo, and I was accompanied by Ministers Moses and Young. At this meeting we discussed the procurement of fast ferries and two Cape-class patrol vessels, and the financing of these units through Efic, and our accessing the Defence Fund. A release was sent out by the Office of the Prime Minister of Trinidad and Tobago on May 24, 2018, and again I lay a copy on the table for the record.

During the course of my visit to Australia, we also met with officials from Efic and discussed Trinidad and Tobago's interest in procuring two passenger ferries and two Cape-class patrol vessels for the coast guard. Efic officials said that Trinidad and Tobago's credit rating was very good, and as we had always serviced our existing credit facilities with Efic. Upon my return to Trinidad, Madam Speaker, I held a press conference and informed the public of the details of the visits to China and Australia, and I did state that we had visited both Austal and Incat and we would be inviting them to make competitive proposals for the supply of new fast ferries and that we were interested in Cape-class vessels to strengthen our border security. The Government invited both Incat and Austal to make

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proposals for the supply of fast ferries and Austal was invited to make a proposal for the supply of military vessels. Both companies provided their competing proposals.

During the period of June 24<sup>th</sup> to July 01, 2018, a two-member delegation from the Trinidad and Tobago Coast Guard, TTDF, visited Australia on behalf of the Government of Trinidad and Tobago. The delegation comprised Rear Admiral Hayden Pritchard, Chief of Defence Staff, and Lieutenant Commander Rajesh Boodoo, Engineering Officer at the Trinidad and Tobago Coast Guard. The purpose for their visit was to conduct an assessment of Austal's Cape-class patrol boat and to determine its suitability for use by the Trinidad and Tobago Coast Guard. Focus was placed upon the vessel's sustainable and cost-effective maintenance which would bring forth optimum utilization. The TTDF produced a report, dated July 03, 2018, on the Cape-class patrol vessels and found that the vessel would be quite appropriate for operation within the Trinidad and Tobago Coast Guard. And, Madam Speaker, I want to put in quotations, quote:

...would be quite appropriate for operation within the Trinidad and Tobago Coast Guard. [*Desk thumping*]

That was the recommendation of the experts of the Trinidad and Tobago Coast Guard. It was recommended that two Cape-class patrol vessels should be acquired as they could contribute significantly to and enhance the TTCG's operations.

Cabinet, by Minute No. 1021 of June 21, 2018, established a Cabinet-appointed evaluation committee to review the proposals received from Incat and Austal. The composition of the committee was as follows, the hon. Stuart Young, Minister of Communications, Minister in the Office of the Prime Minister and Minister in the Office of the Attorney General and Legal Affairs, as Chairman; the

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hon. Major General (Ret'd) Edmund Dillon, Minister of National Security; Sen. the hon. Dennis Moses, Minister of Foreign and Caricom Affairs and Minister in the Ministry of National Security; Sen. the hon. Robert Le Hunte, Minister of Public Utilities; Retired Colonel Lyle Alexander, Chairman of the Port Authority of Trinidad and Tobago; Mr. Stephen Gardiner, Deputy Chairman of National Infrastructure Development Company, NIDCO; Mr. Marvin Gonzales, Director, Legal Services Ministry of Works and Transport; Captain. Sukhjit Singh, Deputy Director and Technical Head, Maritime Technology Cooperation Centre, UTT; Mr. Demi John Cruickshank, Tobago businessman. Incat and Austal representatives presented their proposals to this Cabinet-appointed evaluation committee on July 11, 2018, and the committee met on July 13, 2018, to evaluate the proposals.

The committee also utilized the expertise of Chief Engineer, Mr. Isikeli Waqa, from UTT in the evaluation process. The TTDF interrogated Austal with respect to the military vessels. The committee compared the technical specifications, capacity and cost, and found that both Austal and Incat proposed solutions capable of adequately meeting the needs of the Government of Trinidad and Tobago. The Austal proposal was for a 100-metre vessel, and the Incat proposal was for a 94-metre vessel. Austal also proposed a joint venture arrangement with the Government for the establishment of service and maintenance facilities for all vessels, as well as to help create a maritime service industry in Trinidad and Tobago.

Based on the recommendations of the Cabinet-appointed committee, by Cabinet Minute No. 1234 of July 26, 2018, the Cabinet agreed inter alia to the acquisition of two fast ferry catamarans to service the inter-island sea bridge and two patrol vessels for the Trinidad and Tobago Coast Guard to patrol the offshore

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areas of Trinidad and Tobago. The acquisition of one Incat 100-metre vessel and one Austal 94-metre vessel, and two Austal naval Cape-class patrol vessels, and that the Government would procure, pursue financing arrangements with Efic, Australia, and financing from the Government of Australia to fund the two naval Cape-class patrol boats. It was also agreed that the purchase of the two fast ferries should be done by NIDCO.

Madam Speaker, NIDCO proceeded to retain the services and expertise of the international law firm, Haynes and Boone CDG, LLP of London, United Kingdom, to provide it with legal support to negotiate with both Austal and Incat for the purchase of the said vessels. A committee comprising the following individuals engaged in negotiations with Incat and Austal during the period August 27<sup>th</sup> to the 29<sup>th</sup>, 2018: Herbert George, Chairman of NIDCO; Stephen Gardiner, Deputy Chairman of NIDCO; Steve Garibsingh, President (Ag.) of NIDCO; Tara John, Senior Legal Officer (NIDCO); Demi John Cruickshank, businessman; Retired Colonel Lyle Alexander, Chairman of the Port Authority of Trinidad and Tobago; Isikeli Waqa, UTT, and Marvin Gonzales, Director, Legal Services, Ministry of Works and Transport. Mr. Andreas Silcher, partner at Haynes and Boone CDG of London, provided legal support during the negotiations with Austal and Incat. Over the three-day period this committee discussed several issues, inclusive of clarifying the technical, operational and maintenance requirements, risk assessment including financial risks, commercial issues surrounding the price proposals, proposed delivery dates and other contractual issues.

NIDCO agreed, Madam Speaker, to a number of principles with Incat and Austal, including that NIDCO would purchase from Austal, a 94-metre high-speed passenger, cargo, roll-on/roll-off catamaran ferry with the capacity of

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approximately 930 passengers, inclusive of 132 VIP seats, 150 cars, with accommodation for trucks and a prisoner holding cell for up to 10 persons. The speed of the vessel would be 37.5 knots. The cost of this vessel was estimated at US \$68 million, with additional costs of US \$5.550 million for pricing adjustment, accelerated delivery and refund guarantee, bringing the total of the Austal 94 million vessel, to US \$73,550,000. And to the purchase from Incat of a 100-metre high-speed passenger, cargo, roll-on/roll-off catamaran ferry with a capacity of approximately 1,000 persons, inclusive of 224 VIP seats, 239 cars, with accommodation for trucks and a prisoner holding cell for up to 10 persons. The speed of this vessel would be 39.5 knots. The cost of this vessel was estimated at US \$72,977,000.

Cabinet, by Minute No. 1495 of September 06, 2018, agreed inter alia to the engagement of Austal to design, build for and deliver to NIDCO, a 94-metre high-speed passenger, cargo, roll-on/roll-off catamaran ferry at an estimated cost of \$73,500,000, inclusive of booking fees and design services, and to the engagement of Incat to design, build for and deliver to NIDCO, a 100-metre high-speed passenger, cargo, roll-on/roll-off catamaran ferry at an estimated cost of \$72,977,000, inclusive of booking fees.

Madam Speaker, NIDCO and the Ministry of National Security have proceeded to order the two fast ferries and the two Cape-class patrol vessels, and the contracts for the purchase of these vessels have been executed and moneys paid in accordance with the material contractual arrangements. [*Desk thumping*] As at January 07, 2019, NIDCO paid Austal the sum of US \$8.148 million, with US \$7.148 being the 10 per cent down payment for the fast ferry, and US \$1 million being the scheduled acceleration payment. Likewise, as at January 07, 2019,

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NIDCO paid Incat the sum of US \$15,595,400, with US \$14,595,400 being the 20 per cent down payment for the fast ferry, and US \$1 million being the booking fee. Only today a further sum of \$5,361,000 has been paid to Austal for the ordering of the engines for the fast ferries. The Government is pursuing financing arrangements with Efic for these marine vessels.

Madam Speaker, as is to be expected, there are further payment sums which will become due under the contractual arrangement going forward until the completion of the vessels. These are the details and chronology of how the two fast ferries and the two Cape-class patrol vessels were procured for the people of Trinidad and Tobago. As is evident, at every step of the way this Government has been transparent in how it has conducted itself. [*Desk thumping*] There have been several levels of evaluation and negotiations with Incat and Austal, and at every step of way the Government of Trinidad and Tobago has informed the public of its actions and decisions, unlike what transpired between 2010—2015. [*Desk thumping*]

**3.00 p.m.**

The Government between 2010 and 2015, did not inform the public that it was procuring vessels for the TT Coast Guard from Damen. There was no transparency in the procuring of the vessels from Damen and, in fact, financing was not even properly in place for the payment for the vessels ordered from Damen. It fell to this Government to arrange financing and payment for these vessels from Damen after they were delivered, and we were never told that they were ordered until they arrived in Trinidad and Tobago.

Worse yet, Madam Speaker, was the procurement of CG16, the Chinese vessel purchased for the Trinidad and Tobago Cost Guard, there was no proper

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evaluation as to the suitability of the vessel for the TT Coast Guard, and there was no financing in place that was proper for the payment of the vessel.

As far as we are aware, the Chinese vessel was procured by the former Prime Minister on a whim, seeing a vessel in China and declared, “that she wanted one like that”. It also fell to this Government to determine financing arrangements and to complete negotiations and pay for this vessel after it was delivered to us here.

So, Madam Speaker, to have the Opposition questioning the procurement of the two ordered fast ferries and the two cape-class patrol vessels from Incat and Austal, and to have them bring the country into disrepute by writing to the Attorney General of Australia, making completely unfounded and spurious allegation, is quite difficult to swallow knowing full well how they conducted themselves before. The procurement process used by the Government in the present circumstances can withstand all and any scrutiny and is untainted. [*Desk thumping*]

It is the view of this Government and should also be a concern to all citizens of this country that there are persons in and out of office in Trinidad and Tobago who would sully the country’s image and its name purely for personal political advantage here in Trinidad and Tobago.

This Government condemns the invitation to the Australian Opposition to oppose this assistance by their government [*Desk thumping*] and the UNC’s approach to the Attorney General’s office in Australia in their futile attempt to embroil the Government of Australia and the people of Trinidad and Tobago in contrived, political fabricated scandal without a shred of information or evidence

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to support such misconduct.

Madam Speaker, the level of transparency associated with this watershed business relationship between Australia and Trinidad and Tobago is largely unknown in the conduct of public business in our country and should be viewed as a template for future dealings. [*Desk thumping*]

Madam Speaker, as such this Government is proud of our diplomatic success which has resulted in the benefits I have outlined here today and once again, I wish to thank the Government and the people of Australia for their outstanding support and recognition of Trinidad and Tobago as a valuable trade and business partner in the Commonwealth of Nations. [*Desk thumping*] Madam Speaker, I thank you.

**Madam Speaker:** Member for Oropouche East.

**Dr. Moonilal:** Thank you very much, Madam Speaker. Madam Speaker, pursuant to 24(4), to the hon. Prime Minister. Prime Minister, notwithstanding the kind supply of pictures and videos, could you confirm that before all the processes took place to check out of the boats, there was no open and competitive tendering or procurement for the purchase of passenger vessels to be acquired from Incat and Austal, and this deal should also be seen in the past tense as the Sandals project. [*Desk thumping*]

**Madam Speaker:** Prime Minister.

**Hon. Dr. K. Rowley:** Madam Speaker, there is no requirement to inform oneself in proceeding on something that one is interested in. There was no requirement for a prior public invitation to any person restraining the Government of Trinidad and Tobago from examining and looking at possibilities to fix problems in Trinidad and Tobago, none whatsoever. [*Desk thumping*]

**TRESPASS (AMDT.) BILL, 2019**

Bill to amend the Trespass Act, Chap.11:07 [*The Minister in the Ministry of the Attorney General and Legal Affairs*]; read the first time.

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

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

Thank you, Madam Speaker. Madam Speaker, having regard to the Interim Report of the Joint Select Committee established 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 complete its work and submit a final report by February 28, 2019. Thank you, Madam Speaker.

*Question put and agreed to.*

**Cybercrime Bill, 2017**

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

Thank you very much, Madam Speaker. Madam Speaker, having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Cybercrime Bill, 2017, I beg to move that the committee be allowed an extension of five months in order to complete its work and submit a final report by May 31, 2019. Thank you, Madam Speaker.

*Question put and agreed to.*

**Gambling (Gaming and Betting) Control Bill, 2016**

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

Thank you very kindly, again, Madam Speaker. Madam Speaker, having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016, I beg to move that the

committee be allowed an extension of five months in order to complete its work and submit a final report by May 31, 2019. Thank you, Madam Speaker.

*Question put and agreed to.*

**ADMINISTRATION OF JUSTICE  
(INDICTABLE PROCEEDINGS) (AMDT.) BILL, 2018**

*Order for second reading.*

**The Attorney General (Hon. Faris Al-Rawi):** [*Desk thumping*] Thank you, Madam Speaker. Madam Speaker, I beg to move:

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

Madam Speaker, there are many issues plaguing our country. These issues are rooted in the quality of living of our citizens. The seriousness of the effect of crime, the responsibility of society to grapple with that is inexorably connected to the pace at which justice moves. Trinidad and Tobago has had a system of justice in operation for many years. Indeed, upon becoming a Crown Colony we inherited the English laws and, Madam Speaker, the consequence of doing crime goes along with a tagged phrase of saying “you must do the time”.

Regrettably, in our country we are one of the most unfortunate examples of a lack of consequence as it relates to crime. It is true that this Government has taken a very bold and progressive step in fulfilling one of its mandates, its commitment and contract to the people of Trinidad and Tobago because we said that in arresting the issue of crime, put a Commissioner of Police to lead and let the crime manage itself by having the police respond to it. That has now been accepted by this country as one of the most important and progressive steps that any government could have done.

But, Madam Speaker, on the other side of that equation, on the other side of

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the special operations response, on the other side of the lightning of police activity as people want to see it, and the confidence that they want to feel, the other side of that has to be the thunder of the courtroom delivering a consequence; after lightning strikes, thunder ought to roll.

And so, Madam Speaker, this Government has invested a significant amount of effort in ensuring that the criminal justice system begins to work. I will come in detail perhaps after contributions of Members opposite to connect the dots of the various pieces that we have had moving, be they the creation of new courts, divisions, the introduction of rules, the amplification of judicial capacity, whatever they may be, as I will come to in greater detail, the critical point is that the criminal justice system is currently premised upon this Bill. Why do I say so?

Let us start, Madam Speaker, by reflecting upon the statistics. What are we as a country dealing with? Why is there no thunder after the lightning?—our citizens ask. Where are the people in the handcuffs?—our citizens ask. Where do people make jail?—our citizens ask. Well, it is rooted in the process of preliminary enquiries. You see, we have something called a preliminary enquiry procedure. That preliminary enquiry actually is routed in year 1555 in the Marian statues. In the year 1555, 464 years ago the inquisitorial side of preliminary enquiries was born.

In 1836, we had the Prisoners' Counsel Act that is 183 years ago. In 1848, we had the Indictable Offences Act called the Sir John Gervais Act. One hundred and two years ago however, we have what we have born in Trinidad and Tobago as our experience, we had brought into law by Act No. 12 of 1917 the Indictable Offences (Preliminary Enquiry) Act. Preliminary enquiries is a fancy way of saying that we allow an accused two purposes.

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On the first hand, we allow the accused to be aware of his case, and on the second hand, we allow the accused to probe and counter or test that case. And if that case has sufficient evidence, it then moves to a trial in the High Court. So, you go under the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, you go to the Magistrates' Court. In the Magistrates' Court, a case is brought by way of preliminary enquiry. If the magistrate thinks that there is sufficient evidence, then the case moves to the Assizes or the High Court. If there is no prima facie case, then the matter is discharged and the accused goes his way without, of course, prejudice to the fact that the DPP may come again.

So, Madam Speaker, in our society this preliminary enquiries Act, we have had in the parent law, in the existing law we have had 21 attempts to amend the law coming to the year 2014.

Madam Speaker, we came as a government in 2017, we came via the Indictable Offences (Pre-Trial Procedure) Bill, 2017, we came to this House, this Government came and offered a solution which included the abolition of preliminary enquiries and the introduction of a system by which the DPP has the ability to say, either you are going indictably straight to the High Court or you are going summarily to the Magistrates' Court. We came with that. We did that on the back of the Constitution, in particular section 90 of the Constitution where the DPP has three powers enshrined in our Constitution, the power to start proceedings, the power to take over proceedings or the power to discontinue proceedings and we came forward.

But, Madam Speaker, in the course of debate in the Senate and in looking at the objections that the profession, the legal profession in particular volunteered as to taking what was viewed to be a too radical approach at this point of going to the

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DPP, we stopped and we went back to consultation. In fact, we have had a significant amount of consultation, and that consultation for the record, Madam Speaker, if I may put it, includes the Director of Public Prosecutions, Mr. Gilbert Peterson as a position in the Bar representation, the Judiciary, the Criminal Bar Association, the Law Association and several individuals who wrote him.

Madam Speaker, that was also added to comments that came in in the period 2011 straight through to 2015, including comments by the Criminal Bar in 2011 on the legislation then tabled, reports coming from the Ministry of Justice, reports coming from the positions in the 2005 amendments. But very importantly, Madam Speaker, we stopped and I wish to say, the Office of the Attorney General retained Mrs. Pamela Elder SC to do a comprehensive analysis of the position of legislative reform for the abolition of preliminary enquiries. And I wish to thank Mrs. Elder for the excellent work that she has produced in providing valuable information.

So, Madam Speaker, in 2017 having done that Bill, having taken that exercise, after taking the consultative approach, after taking detailed analysis, we, in fact, prepared amendments to the 2017 Bill. The amendments to the 2017 Bill were ready to go, but we did not sit idly by whilst we were legislating. What we did was to engage in a process of legislative coordination. Whilst the preliminary enquiry abolition was being tabled, whilst it was being discussed, we took the opportunity to get into the criminal justice system. It is now as a matter of record that specifically we laid and operationalized and saw the training of the Judiciary and the Bar in relation to the Criminal Procedure Rules. Those Criminal Procedure Rules came in April 06, 2016.

We created the Family and Children Division, we created the Criminal and Traffic Division. We saw 77 per cent increase in judicial capacity by way of

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amendments to two pieces of law. We moved the judicial capacity from 36 to 64, we moved the appellate capacity from 12 to 15, and very importantly we caused the creation of offices of Masters of the High Court. Rules of the High Court, divisions and backlogging arrangements and Masters of the High Court.

So let me come back to the point that I just went on a tangent and that is back to statistics. Where are we? Statistically, Madam Speaker, I want to put on to the record, as we stand here today, there are 43,109 preliminary enquiries outstanding. Let me repeat that, 43,109 preliminary enquiries outstanding.

Madam Speaker, the average disposition rate coming out of the Magistracy and the High Court, let me put this onto the record. In the Supreme Court we look at the statistics, and I am going to give you a category of indictable offences, sexual offences, murder, offences against the person, manslaughter, attempted murder, firearms, dangerous drugs. Listen to this: In sexual offences of a total of 470 offences, indictable offences yet to be tried, 149 of them or 31 per cent are over 10 years. What does that mean for people of Trinidad and Tobago? Rape victims, families of victims, accused who may be innocent, families of both prosecutors, witnesses, all have to traipse up and down to the courts to relive that experience on a weekly if not daily basis for over 10 years.

Murder: 84 indictable matters out of a total of 327 are outstanding.

Offences against a person, 219 out of 497 or 44 per cent of offences against the person are over 10 years old.

Firearms: 131 out of 235 are over 10 years old. That is 55.7 per cent.

Dangerous drugs: 63 out of 119 are over 10 years old.

Other offences, 515 or 65 per cent of them out of 797 are over 10 years old.

Let me give one example, of course, not running into rules which offend the

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Standing Orders. The largest corruption case in the history of this country is now going on 19 years from the construction of the event which caused the corruption cases; 19 years we are still in preliminary enquiry. In that particular case, the Piarco Airport enquiry, the Piarco Airport matter, I can say, elsewhere in the world, the United States of America, people have been convicted, served time, forfeited assets and have been released from incarceration already.

So, Madam Speaker, statistically and by way of legitimate aim in this Bill we cause the focus upon the need for the abolition of the delay. And that delay is squarely rooted in one thing, the ability to cross-examine people at preliminary enquiries, and the ability to apply judicial review on the back of that.

And, Madam Speaker, and what it translates to, is that the very wealthy people in this country, the well-heeled in this country or another cohort, people that can intimidate witnesses over time, murder them, threaten them, those cohorts, those categories of people have an upper hand on the citizenry of this country.

So, Madam Speaker, we come today now, very importantly we are saying via this Bill, let us return to something upon which there was unanimous support. In 2011, Mr. Justice Herbert Volney left the bench in 2010 as a sitting judge, went directly to the government via a UNC candidacy passing through an election, quite a surprising event, became Minister of Justice. And in 2011, Minister Herbert Volney came to the Parliament with the administration of justice private indictables matter and brought to this country Act No. 20 of 2011; that was a three-fifths majority Bill. In it we sought to adopt the St. Lucia model of preliminary enquiry abolition.

We said, let us adopt a system where you would take matters, take them to a Master of the High Court. When you get to a Master of the High Court, passing

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through the Magistrate if necessary, the Master would effectively case manage through an initial hearing, as is found in section 8 of the Bill, of the Act, going through a sufficiency hearing as is found in section 11 of the Act. The Master will then say, let us sent this matter directly for indictment before the High Court or send the summary matters to the court below which is the Magistracy.

This particular position would have resulted in trials happening in the High Court or in the Magistrates' Court without the need for preliminary enquiry. This particular Act, Act of 20 of 2011 is known to the population of Trinidad and as something of a unique kind. It is the parent Act to the greatest scandal ever perpetuated on the people of Trinidad and Tobago [*Desk thumping*] which was the birth of section 34.

That particular scandal, an abuse of the population and the people was met with by way of an Act to repeal the proclamation of section 34 which was an Act of Parliament which came in 2012. And, Madam Speaker, we then after this particular Act, after the section 34 scandal, we went directly into a 2014 version of preliminary enquiry abolition which was to go for committal proceedings based on the Antigua model which was to say, go back to the Magistrates and let them treat with committal proceedings.

Why have we come back to this law? Why have we sought to come to this law which is now before us?—because, Madam Speaker, as I said before, we worked around the systems while we were dealing with the technical law. And in working with the systems, we are now are able to say to this country, we bring this law forward because we put onto the record all of the matters which were given by way of undertaking by a UNC Minister of Justice and a UNC Cabinet in the 2011 Act, the undertaken by Minister of Justice Herbert Volney was three things: this

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Act will not be proclaimed unless there are courts created; this Act will not be proclaimed unless there are Rules of Court created pursuant to section 32 of Act; and this Act will not be proclaimed unless Masters are hired.

Madam Speaker, in this Bill we see an amendment to section 27 of Act as we propose in this Bill. In section 27 of the Act, we are causing an amendment to allow for the manner in which one can apply for discharge on the ground of delay. But if I come to the rationale for the proclamation of section 34 and how it is tied into this particular law, Madam Speaker—Madam Speaker, may I just ask, what time precisely I must end?

**Madam Speaker:** 3:32:17.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. If I want to come to this very quickly, what I will say, Madam Speaker, is that we are able to return to this law, because as I have said before, we have proclaimed and put into operation the Criminal Procedure Rules on the 6<sup>th</sup> of April, 2016, we have hired Masters of court via the Judiciary.

In fact, yesterday there was an article contained in the *Trinidad Newsday* by Jeff Mayers. Now, it is an article, photo, Jeff Mayers, article by Azard Ali, “Training starts on clearing court backlog” and the training of newly appointed Masters. And, Madam Speaker, you must be aware that we have also caused the creation of a criminal division. So, we have rules, we have Masters who are being trained, and we also have courts because we have proclaimed the criminal division which allows for the creation of courts under section 24 of that Act. That proclamation happened on the 1<sup>st</sup> of December, 2018.

But, Madam Speaker, I want to take us very quickly, rooted in the amendments to clause 27 of this Bill is a very important matter where we

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something which I must bring to the population's attention.

Madam Speaker, when we saw the turn away from the parent Act that is the 2011, the section 34 parent law, it is important to understand why it is now safe to come back to that law. When we saw the turn away from that law by the proclamation of section 34, we were told by the UNC Government that the proclamation was as a result of a deceit by Justice Volney; that is what was said to us.

Justice Volney in a statement by the Prime Minister then, Mrs. Persad-Bissessar, the Member for Siparia, Justice Volney was fingered and fired as having deceived the Cabinet. And, Madam Speaker, it is only now with access to the Cabinet Notes and Cabinet Minutes that I am to put this onto the public record for the first time, and if you will permit me.

Madam Speaker, the proclamation of section 34 happened by way of a meeting held on Thursday, August 09, 2012. Present were: Kamla Persad-Bissessar, Anand Ramlogan, Delmon Baker, Nizam Baksh, De Coteau, Mr. Dookeran, Douglas, Dr. Tim Gopeesingh, Dr. Rupert Griffith, McLeod, Dr. Roodal Moonilal, Winston Peters, the hon. Prakash Ramadhar, Glenn Ramadharsingh, Dr. Suruj Rambachan, Anil Roberts, Chandresh Sharma, Herbert Volney, Jack Warner, Vasant Bharath, Marlene Coudray, Emmanuel George, Larry Howai, Fazal Karim, Devant Maharaj, Jamal Mohammed, Kevin Ramnarine, Ganga Singh, Bhoendradatt Tewarie, all present. Madam Speaker, here is what the Note says, and I want to read it into the record. This is Cabinet Note No. 2119, proposed proclamation of the Administration of Justice (Indictable Proceedings) Act, 2011.

In order to facilitate a seamless operation transition, it is necessary for the

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Act to be proclaimed in part on August 31, 2012. In order to inform the need inter alia for the creation of eight new positions of Masters, by an amendment to the Supreme Court of Judicature Act.

So, to create the Masters, you have to amend the Supreme Court of Judicature Act. I know that to be true, stick a pin, because this Government came and amended the Supreme Court of Judicature Act in 2018 by which we created the post of Masters.

We then went as Cabinet and gave the authorization for the retention, and as you see today in the article I just read, the Masters are in posts, operating and being trained. [*Desk thumping*] Unstick the pin. Listen to this:

This will give authority for the recruitment and appointment of Masters of the High Court by the JLSC in order that the Act may be operationalized on its effective date.

Listen to this:

The Minister of Justice further recommends that section 32, section 34 and Schedule VI of the Act be proclaimed with effect from August 31, 2012 in order to facilitate the introduction of the delay provisions—

**Hon. Member:** What?

**Hon. F. Al-Rawi:**—and the early tabling of the Rules of Court.

**3.30 p.m.**

Let me repeat that—in order to facilitate the introduction of delay provisions. Madam Speaker, this country has been told by every Member opposite, starting with Siparia, that section 34 is to lie at the feet of Herbert Volney because the Cabinet was deceived. And I have just read from the Cabinet Note that the Cabinet, every man and woman present in that Cabinet were absolutely informed of the need to operationalize the delay provision. In other words, today for the first

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time in the history of this country the truth is coming out, by way of black and white reference to a Cabinet Note. Everybody knew what they were doing in proclaiming section 34. [*Desk thumping*]

Madam Speaker, I want to say something. I took notice of a publication on the 8<sup>th</sup> of January, 2019, by one Herbert Volney on Facebook, and I want to put this on to the record. Madam Speaker, here is what the honourable person had to say, and I am going to quote from the print:

As for KBP, after she chose to pin a lie upon me to say I misled her Cabinet in order to excuse my dismissal as Minister over section 34, I brought to her attention that one of her senior Ministers had extracted four equal payments in cash representing 10 per cent of a legitimate \$20 million debt owed by the Ministry to facilitate payment of the debt. Kamla did nothing about it even though she was the Prime Minister. The Minister returned to fight a seat—et cetera, et cetera.

I have said “et cetera” because I do not want to offend the Standing Orders.

But I want to say here today, as I have read from the Cabinet Note, revealing the truth to this country for the first time, and reading a publication coming from Mr. Volney on the 8<sup>th</sup> of January, that this particular revelation is an admission as it appears on the face of it, of a breach of the law, not by Mr. Volney alone. And I note with great concern, not a single person in the media has covered this to date. Not a single person in the media. Perhaps it did not come to their attention. Well, today it has come to their attention.

Madam Speaker, with the stain of section 34 removed now, in getting to the position of this Bill, as it is now rooted, that matter being secured on the record now having the 2011 Act, we are now able to focus upon why it is ripe and ready

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for us. Yes we have courts, yes we have Masters, yes we have rules, but let us look to this: The law itself came into criticism that there was some need for improvement of the 2011 law, and I want to put on record, the Bill is 29 clauses long, and in the 29 clauses we have lifted from all the work we did in the 2017 law which we came with, but which the Opposition refused to support, and in respect of which there was some criticism, we went back, we listened, we came back, we operationalized in the meanwhile, but we came back to do the following:

First of all, in clause 3 we propose to amend section 3 of the Act. We are adding in essential definitions. We are adding in a definition for an either-way offence for the first time, because the 2011 Act did not clarify the three categories of treatment for charges. Of course you can be on indictment, you can have a summary matter, but it is an in-between of an either-way. What happens if the prosecution or the defence can go both summarily or indictably, so we have added this definition in.

We have added in very critically the definition of prosecutor. The 2011 Act only allowed for the DPP to prosecute, recognizing that the DPP does 5 per cent of prosecution and the TTPS does 95 per cent of prosecution, recognizing that we have a Commissioner of Police who has already stated that he is reforming the prosecutorial arm of the TTPS, we have added in that the prosecutor includes a police prosecutor. And I can tell you now that this Government is far ahead in the Ministry of the Attorney General in crystallizing what we call a national prosecution agency as we are about to birth a public defender system on the other side.

Madam Speaker, I go to clause 4 of the Bill. Very importantly, Madam Speaker, we are allowing for computer and electronic devices to be secured, not on

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belief, but on suspicion. We are adding in computer and electronic devices. Why, Madam Speaker? Because, Madam Speaker, the vast amount of corruption evidence that we have found as a Government and that we are aware as a Government is to be found on electronic devices, and therefore it is necessary in anticipation of the cases to come, and in speaking to the law, generally, that we cause an amendment to section 5 of this Act by clause 4.

Madam Speaker, we are also allowing for things which are seized to not have to go into the DPP's possession. You can take photographs, you can have a report of what you seize, it can be kept in safekeeping so that you are not pinned down to cumbersome mechanisms, and we cause amendments in that regard by having the procedures for detention and photographs to be managed so that evidence does not have to become a cumbersome exercise which detains the progress of a Bill.

In clause 5, we allow for the use of forms for the arrest warrant so that there could be certainty and precision in the arrest warranting position. In clause 6 we allow for the mechanism for summonses to also be set out in a schedule form, and very importantly, in clause 7 of the Bill we cause an amendment to section 8 of the Act, and we are saying that a Master should have the ability to consider the nature and seriousness of offences, the likelihood of the accused evading summonses, character antecedents, et cetera, and other factors when we are looking at the issuance of an arrest warrant. We are therefore improving the certainty in the language to avoid the ambiguity in the exercise of the law. In other words then, more people will get caught more certainly by this precision of language.

Madam Speaker, we then cause in clause 7—in clause 8, and a very important addition of a new clause 8A, and in causing the 8A, we are allowing for

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the first time for the disaggregation between indictable treatment, either-way treatment and summary treatment. And let me break it down quite simply into the language that people would understand, through you, Madam Speaker. If you are charged indictably, you come before a Master and if there is sufficient evidence, you go straight to the High Court. If you have an either-way offence, the prosecutor must elect which way you are going—indictable, up to the High Court; summary, down to the Magistrates' Court.

Then we have also calculated what happens if you are charged with an indictable or an either-way, and in both cases you also have a summary offence. What we do is we prescribe that the summary offences to follow the route that is chosen for indictable or either way. Quite simply put. In other words then, we have streamlined the approach so that there is no ambiguity in the process, and that is to be found by the proposals that we bring for the inclusion of a new section 8A via the clause 8 of the Bill.

Madam Speaker, in clause 9 we propose amendments as to how the arrest warrant is issued, and we very importantly, Madam Speaker, in clause 10 allow an amendment to section 10, so that it is not only the Magistrate who exercises the ability in respect of a summons or in respect of a warrant, but that we also include the Clerk of the Peace. I must remind that with the Criminal Division and Traffic Division we are going to have the Clerks of the Peace called the Magistracy Registrar and Clerk of the Peace. There may be a need to tidy this up at committee stage. I am just flagging that in clause 10; it allows now for a widening of the system because we are for the first time making sure qualified lawyers who sit as Magistracy Registrars and Clerks of the Peace can handle warrant and summons issues.

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Madam Speaker, I go to clause 11. In clause 11, this is the heart and soul of this law. Clause 11 amends section 11. Section 11 introduces, of course, the scheduling order. Basically, you get before a Master, the Master's chief purpose is to case-manage. In case-managing the Master sets a scheduling order, and the scheduling order tells you when you come to court, what the prosecution must do, what the defence must do, what the police must do, what the Registrar must do, and the prescriptive steps are set out there in section 11 of the Act and we seek to improve it, in particular by amending section 11 via clause 11, and the introduction of (h), (iia), as to what the TTPS must do. So that as the Commissioner of Police improves the TTPS prosecution management, we can actually have certainty in the law.

Clause 12 amends section 12 of the Act. Section 12, we are very importantly tidying up the either-way offences, and that the prosecutor chooses which way you go. We are also making sure as to how the law is to be read when you are treating summarily, or if another law prescribes an offence as to what should happen summarily, we are saying where there is no position in the other law—so let us say you have the Insurance Act, it says something is a summary offence, it says it is \$150,000, in default of that kind of prescription, we then come down to what the minimum is, which is \$50,000 or 10 years. So we have filled the lacuna where the law fails to provide for an offence.

Clause 13 treats with section 13, where we improve the issues to treat with alibi. Clause 14 treats with section 15, and we are very importantly including a very essential improvement where the Master is of the view that there is irregularity, illegality or defect or error, that that would not hinder the progress of the matter, because it can be treated with. That, without prescription in the fashion

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that we have recommended, would cause ambiguity and delay by way of legal challenge, so we have included a new 15(3) by way of clause 14.

Madam Speaker, I turn next to clause 15 which seeks to amend section 18 of the Act, it is just to tidy up. We no longer have the Commissioner of Prisons, we are treating with the Keeper. In clause 16, we are amending section 19 of the Act. It is an essential part of the Act, which is the sufficiency hearing, and we are importantly adding in a new subsection (5A), so that, where there is a failure to file any documents by the accused, within a specific time frame, it shall not affect the power of a Master to proceed or otherwise manage. This is critical to break the back of abuse in the courts where defence attorneys do not act with alacrity and do not have the back-up of sanctions in the law, because it cannot be only the Criminal Procedure Rules that have the sanctions, the parent law must have the sanctions. Again, this has been blessed by the stakeholders themselves, starting with the expert advice that we sought and received at the Ministry.

Clause 17, Madam Speaker, amends section 20 of the Act. We are adding a degree of proportionality. In section 20 as it was originally crafted in 2011, we only allowed for the prosecutor to give submissions. So a Master, in conducting a sufficiency hearing, shall review witness statements and documentary evidence, and previously it said, hear submissions from the prosecutor and the accused if submissions are made in a particular way. What we are saying now is that we are giving either side, the prosecutor or the accused, an opportunity by way of submissions, orally or in writing, and that is important—or in writing—because the Judge can order that to show cause why the order should not be made. This allows for proportionality and balance but allows the Judge the ability to direct the writing, therefore removing the abuse of oral submissions.

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Madam Speaker, clause 18 amends section 21, and we are treating with a lacuna in the law there, because we had provided for conditions for witness statements, and we are very importantly looking at the admissibility of evidence. There was a lacuna because it treated with children who are under 14 years of age. So we had in light of the improvements that we made to the children laws, we had to put the caveat as to children under the age of 14. Madam Speaker, we have also made reference to the Children Act amendments, in particular where the child is to be assisted and the statements are to be supervised in a proportionate and balanced fashion, and we do that by the inclusion of a new subsection (3A). Madam Speaker, we do the same for interpretation. We do the same for people that are illiterate. We do the same for people that have disabilities.

Madam Speaker, we go next to clause 19, and very importantly we are amending section 22. Now, section 22 was the place where, at the sufficiency hearing the prosecutor wishes to adduce further evidence from a witness, we allowed for that to happen, and the prosecutor had seven days to file, et cetera. We are now providing by a replacement of section 22, by clause 19 we are saying, a Master or an application by the prosecutor or the accused. So we are adding the accused in for proportional balance, because it would be unfair and unjust to limit it only to the prosecution.

Madam Speaker, clause 20 is a *pièce de résistance* of this particular Bill. Section 23 of the Act had something which was critically important. It said:

“For the purposes of sufficiency hearing, a *prima facie* case against the accused is made out where a Master finds that the evidence, taken at its highest, is such that a jury, properly directed, could...return a verdict of guilty.”

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This introduction of a defined prima facie case in keeping with the standard in *R v Galbraith*—which is a particular case arising in the context of a no-case submission—in *R v Galbraith*, the bar was set extremely high. That is [1981] 2 All ER at page 1060; in that case if we were to stick with a prima facie case, we would be making sure that the Master had to consider in some circumstances the factual evidence. A Master can never consider in a preliminary sufficiency hearing construct the sufficiency of evidence, because that is a matter for the jury or Judge, and the standard is too high. So, we have specifically returned to the concept of sufficient evidence so that the standard is not set too high.

Madam Speaker, I go to the improvements now by clause 20, which affects the new section 23, which is now tied to sections 25 and 24, and effectively we are managing the process of what happens where the Magistrate if involved, or where the Master if involved is to decide if there is evidence or no evidence in the context of a sufficiency hearing to go forward to the High Court or to the Magistrates' Court. Madam Speaker, we have caused further amendments. We have gone in clause 23 to cause amendments by the introduction of new 26A. Very importantly, material improvement, we are catering for the circumstances where you have lost your documents, and we are saying that the registrar can certify those documents where there has been a sufficiency hearing or an initial hearing, and that can actually be a solution to having to go through difficult hoops in treating with evidence. We have added in provisions in a new 26B for fresh evidence, and we have added in a new 26C for the DPP to refer a case to be dealt with summarily. Because cases may be such that they have gone indictably, but in preserving the power of the DPP in section 90 of the Constitution, we specifically carved out that the DPP can direct that the matter go instead on a summary basis.

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Madam Speaker, clause 24 treats with an amendment to 27; 27(2) as I said before, in analyzing and in giving the truth on section 34 for the first time, 27(2) is where you can apply for the Judge to consider discharging on the ground of delay, and we have sought to improve that. Very importantly in amending subclause (3) we are taking care of what I will call the Marcia Ayers-Caesar example. Section 23(8) of the preliminary enquiry current law is deficient insofar as it does not allow the DPP for any inability or any other compelling reason to forget a preliminary enquiry and just go on with an indictment. As a result of the decision coming out of the hon. Madam Justice Gobin, on an interpretation summons, which I as Attorney General presented, and which she held was entirely proper to have done, the hon. Judge's ratio has led us to causing an amendment by the introduction of the ability—the DPP's ability to move directly to indictment for the inability or any other compelling reason of a Magistrate in those circumstances.

Madam Speaker, clause 25 amends section 28. Now that we have preliminary enquiry moving, and we have proclaimed the plea discussion arrangements, clause 25 treats with section 28, we expect more guilty pleas. As the weight of the law comes upon people in providing for guilty plea circumstances, section 28 is amended in the fashion that we now bring. Clause 26 introduces safeguards in the guilty plea prospect by putting in a new sections 28A, 28B, 28C, where we treat with bail issues of surety, recognizance, et cetera in certain circumstances, and a new 28D where we are treating with bail and the power to revoke or require a higher bail. 28E is the place of commitment.

Madam Speaker, we are treating with amendments via clause 27 to section 30 of the Act, which is the binding over of witnesses to attend trial, and we are improving that by insisting that the DPP's time limits and the ability to subpoena

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witnesses who you want to appear at trial are provided for in the law, both for the prosecution and for the defence. Clause 28 amends section 21, and this is on the rule of publication. We are making sure to tighten it up as it relates to children, now that we have done that whole host of children's amendments. And then, Madam Speaker, clause 29 moves on to treat with the inclusion of schedules. And clause 30, more schedules, and how we treat with the amendments. Is it 3.54 you said, Madam Speaker?

**Madam Speaker:** 3.52.

**Hon. F. Al-Rawi:** 3.52, one minute and a half. Madam Speaker, having traversed the Bill, its proportionality, its improvement, and having for the first time in eight years of a PNM moving from Opposition in 2010 into governance now, as we approach 2019's full run, Madam Speaker, we have heard this country receive for the first time a confession from the last Minister of Justice, Mr. Volney, in print form, that the Leader of the Opposition knew certain facts. We have seen the Cabinet Note that demonstrates that the entire UNC bench, many of whom are still sitting here, knew that they were introducing the delay provisions, and, Madam Speaker, I want to say, that decision cost the taxpayers \$14 million in legal fees to go to the Privy Council and back on section 34. And that is only in the AG's office, there was much more.

Madam Speaker, this Bill is proportionate. It is ready for operationalization. We have done the work. I look forward to hearing what my learned colleagues have to say opposite. I hope that someone opposite will have the honesty that Mr. Justice Volney, now Mr. Volney has had, or appears to have, in his publications. I want to tell you that this matter will be referred elsewhere once certain things are double-checked. And, Madam Speaker, that is no small issue for this country. In

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those circumstances, I beg to move. [*Desk thumping*]

*Question proposed.*

**Mr. Prakash Ramadhar** (*St. Augustine*): [*Desk thumping*] A new year has begun but the old games have continued. [*Desk thumping*] With all the regaled headlines of the campaign has started, let me just put on record, the campaign has never stopped. [*Desk thumping*] To hear a most noble friend from San Fernando West suggest that for the first time this country would have heard what happened in the Cabinet of the People's Partnership is shocking. More than any lightning or thunder that this big section 34 that has been the bogey of, and what put them in office, in their mind, will return them to office, that they only looked at that Cabinet Note recently. That they only looked at it and brought it to this Parliament today. Look, let us get real and let us get serious! [*Desk thumping*]

Section 34, it is about time we truly appreciate what it was, how it came to be, and who paid the price for it, and those who are responsible who walked away like Pontius Pilate, washed their hands of any responsibility for that ignoble, on reflection, section 34. My friend has gone heavily in now regaling the goodly Justice Volney, now as a champion and a paragon, and as a, what shall I say, an arbiter of what happened, and ignoring all of the evidence, all of the facts, ignoring even, Milady, your *Hansard* on the record.

There was this Bill that was brought before this Parliament, that this House deliberated upon, and there was a section 34, the original section 34, which said in effect, then if after 10 years after a prosecution has begun, if the prosecution could not proceed with it, any accused person could apply to the court for the matter to be discharged. In this very Chamber I do recall the Member for Diego Martin—what is Imbert?

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**Mr. Indarsingh:** North/East.

**Mr. P. Ramadhar:**—North/East.

**Dr. Gopeesingh:** True?

**Mr. P. Ramadhar:** Yes, brilliant man—suggested that we move the 10-year period to seven. [*Desk thumping*] And I want to understand that, because seven years with a matter hanging over your head, and if you cannot proceed, one could reasonably say that is too much punishment. Look it has been three years under this Government and look at punishment already. [*Desk thumping*].

So that, but we resisted it, and the record will show that the Prime Minister, Kamla Persad-Bissessar, looked to her Minister of Legal Affairs, who happened to be myself, and we insisted, no, it must be no less and it should remain at 10. And I want my friend, who I have the greatest admiration and respect for, for many years and it still continues, surprisingly, till today, that that Bill having been passed, went to the Senate, in which something mysterious occurred.

**Dr. Moonilal:** Tell us.

**Mr. P. Ramadhar:** I shall tell you. The section 34 that made inherent good sense because there were hundreds—and I would take some of the figures from my learned friend—that there were thousands, tens of thousands, hundreds of thousands of cases, before the court that were not being proceeded with. There was, you know the old—my friend, the Minister of National Security, right, the old channa bottle example, “it not nothing moving, it just choke up”, and something needed to be done. It was a robust effort, and all of us here who had deliberated in this Lower House to pass that Bill knew that something needed to be changed, and the Partnership Government took the initiative to do so. [*Desk thumping*] And the learned Attorney General, I am sure, in the candour that he is sometimes

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accustomed to, will say that a lot of the work that has come before this Parliament, in this term, under his Government, the foundation had already been, well not prepared, but more than foundation, there were other things already prepared, so you just had to take this and bring it here, and own it. No problem, once the country is improved, we are very happy for it.

But let me get back to this mysterious midnight issue of section 34. Milady, something horrible happened, because it has been demonized, and therefore we now assume that section 34, the first iteration that we all passed here in the Lower House, and then what happened in the Upper House, and the Attorney General is—what shall I say?—uniquely placed to help us as to how that 10 years from the date of charge moved to a whole different dynamic. That 10 years after the offence, Member for Caroni Central, if for after 10 years after the offence you could not have been prosecuted, they could not then prosecute you. Big, big difference.

Let me tell you why. If 10 years from the date of charge you could not be prosecuted, no problem, because the DPP, the police, everybody had their chance to prosecute you. But if 10 years after the offence itself you have not been prosecuted, you could not be prosecuted. It means then that certain things could have occurred. Criminal activity, especially white collar crimes could occur, and only unearthed five, seven, 10, 11 years after, and if that happened you could not have been prosecuted, effectively putting in place a statutory limitation on criminal activity for prosecution.

And I ask the Attorney General to explain please, because he was there in the Senate, when this whole dynamic changed completely different, was amended and it was brought down to this House on the floor. Member for Laventille West, it was brought on the floor, and in a quick moment we voted on it. All of us who

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were here, 35 Members of this honourable House on that day voted. And I shall not trouble you with the full list of all the Government Members who voted, but I shall call the names of those who now occupy Government seats, and who were in Opposition of the day, and who voted on this section 34, that has now been deemed the worst thing that ever happened, and I agree, if the intent was impure, whatever the original purpose was, has been demolished and replaced with something that really—maybe I should hold off on that and explain a little bit more. But let me just call some names, Madam Speaker.

**Mr. Hinds:** Call names.

**Mr. Indarsingh:** Refresh my memory.

**4.00 p.m.**

**Mr. P. Ramadhar:** I am not singing for nothing, I am singing for the truth. [*Desk thumping*] And if democracy is to survive in this country we must get rid of the falsehoods and return to truth. Propaganda is cheap, propaganda is cheap, but when you go to a point where you demonize anything that stands in opposition to you, whether you call it seditious, treasonous or whatever, then we must go and return to the truth. Who voted for the section 34 that they say is the worst thing that ever happened. Let me call some names. [*Crosstalk*]

**Hon. Member:** Member for Laventille West.

**Mr. Indarsingh:** “Doh take on the Member for Laventille West.”

**Mr. P. Ramadhar:** On the *Hansard*, I looked it up just to re-confer and I took a note and if I stand corrected so be it. But on the 18<sup>th</sup> of November, 2011, Members of the then Opposition who voted for that Bill that included section 34, my Lady, MP McDonald, my dear friend; MP Gopee-Scoon; MP Hospedales; MP Thomas; MP Browne; MP Jeffrey—you might remember them; MP Hypolite; MP Imbert—

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**Hon. Member:** What!

**Mr. Indarsingh:** Member for Diego Martin North/East.

**Mr. P. Ramadhar:**—and Prime Minister I mean no disrespect, because I am sure, like—I voted for it myself in that moment; 2020 Vision is a powerfully good thing. And the hon. Leader of the Opposition, MP Rowley voted for section 34. [*Desk thumping*]

**Mr. Indarsingh:** Repeat that, repeat that.

**Mr. P. Ramadhar:** Now, let me make something abundantly clear so that we could get a real essence. This bogeyman, section 34, 34, that they marched the streets for—

**Hon. Member:** Like ferry, ferry, ferry.

**Mr. P. Ramadhar:** No, no, 34, 34, 34, let us say it, let us say it and understand it and understand what the truth is. Do you know, Madam Speaker, that if section 34 were in the normal course of events, would have become law without a whimper, without a squeak? But because it came up earlier and certain personalities in this country rushed out and said look, I am the beneficiary, now, of an effective pardon, Mr. Prime Minister, it caused a major uproar and rightly so. But in the normal—in a matter of a couple of months the law would have been proclaimed in any event in totality. And this is where we are at.

So good people voted for something they thought was good, but in effecting it certain personalities arose and therefore their names poisoned the entire process. So that, in that Cabinet Note you will find, on the day that the Note was—and for those who do not know, there are two aspects: a Note is brought and then after it is agreed to, it comes up later on for confirmation. Who was not present in that Cabinet that day? Who was not present in the Cabinet that day? I only ask. Who

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was the Minister of Justice whose Note it was? So I say no more. But an important legislative change I ask, and if you are a Minister responsible for it, you bring the Note, it is passed, but for the confirmation, are you there? I make no insinuation, I just ask. So that is the section 34 and I hope I have added some level of clarity to it.  
[*Desk thumping*]

Look, you know, I had appeared many times before the hon. Justice Volney as defence counsel, and I shall not go into the statements made over a period of time, but I am handed a note here, where he had taken full blame for it; section 34, and now I am hearing—whatever, it does not matter. Maybe we do truly have a responsible press in not printing and putting out everything that they hear or see or say.

So the campaign has not stopped. So we start off this new year, 2019, and Prime Minister with all due respect, I looked at your both presentations and I say, brilliant politics! Magnificent in the way it is presented. Your anger is well placed so that you rile up those who will believe you and condemn all those who you have condemned as corrupt. But I ask this question, if you are serious and it was true, that the last Government to which I belong participated in corruption, why have you not implemented procurement legislation to this day? [*Desk thumping*] Why have you not, when everything has been prepared for you, it is put before you to implement this thing—how many? It is three years and how much?

**Mr. Indarsingh:** Three and a half.

**Mr. P. Ramadhar:** Your term is at an end effectively, and we have not seen procurement. I believe you are an honourable man Mr. Prime Minister—

**Madam Speaker:** Address the Chair.

**Mr. P Ramadhar:** Sorry, yes. I truly do. I do not believe you participate in these

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low level things, but where then on the agenda that many voted for, the PNM, that you would bring campaign and party finance reform, where is that legislation? [*Desk thumping*] I have made it 1,000 times and a 1,001 I shall say, unless this country sees the implementation of these two things, the most important being procurement legislation and the implementation of campaign and party finance reform, governments will come, governments will go and corruption will remain. Because, it is a simple equation, logic dictates, commonsense says, that if people are financing election campaigns, somebody has to pay for it. And as noble as some may wish to give a little contribution because they believe in your policies, it has become nothing short of big business. And therefore, in that effect, many of those who contribute to political campaigns are the people who are given contracts and in that is the nasty seed of corruption that we must eradicate. At least make the effort to do so, and you have it in your hand, we gave you, the People's Partnership gave you procurement legislation. [*Desk thumping*]

The Member for Chaguanas West, I think it was a Private Motion some years back—

**Mr. Singh:** 2006.

**Mr. P. Ramadhar:** 2006, we are 13 years after to implement campaign and party finance reform. To the good honour of the People's Partnership, say what you want, say what you want but look at what we did. We produced that tool, the very thing that has been brushed on to every Member of the last Government, and the present Members of the Opposition, and future Members of anything other than the PNM, is that they are corrupt. But if that is true, what legislation have you ever brought to deal with corruption? [*Desk thumping*] Integrity in public life, did you bring that?

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**Madam Speaker:** Member for St. Augustine, I have given you, I think, quite a lot of breadth and I now caution you with respect to Standing Order 48(1) and I ask you to come back to the matter at hand.

**Mr. P Ramadhar:** I am dealing directly with the legislation before us, and let me show you why and the theme is consistent and real. Madam Speaker, if we are serious about dealing with all crimes I ask my dear friend, the Attorney General, why is it clause 24 is so deficient?—and I will read it:

“Section 27(3) of the Act is amended—

(a) in paragraph (b)”—I shall not read.

In (b):

“by inserting after paragraph (b), the following paragraphs:

‘(ba) where the accused is charged with an offence involving serious or complex fraud;’

I pause. “...serious or complex fraud”. Is this legislation created for one case or are we interested—maybe when I read it in totality it will put things in better perspective.

“(bb) where a Magistrate was unable to complete a preliminary enquiry before the coming into force of this Act, or a Master is unable to complete a sufficiency hearing, because of his—

- (i) physical or mental infirmity;
- (ii) resignation;
- (iii) retirement;
- (iv) death; or
- (v) inability for any other compelling reason,

and the evidence filed before the Master discloses, in the opinion of

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the Director of Public Prosecutions, sufficient evidence to put the accused on trial...”

Maybe I missed it and I am sure the very, very thorough Attorney General will correct me if I am wrong and I would give way. Why did you not include all offences? Why did you bring this new section to deal with serious fraud only, so that if a court cannot finish, for whatever reason, by retirement and has gone through them, that you could listen and now—look at the real politics in this:

“...and the evidence filed before the Master discloses, in the opinion of the”—DPP—“sufficient evidence to put the accused on trial...”

You know what this means?

Without calling a name, a certain case can be put before a Master and you would get a trial in an election year. That is what this is about. It cannot be otherwise. Because if it was that they were serious and we have seen the anomie of what happens when the Chief Magistrate was appointed a Judge and there are many other cases where Magistrates now have moved now and I warn Mr. Attorney General, you will need to put on your working boots and bring on the most brilliant minds you have and the wonderful staff from the Ministry of Justice—which you dismantled—to deal with this one. Magistrates have been promoted to Masters, yes?—with pending cases before them.

Let me not be distracted by that. That is another, as they say, another story for another day, but it will follow closely on this one. So you have a situation where it is now open to you and I will ask for the amendment. Attorney General, I want to give way to you, is there a provision anywhere that permits for other offences or only this one, so that you could put it before a Master and therefore—*[Crosstalk]* clause 24, complex or serious fraud, right? Is there a provision

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anywhere that duplicates this or can take its place?

**Mr. Al-Rawi:** Yes.

**Mr. P. Ramadhar:** Where?

**Mr. Al-Rawi:** Under the existing preliminary enquiry law, section 23 itself, complex fraud is there. But these are circumstances where the sufficiency hearing will only be held if the DPP requests it to be held for those matters. So it is actually in the vein of the existing law, the existing legislation in section 23 and 23A of the existing Act.

**Mr. P. Ramadhar:** I am most grateful and therefore that brings me directly onto the purpose, if there is existing law dealing, right, why did you bring this?

**Mr. Al-Rawi:** We are abolishing that.

**Mr. P. Ramadhar:** You are abolishing it, but you are including this one only.

**Hon. Member:** “Aaah.” [*Desk thumping*]

**Mr. P. Ramadhar:** I know the people you work with in the Ministry, first class, first rate, “they doh miss things so”. Something is wrong here. Something is wrong here. So let me repeat that this piece of legislation clothed in all the beautiful nuances that we are going to get things rolling, you know, after the—what? After the lightning is thunder—“if ah ketch yuh tonight, eh”? [*Laughter*]

**Hon. Member:** That is Duke.

**Mr. P. Ramadhar:** “You cyah remember dat song?”

**Mr. Garcia:** “If I ketch yuh.”

**Mr. P. Ramadhar:** “If ah ketch yuh tonight, is thunder.” [*Crosstalk*] Yeah. After all of that, this is the poison pill which may be a good thing, I want to tell you, I am not saying it is bad, but if it is deliberate that we are using this Parliament now, forget about TV stations and hosting political meetings and calling it an address to

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the nation, but they are using the Parliament to politic, well then, we have a different think coming. Because we have seen over a period of time the effort of bringing legislation, bad legislation so that the Opposition in good conscience cannot support it, and then you say the Opposition is what? [*Desk thumping*]

**Mr. Indarsingh:** Unpatriotic.

**Mr. P. Ramadhar:** “De game, your petticoat showin, Chief.” [*Laughter*] The game is almost up. As you walk through the streets people are telling you, you know, even I—you know I made the statement over and over and I still mean it, I want you all to succeed but no matter what help you all get, you all just cannot do it! [*Desk thumping*] Now, when you succeed, we all succeed; when you fail we all pay the price. Oh Lord, we all pay the price. But luckily, it—now, I do not know if I shall return to a Parliament, I really do not know. But what I do know is this country deserves far better than what has gone under the PNM. [*Desk thumping*]

So, here we are, I was on the point that this piece of thing here called—where the DPP and whatever my friend had just said—I will have to analyze that because it does not make all the sense but I trust that he is right and I am wrong, that:

“...the evidence filed before the Master discloses, in the opinion of the”—  
DPP—“sufficient evidence to put the accused on trial...”

Of course it is the DPP who says charge. So if you—it is one of those circular arguments, if the DPP is of the view, and I will read it, that:

“the evidence filed before the Master discloses, in the opinion of the”—  
DPP—who decides to charge again? On the evidence.

Member for San Fernando East, you are a good man. Who decides to lay the charge on the evidence they have? DPP. So if he decides there is sufficient

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evidence—[*Crosstalk*—police lay charges but you know full well under the corruption Act you have to get the approval of the DPP. “You doh know dat?”  
[*Crosstalk*]

**Mr. Al-Rawi:** That is one Act.

**Mr. P. Ramadhar:** You know, sometimes I take so much for granted, eh. Forgive me, I really do take so much for granted and I might appear to simplify things on the basis that many who hold office know these things but they do not, clearly. The DPP decides on these matters, integrity in public life and a host of things. So that the DPP will decide and there would be some cases of course where the police will charge and then the DPP will say, “what is this”, nolle pros. But we are dealing here with serious, serious fraud, right?

So the DPP who would have participated in deciding the charge and navigating it through the court system will decide that the evidence discloses sufficient evidence to put the accused on trial. So this really is about putting a case on trial for an election. That is what we are dealing with here. That is the nana of the situation, to quote Mr. Vernon De Lima, and we cannot avoid it. So be it. It is about time that people who do wrong pay the price. I agree with that 100 per cent, but do not manipulate the process. [*Desk thumping*] My friend, you know the swiftness like lightning to stick in something and it is registered emotionally but not intellectually, because when you think about it you realize, “whoa, something is terribly wrong here”.

Gary Griffith, Commissioner of Police—because my friend introduced it. Many of us on this side support him. [*Crosstalk*] We want him to succeed. We did not vote for him, because, Madam Speaker, obviously—and if we look back on the *Hansard*, truth again that will burn you—the truth is that the system was

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manipulated. [*Desk thumping*] If recommendations were made, and if something is wrong with the system, which I agree with—Member for Laventille West, I sat with you on the Joint Select Committee for National Security and remember one of the positions we took is that the leadership of the police needed a face, needed a personality, so that when you call a name people must shake like in the old days, they must be afraid of. And there we have it in Gary Griffith. The creation of the People's Partnership, he participated and I will say this, we support the work of the police in suppressing crime, but we do not support the subversion of a process in the Parliament. [*Desk thumping*]

So once again, you do it in such a way that those who have a sense of history and the significant honour of Parliament cannot participate in a charade and then you blame us, “we eh support Gary”. [*Crosstalk*] But if you had done it well and you had done it right, and if the system was not good, fix the system, [*Desk thumping*] fix the system. But you will not do that, [*Crosstalk*] because everything is blame, blame, blame, blame, blame, blame, blame, blame. If you really mind your business you will see the truth. [*Desk thumping*]

**Madam Speaker:** As I said earlier, I know we had a lil break and we may still be in free-spirit mode but we are back here now. So, please, every Member in the time we have left, familiarize yourself with Standing Order 53 and I am sure we will have a very good sitting. Member for St. Augustine.

**Mr. P. Ramadhar:** You know, I want to say how grateful—when we were in Government, in the Partnership—we had been for the support of the then Opposition. I think in nearly every bit of legislation you supported. Congratulations. Three-fifths majority, you are there. But guess what? A friend of mine told me, he said, “Ho, ho, ho, you doh know these people, you know, chief”.

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You think they really would have supported you if you could not have done it without them? I pause. Three-fifths is how many?

**Dr. Gopeesingh:** Twenty-six.

**Mr. P. Ramadhar:** Partnership had 29. So that as brilliant politically as you are, you know what, “you cyah beat ‘em, join ‘em”. So therefore you would say I love my country, I supported everything of the Partnership Government, but guess what, if we had 24 it would have been a different kettle of fish. [*Desk thumping*] But I congratulate you because I love intelligence.

**Dr. Gopeesingh:** It is good law too, we know, it is good law.

**Mr. P. Ramadhar:** I am coming to that. Almost all—and there is no perfect law, eh. I mean, I had a very honoured post and I am grateful for it, and we make mistakes sometimes, but all the law we brought had a purpose and a definite intent to fix Trinidad and Tobago. [*Desk thumping*] But when section 34 polluted it all, you know, “everybody get a lil bit shy” and you backed off on certain things and I congratulate the Attorney General for bringing things that we created so that we will move forward.

But, Madam Speaker, there are certain issues I would like to raise back on the Bill itself—

**Madam Speaker:** Hon. Member for St. Augustine, your original time is now spent. You are entitled to 15 more minutes to complete your contribution.

**Mr. P. Ramadhar:** I would be most grateful to you.

**Madam Speaker:** Proceed.

**Mr. P. Ramadhar:** Thank you so much. [*Desk thumping*] Mr. Attorney General, as busy as you are, I want you to take note of this my friend. I understand and I could be wrong, Mr. Attorney General, I would like you to pay a little attention,

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just for this one, eh, because you may need to investigate it. I was informed, I could be wrong—Member for Laventille West, you too, please help—that there are 17 vacancies in the Magistracy. [*Crosstalk*] No? Well, if I am right I have also been made to understand that there have been multiple applications for those vacancies if there are any. I stand corrected, I do not like to hear hearsay. I do not peddle in it, but if it is true, that there are—if not 17, several vacancies available in the Magistracy, that those vacancies, there have been applicants from the Office of the DPP to fill.

I tell you I feel sorry for members of the staff of the DPP. Their workload is really, really, really, overwhelming at times, very difficult and notwithstanding the People's Partnership approval—and check your Cabinet Note for this—I think it was about 80 positions. I could be wrong. Whatever it is, the People's Partnership had approved the hiring of tens of DPP officers and for whatever reason, because I understand, Member for Laventille West, there were issues of accommodation and they could not quite hire. But there is already a terrible shortage in the DPP's department and if those who are able to apply, because of the qualifications—I think it is seven years to be a Magistrate in practice—then the best, most experienced of your group will leave you. I am not condemning the younger ones, but Member for San Fernando East, Member for Laventille West, the Minister of National Security know full well that the brightest of a lot is not sometimes sufficient enough, you need experience. And if we are going to denude the DPP's Office—and they are entitled to ask for promotion, they are entitled to do it because of the hard work and commitment and credibility, then we are going to have a problem in the DPP's department and we need to look at that. Do not just create as we say, dig out a piece of wood from the boat on this side to fix a hole

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there and create a hole here, because you will end up sinking still. So that is something I ask you to look into please and if it is true then we need to try and accelerate a fix on that.

Now, Madam Speaker—and the Attorney General, you gave us the definition of prima facie in a professorial manner and I am grateful for it. But is there a standard for a sufficiency of evidence?

**Mr. Al-Rawi:** Yes.

**Mr. P. Ramadhar:** Where is it? And I take my seat.

**Mr. Al-Rawi:** Thank you. The standard for sufficiency of evidence is actually the existing law, Act No. 12 of—the 1917 Act, Indictable Offences (Preliminary Enquiry) Act, 12:01, that is on a sufficiency standard and it was also in your 2014 Committal Proceedings Act.

**Mr. P. Ramadhar:** Right. But you are now replacing sufficiency, you are putting now, you are taking out prima facie and putting sufficiency.

**Mr. Al-Rawi:** Prima facie was only in the 2011 Bill.

**Mr. P. Ramadhar:** Prima facie has always been the law for committal, always. So that it is sufficient for a prima facie case to be made up, but you are removing prima facie. So therefore—and I mean, Ms. Elder, I have the world of respect for her and I am sure she would have looked into it so therefore I will make some enquiry on that to find out this sufficiency of evidence thing, would it not lead possibly to an arbitrary exercise, because what might be sufficient for you Attorney General, may not be sufficient for the Minister of National Security as an example or any right-thinking person. And therefore the law, [*Interruption*] sorry, I beg your pardon.

**Mr. Al-Rawi:** Chap. 12:01, 23(2):

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“Where the Magistrate is of the opinion, on consideration of the evidence and of any statement of the accused, that there is sufficient evidence to put the accused on trial for any indictable offence, the Magistrate shall commit...”

So that is the existing law.

**Mr. P. Ramadhar:** Yeah, and that says nothing more, because it has always been by case law definition, interpreted on the basis of prima facie.

**Mr. Al-Rawi:** Only for discharge.

**Mr. P. Ramadhar:** No.

**Mr. Al-Rawi:** 23(1).

**Mr. P. Ramadhar:** We will disagree. That is why we have courts. Prima facie means something. You are removing prima facie and replacing it with sufficient, as nebulous— [*Crosstalk*] we are in no case submission, right? There must be at least a prima facie case and if there is no prima facie case, you make your no case and you walk. But sufficiency now leaves too much of an elastic approach to the law’s interpretation or the court’s interpretation. [*Desk thumping*] And therefore, the suspicion that many have that they are campaigning into the law and into the courts for the purpose of, what shall I say, gaining popularity through abuse, is now facilitated by the elasticity that you are introducing into the definition of the law. [*Desk thumping*]

Now, I want to say many years ago efforts were made and you have seen improvement from the Partnership and you have built upon it in terms of a provision for electronic recording. And I will repeat this every time I get the opportunity. One of the greatest delays in any trial, Member for Toco/Sangre Grande you know this, you prosecuted in the criminal courts, very abled prosecutor

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and you should remain there.

**Mrs. Jennings-Smith:** What is this? [*Laughter*]

**Mr. P. Ramadhar:** You would know that one of the biggest delays was the taking of the notes, longhand. [*Interruption*] It is a compliment. “You doh even know when you get one.” [*Crosstalk*] It is the longhand. [*Interruption*] You are not on the table, you are from Tableland. [*Laughter*] The longhand note-taking is the biggest delay and after the—whether it is a summary offence or an indictable offence, the preliminary enquiry, and the worst thing for the defence, I could tell you, is when you hear you build up a witness and you are going to drop the question that will break them, court says, “Hold on, hold on, I did not get that, repeat your question again dey for meh”. That was such a delay and still is, notwithstanding the facilitation in the High Court for electronic recording. Do you know High Court Judges still, Member for Arima, they do not want technology.

**Madam Speaker:** Hon. Members, it is now 4.30 p.m. We shall take the suspension now and we shall resume at five o'clock at which time the hon. Member for St. Augustine would have seven minutes and thirty-eight seconds left. This House is now suspended.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

[MR. DEPUTY SPEAKER *in the Chair*]

**Mr. Deputy Speaker:** As we resume after tea, I recognize the Member for St. Augustine. [*Desk thumping*] You shall continue and you have seven minutes of your total speaking time.

**Mr. P. Ramadhar:** Most grateful to you, Milord.

**Mr. Deputy Speaker:** Proceed.

**Mr. P. Ramadhar:** As we took the break I sensed almost déjà vu in terms of electronic recording and in note-taking where one is stopped at the important question. And I was making the important point, notwithstanding its repetition by thousands, that we do need to resort to electronics to ensure that we speed up the process. And you would be surprised, Mr. Deputy Speaker, to this day in the High Court even, the Judges still do, notwithstanding the electronic recording, take longhand notes. So we have the electronics but we resort to the old style of things. We must move in sync with the times and the necessity of the requirements for speeding up justice.

Mr. Deputy Speaker, the Attorney General, I am sure—he is not here in the Chamber but I am sure he would listen and I will say this now. I have serious concerns about the removal under section 22 that says:

“Section 25 of the Act is amended—

- (a) in subsection (1), by deleting the words ‘a *prima facie* case is made out against the accused’ and substituting the words ‘there is sufficient evidence to put the accused on trial’;”

So to have suggested for a moment that that has always been the law from 1914 onwards, clearly, at best, is inaccurate. Because if it was, then we would not have to remove the definition and the requirement for a *prima facie* case. We appreciate there is great subjectivity sometimes in the application of law, but equally there are objective tests, and to leave it as wide as to say there is sufficient evidence, as I repeat the point—because this is something and I have grave disquiet over, I have difficulty in supporting and I will ask the Attorney General to revisit this whole issue of the standard that is required for a person to be put on trial. [*Desk thumping*]

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**Mr. Indarsingh:** Well done. Well done.

**Mr. P. Ramadhar:** There is also great disquiet amongst many of my colleagues and for those who have spoken outside of this Chamber as to the requirements for the appointment of Masters who literally will master these courts. I must say that the latest elevation from the Magistracy, I must say, is to be commended. It is right for those who have dedicated their lives, worked hard in a system for which they have grown accustomed, to hold higher office, yes. But wherein is the check and balance on that to ensure in the future, that persons who may not have had the experience and therefore the right and necessary qualifications for something like this, to be given this tool that all you need is to say, “I feel that there is sufficient evidence?” What is the objective marker? There you go. And that is why I ask the Attorney General to revisit this.

Now, I do not have much time and there is much to be said, but I think we would have opened up a whole new dimension having put a little bit more light on the section 34 that has reigned this country from its inception till this day. The Attorney General opened his first speaking engagement in the Parliament on section 34. But lest we forget, the issue now of basically allowing an accused person the right to challenge by delay his continued prosecution has been long enshrined; under abuse of process that has been always open. The section 34 that we originally envisaged basically codified that which existed in the past common law. Because it was not automatic that you would be discharged. You had to apply to the court, and there, there will be arguments—

**Mr. Deputy Speaker:** Member, you have two more minutes.

**Mr. P. Ramadhar:** Oh, I am so sorry. Anyhow, I shall fast-forward this—so that you could have applied and then be released. Lest it not be taken out of context, in

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Canada there was basically an amnesty—the Minister of National knows about this—where thousands of cases were dismissed because of its age and on that alone. But to put it in context, this matter—and I say this—is a matter of record in the Cabinet on the day that this Note was confirmed. I was acting Minister of Justice. There is no doubt about that. What is important is that when the issue came that certain persons would benefit and there was an uproar, many revisited the position and that amendment that came from the Senate from the Member for San Fernando West, who I know he is so well versed and was in the Senate together with my friend, my MP from St. Joseph, and the same iteration came. But when there was that public outrage in a way because of certain names that might benefit, it is the very Partnership Government that brought legislation immediately [*Desk thumping*] to have it repealed. And with the vote and support—

**Dr. Gopeesingh:** Of all of them.

**Mr. P. Ramadhar:**—for which we are always grateful, of the other side at the time. They, too, voted to have it repealed, and therefore, that put that era to a close. I am not here to point fingers. I am here to point light as best as I could. If I am mistaken in any form or fashion on the issues that I have raised, I beg your pardon, but I do the best that I can with the information that is available to me.

So, Mr. Deputy Speaker, I know that my two minutes would now be up, but I just sincerely want to say that we, on this side, will always support good law. We will never support anything manipulated to bring about an end that is not in the interest of Trinidad and Tobago. [*Desk thumping*] And the one issue—if anything at all, this issue of sufficiency of evidence, I think we need to explore that much further before we could proceed to a final determination on this matter. [*Desk thumping*] Mr. Deputy Speaker, I thank you very, very much.

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**Mr. Indarsingh:** Well said. Well said. [*Desk thumping*]

**Mr. Deputy Speaker:** I recognize the Member for Port of Spain North/St. Ann's West. [*Desk thumping*]

**The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, I have a great deal of respect for my friend from St. Augustine. We have practised in the courts for many years. I remember as a young practitioner going down to San Fernando, he would indulge me and allow me to park in his car parking at times and I appreciated it. They say a good advocate is one who has the power of persuasion and one who can persuade his or her audience, be it in a court, be it in politics, be it in the Chamber, be it anywhere, to take their view of the world. But I have to say what I have heard here this afternoon is a first. To hear those on the other side try to distance themselves from section 34, and those on that side to say, “But you on the PNM side, when you were in Opposition, voted in favour of it”, and my friend has given a truthful recollection of the stages and the process.

So if I may, Mr. Deputy Speaker, just for those citizens of Trinidad and Tobago who are interested in how legislation gets here—I think it is important that they know. It comes from a Cabinet. Before it gets to Cabinet there is a process. There is something called the Legislative Review Committee which is a subcommittee of Cabinet. And I believe my friend may have been the chairman of that subcommittee under the People’s Partnership. So what they must do is they must look at the legislation, marry it with the policy, work with the technocrats in the Ministry of the Attorney General and make sure that properly drafted legislation is then taken to Cabinet. Cabinet is then presented with the policy.

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Cabinet is presented with the arguments as to why that legislation should go forward, after having been reviewed by the LRC committee. And that is what should have happened. And I have heard no one suggest otherwise.

So for that particular Bill to have reached here, before it reaches to the House or the Senate—in this case it came to the House first, as my friend has recollected—it had to go through a process of approval by the LRC, of which my friend was the chairman, and it then had to be approved by Cabinet to be laid in the Parliament and then opened for debate. We heard that in the first passing, the then House of Representatives passed the legislation. It then went to the Senate, and my friend, as today said, something strange happened in the Senate. But it then had to come back to the House because there was an amendment in the Senate, for the House to then look at it and for the House then to pass it.

And I would like to just ensure this afternoon, Mr. Deputy Speaker, my friend from St. Augustine made reference to the hon. Prime Minister, the Member for Diego Martin West, and the hon. Minister of Finance, the Member for Diego Martin North/East and what they said in that debate, and tried to put—it is a good attempt—tried to put a spin on it that they are somehow responsible because they voted for this legislation, for what it is that flows from it. But I would just like—because there are those who are looking on and would not have been paying attention at that time. On the 18<sup>th</sup> of November, 2011, the Member for Diego Martin North/East, then an Opposition Member—I would like, with your leave, Mr. Deputy Speaker, just to refresh the memories of those who are here and for those who may not have heard it before, what was the position of the Member of Diego Martin North/East, and then the position of our now Prime Minister, the hon. Member for Diego Martin West.

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18<sup>th</sup> of November, 2011, House of Representatives, Mr. Colm Imbert, MP, Diego Martin North/East, Opposition Member. And this is what he said when it was put and the issue was raised—because it is all about proclamation. When would this particular piece of legislation be proclaimed? There were things that needed to be put in place beforehand for it to be properly applicable and implemented, and this is what the Member for Diego Martin North/East said:

“So that once this Bill is passed, you are going to have a situation where thousands—not hundreds, thousands of cases are going to arrive in the High Court. That is why I am holding the Minister to his words—I took careful notes—where he said that the Bill had a proclamation clause. I am glad he referred this. Let me quote him correctly. He said...”

And the Member for Diego Martin North/East is now quoting the infamous Herbert Volney, Minister of Justice at the time, and he says:

“Once all procedural and administrative mechanisms are in place, the Bill will be proclaimed.”

That was the undertaking given by those on the other side, and in particular the one who was piloting this Bill, the Minister of Justice. So he said:

“Once all procedural and administrative mechanisms are in place, the Bill will be proclaimed.”

Mr. Imbert went on to say, then Opposition Member:

“I am taking the Minister at his word that this legislation will not be implemented until the necessary systems are in place, so that we do not have a situation where judges in the High Court are going to have to deal with hundreds of cases.”

What clearer language, Mr. Deputy Speaker, than that? So all of the spin in the

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world cannot change what was said on the 18<sup>th</sup> of November, 2011. [*Desk thumping*] And now, the Member for Diego Martin West, to tell the people of Trinidad and Tobago—because they are saying, “Oh, the Member for Diego Martin West voted for it. Oh, the Member for Diego Martin North/East voted for it.” But know in what particular circumstances. And I will pause here before I quote the Member for Diego Martin West.

It is important that the people in the country know, it is the Government in charge of legislation. It is the Government who brings legislation to the Parliament. It is the Government who will listen to any proposed amendments, make the amendments. They, whoever is in Government at the time—us now, we are responsible for the legislation that is brought here. We “cyar” say, “Well, you all did this”, nor would we abscond from our responsibility. But that is what is being suggested today. They drafted it. We heard from the hon. Attorney General, the Cabinet Note that said in the clearest possible terms what it is they were intending to do with section 34.

We know as a fact that beforehand there was a cabal that had prepared and were the ones who were going to push this forward, and we know the reason why. And the country came out. So they are trying to take credit now for the repeal. They did not wake up the next morning and say, “Oh, we made a mistake and repealed.” The country marched against section 34. [*Desk thumping*]

**Hon. Member:** I remember you in “da” march. [*Crosstalk*]

**Hon. S. Young:** And now to tell the story of how I ended up here, that was the inception, because as a citizen of Trinidad and Tobago, with absolutely no political ambition or aspiration whatsoever, I was outraged at what could have happened and the use of our Parliament and the abuse of our parliamentary system, and I

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came out and joined with no one asking me on that day. [*Desk thumping*] And I walked and I marched, and I blame Rohan Sinanan—Sen. Sinanan now. He found me in the march, grabbed me and pulled me, and that was my introduction to the Member for Diego Martin West who was leading the march; took me to meet him and that is where I met him. And it was the outrage at section 34, and it was the country's outrage and the population's outrage and those who took to the streets on that day and continued protesting throughout. That is why it was repealed. So “doh” pretend you woke up one night [*Desk thumping*] with a breath of conscience. The country would not have it, because in the middle of the night—what was it?—on Republic Day—

**Hon. Member:** August 31<sup>st</sup>, Independence.

**Hon. S. Young:** Independence Day, they sent it to be proclaimed. And let me tell the population before I remind them what the Member for Diego Martin West said. For a Bill to be proclaimed, Cabinet has to take an expressed specific decision—

**Hon. Member:** Only Cabinet.

**Hon. S. Young:**—and only Cabinet can advise the President when to proclaim an Act or a Bill. And what was strange about this is, is they plucked out that particular clause—that particular section. It was not the whole Bill. Because what the Members had voted in favour of with that whole Bill was something to improve the criminal justice system, something to improve the administration of justice. It was not specific for section 34. But to compel and to compound and to make it worse, a Cabinet took a decision that on a public holiday, whilst all of us were looking at the fireworks or doing whatever it is with our families and our friends, sneaked it in there. The Member for Oropouche East would have led the charge—sneaked it in there. Right?

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**Dr. Moonilal:** Mr. Deputy Speaker, 48(6).

**Mr. Imbert:** “Ay, yuh cannot stand up jes so.”

**Hon. S. Young:** What is the—48(6) what? What charge Oropouche East?  
[*Crosstalk*]

**Dr. Moonilal:** Standing Order, please, Sir; 48(6). I “doh” know what charge—

**Mr. Deputy Speaker:** Overruled. Proceed. [*Desk thumping*]

**Hon. S. Young:** Thank you very much.

**Mr. Imbert:** “Doh stand up again, eh.”

**Hon. S. Young:** You see, the truth hurts, Mr. Deputy Speaker. So now let me remind the population and for those who may not have heard it before, because this afternoon we have heard the most feeble attempt to try and sanitize themselves from section 34 and say, “Oh, it was the PNM Opposition.” So what the Member for Diego Martin West, the now hon. Prime Minister, then Leader of the Opposition, said, in this House on the 18<sup>th</sup> of November, 2011, was as follows. I quote:

“It is against that background that I want to appeal to the Minister that with our support, we will pass this Bill and the laws are going to be on the books, but whatever you do, for whatever reason, do not go back on your word and try to implement it without ensuring that all the supporting i’s are dotted and all the supporting t’s are crossed.”

That is what the Leader of the Opposition said when he led his Bench. [*Desk thumping*]

**Dr. Rowley:** And what did they do?

**Hon. S. Young:** And what did they—before I get to what they did. So in the clearest possible terms, Mr. Deputy Speaker, I remind those who would have heard

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it before and I inform those who never heard it before, that is what a PNM Opposition put as their support for that Bill. Not for section 34, but for the Bill that was supposed to improve the administration of justice. Right? And that is what happened.

But what happened next is what caused us to go to the streets as citizens in the thousands. And there is no exaggeration, because it was literally thousands—

**Mr. Imbert:** Twenty thousand.

**Hon. S. Young:**—and to march against what was attempted to be done on a public holiday at midnight with the proclamation of a now infamous section 34. So, Mr. Deputy Speaker, I think that is sufficient to remind the citizens of Trinidad and Tobago and the public. And they are trying to put a spin on it, “Oh, it is about politics.” But that is what we are here for. This is the nature of politics. But what we are doing on this side, setting the record straight and telling the truth, and the population will decide.

So I end on the section 34, Mr. Deputy Speaker, by saying the repeal did not come about because of an awakening of conscience, because of a—during the night or early morning, them saying that, “Oh, we got it wrong. We make mistakes.” The country will recall that repeal was forced on the Government to put their tail between their legs, do a backtrack and to remove the law that was done for certain persons who are still before the court 19 years later in a preliminary enquiry.

Having said that, Mr. Deputy Speaker—

**Dr. Rowley:** The damage had been done.

**Hon. S. Young:** Correct. The damage was done. The damage to our nation’s psyche continues to be scarred and now it brings us to the piece of legislation that

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we are here today to debate. And I heard my friend from St. Augustine say that there has been no legislation passed by this administration to deal with corruption, and I have wondered for three years where they have been. Because the actual complaint was the opposite, that we are attempting to do too much to the criminal justice system. And there is more coming down the pipeline. A lot of the legislation that has passed—my friend, colleague, from Diego Martin North/East was giving me the list. But I would not worry to get into the list, because the population is very aware of the type of legislation that has been passed here.  
[*Crosstalk*]

**Mr. Deputy Speaker:** Silence, please, on the Government Bench and the other Members.

**Hon. S. Young:** So coming—

**Dr. Moonilal:** Just a question. Thank you very much. And, I really—I want to thank the Member for his generosity in these circumstances. Member, we just checked the record and it suggests that the march you spoke about was on November 02<sup>nd</sup> and the repeal of the legislation was October 22<sup>nd</sup>. Would you accept that, that the march came after the repeal and did not in any way inspire or motivate or lead to that?

**Mr. Deputy Speaker:** Two Members are on their legs. Okay.

**Dr. Moonilal:** Again, I want to thank you for giving way. I do not want to engage in a—

**Hon. S. Young:** As I was saying, Mr. Deputy Speaker—because, you see, no matter how they try to spin, no matter what they try to do, the record will speak for itself because the truth and facts are very difficult things. So what you are hearing now, citizens, is another feeble attempt to change the narrative. That Cabinet,

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where the Member for Oropouche East was a part of—we have heard from the hon. Attorney General—took a conscious decision as a Cabinet to do what they did, and the population judged them on it. So whether the march was on a Friday, a Saturday, a Sunday, is irrelevant. [*Laughter*] Right? They had to repeal the legislation as a result of the public pressure put on them. [*Desk thumping*]

So we come to corruption, and it is normally around when we start to mention the issue of corruption people start to jump up on their legs.

**Mr. Hinds:** That is right. That is right. [*Desk thumping*]

**Hon. S. Young:** This is yet another piece of legislation that is specifically devised to deal with corruption, and I will explain why, Mr. Deputy Speaker. One of the difficulties—because corruption is a cancer in our society. There is no doubt about it. From the lowest position to the highest position, throughout Trinidad and Tobago, unfortunately, we have become a society deeply and greatly affected by corruption. But the work that you can do—[*Interruption*]

**Mr. Deputy Speaker:** Member for Laventille West, please, I am hearing you.

**Hon. S. Young:** Mr. Deputy Speaker, the work that you can do, as a government and as an administration with respect to governances and tackling corruption, all that you do, it ends up in the court system at the end of the process, and the criminal justice system in Trinidad and Tobago is in dire need of amendment and attention, and that is what has been happening under this administration, and I thank the Attorney General for this Bill here today. [*Desk thumping*] He drew one example of the largest white collar crime case in Trinidad and Tobago coming out of the Piarco Airport that is 19 years in a preliminary enquiry. Anyone who has practised law in the criminal justice system will know that there is really no real benefit anymore in the conducting of preliminary enquiries. In fact, when we

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raised this as an administration within the first year of being in office, senior members of the Criminal Bar said, “No. We must keep the preliminary enquiries.” And I asked, “Why? What is the basis to keep preliminary enquiries?” They said “To allow young practitioners to cut their teeth.”

That is the most rubbish explanation I have ever heard. You know what it is? Lawyers want two bites of the cherry. They want to delay and it comes down to fees, et cetera. This Bill and the passage of this Bill alone, will free up the criminal justice system in ways that we cannot even begin to appreciate. The abolition of preliminary enquiries is an absolute necessity in the today’s world. [*Desk thumping*] And what is great about this Bill in particular—and my friend, the Member for St. Augustine, actually saw the clause—complex fraud cases. I think it is clause 24:

“Section 27(3) of the Act is amended—

(ba) where the accused is charged with an offence involving serious or complex fraud;”

So those who are worried and those who are at risk of being charged with serious or complex fraud, I expect them not to want this, because what they would want is a continuation of the precedent of the Piarco case. Tie it up with lawyers for 19 years. But by the abolition of preliminary enquiries here today, Mr. Deputy Speaker, what it allows is—especially with those cases—send it straight to the High Court, which is the best place to deal with it. Your peers as jurors will listen to the evidence. They will hear the evidence and they will take a decision. Because too often, Mr. Deputy Speaker, wrongdoers in this country take comfort in knowing that the criminal justice system wheels struggle to turn. The abolition of preliminary enquiries here today is going to completely revamp the criminal justice

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system in those cases, so we, the taxpayers, we the citizens of Trinidad and Tobago, will be able to see the wheels of justice move a lot quicker with the simple passage of this Bill.

Another point that was raised that I would like to deal with, Mr. Deputy Speaker, I heard—I would like to explain to citizens of Trinidad and Tobago what Cabinet is about. As a Member of Cabinet, when you sit down at the Cabinet table and Notes come before you, yes, the Note could come from the Attorney General's Office; come from the office of the Prime Minister; come from Ministry of Housing; Ministry of Finance; Ministry of National Security. You bring the Note. But then the Note is either amended, accepted as is, rejected, or sent to F&GP. It comes back and it is the collective responsibility of the Cabinet. So I heard a very strange proposition here this afternoon that the Cabinet that looked at that section 34 legislation, "Oh, it was the Minister of Justice brought it. He must take responsibility." Rubbish. From the time a Cabinet approves a Note and it becomes a minute, it is the collective decision of the Cabinet. [*Desk thumping*] Your opportunity to try and change the Note and the decision of Cabinet is when it is at the table. But once Cabinet has voted on it and agreed to it, you are now collectively bound by that decision.

If you have a problem with it, ask that it be noted and maybe on an occasion you may not be bound by that responsibility. But 99.999 per cent Cabinet is bound collectively, jointly and severally by the decision of the Cabinet. So you cannot—no one could extricate themselves from that as an individual. And you would have abrogated your responsibility; you would have avoided your responsibility as a Cabinet member if you sit down at Cabinet and not protest if you have a problem with something.

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You cannot leave the room afterwards and say, “Well, I did not agree with that decision.” Once the decision is taken we are all bound by it.

**5.30 p.m.**

Another point that was made was about public procurement legislation, and I heard it suggested that until public procurement legislation is proclaimed by this Government and campaign finance reform is proclaimed by this Government we should say nothing. Just to tell—[*Interruption*]

**Mr. Ramadhar:** No, no, no. Just bring it. Bring it.

**Hon. S. Young:** Well, we should bring it and do it. The Public Procurement and Disposal of Public Property Act is not waiting on the Government. What has been happening is there has been appointment of the public regulator and that person is in charge of the body under the legislation that must now prepare the regulations, and that is the body that statutorily, legislatively, has the responsibility and the sole responsibility of implementing the legislation. So I can stand here today, Mr. Deputy Speaker, and tell the country that the Government has done all it has to do. The Government brought Notes to Cabinet for each Ministry, every body, and we set out a template of the type of procurement department you must have in accordance with the legislation.

The Government took a decision, funded the public regulator, and the public procurement body. They are now in the Waterfront Towers, in office space, staff, et cetera, and my understanding is they are working assiduously and expeditiously to do what they need to do to implement the legislation. It is not waiting on the Government. The Government would do it in the morning if it was waiting on us. We are currently waiting on the public regulator. We have done everything we are supposed to do and we are waiting on the regulator, who I understand is working

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assiduously and properly, and we expect him to come to the Government and say, “I am ready to implement”, and at that stage we will take the Note to Cabinet to have the legislation proclaimed and implemented. But in the meantime, as you heard in a statement from the hon. Prime Minister earlier this afternoon, this Government is very conscious and aware of proper procurement and how things should be done.

The next point about campaign finance reform—and I am glad, again my friend from St. Augustine told the country that between 2010 and 2015 they had the majority in the House of Representatives. He reminded us. They had 26 seats—  
*[Interruption]*

**Mr. Ramadhar:** Twenty-nine.

**Hon. S. Young:** Twenty-nine sorry, and you need 23, no, 26 to be able pass majority legislation. So 29 seats, 26 to pass special majority legislation, where is the campaign finance reform? Every single piece of legislation we have brought here that requires a special majority, those on the other side are blocking it, batting it down. The public is looking on. They took us to the brink with FTAF—FATCA. They did the same thing with the Global Forum the other day. All of the legislation that requires a special majority is being blocked by those on the other side, but when they had a special majority they did nothing, nothing with it. *[Crosstalk]* I am reminded by my friends they brought section 34, amongst other things.

One piece of legislation I am glad they brought was witness tampering because the same person who led the charge on witness tampering, well we know what happened there. So, Mr. Deputy Speaker, I would like to say here today that the current piece of legislation before us is a good Bill and just to let the public know, it is:

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An Act “which provides for the abolition of preliminary enquiries and for the holding of initial and sufficiency hearings by a Master of the High Court where a person is charged with an indictable offence.”

And I take the point of my friend that when appointing judicial officers, the body with the responsibility, the Judicial and Legal Service Commission, must always operate properly and with efficiency and try to make sure they get the best people for the positions because Masters under this legislation are going to play an important role. But it is not an impossible role, it is not a mind-blowing role, it is not a splitting of the atom role. There is nothing unusual in it. A conscientious person who understands the law, who would qualify to be a Master, can and will be able, Mr. Deputy Speaker, to ensure the proper implementation of this legislation.

Another clause that I was glad to see is clause 4 where now the contents of computers and electronic devices can be searched specifically under a search warrant and returned to persons after. And they have put a much better process. *[Interruption]* Correct. Mr. Deputy Speaker, in complex fraud and corruption cases I cannot overemphasize the importance of this provision. In corruption matters the stuff that exists on electronic items is invaluable evidence. In fact, I have seen some of it in the work that we have done, not criminal work, but in the same civil work. I have seen what has been pulled from electronic devices and we have filed civil cases. I remind the citizens of Trinidad and Tobago here today that this administration has filed a number of civil cases and the evidence there is overwhelming. *[Desk thumping]* So this type of provision in criminal procedures and investigations that could lead to criminal charges is invaluable in today's world.

**Hon. Member:** Well said.

**Hon. S. Young:** Another thing that I have seen here, the Commissioner of Police would be able to authorize persons other than the police to have custody of seized items for safe keeping. Again, an excellent provision, because when you are investigating complex issues of fraud and corruption, very often the members of the Trinidad and Tobago Police Service do not have the level of expertise that is needed, and those with the expertise, how to forensically image electronic items, how to forensically extricate information and evidence from electronic items, that is to cover them. So again, full score, full tick for the Attorney General and his team. [*Desk thumping*]

Mr. Deputy Speaker, the abolition of preliminary enquiries is long overdue, very, very long overdue. The last item I would like to touch on, since becoming the Minister of National Security I have toured—

**Mr. Deputy Speaker:** Member, your initial speaking time has expired. You have an additional 15 minutes. You care to avail yourself?

**Hon. S. Young:** Yes, please.

**Mr. Deputy Speaker:** Proceed.

**Hon. S. Young:** Thank you very much, Mr. Deputy Speaker. [*Desk thumping*] Mr. Deputy Speaker, the prisons. Every morning before the crack of dawn I get a report from the prisons, and I can say today in our prison system, in the various prisons that exist, we have a total of 3,991 inmates. Of that, 3,815 are male, 176 are female. I have toured the various prison facilities and I want to focus on Remand here today. I toured the Remand Yard up in Golden Grove, Port of Spain Prison, Tobago Prison, even at YTC and the woman's prison as well, and the cries of those—today at Remand we have 1,080 persons, and that is just at Remand. Some of the other prisons there will also be prisoners who are there on remand. This

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piece of the legislation assists them. When I walked in Remand, I allowed the prisoners to interact, to listen to their complaints, and nine out of 10 of them, all they kept saying is, “I just want my day in court. I just want my day in court.” They said, “I finally finish my preliminary enquiry. I waiting on the Assizes”, or “I still in preliminary enquiry. I am willing to, I just want my day in court.”

Mr. Deputy Speaker, for all of those who are languishing in the system, this piece of legislation here today that I hope we pass and we pass unanimously, is again single-handedly going to assist with those prisoners who are languishing there in Remand, and we have a responsibility and a duty to them to do what we can from a legislative point of view to free up the system and to make the criminal justice system that bit more efficient.

Mr. Deputy Speaker, with those few words I would like to thank you for the opportunity to have contributed to this Bill here today and to say that I wholeheartedly fully support this piece of legislation and all the other pieces of legislation that are improving our criminal justice system, and today would be a good day for those on Remand and even for those whose cases are yet to come with the passage of this Bill. I thank you, Mr. Deputy Speaker. [*Desk thumping*]

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Thank you very much, Mr. Deputy Speaker. This debate has gotten pretty hot and I do not know why. Perhaps it was the excursion by the Attorney General that sort of stoked the fire, but we are here now and we will deal with the Bill and we will deal with the issues raised on the other side.

One of the Bills that came to Parliament in the fastest period ever was the Bill that was brought here to repeal the error of section 34. [*Desk thumping*]

**Hon. Member:** Correct.

**Dr. B. Tewarie:** As many Members said, that Bill was proclaimed on August the 31<sup>st</sup>, and the Bill to repeal that section 34 was in fact completed on September 12<sup>th</sup> of the same year. [*Desk thumping*] That would mean that it took 11 days to draft a Bill, to take it through Cabinet, to confirm it in Cabinet, and to bring it back to the Parliament and pass it in both Houses. [*Desk thumping*] So that once the issue became known the Cabinet was very quick to act and the Parliament was approached immediately to repeal that section 34.

I want to say also that that matter came to the public knowledge because of a press report, and subsequent to that, the DPP at the time, Mr. Gaspard, wrote to the hon. Prime Minister, Mrs. Kamla Persad-Bissessar, drawing the matter to her attention, and it is on the basis of one, you might say, the press report, and secondly, the very strong letter by the DPP at the time which led to the repeal Bill being brought to Parliament and addressed. I might say some more about this, but I do not want to get caught up on that because this Bill that we are debating is not about section 34.

I want to address the other issues that were raised by the Member for Port of Spain North/St. Ann's West, and one of the issues he raised, for instance, was the fact that we did not do anything about the campaign finance Bill. Now during the time that we were in office, I think—I do not have the numbers with me now, but if you look at the period, the five-year period, and see the number of Bills that were brought to Parliament, you would see that competitively it was a substantial number of Bills [*Desk thumping*] that came during the five-year period if you go on the basis of numbers alone. And then if you look at the question of substance, you would see that there were many significant and substantial Bills on which this Government is now building and causing amendments to be made as we update

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and upgrade the legislation to respond to changing times that the work done by the People's Partnership in terms of the legislation was quite significant.

The procurement Bill we did in our time and that Bill was completed, I think, in January 2015, if I am not mistaken, an action set in motion because once the Minister of Planning—I was Minister of Planning at the time—took the matter—*[Interruption]*

**Mrs. Robinson-Regis:** Mr. Deputy Speaker, Standing Order 48(1), please.  
*[Crosstalk]*

**Mr. Deputy Speaker:** Members! Members! Member, overruled. *[Desk thumping]*

**Dr. B. Tewarie:** Thank you very much, Mr. Deputy Speaker. I am simply responding to an issue.

**Mr. Deputy Speaker:** Member, you were told to proceed.

**Dr. B. Tewarie:** Yes.

**Mr. Deputy Speaker:** And Members, please, the Speaker will make judgment and then we shall proceed. Right. "I doh want no support" in going forward. Proceed, Member.

**Dr. B. Tewarie:** Thank you. We brought that Bill to Parliament, the procurement Bill, and once the Bill was passed in January we set in motion the process to have the procurement law established as law in the country because what it would mean is the repeal of the Central Tenders Board. It would be the non-existence of the Central Tenders Board. Three and one-half years has passed. We have had two amendments, both of which weakened the powers of the Procurement Regulator, and the end result of that is that we have no Bill proclaimed today. All these procurements that are taking place are taking place, many of them, without the jurisdictional authority of either the Central Tenders Board or the new procurement

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legislation [*Desk thumping*] and that includes the boats that were talked about here today. There was no procurement process. [*Interruption*]

**Mr. Deyalsingh:** Mr. Deputy Speaker, Standing Order 48(1). It is not about procurement. It was mentioned en passant and dealt with.

**Mr. Deputy Speaker:** Again, Member, the Bill, let us get back to the Bill. Make the point and then we can continue.

**Dr. B. Tewarie:** I want to substantially thank you, Mr. Deputy Speaker, with the Bill, but the point has to be made that the procurement law is not proclaimed and procurement is taking place without reference to either the Central Tenders Board or the new procurement legislation. [*Desk thumping*]

The Member also mentioned campaign finance. Besides your procurement Bill we did the planning and facilitation Bill. The importance of those two Bills, Mr. Deputy Speaker, is that the planning and facilitation Bill had languished over several administrations—[*Interruption*]

**Mr. Deyalsingh:** Mr. Deputy Speaker, Standing Order 48(1). May I invite you to look at it please? Thank you.

**Mr. Deputy Speaker:** Overruled. Proceed, but Member, again, make the point, tie it in quickly and move on.

**Dr. B. Tewarie:** I am getting to the issue of the campaign finance, but I am making a point. That Bill had languished for 10 years over several administration and we were able to bring that Bill here. The procurement issue had been a matter, Mr. Deputy Speaker, which had been under discussion with white papers, et cetera, for 10 years before coming to the Parliament. [*Desk thumping*]

**Mr. Deyalsingh:** Mr. Deputy Speaker, Standing Order 48(1). I urge you to consider Standing Order 48(1).

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**Mr. Deputy Speaker:** Hon. Members, it was identified as a point raised by the previous speaker, so the Member has a right in order—*[Interruption]* Hold on. So the Member has a right to make a point, make a referral, or a rebuttal accordingly. So, Caroni Central, as I said, make the point, make the rebuttal and let us tie it in and move on to the Bill accordingly.

**Dr. B. Tewarie:** Thank you, Sir. I will be less than two minutes on this. Because these Bills were so complex, and a number of other Bills which I will not mention here because I do not want to raise the issue and move away from the substantive issue here, the issue of campaign finance reform came late and a committee was established. I was a member of the committee, the Member for St. Augustine was a member of the committee, and that campaign committee did a report. We interviewed international people, we interviewed local people and we did a preliminary report.

**Mr. Al Rawi:** Mr. Deputy Speaker, and I say so very reluctantly because the last Member was actually responding to another Member, but now genuinely, Sir, I ask you to consider. They were nowhere even in the realm of a single clause in this Bill. So I really have risen quite reluctantly to ask him to come back to track. For your consideration.

**Dr. B. Tewarie:** The Member for Port of Spain North raised the issue—*[Crosstalk]*

**Mr. Deputy Speaker:** Okay, Members, can I now? Okay. So Member, you said two minutes.

**Dr. B. Tewarie:** Yes.

**Mr. Deputy Speaker:** Right. You have 30 seconds and proceed. And Members—hold on—in going forward now, I am going to be very stringent with regard to the

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Standing Order because again certain topics have been raised with regard to referrals and as the Speaker, I will so rule. Proceed.

**Dr. B. Tewarie:** Yes, I notice the Members opposite “doh” like me to speak, Mr. Deputy Speaker. [*Crosstalk*] So the campaign finance came late. We laid the report, but three and a half years have passed, Mr. Deputy Speaker, and I did not see this Government pick it up in legislative form [*Desk thumping*] in this country. Now this Bill before us—[*Interruption*]

**Hon. Members:** Ahhhhh!

**Dr. B. Tewarie:** I do not know what they are “ahhhing” about, Mr. Deputy Speaker. [*Laughter*] This Bill before us covers the issue of indictable offences. I am not a lawyer, of course, and I will never pretend to be, but I try to inform myself of things that are important for the parliamentary discussion here and in order to engage the public. An indictable offence is normally a serious crime involving a criminal charge and which has strong sanctions. Generally, it would include at the minimum a five-year jail sentence in terms of the consequences. This Bill is also about the abolition of preliminary enquiries, which the Attorney General spoke about, which the Member for Port of Spain North/St. Ann’s West spoke about, and it is also about sufficiency hearings.

Now, we heard the Member for St. Augustine raise some concerns about sufficiency hearings and the fact that it can be arbitrary, and I think that that is something that we need to think about and work through because in laws you cannot leave opportunity for arbitrariness. [*Desk thumping*] When a man’s freedom is at stake, or his guilt or innocence is at stake, arbitrariness is something that should be avoided. That is why you have a justice system. The second thing is that in the preliminary enquiries—we have no problem with the abolition of

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preliminary enquiries because that is what the 2011 Bill was about. That is what the 2014 Bill was about, and this Bill, of course, consists of a set of amendments to the 2014 Bill.

Now this is very different from what the AG did here in November of 2018, because what he did at that time is that he did not bring the 2014 Bill to amend it. He brought a new Bill, he brought a different Bill, and at that time one of the things that I said—and I brought the *Hansard* here—was that I do not understand why the AG is doing what he is doing and taking the route that he is taking here when the matter could have been easily resolved by bringing the 2014 Bill with amendments. But this is what he has done this time, and he brought this Bill with amendments that have made in my view the Bill a little better, and I understand now why it is a little better because he had Senior Counsel look at the Bill, perhaps look at all the documents, and then make her contribution to the improvement of the Bill. The drafting of the Bill, of course, would have been left to the parliamentary counsel and his team and the members of the Attorney General's Office, officers in the Attorney General's Office. But perhaps the guidance and some of the sophistication that went into the Bill, and perhaps the advice to simply amend the 2014 must have come from the Senior Counsel who gave advice to the Attorney General here today.

So when we look at the Bill, we see that it is about the process of prosecution which now includes a police prosecutor. We now have Clerks of the Peace, not Justice of the Peace anymore because I had raised the issue of Justice of the Peace last time and I had asked the question whether in fact that was reasonable to do. But now we have in the form of Clerks of the Peace, and the Clerks of the Peace are assigned to the different Magistrates' Courts, I do not know if that is a

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significant improvement, or if it will make a significant difference, or if it will protect the justice system, but I know that that has been a change.

We have in the Bill issues about or clauses about the terms and conditions of a search warrant, we have statutory forms at the back which make for some kind of order in the system, we have the justification for an arrest warrant, we have the ability of the Magistrate in there in a clause to remand to custody or to fix bail for the person before the court, and the Magistrate hearing the process and also the process by which someone who is accused can give notice of an alibi. So we have some improvements in this Bill, and as I said it is a different Bill from the one that came in November, and this is really the Bill that was passed in 2014 with amendments on it. So there have been, because of good legal advice, leading to the changes and improved drafting, we have a better Bill here today. And one of the problems of this Government and this Attorney General is that they bring a lot of bad Bills before the Parliament, and when we object and we make noise, if it is a three-fifths majority they accuse us of lack of patriotism and obstructionism, and if it is a simple majority Bill they simply ignore us and they proceed to pass their bad Bill leaving the consequences [*Desk thumping*] for administrations later down the road.

So the Attorney General tells us that the criminal justice system needs reform, and the Member for Port of Spain North/St. Ann's West tells us the same thing. And, I think Members of this House, and perhaps all the citizens who are listening or who are paying attention to this debate, know also that we have had new courts brought in, like the Children Court, all of which need to be administered, managed, led. You have to have systems in order to make these things work. We have had new Masters. They have to have courts, and they have

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to have the support systems to make those courts work. And you see, if this Bill is about improving the administrative systems because they need structures, because we need to make the courts work, what is happening in the court system is that Masters are being sent to the Children Courts. You also have new Masters being appointed who must sit in courts which have to be supported, and what do you think is happening?

Where is that technical skill coming from, Mr. Deputy Speaker? It is coming from the High Court. Many of those resources are coming from the High Court and the consequence of that is that you have a depletion of resources in the High Court as you try to establish these new courts.

**6.00 p.m.**

Now, the reason that is important is because the resources issue has always been an issue with the court system. When the Attorney General talks about how many people are in the Remand Yard, when the Attorney General speaks about what is the extent of the backlog of cases, when the Attorney General speaks about the difficulty—these preliminary hearings, he says, in their thousands and how far they are backed up. When he talks about these things, what are we talking about if not a justice system that is in serious need of reform of the administrative system and the structures to make the courts work?

And I want to say in addition to that that we have a situation in our court system in Trinidad and Tobago when the Judicial and Legal Service Commission is basically fighting a case in the Privy Council. A case is being fought over this matter, the legality and therefore, the significance of the appointments that have been made by this particular service commission. You have a situation in which the matter of the conduct of the Chief Justice has been raised by the Law

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Association and the matter has the attention of the Prime Minister.

**Mr. Deputy Speaker:** Member, Member, please, I will prefer that we do not go there, move on to your next point, please.

**Dr. B. Tewarie:** Okay. We also have a situation where it is possible to raise concerns about whether or not appointments should be made at the present time given the situation of both the Chief Justice and the legal services Commission because the perception of the court as a place of justice and free from taint is critical to have a perception of justice, to have an acceptance of the fact that the justice system works.

You have a situation, for instance, in which in this Bill, there is need for interpreters and I want to read something that occurred in the newspapers a little while ago, a few days ago, in which we have a report, a story about translators and interpreters. The headline of the story is:

“Translators want their \$”—dollars.

It is Tuesday 11 December, 2018 and it is from the *Newsday*.

“Translators and interpreters are owed more than \$200,000 by state agencies for services done and they want their payments.

With days to go before Christmas, the workers said they do not have any money to celebrate...”

Et cetera. I would not deal with that.

“When we asked for our money, they...”—kept—“saying funds were not released.

The translators and interpreters work for the Child Protection Unit, the Immigration Department, the Judiciary via the magistrates’ and the high courts and police service.

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Saying they serve as intermediaries between the non-English speaking people and the authorities, the workers said they spend many long hours on the job. Some of these non-English speakers include children, accused people, witnesses of crime and victims of crime.”

So we are making the case here, the Attorney General, for this being a Bill which advances the administrative cause, okay. Because what is the title of this Bill, Mr. Deputy Speaker? An Act to amend the Administration of Justice (Indictable Proceedings) Act, 2011.

And we are proceeding here to reform, says the Attorney General, the system of justice and interpreters or translators are part of the system, Masters of the court are part of the system. Infrastructure support for the new courts and the additional courts that have been made possible by legislation passed here are part of the system. And we are seeing not only that you have a clogged system, not only do you have an overburdened system, not only do you have a situation in which the process of justice and the movement of the cases and the processing of prisoners do not happen, but you have a situation now where as you create new courts, what you are doing is straining the existing system in the High Court and putting pressure on these systems to function, and we do not have the means in order to do it, down to paying the salaries of the people who work. So I want to say that there is a far cry between the articulation of intent and the reality on the ground. [*Desk thumping*] And that the Attorney General would do well to examine the justice system and see how he can fix it. This is a matter I have raised here like three or four times in the last couple of years you know. It needs fixing, it needs to be addressed. [*Desk thumping*]

Now, there is another matter too which I need to bring to your attention and

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I have the issue here too, and this is a case now before the court actually, in the High Court, and I want to read what the case is about. Both—sorry. This is Akilli Charles and Her Worship Maria Busby Earle-Caddle, Chief Magistrate Acting and the matter is before the High Court, Claim Number CV2017-03190 and this is the judge speaking here. Both these proceedings arose out of what can fairly be called the debacle which ensued following the appointment by the Judicial and Legal Service Commission of the former Chief Magistrate Marcia Ayers-Caesar to the High Court on the 12<sup>th</sup> of April, 2017. In the circumstances of her having left 53 part-heard matters behind, the common factual background as indicated in submissions in the interpretation application is set out here under. So this has to do with the part-heard cases in the court. And you know what happened to these people, these 53 people, Mr. Deputy Speaker? They found themselves in a situation where all their cases have to start over. All their cases had to start over because of what transpired between the appointment of the Chief Magistrate to a judgeship by the Judicial and Legal Service Commission and the consequences of that for the people who were affected, the 53 of them.

**Mr. Deputy Speaker:** Hon. Member, your initial 30 minutes has expired, you have an additional 15. Avail yourself, proceed.

**Dr. B. Tewarie:** Thank you. And the judge here on page, sorry, on item ruling on the—anyway, to make it long and short, basically, the judge makes the decision, Mr. Deputy Speaker, that this is something of a—makes the comment that this is something of a travesty and that all these cases will have to be reopened, and really makes the case for the Attorney General of Trinidad and Tobago, our Attorney General here—*[Interruption]*

**Mr. Hinds:** Those matters are ongoing eh.

**Dr. B. Tewarie:**—to basically pay some costs to these people and the matter is pending. But I will make this case: If these 53 people have to start their cases over, is it right after they have gone through the process and through no fault of their own find themselves in a situation—*[Interruption]*

**Mr. Hinds:** Mr. Deputy Speaker, I have begun to develop some concerns. *[Crosstalk]* The principle—

**Mr. Deputy Speaker:** Members, please. The Member gave way.

**Mr. Hinds:** The principle is sub judice. These are live matters and here is a parliamentarian commenting upon them. *[Crosstalk]* Mr. Deputy Speaker, I take objection, it is contrary to the principle of sub judice.

**Mr. Deputy Speaker:** Members, the Member who was speaking gave way, he sat, and the Member proceeded. *[Crosstalk]*

**Mr. Deyalsingh:** Mr. Deputy Speaker, I rise on—

**Mr. Deputy Speaker:** Member, one second. Based on what the Member for Laventille West has just mentioned, from the AG's office, Member for Laventille West, those matters are presently before the courts?

**Mr. Hinds:** Well, the Member even stated that these are matters ongoing before the court and they are to be determined.

**Mr. Deputy Speaker:** All right. So based on that, Member. Member, Member, please. Standing Order 49(1), you will need to proceed to another point.

**Dr. B. Tewarie:** Thank you, Mr. Deputy Speaker, and all I would say is that if these people find themselves in this situation, it would be good for the State—

**Mr. Deputy Speaker:** Member, I would prefer that you cease, desist from stating any other point on it, move to the other point, please. Standing Order 49(1), it is clear, matters that are sub judice, we shall not go down that road. Proceed.

**Dr. B. Tewarie:** Well, I do not—well I mean, I do not want to argue with the Speaker.

**Mr. Deputy Speaker:** Proceed. [*Crosstalk*] Member for Princes Town, I have ruled.

**Mr. Singh:** But that does not mean you are right. [*Desk thumping and crosstalk*]

**Mr. Deputy Speaker:** Member for Chaguanas West, I would like that statement to be retracted.

**Mr. Singh:** Mr. Deputy Speaker, I think a proper reading of Standing Order 49—

**Mr. Deputy Speaker:** Member, Member, hold on. Member, please, I would just like you to retract this statement.

**Mr. Singh:** Out of deference, Mr, Deputy Speaker, I retract.

**Mr. Deputy Speaker:** Thank you, proceed, Member. AG, hold on. Caroni Central, proceed.

**Mr. Al-Rawi:** Sorry, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Is it a point of order, Mr. AG?

**Mr. Al-Rawi:** Yes, it is a point of order on the same 49.

**Mr. Deputy Speaker:** Proceed.

**Mr. Al-Rawi:** Mr. Deputy Speaker, just by way of fairness and guidance for your consideration, the sub judice principle applies if one speaks about a matter in such a way as to prejudice it. [*Crosstalk*] I was paying attention to the matter and I do consider that with the greatest of respect that the Member had not quite gotten there, just for my point of view. I accept your point but I wanted out of fairness to volunteer that position, Mr. Deputy Speaker, because there is in fact no appeal on the matter. [*Crosstalk*]

**Mr. Padarath:** Wrong is wrong.

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**Mr. Al-Rawi:** No, it is not a matter of wrong.

**Mr. Padarath:** Yes, it is a matter of wrong.

**Mr. Al-Rawi:** Excuse me, hold on. As a matter of principle, the matter is not on appeal, it has been rendered. Minister Hinds was not aware of it. [*Laughter and crosstalk*] No, no, no, hold on. Please, Members. Mr. Deputy Speaker, just in the fairness of the House, I am only now able to inform that the matter has not been appealed so the judgement has been given, the matter has not been appealed and I am just volunteering these facts just for the purpose of being fair, nothing else. [*Desk thumping and crosstalk*]

**Mr. Padarath:** Caroni Central is owed an apology.

**Mr. Deputy Speaker:** Member for Princes Town, please. Members, I have already ruled, proceed, move on.

**Mr. Singh:** “When yuh wrong, yuh strong.” [*Laughter*]

**Dr. B. Tewarie:** Mr. Deputy Speaker, all I would say on this is if these people have to start their case again, that the State should pay. [*Desk thumping*] The State should pay so that they can proceed.

Mr. Deputy Speaker, you know, we come to this Parliament to pass laws and even though we might be in a declared election season, given how this year has opened, it does not mean that we have to continue the campaign from 2015 in every forum. I want to say that if the campaign has not stopped since 2015 and has continued in this Parliament and on the political platform, when is the governance going to begin? [*Desk thumping*] So I do agree with some of the Members on the Government side who said there are many issues plaguing the society—I think that was the Attorney General—that crime is a terrible problem, that we have a challenge of the system of justice itself, that we have a situation here in Trinidad

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and Tobago of crime without consequence. I think those are things that we can agree with.

As I said, it was the position of the Partnership, very early, to address the issue of the abolition of preliminary enquiry but there are things in here that cause us concern. Although the DPP still has a key role here in this legislation, although it has been significantly reduced from the Bill that came here in 2017, and I would want the Attorney General to pay attention to that. When I spoke on the last occasion, Mr. Deputy Speaker, I raised the issue and I think the Leader of the Opposition was very strong on this matter of given the nature of the role of the DPP in being like what you might call the chief prosecutor for the State and also an advisor to the police in the determination of how they should proceed with matters, I think in that kind of situation, we should let the DPP be and let him play his role as is currently accounted for in the Constitution of Trinidad and Tobago. [*Desk thumping*]

The other thing is that—[*Interruption*] Yes.

**Mr. Al-Rawi:** So that I could respond. Could you just clarify that latter point? I did not quite catch it. Are you saying that the role of the DPP in the Bill ought to be adjusted in some way and just leave the DPP to the confines of the Constitution? Would you mind assisting me in clarifying that?

**Dr. B. Tewarie:** Yes, I would rather the court system and the police system address the issues here with the DPP playing the role that he currently plays and that the matter not be complicated. Originally, in the Bill that you brought in November, what had happened is that you had transferred a number of matters, not all of them, a number of matters to the Office of the DPP, and we talked about the cluttering and what that would mean. Now, you addressed that this time and it is no

longer there but I think the role of the DPP has to be a much more, I think, detached one and however, you can address that, I think it would be valuable to do that.

Because at the end of the day, we want to address the problem of the justice system. We do want to unclog the courts; that is true. We do want to have more courts. But as I said, if do you all of these things and the end result is that we are frustrating system even more and we complicating system in a way in which we compromise justice and compromise the justice system, I think we are going to have a greater problem than we are beginning with.

I want to say that I think it is a pity that we got into the matter of section 34 over this issue. That was a matter I think that has been unfortunate for the whole country. It obviously was a mistake that had to be corrected. I think the Cabinet acted responsibly when it knew what was happening to correct it. I have a statement, this is from May 20, 2014, in which Mr. Volney, then former Minister of Justice and headline is:

“...takes blame for section 34”

And I am not ascribing blame to anyone. What happened was that an error was made. The error turned out to be something in our face, so to speak, when the matter was brought to the attention of the population when people who might have been affected by the Bill came to test the courts to have their cases thrown out. But the whole purpose of that Bill was, in fact, to get rid of backlog. That was the whole point of section 34, to get rid of the backlog that was clogging the courts. It is a problem that still remains with us and it is a problem that remains to be solved.

And my own feeling is that it is not just that you want deal with preliminary enquiries and it is not just that you want to have consequences for law but you also

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want to make the assumption that a person coming before the courts is presumed innocent until proven guilty and that the system works and that the system can proceed at a certain pace that would be considered reasonable for the granting of justice to all who come before it and fairness to all who come before it, and at the end of day, what you want are good laws and efficient systems that would make that possible.

[MADAM SPEAKER *in the Chair*]

So, Madam Speaker, it I think it has been unfortunate that we got into 34 out of this particular Bill. Many of the issues that we raised last time have been addressed and corrected by the AG in this Bill but there remain issues, some of them raised by the Member for St. Augustine and some of them I have just raised during my own contribution that I wish the Attorney General would consider in a non-political way, in a manner to make the legislation better for all who are served by this piece of legislation, which is every citizen of this country.

I thank you very much for the opportunity to contribute. [*Desk thumping*]  
**The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker, for recognizing me as I make a contribution on a Bill, an Act to amend the Administration of Justice (Indictable Proceedings) Act 2011, Act No. 20 of 2011. Let me begin, Madam Speaker, with a short colloquialism. I must say in colloquial terms, the UNC “could twist ah socks”. I heard the Member for Caroni Central get up here today and praised himself and praised the UNC and take credit for the swift repeal of the infamous section 34. It is as if they made a horrific mess and want credit for cleaning it up or attempting to clean it up.

But as been stated by a speaker before me on this side, the deed was done

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and since it affected three major institutions of the State, that is to say that the Parliament which was used to give effect to that infamous blemish and stain on the national psyche and reputation. It affected the office of the presidency which was used in the still and the dead of Independence night to proclaim it when no one expected that they would. In fact, against the background of a promise, an expressed promise extracted by the Leader of the Opposition that they would not have gone ahead to do it. So it affected the office of the presidency and as well, it affected the Cabinet of the Republic of Trinidad and Tobago of which the Member for St. Augustine was a part. Notwithstanding his very pious attempt to distance himself from that Cabinet this evening and not for the first time, we had a debate here some time ago and I heard the Member for St. Augustine say he was the Chairman of the Legislative Review Committee of the Cabinet and that he did not approve clause 34.

**Mr. Ramadhar:** That is true.

**Hon. F. Hinds:** That might be true but that was his attempt to tell the world on that occasion, about two weeks or three weeks ago, just before the Christmas break, that he had nothing do with it. No wonder why recently the Member for Siparia say “she doh wah no coalition again but dais ah separate matter. Dais ah separate matter.” So it is amazing, it is absolutely amazing what the UNC is capable of.

But before I get burdened with their troubles and I would recommend Darrel Dookoo to them to get “ah lil jingay” because things are pretty bad on that side. [*Crosstalk and laughter*] Things are pretty bad. They lost five election—well “ah doh want to discuss them” but they are in trouble. They need “ah bush bath, they sorting out, ah lil jharay and they need ah new leader.” [*Crosstalk and laughter*] They have problems. But, Madam Speaker, those are matters apart.

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Madam Speaker, let me get into the material in front of us in a very serious way. Because the Member for St. Augustine in his deliberations today told us about the difficulties of the longhand recording in the court system. Well, I have been out of practice for some years now, at least three years, and I can assure the Member, as he knows full well because we practised alongside each other across this country. He knows full well that the court system is to a large extent, if not totally, digitized as we speak. In fact, I have learnt today that there are now what is called recording masks where whatever one says is recorded, digitized and recorded, it is converted into words and into writing.

In addition to that, long before I came—eh?

**Mr. Al-Rawi:** The Children Court.

**Hon. F. Hinds:** Yeah. So the Member knows that but they do take record because sometimes, like everything else, technology breaks down so they do at the same time, keep longhand recordings but that is no longer the impediment that it used to be 10, 15 years ago, so he can rest easy on that matter.

He raised a very interesting matter or point about the distinction as they exist between the sufficiency concept and the concept of prima facie. And it was pointed out to him, as I must remind him, in section 23 of the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, both concepts are mentioned in section 23(1). The question is prima facie as opposed to sufficiency. But of course, the learning is and the understanding is sufficiency is a lower standard than the prima facie test which is used in the question of discharge on the Galbraith principle for a no-case submission. But insofar as a sufficiency hearing by a Master is concerned, it is a lower standard and that has to do with the statements and the physical evidence, no deep contemplation of the essence of it as is done in a no-case

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submission which is a little more legalistic. So that is the distinction and it need not trouble my friend. It is pretty easy. [*Crosstalk and laughter*]

**6.30 p.m.**

Madam Speaker, as well, I wanted to point out that before we came to the Parliament today to ask the Parliament's support for passage of these amendments to abolish the preliminary enquiry, which is at the heart of today's deliberations, the proper procedures as was expected in 2011 took place. There was consultation between the Office of the Attorney General and the Judiciary. There was consultation between the Office of the Attorney General and the police. There was consultation with the Office of the DPP and all other relevant stakeholders. That is the way a sensible government would proceed. Lots of those things were not done.

For the most part, it is now clear, not even the appointment of Masters, criminal rules, more criminal courts, the then Minister of Justice was about to build judicial complexes around the country, failed to build one. Before he got off the ground, a major corruption issue broke out over the acquisition of a piece of land, as is typical and as is the wont of the last Government.

So we have had written submissions from all these stakeholders who have now indicated, having expressed their views on the terms of the amendments before this House, who have also, which agencies or institutions have indicated, Madam Speaker, that we are ready to proceed. No bacchanal, no "kankatang" UNC style.

So we are here today, and I might say for the benefit of the national community, this attempt to abolish the preliminary enquiry aspect of the criminal justice system is not new to Trinidad and Tobago. The records will show, when the then Attorney General, who had found himself in typical UNC style in trouble with

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the—let me say with the system—he, when he was presenting this, and that led us to clause 34 back in 2011, he is on *Hansard*, he is on record as acknowledging that it was the PNM who first, and this is not about taking no credit for nothing, I am just pointing out, perhaps even sadly, how long this has been in the making. Ten years before 2011, the matter was adumbrated by a PNM Attorney General. In fact, ten years before, Trinidad and Tobago, those who had something to do with this, knew that the preliminary enquiry aspect of the system was a burdensome aspect of it and needed to be attended to, ten years before.

Alas, 2011 came, the UNC is in power, Anand Ramlogan, Attorney General at the time presented this, and yes, it got the wholesome support of every Member of the House, including the Independent Senators appointed by His or Her Excellency. Got full support, and you know why, Madam Speaker? Because in essence, the idea was a good and clean and noble one. An attempt to remove the backlog of all the cases that block up the court system so that people who are coming into it now, and even those who have been there a long time, never get their proper day in court, which is something, a fair trial and a speedy trial, those two elements, enshrined in the Constitution as a constitutional right in section 5 of our Constitution, in addition to having legal representation of one's choice, among other things.

So it was quite a noble idea, and not new to Trinidad and Tobago either, so it has been around for a long time. The matters were clearly ventilated in the course of the debate, and we all agreed to that. Even Madam Speaker, other islands of the Caribbean, Jamaica has done this, by way of the Committal Proceedings Act, 2013. Antigua, by way of the Antigua Magistrate's Code of Procedure (Amdt.) Act, No. 13, 2004; they did that. St. Lucia, by Act No. 11, 2008. St. Lucia amended the

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Criminal Code to create one criminal division, and it makes provision pursuant to section 5:70(a) include an initial hearing by a Magistrate and a sufficiency hearing by a Judge.

So this was not new to the world, other countries have had the same issues and they responded. But, the difference, Madam Speaker, is those countries were spared the presence of the UNC. [*Desk thumping*] They did not have that to put up with. So, a very noble idea was corrupted to the core and spoilt and brought—rather than glory and movement through the court system and fairness, quick justice, cheap justice—they brought blemish and shame and scandal, still affecting us.

So, I want to commend the Government of Trinidad and Tobago of which I am a proud part. I want to commend us and in particular the Attorney General who led this. [*Desk thumping*] I want to commend him. Because this is more than a Bill to amend the Administration of Justice (Indictable Proceedings) Act. It is more than that. When I pointed out to you a while ago, Madam Speaker, that the institutions that were used, the institutions, the Cabinet, which is supposed to be a sacred place. Not that they are saints or, because they are not, you can look on their faces and know they are not.

**Dr. Moonilal:** Oh Lord!

**Hon. F. Hinds:** And while you consider, Madam Speaker, while you consider the Office of the President, the highest office in our land constitutionally, these institutions were tarnished, tampered with, interfered with. And therefore—

**Dr. Moonilal:** Standing Order 48(1), please.

**Madam Speaker:** So, Member for Laventille West, I think I have allowed some

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leeway for your context; if you could condescend on the Bill now, please. Thank you.

**Hon. F. Hinds:** I thank you very much, Madam Speaker. Madam Speaker, I think it was the contribution of the Member for St. Augustine, or I think it was someone else, raised the question of whether there was a shortage of Magistrates, I cannot say whether there is a shortage or not. What I do know is that we have 46 Magistrates on the record.

And as I was saying, we are here to conduct very important business. We are here to tidy up and to rebuild and to get this important law on the road so that we can make a lot of difference, because we do have a problem in Trinidad and Tobago. We are faced with this social phenomenon of burgeoning crime, the scourge of crime. And one can discuss its causes, its influences, and I know everyone around here knows that these are many; we can talk all week about the causes of crime and all of that, but we do have a problem.

And we have subsidiary or peripheral problems with the administration of justice. We have been creating new offences. People are becoming more brazen and bold, firearms are easily accessible in the world and we are having more crimes. And therefore, we have to find a way to deal with this and I agree with those who submitted earlier that the removal of the preliminary enquiry is a very important thing.

Some statistics have been shared, but just to refresh the minds for whom this is important and it matters, 43,000 indictable matters pending in the Magistrates' Court; 140,000 RTA matters. As at July 2018, 2,006 pending High Court matters; 324 indictments filed and I am told that there are many more in the pipeline. If the DPP filed all the indictments that are within the office of the DPP now, you have a

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serious problem in the courts as well. In total, criminal offences filed in Magistrates' Court, 2017 to 2018, 165,000 of them.

So, there is no doubt we have a serious problem, a basket of all kinds, capital, non-capital, all the criminal offences, petty civil matters, domestic violence, traffic matters as I said. It is a whole lot and we have to do something about this and this is a very important way forward.

As you would have heard, a number—and this is for the benefit of the citizens—a number of administrative courses have been adopted in order to try to deal with this situation. More Judges, the appointment of Masters, the plea-bargaining system, court during the vacation and in respect of section 34, which is to remove the preliminary enquiry, in respect of that attempt, since then as I said, the rules have been put in place, criminal rules, Masters and, of course, a dedicated Criminal Division of the High Court. So, legislation is critical at this point, notwithstanding all the administrative things that have been done and this is what we are here to do today.

Let me examine, if you would permit me a few of these clauses, Madam Speaker, so that we can get a clear understanding. Some of my colleagues have done so and others no doubt will.

Madam Speaker, when the issue arose, back in 2011 and the Member for St. Augustine alluded to it, there were in particular about 47 cases coming out of the Piarco issue that had raised alarm in the national community. And the Minister of Justice, at the time, Mr. Herbert Volney, in dealing with the matter—permit me to quote a little element from his contribution on the 12<sup>th</sup> of September, 2012. This was in the debate to repeal it when he was trying to give an explanation, but he was at the centre of this. And as we heard from the Attorney General today, while

others tried to put the blame on him and to single him out and distance themselves, the revelation from the Attorney General today demonstrated that they were all aware of it, all in this horrible thing together.

But I want to quote him. He says:

“Madam Deputy Speaker,”—and I am quoting—“you must understand that the Act by itself is comprehensive in its procedure. It can stand and it can work on its own, and in the absence of rules that would flesh out the procedure the presiding officer always has the authority to provide its own operating procedures within the law of the Act.”

That was a kind of half-baked, snide way of saying that they went ahead to proclaim it without the criminal rules that were promised. You hear the convoluted explanation. He goes on to say;

“So that is not going to be a problem. However, in order to enable the Parliament to deal with rules when they come, that section had to be proclaimed in advance to allow”—that—“to happen.”

That is the explanation coming from the UNC’s Cabinet through the lips of their Minister of Justice, unimpressive to say the least. Unconvincing and unimpressive, he goes on very briefly, Madam Speaker, I promise you to say:

“The problem with criminal justice system is that the poor...who I pledged on the final campaign day to look after, to help, they are the ones who are languishing in the criminal justice system because they do not have the capacity to obtain bail even when granted. They do not have the capacity to pay big lawyers like Mr. De Lima to stand up and fight for them. They are the forgotten ones;”

And he cries about them.

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I only want to make the point in passing that when this proclamation took place, none of those thousands of people of whom he spoke, benefited from it. Within the two-week period of its proclamation and the repeal that the Member for Caroni Central boasted in a twisted way about here today, 47 matters, it was only a select few who seem to have had advance or inside information of that dark night proclamation because within days they filed to have their matters dismissed. And all of the other thousands of people, I presume they are still there languishing and it takes the PNM and the Attorney General under this Government to bring measures today to deal with the real problem. [*Desk thumping*]

So, all of the fancy talk we got about all the poor and all of that it was never about them, it was never about them. It was about a select few and I remember cross-examining the Attorney General in great detail for weeks after that to find out more; well, we got the full story here today. And I am sure, Mr. Volney will tell us more going forward.

Now, Madam Speaker, I want to look very briefly, I will take it from here at clause 4. Clause 4 in this Bill would amend section 5 of the Act to make it clear that the contents of computers and the electronic devices can be searched under a search warrant and that a search can be executed on a Saturday, Sunday or public holiday. Traditionally, weekends and public holidays were no-go areas for these kinds of legal actions. But given the circumstances as they exist today and the technology available, this is a most sensible provision because lots of things can happen. And that clause as well recognizes, as the Member for Port of Spain North pointed out, that the Commissioner of Police will be able to authorize persons other than police to have custody of seized items.

Only recently, I do not know the reason, nobody told me, I did not ask. But

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very important computer or records obtained from a computer in a fraud matter in this country it is reported just disappeared and the prosecution is likely to suffer as a result of that. In order to avert these things, in order to cover bases, because those who perpetrate white collar crimes, those who perpetrate crimes generally, like fraud and so on—I am talking about clause 4—those persons are very, for the most part skilful in covering tracks and it requires great skill, great agility, great responsiveness to keep pace with them.

So, sometimes when citizens say “lock them up”, I mean you have allegations and so on, you should lock them up. It is to be noted that sometimes it is a little more intricate and these criminals do not just sit still, they get the best lawyers, Queen’s Counsel from Australia, New Zealand particularly England, Senior Counsel from Trinidad and the region to look for every avenue. You may recall, sometime ago, Madam Speaker, just by way of an example. One Monday morning we got up and heard some people in Trinidad saying “Hooray, hooray, we won we case! Case dismiss.” But, of course, the matter was refiled a couple hours later. They used the best lawyers, and they took all possible action. Today, 19 years later some of these 47 cases of which I spoke still passing its way through the count and we have an issue. So these are sensible provisions, Madam Speaker.

Madam Speaker, I want to go promptly, because others dealt with it, to clause 10:

“Clause 10...would amend section 10 of the Act to enable Clerks of the Peace to exercise concurrent jurisdiction with Masters and Magistrates in issuing search warrants, summons and arrest warrants, receiving complaints, granting bail, taking recognisances and remanding an accused in custody.”

Again, a very sensible way of dealing with this, it is a sharing of jurisdiction.

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So, even if a Magistrate is not around, even if a Master cannot be had, then the Clerk of the Peace is able to do that. It broadens the net, it broadens the state of affairs for the State and therefore it evens the competition between those who are under investigation, accused, charged, and the State. Because very often there is a feeling that there is some imbalance inside of there.

Madam Speaker:

“Clause 14 of the Bill would amend section 15 of the Act to enable a Master”—now appointed and being trained—“to make any necessary amendments to remedy any irregularity, defect or error in a complaint, summons or warrant.”

That is very, very, very important. Sometimes in the human course of events, an officer, a prosecutor may draft an action or draft a charge, might leave out a word, might formulate it badly and the good lawyers will come in and find holes with it; in fact, you have heard people in this country boast that they were charged for an offence not known to law. You have heard that.

**Hon. Members:** Yeah.

**Hon. F. Hinds:** Yes, well this provision—

**Mr. Indarsingh:** Exonerated.

**Hon. F. Hinds:**—clause 14, yes. The Member for Caroni East knows what I am talking about. The Member for Caroni East knows. Clause 14 of the Bill would amend section 15 of the Act to enable the Master to make necessary amendments so that you would not be shouting, “yuh win”, all because of some legal technicality, some poor drafting or something like that. So, Madam Speaker, there is where we are. [*Crosstalk*]

Madam Speaker, we are here today to remove the preliminary enquiry and

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these very peripheral matters which are important and central to it if we are to win this struggle against crime. And it is a serious struggle.

So, Madam Speaker, there are some credibility issues. The very Minister of Justice, recently, you heard the Attorney General mention it. He put up a post recently, very publicly and I took note of it, where he spoke of this 20 million in four equal payments, and he spoke of a Member of this House.

**Dr. Moonilal:** Madam Speaker, 48(1).

**Madam Speaker:** Member, please continue.

**Hon. F. Hinds:** I thank you very warmly, Madam Speaker. I was just making the point that the Parliament was embroiled in this clause 34 thing in 2011. And we need to be very careful today that the Parliament does not make the mistakes that it did then. And a former Member of this House told us, Madam Speaker, that there are Members, there is at least a Member of the current House, he said so, against whom these serious allegations have been made. And that another Member of this House, the Member for Siparia was aware of it—

**Mr. Lee:** Madam Speaker, can I draw your attention to Standing Order 55(1)(b), please.

**Madam Speaker:** Please continue.

**Hon. F. Hinds:** I thank you very much. Because we are talking about the Parliament. And that the Member for Siparia was fully aware, because he claims, the Minister of Justice, to have told her about it. And that she did nothing. So, Madam Speaker, as we deliberate here on this amendment today, if that Member, former Member of this House, is correct, if he is correct. In fact, when I take my seat after my contribution, I think it is incumbent on every person who was in the cabinet then, who is still in the Parliament, to get up and tell this House, it is not

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me. [*Desk thumping*].

**Dr. Moonilal:** Standing Order 48(4).

**Madam Speaker:** Member, I uphold the objection, I am sure you can find another way to say what you want to say.

**Hon. F. Hinds:** I thank you very much, Madam Speaker. But I would not ask my colleagues to declare themselves like that. But, I think it is a matter for their own consideration.

Madam Speaker, as we deliberate these matters here today—and remember, and this is the point I am making. A lot of water flowed under the bridge after this matter and we came here, I think it was on a Saturday we came to Parliament to repeal that law. And the Member for Siparia voted in that.

Madam Speaker, I have in my hand a quotation from the Member for Siparia—sorry, I do not have it in my hand. I am not holding it up.

**Madam Speaker:** Member for Laventille West, your original speaking is now spent, you are entitled to 15 more minutes to complete your contribution. I also want to advise that there had been a lot of talk about section 34 by all the members who have contributed thus far, and while it may have laid a certain context, I would really ask if you can go on and treat with another matter.

**Hon. F. Hinds:** I am here—thank you very much; I am getting on to another matter—I am here as a Member for the Government asking my friends on the other side, because legislation comes from the Government, we present these proposals today for the consideration of the Parliament. So, I am here really placating my friends on the other side, asking them to give support to these measures in the public interest. One of the Members, whose support I am asking is the Member for Siparia. The Member for Siparia was present and deeply involved as leader of the

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Cabinet when this matter evolved. So we are correcting it today. So there is a link, I am sure you would agree with me, Madam Speaker.

And Madam Speaker, I am wanting to ask the Member for Siparia, thought she is not immediately here, she is probably listening on the television somewhere. I wanted to ask, because the Member is on public record as saying while in government the UNC made mistakes. I wanted to know whether this was one of them. And now that we here to fix it. So, I wanted to, in fairness to the Member for Siparia, extract a short statement of that admission of the mistake. And here what the Member said:

“We admit that we weren’t perfect...”

**Mr. Lee:** 55(1)(b), please, please.

**Madam Speaker:** Member, I just said if we are going back—I think we have dealt a lot with section 34.

**Hon. F. Hinds:** I am not dealing with section 34.

**Madam Speaker:** You are not dealing with section 34? So, I will give you a little leeway because it appears so, right.

**Hon. F. Hinds:** I am not talking about section 34 again. I am talking about mistakes, because, I do not want us to repeat any mistakes. I am not talking about section 34.

“We admit that we weren’t perfect and mistakes were made and...”

**Mr. Lee:** Madam Speaker, 48(1), what is the relevance, please?

**Hon. F. Hinds:** Oh my God.

**Madam Speaker:** Please continue.

**Hon. F. Hinds:** Thank you very much.

“We admit that we weren’t perfect and mistakes were made and the UNC

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and myself accept responsibility. Some may still have misgivings in supporting us which is understandable and this is the reason”—why—“changes are being made, we will earn back your support.”

You see how simple and painless.

**Mr. Charles:** 48(1), what is the relevance of that comment to this legislation, please?

**Madam Speaker:** Okay. Member Hinds, I have said that I was going to give you some leeway; you said you are dealing with mistakes; that is very wide. I want you to tie that into what we are doing now and remember I said that we are not dealing with section 34 again. Good.

**Hon. F. Hinds:** I thank you. So, Madam Speaker, we are seeking the support of my friends to pass these measures for the benefit of the criminal justice system and the people of the country. We, the Member for St. Augustine told us, we should “man up” and accept that we all made mistakes. That is what I was dealing with, I was not dealing specifically with clause 34. And I wanted to know whether the Member for Siparia was speaking on behalf of all of my friends on the other side.

But, I would like, Madam Speaker, yes, to assure this House that the matters that we present here today were well thought out. Put colloquially or in proverbial terms, we dotted our i's, we crossed our t's. And all the unkept promises that caused the floundering and the abject failure of the attempt to remove the preliminary enquiry of the past, we have attended to every one of them painstakingly, and we are now in a position to move forward.

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So I urge my friends on the other side to lend healthy and energetic support to these matters, as I commend them to the House, and for that opportunity to have

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spoken, Madam Speaker, I would like to thank you. [*Desk thumping*]

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

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Madam Speaker, and may I also begin by wishing you, Madam Speaker, and all colleagues on both sides of the House, a very happy, peaceful and safe New Year, 2019.

Madam Speaker, I rise to make a few points on the Bill before us and to respond to some of the statements made earlier by colleagues opposite on the matters before us. Regrettably, Madam Speaker, as I think some colleagues are suggesting now, that the debate has descended into an all-out quarrel over section 34, and my colleagues opposite are entitled to take whatever approach, politically or otherwise, they would like, and that is really their approach.

The Member for Laventille West before me spent, what I calculated to be 75 per cent of his time on section 34. He would have spent more had he not been invited by the Chair to deviate from that matter. So, Madam Speaker, in the one minute or so I may refer to that matter, I will only add that the amendment to that particular Bill that gave rise to that section 34 was an amendment made in the House of Parliament and not at the level of the Cabinet of Trinidad and Tobago. [*Desk thumping*] May I also add that, had Government Members opposite shown the same energy, commitment, diligence, care, vigour in dealing with the “fake oil” scandal, as they did with section 34, we would have been in a better place by saving over \$100 million. [*Desk thumping*] So, Madam Speaker, that is the end of my section 34 contribution.

I want to move on to a few matters of the Bill and really to ask some questions related to the Bill. Madam Speaker, I had a good opportunity over the last week or so to consider this Bill, and, may I also say I did receive, as part of the

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wonderful tradition of Westminster, I did receive a submission from constituents of mine—one, in particular, a lawyer, a former police officer who made some very important, to me, contributions, and committed those contributions to writing on some of the issues that this Bill would touch and some of the challenges. Might I add that the issues I am raising are more challenges associated with implementing the objectives of this Bill, rather specifically, rather than the Bill itself as it is currently shaped.

But I will have some questions on one or two clauses for the Attorney General to consider my view on those matters. Madam Speaker, our colleague earlier, just to respond very briefly, our colleague earlier, the Member for Port of Spain North/St. Ann's West, did place on record that the amendment to the section 34 was as a result of protests and mass demonstrations and upheaval in the public domain, and so on. I had the very good opportunity to remind him, while he was still on his legs, that the amendment came weeks or maybe months before the public protests and demonstration, and I just want to leave that on the record there.

I also want to indicate to the Member for Port of Spain North/St. Ann's West, in his absence, that our understanding on this side is a bit different from his, in that when you are at the level of the Cabinet you abide through the principle of Cabinet responsibility to decisions taken by Cabinet, collective responsibility. The Member for Port of Spain North/St. Ann's West sought to suggest that if one registers an objection, they can somehow later divorce themselves from the decision. That is not entirely true. In fact, there is a famous statement we coined at that time, that if that would happen it will pose a Westminster moment when, if you deviate or you do not, on strong grounds, support your Cabinet decision, you simply pack your bag, thank the head of Government for the opportunity to serve

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and you “beat it”; you ride on to other good endeavours. So that, once your Cabinet passes a decision, you may register your different view, but you really are bound by that decision.

Madam Speaker, this matter, as the Member for Laventille West did indicate, has its genesis in several years ago, maybe two decades, almost, ago on the—in the UNC administration first, I believe, of Mr. Panday, and later the second Patrick Manning administration, of which the Member for Laventille West was not a part, but did in fact, you know, hang around the compound.

Madam Speaker, I just want to raise a couple of questions first with the Bill itself. I am very concerned, and to raise the question, I understand the mischief that the Bill attempts to cure, and I am looking at clause 4, as the Member for Laventille West alerted us a few moments ago, and the mischief, as is suggested, is a case which may be common; I do not know. We have read of one prominent case in the public domain over the last year or so, but we have not read too much of other cases, but maybe it is there and we do not know. Safekeeping, seized materials for the purpose of prosecution, and so on, where materials can go missing, critical evidence in a prosecution, and so on, and this material, I believe, is also meant, not just hardware. Not just you seize a weapon or you seize something like that, but it could be software. It could be computer records, data, and so on. The Bill provides, and I quote—I am on page 5 and subsection (5):

“For the purposes of safe keeping anything seized under this section for the purpose of evidence in criminal proceedings, the Commissioner of Police shall cause it to be detained in the custody of the police or a person authorized by him to receive it.

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(6) A person shall, during any period that he is assigned responsibility for the safe keeping of anything seized under this section, take reasonable care to ensure that it is preserved for the purpose of evidence in criminal proceedings.”

Now, Mr. Attorney General, I am running under the assumption that “person” also means “entity” in this case. Again, you will correct me if I am wrong that it may also be an organization, and would we also have rules, regulations, some type of transparency as it relates to the keeping of materials? And if those rules or regulations framework would be put in place, it must also be, of course, known to all stakeholders, primarily all stakeholders, if not the national community itself, because this raises several other issues.

The custody of evidence raises several issues as to the person—and I am using the word “person” here because it is in the Bill, but it can be “entity”, I imagine—as to the person keeping this, whether or not they have been involved in some way, in some training, some rules of evidence training, whether they have been involved in police work, whether they have been involved—then the physical place where things are to be seized, where things seized can be placed, is it warehousing somewhere? Is it in custody somewhere? Because in Trinidad and Tobago, while we may suggest, as the Member for Laventille West alluded to, that we may have difficulty with the Trinidad and Tobago Police Service, that does not mean that we do not have difficulty with any other person or any other institution, because the same way you will have a few bad apples in the police service that would threaten to taint and pollute and corrupt the system, and indeed misplace evidence, and so on.

I remember years ago we had this case of cocaine, I believe, in Princes

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Town, and they said the rat, I think, devoured the evidence. While we may have that with the police service, care needs to be taken in civilian institutions, and civilians are now touching, are now keeping, are now detaining, are now holding evidence in criminal prosecutions, because you are dealing with issues of murder, robbery, assault, manslaughter, whatever you call it, that carry serious sentences, that carry the deprivation of liberty, the taking of a life, because we have on our book a law that speaks to capital offences, such as murder, and so on, and the penalty for murder is death by hanging. You might not hang anybody but that is the penalty, and now the evidence that is taken can be placed, on the instructions or direction of the Commissioner of Police, to a person to be kept. I think that poses a little danger, and the danger can be averted by a process where there are clear rules, regulations, oversight, [*Desk thumping*] because—

**Mr. Ramadhar:** The chain of custody.

**Dr. R. Moonilal:** The chain of custody principle is at work. I have heard in some of cases, for example, where police officers tell you that they may be on to a good matter where they believe that persons may be liable for criminal conduct, but before it reaches to them the evidence touches different entities and persons, and so on, and is no longer dependable for a criminal prosecution. It is tainted. All I am raising is that matter, and the Attorney General may wish to just clarify or help us along as we go along with that matter.

The other matter is for the Attorney General to tell us, and this is a matter raised by persons in the national community with me on this matter, recently Masters, I believe, were appointed, five or six, I believe.

**Hon. Member:** Five

**Dr. R. Moonilal:** Five. Would we have, for example—and this is just a question

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we are asking—would we have, for example, these Masters who are appointed with training in the criminal law area who would be dealing with the sufficiency hearing, who will be dealing with that critical, pivotal point in the process? Will they be, you know, the appointment, would we have a very transparent, fair process of appointing such critical officeholders?—because there have been concerns raised with the current and recent group of appointees. There have been concerns.

**Hon. Member:** Where they are working.

**Dr. R. Moonilal:** Where they are working, where they come from, relatives, and so on. Now, Trinidad and Tobago is a small society, you will discover that everybody is related to everybody, that is a factor of small-island life. So you cannot outlaw someone's relative or someone's secretary becoming an appointee. You cannot outlaw that. What you can do is put in place systems and institutions to ensure that that is done through a transparent and fair manner. So that there is a process to object or a process to appeal or a process to raise an issue, because we cannot continue as we are now [*Desk thumping*] where Masters are appointed, serious concerns raised, and the approach is, "Look, take those concerns and go away with dat, we don't care about dat. People are appointed, leh dem do their work."

So my twin issue here is the qualifications vis-à-vis criminal prosecutions and criminal process; and the second issue is for a transparent process, because we took note. Members of the national community took note that appointments were being made when a matter was at the Privy Council involving the body that is appointing. So I leave that right there. Because this power, Madam Speaker, and I am at page 17, clause 14, and I just want to read it for the record:

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“...Where a Master is of the view that any irregularity, illegality, defect or error mentioned in this section has occurred and that the ends of justice require it, he may make any necessary amendments, and, if it is expedient to do so, adjourn, upon such terms as he may think fit, the further hearing of the case.’”

Now, that is a very, very important power. That is a critical power you are giving Masters to correct illegality, defects. That is critical. It is not unheard of, but it is critical, and one has to be very careful to recruit persons to conduct this type of responsibility.

Madam Speaker, the legislation also speaks to provide for, of course, the abolition of preliminary enquiries for the initial and sufficiency hearings by the Master of the High Court, and timelines are provided as well within which the sufficiency hearing must be heard. I will like just to enquire from the Attorney General as well, because this needs to work hand in hand. The Attorney General may, of course, have very good objectives here, and pursuant to a two-decade-old policy objective, may wish to bring this matter to fruition and completion for the interest of justice. Absolutely good motive, but there are other matters that must be taken into consideration. I am also being told that some of the delays of course have to do with the ability of police officers to obtain sworn statements from witnesses regarding—the keep-back involves capital and other matters which require the input of the Forensic Science Centre. There are matters in excess of years continuously; for example, certificates of analysis are not ready, and those delay. So we may have Masters, we may have sufficiency hearings, we may have all of that, but if you do not deal with the Forensic Science Centre and the operation of that critical pole, you are in the same spot that you were before.

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In the offence of murder, for example, the forensic pathologist takes sometimes up to eight or nine months before the post-mortem report is prepared and provided to investigators. That is almost a year. You are charged for a capital offence, it takes one year, more or less, to get a report from a post-mortem. In the meanwhile the accused persons, as we know, they continue in jail. So that the Attorney General may find this an opportune moment to tell us about what progress we are making with the Forensic Science Centre.

In relation, Madam Speaker, to drug matters, larceny of motor car, fraud involving documents, and so on, there is also an input from the Forensic Science Centre, and matters cannot commence unless there are relevant certificates of analysis. The legislation also requires for it to work, the appointment of attorneys by the Legal Aid and Advisory Board. At present the appointment process is a lengthy one. Accused persons, at present, constantly inform the various courts that they have made application since months; however, they continue to await the appointment of an attorney. The Attorney General may want to, you know, chime in on this to tell us about that process for having attorneys represent persons via the Legal Aid and Advisory Board, and what may be happening at that point as well, because these are all matters that add to your delay.

The legislation requires the immediate appointment of state attorneys from the Office of the DPP. At present, Madam Speaker, we recognize very well—we had, I think, it was a televised hearing with the DPA some time ago. It was televised so I can comment on it, where we were told that the staff complement at the Office of the DPP may be as much as 50 per cent less than it ought to be, 73 vacancies or so. We also had, in that meeting which was live on television, we also had a strange development where we were being told that the DPP had

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recommended persons for appointment, and the DPA, the Director of Personnel Administration, indicated that they could not find record that the DPA indeed made recommendations pursuant to his role. Now, that is a very serious matter. Madam Speaker, I can tell you in the clarification, I am not sure if that matter has been settled as yet, and that is a serious, serious matter there.

Madam Speaker, the Attorney General may also want to alert us, and in this matter, “rest assured” to my colleagues opposite, I do not blame you; you are in your fourth year, really, I do not blame you. You are doing the best as you could. I strongly believe that you cannot do better. You cannot do better so I cannot blame you. [*Desk thumping*] I have abandoned the blame game in 2019. They can run with that. They have made “Blame Kamla”, “Blame UNC” an Olympic sport. They have made that an Olympic sport. And the Member before me, Laventille West, could not help it because it is an incurable disease on the other side that they cannot help it. I think the Member for St. Joseph should come up with some concoction, or some, you know, as a druggist that he is, he should come up with something to cure that, “Blame Kamla”, “Blame UNC”, you know, disease, epidemic, pandemic that is running wild on that side.

Madam Speaker, let me continue here with the Bill. I was saying that accused persons, of course, need their representation, and I came to the DPP’s office. Madam Speaker, there is another serious matter, and that is why I say, I do not blame necessarily colleagues opposite because we have been there for five years plus, we know how the system works. [*Interruption*] I like how the Member for Port of Spain North/St. Ann’s West talking about Cabinet, as if “he there” like Kamaluddin Mohammed.

Madam Speaker, we have been told that the DPP’s office needs expansion

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in South, in Tobago, in Port of Spain. There is a building on Park Street, I believe, which approval has been sought from Cabinet to rent that building for \$500,000 per month. That is \$1 million every two months, Park Street. Again, I am not here to question the figure, there is a process for arriving at that; I am here to ask, how soon can that building be operational for the Office of the DPP?

We were also told that in Gulf City Mall in south Trinidad, Madam Speaker, that the DPP will also assume offices there, and how long will that take? I think they have agreed—no, they have not agreed to pricing yet, unless I am mistaken, it is in the hands of the Commissioner of Valuations, where the Commissioner of Valuations, through the Ministry of Finance, a Ministry that seems to be sleeping at this time, through the Ministry of Finance, the Commissioner of Valuations has not conducted his work. And there is a Minister of Finance, and we talk about this as a priority, and he has not conducted his work to get proper valuation, bring it to Cabinet and get an approval.

When I heard this I was shocked, that they closed down Petrotrin in record time but cannot have a valuation for Gulf City, cannot get—because that is the keep back. I recommend to the Government, we did it in our time and it worked. [Crosstalk] You see, Madam Speaker, the issue is project, policy and priority. The Government has a problem with that—project, policy and priority. If your priority is the DPP's office—let us assume it is your priority—would you not put a committee together involving the Ministry of Finance, Attorney General, Ministry of Public Administration to start with, and pull a committee together and say, “Listen, your job every week is to push on space to ensure that you get the buildings going”? We had to do it for the Police Service Commission. We had to do it for the Integrity Commission.

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**Hon. Member:** Highway.

**Dr. R. Moonilal:** For the highway. Two committees we had there, one for the south highway to Point Fortin and one for the health sector. In the health sector sometimes, Member for St. Joseph, you could not change a bulb. It takes six months, people complaining about a bulb to change. We had to put a committee there that operationalized that, that bring in resources quickly. And in the Ministry, I believe, Madam Speaker, through you, that the Government ought to pull some committees together to deal specifically with this matter, because I am told that they have met 11 times concerning the Gulf City Mall DPP, and nothing has reached its conclusion. That is unacceptable given the seriousness of the legislation before us. And you are going to spend \$500,000 a month on a property in Port of Spain at Park Street for the Office of the DPP. They have approved that; I am not sure if they started to spend it yet. I am not sure if they are paying rent yet. That is another issue, if they start to pay rent.

**Hon. Member:** What is the address?

**Dr. R. Moonilal:** It is Park Street in Port of Spain, and they have given the Cabinet approval, Member. They have given the Cabinet approval for 43,295 square feet of space, located at No. 10 to 21, Park Street, Port of Spain.

**Madam Speaker:** Member for Oropouche East, I am really now standing on Standing Order 48(1). While I understood, initially, where you were looking and saying, look, it is not just about legislation, it is about other things, I am not going to let us allow the debate to descend into wider things, so please get back on track with the Bill.

**Dr. R. Moonilal:** Sure. Thank you.

Madam Speaker, to just get back to an early point raised, Mr. Attorney

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General, does the amendment at clause 4, does the clause 4 amendment require a further amendment to the Police Service Act or regulations to provide for that procedure? It does not, okay, fine. It is just the question to ask because of the nature of clause 4 here.

The other matter of course related is in San Fernando, and I speak of San Fernando because we know of the problems. And, Madam Speaker, with your leave, just for one minute, I would indicate to the Attorney General, recently, a few months ago, I, of course, journeyed to the High Court in Port of Spain to give evidence in a matter in which I am the claimant, not the defendant, because, Madam Speaker, “my name call” a lot these days with these court matters, but in this matter I am the claimant. And I gave my evidence, good; others gave evidence. I am a witness, of course. I left there nice, and I am told weeks and weeks after that when I gave evidence the sound system was not working and the recording system was not working, so I wanted to know, well, I have to go back? But on that day I recalled, in the particular trial, when a witness was giving evidence we actually played, because we were not sure of a matter, we replayed on the system, the evidence. So the system was working then, but I am told, subsequently, there was a problem with doing that. I do not blame, in any way, the judicial officers or the Judge at all, but those systems need to be kept in check to ensure that they work. This is my personal experience as a Member of Parliament, you know, and I was taken aback by that, that the Mr. Justice, the Judge had to ask the lawyers to give their submissions in writing so, you know, he can consider, and just my own experience with that.

In San Fernando, Madam Speaker, just to add to that, because the Attorney General is indeed the Member of Parliament for San Fernando West, and the

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Attorney General is aware that in San Fernando in the court—as you know, the court in San Fernando now operates like a junior sec system. In the morning the High Court meet and in the afternoon they clear out so the Magistrate could come in. That is the junior sec court system that is operational.

**Hon. Member:** A shift system.

**Dr. R. Moonilal:** A shift system, and the Attorney General will do well to update us as to what is happening with the judicial infrastructure in his constituency, which I am sure he is proud that he represents the constituency and will take all steps to ensure that the infrastructure is upgraded. Madam Speaker, the Princes Town Magistrates' Court has been housed at Rio Claro, again functioning on a shift system. I spoke of the Magistrates' Court already in San Fernando. Madam Speaker, I would also ask the Attorney General to indicate whether the Criminal Procedure Rules—the link between the Criminal Procedure Rules and the current piece of legislation before us—are those rules solid now to give way to this, or do we still have to go back to those rules and amend in any way?

Madam Speaker, the legislation of course dealing with backlogs, and we heard the numbers, and we are always hearing about the thousands and tens of thousands, and so on. In relation to firearm matters, I am told that there is indeed in the police service what is referred to as the Special Evidence Recovery Unit. And this unit in the Trinidad and Tobago Police Service deals with firearms seized which are sent to the unit for the purpose for determining whether the firearm was used in any other criminal offences, in the committing of any other criminal offences. It is the Special Evidence Recovery Unit, and that is a very important unit, Madam Speaker, because, again, if that unit is not functioning and are functioning at pace and being able to make, you know, make the process fast and

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remove undue delay, then it is impracticable that this legislation will work in any significant way to remove the delays and the time.

So, Madam Speaker, those are some of the matters I wish to raise. The Member for Laventille West who spoke before me did raise some other matters, but, again, he spent all this time on section 34, so I made a commitment that I will not imitate that.

Madam Speaker, early today the Member for Port of Spain North/St. Ann's West, in this address to the House, spoke about the importance of this piece of legislation to white collar crime, and this is commendable. There can be no one, Madam Speaker, and let me say again for the record, there can be no one on either side of the House that is against any piece of legislation to deal with white collar crime, and to ensure that the process moves smoothly and quickly towards acquittal or conviction as the case may be, for anyone properly accused of committing any offence against the law, and particularly white collar crime and offences such as that.

But, Madam Speaker, I would also want the Attorney General to reflect on one matter, and while I know there is as passion on that side for section 34, and I do not blame you, if that is what you have, you use; you play the cards you have. If you have done nothing and performed and built nothing, well, you go to section 34. That is the card you have. [*Desk thumping*]

**7.30 p.m.**

Madam Speaker, the biggest white collar criminal conspiracy and enterprise this country has seen—while folks opposite would believe it is the airport, was indeed the Clico fiasco. And today, I will ask the Attorney General to remind us how much millions of dollars has been spent on legal fees, professional reports,

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technical reports, how much millions of dollars has been spent and, today, not one person has been brought before the court on that Clico matter.

**Madam Speaker:** Member for Oropouche East, your original speaking time is now spent. You are entitled to 15 more minutes to wind up, if you wish.

**Dr. R. Moonilal:** No, Ma'am.

**Madam Speaker:** Okay. Attorney General. So, you have finished your contribution?

**Dr. R. Moonilal:** Yes.

**Madam Speaker:** Attorney General.

**The Attorney General (Hon. Faris Al-Rawi):** [*Desk thumping*] Thank you, Madam Speaker. I wish to thank the hon. Member for a very concise contribution, certainly well appreciated.

Madam Speaker, it gives me great pleasure to draw conclusion to this debate, and I wish to thank all Members for their perspectives. It is true that the debate started in, as the Member for Caroni Central took care to smile when he said it, started a bit hot, I think, because there was a need to put some resolution to the whole genesis of the section 34. But I think enough has been said on that in the course of this debate. And I will address that in the wrap-up by simply saying the Government perspective on that particular issue is quite simple.

The proclamation of law is a matter solely and exclusively for the Cabinet of any government. It not a matter for the House of Representatives or the Legislature, comprising the Senate as well, and it has now been conclusively demonstrated that the recommendation for the operationalization of section 34 came exclusively from the Cabinet of Mrs. Persad-Bissessar, the Member for Siparia, and nowhere else; that has been put to bed, put to rest and laid bare for

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what it is. I will say no more than that. The country has already pronounced upon it.

But I would like to say—the Member for Oropouche East said something which was quite true. He observed—the hon. Member—that the Government has been reminding the population of the issues which we inherited from the UNC Government, and I wish to put a point of distinction on to whether we are doing it for the purpose of accountability or whether we are doing it for the purpose of blame. Because the Opposition says to us, “Stop making reference to the tenure of the UNC and talk instead of your accountability”.

And we say, Madam Speaker, we are making reference to the governance by the UNC because what we are managing right now and what we are bound to account for by way of management involves that tenure, be it the economy, be it the management of difficult situations as it relates to crime, be it legislation as we do today, we are distinguishing the argument by saying, our reference to the UNC is to state how we have managed what we have inherited because government is a continuance. I will say no more than that.

Madam Speaker, the hon. Member for St. Augustine spoke to a few issues which I just need to put into context, and I will focus on the position of the law that he has raised as it resides in the Bill. The hon. Member asked a question and then went on to make a submission, quite a bold submission on the back of the question. And the question asked was in relation to the distinction between a prima facie standard and a sufficiency standard. Let me explain that.

In the 2011 Act which we now come to amend by this Bill, in the 2011 preliminary enquiry legislation, Act No. 20 of 2011, section 23 of that Bill, we have proposed that that be amended. In fact, we have removed the language and

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then we put in a new section 23 and we qualify sections 24 and 25; and let me explain this. In the 2011 Act, which this Bill amends, the following was contained at section 23.

“For the purposes of a sufficiency hearing, a *prima facie* case against an accused is made out where a Master finds that the evidence, taken at its highest, is such that a jury, properly directed, could properly return a verdict of guilty.”

And in this construct of the law, you had to find whether a Master should send it to the High Court. You had to find the question of whether a *prima facie* case was made.

We have said, Madam Speaker, that we are returning to the existing law. We are saying that we prefer that the sufficiency standard, as is contained in Act No. 12:01 of the Laws of Trinidad and Tobago; and let me put this into record. Section 23 of the existing law, the preliminary enquiry law, the Indictable Offences (Preliminary Enquiry) Act says this, 23(2):

“Where the Magistrate is of the opinion, on consideration of the evidence and of any statement of the accused, that there is sufficient evidence to put the accused on trial for any indictable offence, the Magistrate shall commit...”

The *prima facie* case only comes in 23(1), and let me read that; 23(1) says:

“When all the witnesses on the part of the prosecutor and the accused person, if any, have been heard, the Magistrate shall, if, upon the whole of the evidence, he is of the opinion that no *prima facie* case of an indictable offence is made out, discharge him;”

In other words, 23(1) and *prima facie* as a standard, is if you want to make

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no-case submission. That no-case submission is borne on the back of the Galbraith standard, that is, *R v Galbraith*.

In the magistrate coming up with a point of view as to whether to send you to the Assizes, you are looking at whether there is sufficient evidence. The 2011 Act, which we are amending now, took the standard only at prima facie. There was no sufficiency within the meaning of 1917 law. That standard is too high. And the hon. Member asked a question. He said: “Why repeal something if you have it?” But I must point out to the hon. Member for St. Augustine that has been asked and answered twice by the UNC, because you amended that in 2011, and you amended that in 2014. And when you came with the committal proceedings legislation in 2014, the standard selected by the UNC and the PNM was sufficient evidence. So that has been asked and answered already.

**Mr. Imbert:** By himself.

**Hon. F. Al-Rawi:** By himself, from himself, and from the collective of the UNC. So most respectfully there is a clear demarcation of logic, and that has been answered now on several occasions.

The Member for St. Augustine also asked and he made, and this is where I said the submission he made was quite surprising. The hon. Member for St. Augustine said this Government is intending essentially, and I am going to paraphrase, I hope I do not get it wrong, “to make a case for an election”; that is what he said. “This is about putting a case for election”.

And the hon. Member said that because he implied that there is now a lower standard to get to a committal, a lower standard of sufficiency. And the hon. Member is saying that look, the population is asking where are the cases. You are going to a lower standard so that you could put people before the court.

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The hon. Member commendably said, he has no problem with that because it is time that people answer to the courts. Well, we do say that sufficiency is what we want. It is what everybody else wanted, because we wanted it in 2011, sorry, we wanted in 2014, and certainly that is the position that we have to treat with. But, Madam Speaker, the reason why we are going for sufficiency is a matter of law. If we stuck with prima facie case and we said that you must put a case at highest which a jury properly directed would return a verdict of guilty on, that would require the Master to consider issues and facts. And the facts can only be determined by a jury or a judge only as we have now in certain circumstances, and it would be improper as a matter of law to use the prima facie standard as the 2011 Act allows us to do.

Now, the hon. Member mentioned something which was very important, the complex fraud position. Let me put that into context. The 1917 Act No. 12 of 2001, section 23 of that Act says this; section 23(8) allows for the DPP:

“Notwithstanding subsections (5), (6) and (7), the Director of Public Prosecutions or the Deputy Director of Public Prosecutions may prefer an indictment whether or not a preliminary enquiry has been conducted only in the following instances:”

And listen to this:

“(d) where a person is charged with serious or complex fraud;”  
—among others.

So the complex fraud avoids a preliminary enquiry argument clean. Piarco could have been dealt with without a preliminary enquiry; it is a case of complex fraud. But, Madam Speaker, I want you to remember this. That is something which is rather curious.

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You must remember that the Piarco matter came about in a certain circumstance. The Piarco matter came about where there was an extradition proceeding, now at an end effectively. There was an extradition proceeding which would have stopped the Piarco cases.

The Attorney General Anand Ramlogan came into the position as he did, and in coming into that position, Attorney General Ramlogan did and engaged in a series of events that have to be put into the context of what the Member for St. Augustine said.

Madam Speaker, it was before Mr. Justice Ronnie Boodoosingh in the judicial review judgment that on the 7<sup>th</sup> of November the Judge gave his judgment and said—and I can speak about these, they are not before the court now, this is at an end.—that it would be unjust, oppressive, and unlawful to extradite Galbaransingh and Ferguson to the United States because they could be tried for their offences in Trinidad and Tobago, and indeed Trinidad was the appropriate forum for such trial; that was on the 7<sup>th</sup> of November, 2011.

The Act No. 11 of 2011 was laid on the 11<sup>th</sup> of November, two days after Justice Boodoosingh said—because the Attorney General Anand Ramlogan told the court that the convenient forum was Trinidad and Tobago. And here is what he said, “and the trial was imminent”.

The expert James Lewis QC on extradition law advanced a proposition, and I have the advice in writing from him. He says, “Based upon the instruction given to him by Attorney General Anand Ramlogan, that the Piarco Airport cases had a trial which was imminent in Trinidad and Tobago”. He was to advance the position before Mr. Justice Boodoosingh to say, “Take Trinidad as the convenient forum and block the extradition.” That judgment came out on the 7<sup>th</sup> of November, 2011.

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The PI Bill, which we are amending now, the abolition of PI, first reading was 11 November, 2011.

Madam Speaker, the die was cast by that point. The Bill that contained section 34 that was proclaimed on August 31, 2012, secretly proclaimed, that is inexorably bound to the instruction by AG Ramlogan, not to have the extradition go ahead. And, Madam Speaker, where did that take us in the argument of complex fraud?

Section 23(8) of the existing law would have allowed the DPP to skip past a preliminary enquiry clean, use the provisions of section 90 of the Constitution. You know, in section 90 of the Constitution, the DPP has the power to commence, take over or stop matters. The DPP could have used section 23(8), as it contains “complex fraud”, immediately. But, Madam Speaker, what did the 2011 Bill have?—because the Member for St. Augustine asked us, “Why have complex fraud in this version of the Bill?”—because we are introducing it now.

Madam Speaker, the 2011 Act does not have reference to “complex fraud”. The DPP in the 2011 version of the Ramlogan Bill had no reference to “complex fraud”. So if you proclaimed the Act, the DPP would have lost the power to avoid a preliminary enquiry for complex fraud. Do you understand what I am saying, Madam Speaker? There was a backup plan. Boodoosingh judgment—7<sup>th</sup>, Bill laid—11<sup>th</sup>, no complex fraud in 2011, none. It was there in Act of No. 12:01. It came back in the 2014 Bill after the beating on section 34; after the beating on section 34.

And for the record, the PNM announced its march. The PNM had to seek police permission because we were told, “If you do not have police permission, we going to block you”, and it was on the announce of the march that the country

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riled.

And, Madam Speaker, when we come today to talk about introducing the ability in the Bill as we do now, for the DPP to go directly to the High Court and skip a committal proceeding, a sufficiency hearing, skip it clean for complex fraud, I do not think my learned colleague from St. Augustine quite understood what he was unearthing, you know. Because what I have just presented to you, Madam Speaker, these are the facts on the record, and if I dare say so, it appears to look, sound, feel, smell, like conspiracy.

**Madam Speaker:** Leader of the House.

### **PROCEDURAL MOTION**

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. In accordance with Standing Order 15(5), I beg to move that the House do sit until the conclusion of all of the matters before it today. Thank you very kindly.

*Question put and agreed to.*

### **ADMINISTRATION OF JUSTICE**

#### **(INDICTABLE PROCEEDINGS) (AMDT.) BILL, 2018**

**Madam Speaker:** Attorney General.

**Hon. F. Al-Rawi:** I will just end on this particular point. I want to read from the advice of James Lewis QC, and I am going to quote. This is his opinion to Anand Ramlogan. It is at page 18 paragraph 5(10) of his written advice, and he says this and I quote:

On the other hand, I am informed that the claimants can be tried in Trinidad and Tobago almost immediately.

Bold, underlined on the same conduct. That was the advice given to Anand

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Ramlogan, in the same 2011, to allow the judicial review case by Mr. Justice Boodoosingh to stop the extradition of the accused.

So, Madam Speaker, for those who had any guess about section 34, where it came from and who holds the basket for that, I think it is clear.

**Mr. Ramadhar:** Madam Speaker, may my friend give way—

**Hon. F. Al-Rawi:** Sure.

**Mr. Ramadhar:**—so that we will not be misunderstood whatsoever. My question was not why you included serious fraud or complex fraud. The question is why you included it only.

**Hon. F. Al-Rawi:** Only?

**Mr. Ramadhar:** And I am saying, that this should be across the board for all the offences where magistrates or whatever cannot complete for whatever reason, it should not be limited only to this, to make it far more efficient.

**Hon. F. Al-Rawi:** If I could explain?

**Mr. Ramadhar:** Yes.

**Hon. F. Al-Rawi:** The section that we are including in law now, the amendment, is that for these matters, complex fraud, et cetera, there will be no sufficiency hearing unless the DPP asks for it. So, we have reversed it. So if you have a complex fraud matter, you are only going to have a sufficiency hearing if the DPP asks for one.

So let me read the Bill in its context. Here we go; it is section 27. Section 27 subclause (3):

“Where the Director of Public Prosecutions prefers and files an indictment, a sufficiency hearing shall only be conducted in the following instances, on the request of the Director of Public Prosecutions”

Complex fraud. So if you want a sufficiency hearing and it is a complex fraud

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matter, you must ask for it. So what we are doing in these extremely complicated matters, we are saying, look, go for a trial. And I want to put this to bed. Madam Speaker, we make no apology of accelerating matters into court, you know, because we are accelerating them into court. We are not the court. There is due process, High Court, Court of Appeal, Privy Council. There is due process guaranteed in the Constitution, and “who vex about that loss”, because what our society has been wrestling with and buried under is the weight of a system that just will not work or one that can be abused in the fashion that I have demonstrated already today. So, Madam Speaker, this is a very purposeful, intended action on the part of the Government to set this right.

Madam Speaker, the hon. Member for St. Augustine also spoke about the delays in transmission of documentation, transcription, et cetera. Just to amplify what the Member for Laventille West was saying, it is actually quite simple.

In creating the Family and Children Courts and that division, what we did was to bring in electronic measures for the first time, computerized lists, full recording. And what we do is we take the audio recordings, and we have it up in action already, those audio tapes go to a transcriptionist and instead of a CAT-type reporting as we see in Parliament, there is mask that they use. They speak into the mask, and the mask transcribes. So what we are doing is we are giving transcriptionists the ability to move faster. And that computerized system, case management system which is up in the Children and the Family Division is being replicated into the Magistracy as we speak, because—

**Mr. Ramadhar:** Could you give way just again? No. I am agreeing with that there are electronic facilities available. The point I was making is that Judges notwithstanding still use the longhand, and that is something that I think you need

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to raise with the Chief Justice so that they can give him some direction on that.

**Hon. F. Al-Rawi:** So, Madam Speaker, my learned colleague is right. However, we have taken avail of training in a significant way. I referred to an article in my presentation; here it is. *Trinidad Newsday*, Azard Ali, 10<sup>th</sup> of the 1<sup>st</sup>, 2019:

“Training starts on clearing court backlog

Several initiatives under the guidance Chief Justice Ivor Archie to speed up justice kicked up justice today in San Fernando, through training newly-appointed Masters...”

As hon. Member for Oropouche East asked, training is going on.

“Bail monitoring, case management and jury exemptions will no longer tie up judges on the criminal bench, leaving them to adjudicate...

Given the crime rate, especially murders, the completion of preliminary inquiries in the magistrates’ court and trials in the High Court is far from putting in a dent in the backlog.”—et cetera.

So, we are up and running in training.

And let me put this on the record. It was only because we as a government put in the Criminal Procedure Rules, did the training via the Law Association, the JEI, the Judiciary brought in experts from other jurisdictions that we were able to do 150, and then another 150 maximum sentence good-year indications over the long vacation August.

Madam Speaker, let me repeat that. Three hundred people in one month were allowed via one Judge to accelerate their cases. That has never happened in the history of this country and therefore, when we say that we are accounting to the population as to what we are doing, it is not only law on paper. The hon. Member for Caroni Central was talking about statistically the UNC seemed to have more

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Bills on paper. It is not the number of Bills you had on paper, you know, it is—  
[*Interruption*]

**Hon. Member:** It is the quality as well.

**Hon. F. Al-Rawi:** Good. And the quality as well. And I will put it this way. Number one, the vast majority of the Bills brought by the UNC are yet to be proclaimed. Those which ought not to have been proclaimed, were. Those which really tried to get proclamation, still halfway cannot get not done, so I am not so sure about the quality.

And then secondly, we have demonstrated that we are operationalizing at the same time that we legislate. And look at the children's package, look at the family law amendments, Family and Children Division, Criminal Division. It is going to be in the month of February, the months of March and April that we will be able to move into the electronic environment to cause 102,000 cases per year of the Magistracy to just disappear, and they become traffic violations. Look at what happened. Road deaths fell this year. Look at what happened. Nearly \$100 million in penalties collected on the back of enforcement alone. So people are getting the message; if you do the crime, you will do the time or you will pay through your pocket for it.

Madam Speaker, when we come to the contribution of the hon. Member for Caroni Central, I just wish to touch on this. I want to say for the record that, the Member was on safe ground, in my view, in traversing the judgment that Madam Justice Gobin delivered in the Marcia Ayers matter—that was the Akiel matter—because there has been no appeal as far as I am aware. I think that my colleague was not aware of that. And there was a determination that the State should pay costs.

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**Hon. Member:** Will you pay?

**Hon. F. Al-Rawi:** Of course we have to pay. But let me explain more. The costs that were to be ordered to be paid, there was an application for judicial review. The Judge felt that the application for judicial review was ill-timed. The appellate route should not have happened, and the Judge said, notwithstanding that, and her denial of certain other things as to one aspect of it, that costs should be paid. But we did better than just say, we will pay, you know, because there is a lacuna in the law.

The reason why the Judge said let the Attorney General pay was because there was no protection for the magistrate at law, and the magistrate therefore is personally liable because of the lacuna in the law. But this Government did not sit down on that. We already amended it in the Senate. The Magistrates Protection (Amdt.) Bill is to remove the need for the Judge to make the court order. So we did better than that, we have already amended the law in the Senate. I do not want to breach the rules of anticipation, but we have to do it here. so we are ahead of the game, Caroni Central.

Madam Speaker, Members have been talking about the JLSC and about appointments and Masters and Judges and pouring scorn, as a result, legitimately on the Marcia Ayers issue. The judgment of Madam Justice Gobin has cleared up some of that. The fact is that on the record, because there is no computerized system in the Magistracy, it appears that information given to the Chief Justice or the JLSC was inaccurate. Properly, 53 people found themselves out in the cold, but that is a matter for the Chief Magistrate to speak to.

The point is this, JLSC is the same structure in the Constitution as it has been since Independence. It is that same JLSC that has chosen Judges. And the discipline of Judges is not a new phenomenon in this country with the cry against

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the current Chief Justice. You forget Mr. Justice Crane. Mr. Justice Crane was the subject of a section 137. You forget that Mr. Justice of Appeal Sharma, Chief Justice, that was a section 137 on the advice of a sitting DPP and a sitting Chief Magistrate where there had been charges brought against a sitting Chief Justice.

So these particular issues have been translated to mean that somehow the PNM takes ownership of a Sharma issue; that is not the case. The JLSC and the functionality of the supervision of Judges and appointment of Judges is the same system. In referring to Crane and Sharma issues, I have demonstrated that there have always been problems. Mr. Justice Crane's incident with the section 137 of the Constitution happened before I was practising properly.

**Dr. Gopeesingh:** He wrote the Constitution.

**Hon. F. Al-Rawi:** As the Member for Caroni East says, he wrote the Constitution. But my point to you is, did anybody stand up then and say, "Do not appoint any more judges, do not appoint any more Masters because of Crane?"

**8.00 p.m.**

**Dr. Gopeesingh:** Could you give way? AG, I am not in the field of law, but would you be kind enough to let the House know whether there is a matter before the Privy Council which deals with the issue of the Judicial and Legal Service Commission being able to appoint people as it is, as they are doing now? Is there a matter before the Privy Council to be determined still?

**Hon. F. Al Rawi:** Not that I am aware of, to traverse this debate, but I do not want to go too much further, Madam Speaker, let me just bring closure with the greatest respect to my learned colleague's intervention, to the last few issues raised by the Member for Oropouche East.

Madam Speaker, the chain of custody principle, important point raised by

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Oropouche East. A person or entity and the safekeeping of evidence, that is an important point, and yes we allow for computer evidence, et cetera, to now to be outside of the realm of the police, but I want to say, there is a proper system in the Act to treat with that. It is section 32 of the parent law by which the Rules Committee make rules, and that of course is subject to the negative resolution of the Parliament, and very importantly, if something is going to be placed into custody it is under an order in any event. And thirdly, the Commissioner of Police.

**Madam Speaker:** Hon. Attorney General, your original speaking time is now spent, you are entitled to 10 more minutes if you wish.

**Hon. F. Al Rawi:** Yes please, I would be quick with the 10, or if not shorter. And yes, you also have the supervision by the Commissioner of Police and the Regulations that happen on that end, so there is adequate supervision on that point. I have dealt with the issue of the Masters, five are already appointed; they are being trained. The Member also asked about transparency and fair appointment, that is again the JLSC point which I have answered in relation to the reply to Caroni Central. The hon. Member asked about the legal aid board and he asked about the DPP, I and would like to say, the legal aid board is not just going to be ready for this. We as a Government have passed at our Cabinet, the mechanism for the expansion of the Legal Aid Advice and Authority into a public defenders system. Because to get preliminary enquiries to work you need more Judges, we increased that complement; you need more courts, we brought the specialist courts inside of the Criminal Division, we proclaimed that law on the 1<sup>st</sup> of December; you need Rules of Court, we did that; you need to clear up the courts by doing divisions, we did that; you need to do the digitization in the Magistracy, we did that; you need to have plea bargaining, we did that and proclaimed; you need to

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have access to bail, we did that and proclaimed; you need to have a children division which treats with the rights of children in criminal context, we did that. Those courts are up and running. But where you getting defence attorneys from? If your counsel of choice is not available, the trial cannot go on. And what we did is to establish a public defenders formula, and I am pleased to say the Cabinet has also rented, agreed to rent the building for the public defenders system.

The hon. Member for Oropouche East was raising the issue of accommodation to the DPP and calling a number. Five hundred thousand dollars for the Park Street property, yes. The Cabinet agreed to rent the Park Street property for \$500,000, but that translates, Madam Speaker, into \$11 per square foot. Do you know how much it is conservatively, from my own estimation, to occupy your own building? For the Government to occupy its own premises you are looking at close to \$40 a square foot at times, because people do not factor the maintenance that the State pays to maintain its own buildings, whereas when you go on the private sector the landlord has to maintain the buildings, and you find a higher standard in private enterprise. But if you cannot build the premises, special purpose premises immediately, your choice is to rent. But is the rent going nowhere? The landlord has to pay tax, VAT, maintain. What is wrong with private enterprise? Why do we as a people pour scorn with private enterprise? The UNC rented buildings when they were in Government, the PNM prior to that, and the PNM now. There is nothing wrong with rental. The question is, is it value for money? Because we have dropped the rental rate from \$20 per square foot down to 11, and that is a mammoth achievement. We opened the Family Court, the Children Court in Fyzabad.

Sen. Wade Mark has a fetish for that particular court, I mean intellectually,

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constantly asking about who owns the building, and I have said it on umpteen occasions that the wife of Minister Khan owns the building. And so what? It was acquired by the Judiciary entering into a process, in fact, prior to us coming into Government, under the UNC, perfected by us. But what is wrong with Minister Khan's wife renting a property, as Sen. Gerry Hadeed has done? As Jack Warner's children have received properties rented? What is wrong with that, if it is value for money? Why must there be prejudice, because it is somebody wife? Is it arm's length? Is it transparent? What is the big deal? Okay, so I am honestly quite tired of that, and it is time that this country grows up. What you want to do, wait till we build a court?

We have the San Fernando Court in shift system, it is true. Why? The UNC mash up the maintenance committee. They cancelled—the Public Administration Division, cancelled the Maintenance Committee, and there was no maintenance done. Why? Because in 2011, 2012 prior to you Member for St. Augustine, Herbert Volney as Minister of Justice committed to building judicial complexes. The Judiciary was told, do nothing because we are going to move you into complexes. That happened, and then was a problem for a breach of the Central Tenders Act, and the architect that was hired and the complex that was to be built in the east ran into massive problems. Big contract to be done, no maintenance work was done and then the earthquake happened in San Fernando. The building made of asbestos, no maintenance done, it is practically condemned, what you expect us to do? Just “doh” open a court? So “doh” rent nobody building, worse yet if it is somebody you know, build it for yourself. How long would that take, and you are condemning a shift system? It is called emergency. It is called emergency. And if it is to be shift system, so be it. What you want is a court

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opened, and it is functioning, and I take my hat off to the Judiciary for managing that.

Madam Speaker, the Attorney General has approached the Cabinet to give land acquired by Anand Ramlogan, as Attorney General, on Irving Street, to the Judiciary for a standalone-to-be-built complex. Can we build it tomorrow? No, we cannot. So, we will have to continue working our way through the system. Attorney General Ramlogan bought a building for the Judiciary which is unusable in San Fernando. On the corner. As the Member for St. Augustine knows, the building is condemned by the Ministry of Works and Transport. Should I go and sue Ramlogan for that now? And we talking about shift system making joke about it. You left me in a shift system, and then you are complaining about us talking about your tenure, but I have to give an account of how we are managing in positions that are difficult. So I am tired of hearing that story, and it is not that I am blaming you, I am explaining what I am doing, what the Government is doing in those circumstances.

So, Madam Speaker, I will end by saying with respect to the DPP's position, that the DPP's office is the subject of significant concern for us. We have rented the Park Street building. The building in San Fernando, we are intending to rent the Gulf City premises. That is a location chosen by the DPP's office. And I keep hearing 1 per cent owned and 1 percent owned. I really "eh" care if it is 99 per cent, or 1 per cent, or 5 per cent, you know. And I am tired of the UNC raising the issue, not today, but on their blogs, et cetera, of this issue of 1 per cent, who you owns buildings. *[Interruption]* So, Madam Speaker, I will turn my direction this way. So, Madam Speaker, I am saying, the Ministry of Finance had a problem with Valuation Division moving quickly enough. Our Minister of Finance did not sit

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down on his hands. The Minister of Finance brought a note to the Cabinet to take a panel of valuers, externally, at value for money arrangements, to accelerate the position. That was the Minister of Public Administration, sorry, the hon. Member for Port of Spain South, and that is intended to push the process. And I am pleased to say that we rented the property at Lowlands, Gulf City, and we opened and commissioned last year the DPP's office in Tobago. [*Desk thumping*] The matter of the retention of staff is a matter for the DPP to sort out with the DPA. I have no business in that nor the Government, because that is the JLSC, the DPP and the DPA. All that we can do is give them business and agitate for the money.

Madam Speaker, it was this Prime Minister and this Minister of Finance that did something that people may not have noticed, you know. There is a line item for the first ever in the Attorney General's allocations exclusively for the DPP. We have ring-fenced the DPP. And Oropouche East asked about how much money was spent on Clico, I could tell you now, it is close to \$200 million from the AG's office alone in fees; \$200 million in fees. I cannot account for it nor could my predecessor Attorney General, because that is a matter of arm's length. We do not sit under section 90 of the Constitution. We can pay when asked, which we have done. That is a matter for the DPP, and I will say I have recused myself from the management of those matters on a matter of propriety, because I did serve for nine months on a board of directors at CIB. So as a matter of propriety, I am not involved in anything to do with in Clico. The Prime Minister has addressed that issue. He said that I have no issues coming out the Coleman report, I am not mentioned, et cetera. I have known that all along, but my point to you is, I cannot explain that functionality, the DPP has said, because I must be fair to him, he is a diligent, hard-working Director of Public Prosecutions. He has poured significant

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effort, and he has said via Minister Hinds' management of it, that charges are imminent. We cannot enter that realm nor will we. There is a boundary that we cannot cross and will not. We have faith in the DPP. We will supplement the DPP's position, budget, manpower, buildings, et cetera, and we are backing our DPP all the way.

Madam Speaker, I think that that answers the submissions. I will just say that there are a few small amendments that we have circulated. The Member for Caroni Central and I both spotted that we have referred to Clerk of the Peace, but when we look to the Criminal Division law, which we have proclaimed, the correct title should be Magistracy Registrar and Clerk of the Peace, so we have done that reorganization of terminology, and we have circulated those amendments. I did do a double check on the Sexual Offences Act, there are certain sections of the Sexual Offences Act which were in the schedule, which were changed as a result of amendments we made in the children's packages, because we removed the sexuality and conditionality of sexuality for children under 18. We introduced the Romeo clause, we fine-tuned that further, so we did a scrub on the schedule. In the round we have got proportional legislation. We think that it is high time. We are ready to operationalize. We have done all of the hallmark preparation, unlike the UNC's approach, which said do the legislation, we will not proclaim until we do certain things, we have done those aspects already. So, we are itching, we are ready and raring to go, and I beg to move. [*Desk thumping*]

**Madam Speaker:** Just for the purposes of correcting the record. Attorney General, you are entitled to an additional 15 and not 10 minutes. Hon. Members, the question is that a Bill entitled an Act to amend the Administration of Justice (Indictable Proceedings) Act, 2011 (Act No. 20 of 2011) be now read a second

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time.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Clause 3.*

*Question proposed:* That clause 3 stand part of the Bill.

In paragraphs (b) and (c)—

- (a) delete the word “Justice” and substitute the words “Justice of the Peace”;
- (b) delete the word “Clerk” and substitute the words “Magistracy Registrar and Clerk of the Court.”

**Mr. Al-Rawi:** Madam Chairman, we proposed two small amendments, coming out the proofreading really, in paragraphs (b) and (c), we propose simply just amend the word “Justice” to “Justice of the Peace”, and then we propose with reference to the word “Clerk” to substitute the words “Magistracy Registrar and Clerk of the Court.” That is in keeping with the observations as to the proclamation of the Criminal Division and Traffic Courts legislation, which came into effect in the month of December, and these posts which will come into effect on the 1<sup>st</sup> of February.

**Mr. Lee:** Just one simple question.

**Madam Chairman:** Yes.

**Mr. Lee:** AG, I think in conjunction with what you had discussed with the Member for Caroni Central.

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**Mr. Al-Rawi:** Yes.

*Question put and agreed to.*

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

*Clauses 4 to 9 ordered to stand part of the Bill.*

*Clause 10.*

*Question proposed:* That clause 10 stand part of the Bill.

- A. In paragraph (a)(i), delete the words “Clerks of the Peace” and substitute the words “Magistracy Registrars and Clerk of the Court”;
- B. In paragraphs (b) and (c), delete the words “Clerk of the Peace” wherever they occur and substitute the words “Magistracy Registrar and Clerk of the Court”.

**Madam Speaker:** AG.

**Mr. Al-Rawi:** Yes, Madam Chair, we propose again in keeping with the same rationale just enunciated to delete the words “Clerks of the Peace” and substitute “Magistracy Registrar and Clerk of the Court”, similarly, so that is for paragraph (a) roman (i), and the same thing for (b) and (c) of clause 10.

*Question put and agreed to.*

*Clause 10, as amended, ordered to stand part of the Bill.*

*Clauses 11 to 28.*

*Question proposed:* That clauses 11 to 28 stand part of the Bill.

**Dr. Tewarie:** Chair, could I ask a question here? Those clauses under 23, 26A, 26B, 26C, are you comfortable that the role of the Director of Public Prosecutions in all of these things is appropriate?

**Mr. Al-Rawi:** Sure. If I may, this is actually in keeping with the full functional operation of the DPP in the process since 1938. Certainly from 1917 onward the

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DPP in the preliminary enquiries law has a similar function to be found in clause 22, clause 23 of the legislation. So that there is always a reference back by the court to the DPP for these functions. And the propriety of the DPP having this involvement is really because he is constitutionally insulated from the process by virtue of section 90 of the Constitution, and by virtue of his salary, et cetera, being untouchable by any sitting Government, et cetera. So, he has got that whole statutory backing in an *R v Hinds* pseudo sort of way.

*Question put and agreed to.*

*Clauses 11 to 28 ordered to stand part of the Bill.*

*Clause 29.*

*Question proposed:* That clause 29 stand part of the Bill.

Delete the words “Clerk of the Peace” wherever they occur and substitute the words “Magistracy Registrar and Clerk of the Court”.

**Mr. Al-Rawi:** Madam Chair, for the same reasons volunteered for the other references to Clerk of the Peace and changing it to Magistracy Registrar and Clerk of the Court, we propose the amendments as circulated, simply to take care of the tidy up.

*Question put and agreed to.*

*Clause 29, as amended, ordered to stand part of the Bill.*

*Clause 30.*

*Question proposed:* That clause 30 stand part of the Bill.

**Madam Chairman:** Mr. AG.

**Mr. Al-Rawi:** It is a new clause.

**Madam Chairman:** It is a new clause.

**Mr. Al-Rawi:** And then we will renumber it. So this reference is for the New

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Clause 30. Yes, so we would do this after. That is what I just said and you said no.

*Question put and agreed to.*

*Clause 30 ordered to stand part of the Bill.*

**Clerk:** Schedule 2 amended.

**Mr. Al-Rawi:** Renumbered.

**Clerk:** New clause 30, Schedule 2 amended.

**Madam Chairman:** The question is—

**Mr. Lee:** Madam, just for clarity please, based on Schedule 2.

**Mr. Al-Rawi:** Okay, could I ask the Chair to put it and then I will explain?

**Mr. Lee:** Okay.

*New clause 30, Schedule 2.*

New            Insert after clause 29, the following new clause:

Clause

30	“Schedule 2	30. Schedule 2 of the Act is amended in item
	amended	35, by deleting the words “7, 8,” and the words
		“21”,”.

Renumber the existing clause 30 as clause 31.

*New clause 30 read the first time.*

*Question proposed:* That new clause 30, Schedule 2 as amended, be now read a second time.

**Mr. Al-Rawi:** So, Madam Chair, just for the benefit of my learned colleagues, and us all, I would imagine, what we did we locked in clause 30 and approved it. We are now going to renumber the old 30 as 31 subsequently, and what we are doing now is we are inserting a new 30. And in inserting this new 30, we are treating with something that was not in the Bill. We were not doing an amendment to

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Schedule 2 of the Act. So the 2011 Act has a Schedule 2, and that Schedule 2 when we were doing the scrub we needed to amend the reference to the Sexual Offences Act. So, when you go to the parent Act and you go to Schedule 2, Schedule 2 had a reference to consequential amendments to be made, and there were consequential amendments to be made to the Sexual Offences Act.

The Sexual Offences Act was amended such that some of their provisions, section 8—sections 7, 8 and 21, those were treated with by way of amendments to the Children Act. So, we are amending Schedule 2 of the parent Act so that we are now amending by this Bill, and the way that we amend that is by introducing a new clause to amend, to fix those references to the Sexual Offences Act which needed to be tidied up because of references that we changed in the children's package of laws. So the Bill actually has a Schedule 2, so let me say Bill. Act No. 20 of 2011, which is an Act of Parliament, has a Schedule 2. Schedule 2 says that indictable is Schedule 2, it springs from section 12(1), indictable offences which may be tried summarily. We go down the list, we get to Item 35. In Item 35, offences under sections, and then it lists them 7, 8, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 of the Sexual Offences Act, may be dealt with in that way. Because we amended laws in the sexual offences which treat with children, we no longer have the relevance of section 7, 8 and 21 of the Sexual Offences Act. So, to tidy up Schedule 2 in the parent Act, No. 20 of 2011, we have got to insert this new clause 30 to do that.

*Question put and agreed to.*

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

*Question put and agreed to.*

*New Clause 30 added to the Bill.*

**Madam Speaker:** And just for the information of Members, it means that the

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existing clause 30 will now be renumbered clause 31.

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

*House resumed.*

**Hon. Al-Rawi:** Thank you, Madam Speaker. I wish to report that the Administration of Justice (Indictable Proceedings) (Amdt.) Bill, 2018, was considered in committee of the whole and approved with amendments. I now beg to move that the House agree with the committee's report.

*Question put and agreed to.*

**Hon. Al-Rawi:** Madam Speaker, I beg to move that a Bill entitled an Act to amend the Administration of Justice (Indictable Proceedings) Act, 2011 (Act No. 20 of 2011) be forthwith read a third time and passed.

*Question put and agreed to.*

*Bill reported, with amendment, read the third time and passed.*

## RELATED MOTIONS

**Madam Speaker:** Attorney General.

**The Attorney General (Hon. Faris Al-Rawi):** I can barely scamper my papers together quickly enough. Madam Speaker, may I just enquire, there are two Motions in my name, both of which have similar content and just refer to different jurisdictions, is it permitted that we debate those Motions, by agreement, together, Madam Speaker?

**Madam Speaker:** Is this the wish of the House?

*Question put and negatived.*

**Hon. F. Al Rawi:** Separately? Okay.

**Madam Speaker:** It is not the wish of the House.

**Hon. F. Al Rawi:** Sure. Thank you, Madam Speaker, then I proceed with Motion No. 1.

### **ECONOMIC SANCTIONS**

#### **(IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) ORDER, 2018**

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

*Whereas* by section 4 of the Economic Sanctions Act, Chap. 81:05, the President may for the purpose of implementing a decision, resolution or recommendation by a regional or international organisation of States or association of States, of which Trinidad and Tobago is a member, that calls on its members to take economic measures against a foreign State, may make an Order with to respect to—

- (a) the restriction or prohibition of any of the activities referred to in section 5 in relation to a foreign state;
- (b) the seizing, freezing or sequestration in the manner set out in the Order, any property situated in Trinidad and Tobago that is held by or on behalf of—
  - (i) a foreign State;
  - (ii) any person in that foreign State; or
  - (iii) a national of that foreign State who does not ordinarily reside in Trinidad and Tobago;—and
- (c) the exclusion of any person, property, goods, technical data, services, transactions, ships or aircraft or any class thereof from the application of the Order.

*And whereas* the United Nations Security Council has issued resolutions

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requiring members of the United Nations to impose economic sanctions against the Democratic People's Republic of North Korea including Resolutions 1718 (2006), 1874 (2009), 1928 (2010), 1985 (2011), 2050 (2012), 2087 (2013), 2094 (2013), 2141 (2014), 2207 (2015), 2270 (2016), 2276 (2016), 2321 (2016), 2345 (2017), 2356 (2017), 2371 (2017), 2375 (2017), 2397 (2017), 2407 (2018);

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*And whereas* the aforementioned resolutions require countries to freeze without delay the funds and other assets of, and to ensure that no funds and other assets are made available, directly or indirectly, to or for the benefit of, any person or entity designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations;

*And whereas* the President, by Legal Notice No 184 of 14th December, 2018 signed the Economic Sanctions (Implementation of United Nations Resolutions on the Democratic People's Republic of Korea) Order, 2018;

*And whereas* the President, in accordance with section 4(4) of the Economic Sanctions Act, Chap. 81:05 did cause to be delivered on the 17<sup>th</sup> December, 2018 to the Speaker for presentation to the House of Representatives a statement setting out the specific grounds on which the decision to make the Economic Sanctions (Implementation of United Nations Resolutions on the Democratic People's Republic of Korea) Order, 2018 was based;

*And whereas* section 4(4) requires the statement of Her Excellency the President, be debated as soon as practicable but in any event not later than

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one month from the date of the commencement of the Order;

*Be it resolved* that the Statement of Her Excellency the President pursuant to section 4(4) of the Economic Sanctions Act, Chap. 81:05, setting out the specific grounds on which the decision to make the Economic Sanctions (Implementation of United Nations Resolutions on the Democratic People's Republic of Korea) Order, 2018 was based, be approved.

I am almost tempted to say the final words, "I beg to move", but I am not permitted to do that just yet.

Madam Speaker, I will engage in a small exercise of explanation whilst I pack the papers from the last debate away so that I can actually see the papers for this debate. And I will state that we are here looking at this particular statement of Her Excellency the President, in compliance with obligations which are upon us from two sources of authority. The first source of authority is, of course, that which comes from being a member of the United Nations and secondly, by the fact that we must comply with our obligations to the Financial Action Task Force, as well as, the Caribbean Financial Action Task Force.

Now, Madam Speaker, there are international obligations upon a nation and international obligations are only relevant to a country when those international obligations become part of obligations pursuant to domestic law. In the monistic theory of law, the moment you sign an international treaty, it becomes part of your laws. In a dualistic system you must sign the treaty and then bring it into the body of your laws, by way of an Act of Parliament or other mechanism for the operationalization of laws—could be subsidiary route for instance by way of an Order pursuant to an existing law.

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Trinidad and Tobago as we know is under an obligation, an immediate obligation to satisfy its international partners, (a), at the United Nations and (b), at the FATF and CFATF community, that we are abhorrent to—that we consider weapons of mass destruction abhorrent to the citizens of our country. The United Nations obligations and the FATF obligations are both coincidental to the desires of Trinidad and Tobago in saying that nuclear proliferation is not to be tolerated in our jurisdiction and is not to be tolerated in the world. The focus, Madam Speaker, is really borne on the back of countries such as ours doing their very best to make sure that proliferation financing, that is the term, proliferation financing does not prosper. Now what is proliferation financing?

In Her Excellency's statement to the Parliament, which is before us and that we resolved to debate it, Her Excellency, Paula-Mae Weekes in the statement before this Parliament has recounted the use of this Economic Sanctions Act, has recounted the need to meet the Financial Action Task Force and the United Nations. Her Excellency the President has also said the Orders seek to protect citizens of Trinidad and Tobago from fear, intimidation and physical harm caused by weapons of mass destructions by introducing measures relating to prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing in the global financial system. It then goes on to state what the Orders would provide for and Her Excellency the President goes through these in letters A to J.

Now, Madam President—Madam Speaker, forgive me, I sometimes I speak in both Houses, I get a little confused as to which House I am in, the Economic Sanctions Act, Chap. 81:05 is before us. Trinidad and Tobago underwent its Fourth

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Round Mutual Evaluation in January 2015. In the Fourth Round Mutual Evaluation exercise we were found to be deficient specifically with respect to our obligations under Recommendation 7 and on our immediate outcomes as well, Madam Speaker. The immediate outcomes said to us that, like the Recommendation 7, that we have an obligation to make sure we could stop the proliferation financing. They assessed us and they said to us you have nothing in place in your Immediate Outcome 11 and Recommendation 7. They said you have nothing in place to stop this.

Now, in the review of our laws we came across the Economic Sanctions Act. The Economic Sanctions Act provides us with a mechanism to operationalize the manner in which we can prevent weapons of mass destruction and their financing, proliferation financing, from finding their way into Trinidad and Tobago. It is important therefore for us to look at what the Economic Sanctions Act has to say. It is an interesting piece of law, it is not a long piece of law. The Economic Sanctions Act is an Act of Parliament. It is entitled Chap. 81:05. It is an Act, No. 15 of 1994. The Economic Sanctions Act is just 11 sections long. The Economic Sanctions Act says, if you want to impose economic sanctions you can do Orders and Regulations via Her Excellency the President. To do that you must follow a flow chart of procedure.

In step one, under section 4 of the Act you must ask the President to make certain Orders. The Orders in this case are, the Order for the Democratic People's Republic of North Korea. In that Order we are saying that there are powers to be granted to the Attorney General to take to the courts of Trinidad and Tobago the mechanism to stop proliferation financing. And this mechanism described in the

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Order which was signed by Her Excellency the President on the 14<sup>th</sup> of December, these replicate Part IIIA of the Anti-Terrorism Act. The Anti-Terrorism Act in section 22 says, weapons of mass destruction are prohibited. It is a criminal offence. It is an act of terrorism.

Part IIIA treats with the financing of terrorism and Part IIIA has a very important section. It is called 22B. And it is that section 22B of the Anti-Terrorism Act which ought to be familiar to all my learned colleagues, it is that listing of entities and individuals by the courts of Trinidad and Tobago which allow you to go to court, tell the court I have an entity listed by the United Nations or locally, ask the court to consider the evidence that you have, invite the court to make an Order to freeze all assets immediately, bank accounts, property and anything transiting to and from your country in relation to those individuals or entities, and if the court makes that Order it is frozen.

Trinidad and Tobago has had the Attorney General's Office, since my tenure, engage in this exercise over 500 times. We have had over 100 Orders equally granted. We have brought to life the listing requirements which were not activated prior to this Government's occupation of Government and we are very pleased to say that we have come in for international commendation, because we have done significant and yeoman service so much so that the rest of the Caribbean Financial Action Task Force has copied Trinidad and Tobago's formula for work and laws as the model to be followed in the entire Commonwealth, CFATF basin. And that is no small feat, Madam Speaker.

This Government has demonstrated how to perform the operationalization of laws. Because the Fourth Round Mutual Evaluation is inherently dependent not

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upon only technical laws but also upon operationalizing the laws and seeing the product of it. In the listing requirements in the Anti-Terrorism Act we have a very important formula therefore, well known to our jurisdiction as to how these economic sanctions Orders work. They are the same mechanisms as in section 22B of the Anti-Terrorism Act and effectively what they do is to allow for the Attorney General, just like the anti-terrorism listings, to go to the court, apply to a judge of the High Court for the freezing of assets, have the freezing of assets done in accordance with the listing at the United Nations, look for them to be grounded in the jurisdiction of Trinidad and Tobago.

The judge on the application of that Order, if the judge is so minded, shall freeze property, prohibit access to the property, et cetera, but very importantly the judge allows for the same levels of relief that the Anti-Terrorism Act applies, for the payment of moneys out, for living expenses, for the variation of the Orders, for the perfection of the lifting of the Orders in the event that there should be cause as to why the Order should be lifted; it allows for the due process of the persons affected by the Order to approach the court; it allows for the advertising of the Orders, the publication of the Orders; it allows for the approach to the UN Ombudsman by the individual affected to have the Order listed at the United Nations. It does so on the reciprocal basis that Trinidad and Tobago was equally approached to have the listing of the Orders.

It allows for a variation of the Orders; it allows for the prohibition of activities with listed entities; it allows for offences to be operationalized in the Orders and for persons to have both the animus, the intention to commit the offence and the actus reus, which is the act of committing the offence coincidental

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in the commission of the offence so that it is not just a strict liability offence. There must be an element of knowing and willing in the intention to contravene and, Madam Speaker, very importantly, it allows for this to be a rolling process. So that is what the Orders effectively do. They replicate the mechanisms under the Anti-Terrorism Act, section 22B for the listing of entities.

Under the Economic Sanctions Act the process flow is as follows: The President makes the Order; that is step one. In step two, pursuant to section 3 of the Act, the Orders shall have effect for three months from the date of commencement. So, these Orders came into effect on the 14<sup>th</sup> of December, 2018. The Orders will have effect for three full months. So that is, December to January, January to February, February to March, March the 14<sup>th</sup> they would go to; and the law requires us in subsection (4) that within 14 days of the commencement of the Order the President shall deliver to the Speaker a statement for presentation to the House. That statement is now before us for debate in accordance with section 4. We also, in step four, in subsection (4), the Parliament must fix a date for the debate of the statement as soon as practicable, but in any event not later than one month from the date of the commencement of the Order. So we are at the 11<sup>th</sup> of January, we have until the 14<sup>th</sup> of January to have done this debate, to have done this resolution; we now come in time before the one-month prescription to do the debate as we are doing now.

There are some other steps that have to happen after that; if this resolution is passed by a simple majority of the Members sitting here this afternoon, before the expiration of the three months we would have to come back again and look to the extension beyond three months. So there is another debate to come on the same

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topic. We can extend it for a certain period of time or indefinitely. And we also have the ability to come back at any point in time to vary or revoke the Orders. That is what the Economic Sanctions Act applies.

Very importantly, in the Economic Sanctions Act we have something of great worth. This Parliament, pursuant to section 11 of the parent Act, must establish a joint parliamentary committee on economic sanctions. Why? Because we are affecting another country—in this case here North Korea. Because we are affecting the sovereignty of another country and its citizens and because this law, this Order, this resolution is to be passed only on a simple majority, in 1994 the Parliament in its wisdom said, let that matter be in a joint select committee so the voice of the Opposition, the Independents and also the Members of the House can be heard, so that minority reports can be delivered, because an issue of sovereignty is an important point.

So this Government, will, via the Standing Orders move for the establishment of the joint parliamentary committee on economic sanctions so that we can satisfy the provisions of section 11 of the Economic Sanctions Act, Chap. 81:05. Do we have a choice? No. Trinidad and Tobago as we know from umpteen debates before us had to report on its progress to the FATF, and the FATF has the United Nations sanctions listings, and also to the CFATF. We warned when we did the Income Tax (Amdt.) Bill, for instance, that we had a deadline to report by the 30<sup>th</sup> of November, 2018 and we did report on that date to the Financial Action Task Force as we must that we had to take a step to operationalize this law.

This could have been operationalized at any point in time in the period 2010 to 2015. It was something that was known to the last Government. We got a big fat

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zero rating on it as completely non-compliant on the checklist and the deadline date to do it, to report that we were going to do it was 30<sup>th</sup> of November. We reported that we would be taking the step as we have done now. Similarly, on the 4<sup>th</sup> of January, 2019, we reported to the joint group of the International Corporation Review Group, which is the subset monitoring group of the FATF, that we would be taking this in accordance with our action plan which coincided with our high level political statement to the Financial Action Task Force.

So, Madam Speaker, the default of passing this resolution is that we will be blacklisted by the FATF. Have other jurisdictions found themselves in difficulty? Yes. All of the Caricom jurisdictions, the Cayman Islands, Barbados, Bahamas, Turks and Caicos, Jamaica, Trinidad and Tobago, we are all in the same circumstance of having to pass this position. There is often the consideration as to whether one is trading one's sovereignty off in complying with these international obligations but, suffice it to say, we joined the United Nations since the '60s. These resolutions have been in effect since then. We are a member of the FATF, we are a member of the CFATF, we have brought the law for the CFATF into our jurisdiction and we were committed to the Fourth Round Mutual Evaluation by the decision of our predecessors in Government and we are bound to comply. In those circumstances, Madam Speaker, I beg to move. [*Desk thumping*]

*Question proposed.*

**Dr. Surujrattan Rambachan** (*Tabaquite*): Thank you, Madam Speaker. I am very happy on behalf of the Opposition to join in this debate on this Motion. But before I do, Madam Speaker, just to point out, on the Order Paper, under Government Business, the Motion we are dealing with in the first paragraph, the second

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“Whereas”, while the hon. Attorney General read out the several resolutions and the dates, there was one line here which said—

**Hon. Member:** Iran.

**Dr. S. Rambachan:** Yes, the Republic of Iran and I think that on the Order Paper should really be the Democratic People's Republic of North Korea on the Order Paper. So I just would like to point that out.

Madam Speaker, in researching this particular Motion I think that it is something that every parliamentarian should take the opportunity to do, especially, to become familiar with a part of our law perhaps, with which we may not have spent a lot of attention, and that is, Chap. 81:05, which is the Economic Sanctions Act. Because the details in that particular Act, as reflected in the Order that has been published by the President, is a tremendous learning experience and tremendous knowledge.

I would also like to say though, that in researching the Internet on the list of ships that are reflected here in the Order, there are 31 ships here that are listed in the sanctions. But I was reading where four of these boats might have been released from the sanction. So that has to be checked, make sure that this list does reflect all of the boats, so that some of them have now come off the list and that we do not as a country make the mistake of holding on to somebody's boat or seizing somebody's boat when in fact they are off the list.

Madam Speaker, this matter of nuclear weapons is something that is rather serious. And sometimes in this part of the world we do not think that it is as serious or we cannot be affected. But when we have a country that is able to have a weapon or a missile that can traverse the ocean and land in your country then no

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one is safe. Madam Speaker, it is in that kind of context that I join this debate because one of the goals of any society or any human being and rational human being, one who loves humanity, would of course be to achieve world peace. And we have had people who have given their lives for world peace, perhaps in their own countries, but they have made a remarkable contribution to the notion of world peace, whether it be Gandhi, whether it be Mandela, whether it be Martin Luther King, all of them. But it seems to me that world peace seems to be ever elusive.

Madam Speaker, climate change provides one of the most serious threats to the world. And here in Trinidad and Tobago we are also seeing the effects of climate change in terms of its threat to our very existence. But to me, it is man's greed and the quest for domination over others that continue to be the weapon that could lead to the annihilation of mankind. And it is greed and the thrust for dominance that really propel people to get into this whole mission of producing the kinds of weapons that can lead to the destruction of mankind. And it is not only in this century that this has been so. It has been so through prehistoric times. But the weapons of mass destruction, like that which we read in the Democratic Republic of—People's Democratic Republic of North Korea, the weapons of mass destructions are now more sophisticated. They are more deadly than perhaps the Hiroshima bomb, and as I said earlier with missiles being able to be shot over thousands of miles the threat to civilization is far more serious than we would like to believe.

In fact you know, let me just say, and I agree with the Attorney General, that no nation is exempt from the weapons of mass destruction, none. The live pictures,

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Madam Speaker, that came into our living rooms and into our offices when the World Trade Center was bombed, you know, that came on our cell phones, warned us of the reality that could be our own demise. And it is something that we must not close our eyes to and here in my own country I feel sometimes that we in this country think that we are protected from this kind of activity in the world. But events like that, live wars as we see now, live wars, that is what it amounts to, warn us of our own demise.

You know when we talk about live wars, Madam Speaker, I do not know, maybe you have seen them too, people being shot in our own country, being shot and we see that on our cell phones and we see that on our computers, and it is very disturbing because after a while there is a tendency to get immune to it and we forget about the reality, of the dangers even of one little gun in destroying someone's life. So we, you know, we no longer hear of countries at war. We see, we witness the wars and we witness more importantly the atrocities of those wars, especially upon children as we see in parts of the Middle East.

Madam Speaker, when leaders can use nerve gas, when they can use weapons against their own citizens, against their own family members, against their own blood relatives, then we—and I use “we” now collectively in the world—have a responsibility to stand up and be counted in the name of a free world, in the name of the right to life and in the cause of world peace. And my fellow citizens, even parliamentarians may think that Trinidad and Tobago as small as it is cannot contribute to world peace. I want to disagree with that. I want to say that smallness does not mean a lesser voice in the quest for peace and in the elimination of terrorism.

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Trinidad and Tobago has always done what it has considered to be right. For example, Madam Speaker, in 1972 when economic sanctions were being imposed upon Cuba, it was Trinidad and Tobago among four countries in the Caribbean which led to what might be described as the collapse now of the Cuban embargo in the Americas. And we stood up and we stood up for Cuba and we stood up therefore for what is right. And if today it is right for us to stand up as we should and support this particular Order that has been signed by our President and presented here in the House, then we must so do. Because beyond our international obligation by way of membership to the United Nations, and the Attorney General described in very succinct terms what our obligations in that regard are, so I am not going to do that again. But beyond our international obligations by way of membership to the United Nations and by signing these treaties and by way of our own legislation in the context of those treaties, beyond all of that is my fervent belief that we have a moral obligation to do what is right and to do what is just and to do so with courage and conviction. In other words, we have to punch above our weight.

Madam Speaker, terrorism is evil, it is evil. And while an individual or corporation of group may not be seen in the frontline as visible terrorists, the Order is very clear that those who contribute by way of finance, those who contribute by way of the recruitment of terrorists or in any other way, support terrorist movements and activities, must also be condemned for they too are carrying the bandana of terrorists on their faces.

Madam Speaker, in that regard I think it is worthwhile for us all to read the

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details of this Order. The details of this Order are a lesson in what we as Trinidad and Tobago are standing up for and what we can do through the Office of the Attorney General in order to protect—well, I would say also protect our nation's people and also in the cause of world peace. But, Madam Speaker, while the UN Security Council and while members of the UN can sit and agree to impose economic sanctions and while we can agree to the Order here today, in the ultimate, you know, we have no controls over the minds and hearts of those who have committed to dominate and destroy others. And that is something that, you know, goes beyond now what we are doing here. And that is why we must rise up, we must stand up. We must as a country know when we must not sit on the fence, when we must not posture, for the stakes of our existence and the stakes of the future of the world are too high when it comes to terrorism and when we see what is taking place in the world by terrorists.

**9.00 p.m.**

So it is in this context that I make my short contribution and say that the Order before us requires unanimous support. Trinidad and Tobago, within recent times, has gained the attention of the world with respect to it being a country from where people have gone to fight for ISIS. So terrorism is at our doors. Our image as a country has undoubtedly been tarnished since Trinidad and Tobago has been cited in very high levels in international fora for spawning terrorists. Let us not at all deny that we have terrorist cells in this country, and that there are reports all over the world done by experts and their headlines are not very palatable:

Todd Bensman, October 08, 2018:

“Terror in Paradise: Trinidad and Tobago Is Now a Jihad Hotspot.”

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“Political scientists expose hotbed of jihadi radicalism in Trinidad and Tobago.

United Nations uses”—University of—“UAlberta study to develop strategy for fighting violent extremism.”

And this Geoff McMaster article, there are several details about what is happening in Trinidad and Tobago with respect to terrorists.

The *Guardian*:

“Trinidad’s Jihadis: how tiny nation became Isis recruiting ground.”

And I can go on and on with several articles to point out this. But my point is that for a very long time, going back to the 1970s, you were hearing talk in this country about terrorist cells. Individuals were not committed to democracy or who have their own definition of what a democracy is all about. And we must, the majority of us, the 99.9 per cent of us in this country, must reject and stand up boldly and say no to terrorism. And if today in this Parliament we, too, have to join with the United Nations in imposing these sanctions through the Order, we must do so.

Madam Speaker, you know, it comes in all forms. The gang culture is alive in this country, and despite us in this Parliament passing requisite legislation to deal with gangs, the results have not been stunning thus far, and we have to support the police service in trying to use the legislation in order to get results on behalf of the people, because there remains a wide gap between legislation and implementation. And the hon. Attorney General just spoke about the operationalization of legislation—making it operable.

**Mr. Charles:** Ah, nice word. Nice word. Fix it. [*Desk thumping*]

**Dr. S. Rambachan:** But it is not only in terms of this Order that we are going to

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make it operable. We have to make our legislation as a whole, the ones we passed in this Parliament, operable. We have to. If we do not, then doing one Order like this, while it makes us look good in the eyes of all the members of the United Nations and we punch above our weight, but are we punching above our weight in our own country when we deal with our own situation? That is what we have to also ask ourselves.

Madam Speaker, with the proliferation of guns and ammunition marked by an increasing number of such weaponry that are being seized by the police—I mean, recently in the south region on the beach, a man comes in there and he is walking with a bag of guns and the police seizes it. We see a situation where bullets with TT Police marked on it, and people are getting shot. Madam Speaker, I raise these in the context of what we are debating here today. I am not raising a new debate on crime. Far from it. But I am saying that we have to also make operable in a very comprehensive way, our laws that will deal with our home-bred terrorism and home-bred terrorists.

Look, we have had a case where people are now in jail because they wanted to bomb the JFK Airport. We have had a case like that. So it is at our doors and I do not believe that the majority of our people in this country understand that threat. And if today from this Parliament floor I could raise the consciousness of Trinidadians and Tobagonians with respect to home-bred terrorism and its international connection—because home-bred terrorism is not just domestic terrorism. Home-bred terrorism also has international connections. That is why our people are recruited to go out of here. So we must not close our eyes at all to what is happening in our own borders, in our own villages, and so on, and we must work

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even harder. And we must congratulate the Commissioner of Police for making the efforts that he is making in order to bring some kind of security to the minds and hearts of people in this country.

Madam Speaker, it is these few words that I stand here on behalf of the Opposition and the Leader of the Opposition to support this Order that has been sent to this Parliament by the President, and to say that it is worth our while to read the contents of both the Economic Sanctions Act and this particular Order that has been presented here to us.

Thank you very much. [*Desk thumping*]

**The Attorney General (Hon. Faris Al-Rawi):** Madam Speaker, I wish to wholeheartedly and sincerely thank the hon. Member for Tabaquite for his very sober, mature reflection upon an issue which is a serious issue for our country. First of all, the Preamble as printed on the Order Paper did indeed have the reference slightly wrong. Fortunately, however, the statement from Her Excellency the President is word perfect, and insofar as the Resolution causes the adoption of the statement, we are fortunately safe in that regard.

Secondly, in terms of consultation, I just want to put out that we had significant amount of consultation from several stakeholders: the Central Bank; Securities and Exchange Commission; Customs and Excise; the FIU; the NAMLAC, the National Anti-Money Laundering and Combatting of Financing of Terrorism Committee; National Security; Civil Aviation; Maritime; Foreign Affairs and the AGLA. But very importantly, UNLIREC. So we had the Orders scrubbed by the United Nations entity itself and we looked to all of the listed entities on it to be sure that we were current and safe in relation to those aspects. In any event, we have the

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ability to manage the list by way of the variations which the Orders themselves permit, so that they are not cast in stone. They can be treated with on an ongoing and evolving basis.

The hon. Member was completely correct. Having a small voice does not mean that we cannot punch above our weight class, and I draw a simple example to ANR Robinson—President Robinson—in the International Criminal Court. That is punching way beyond your weight class and Trinidad and Tobago is very proud to have been a participant. We thank President Robinson for that. And, indeed, people like President Carmona who served there—

**Hon. Member:** Karl Hudson-Phillips.

**Hon. F. Al-Rawi:** Karl Hudson-Phillips as well, who was involved. Mr. Justice Geoffrey Henderson who is currently there et cetera. We are doing our part on that position.

It is true that terrorism is evil and we are now into the world of live war. I want to tell you, I understand that well. I have driven across the desert between Jordan to Iraq, from Amman to Baghdad, passing through Trebil; driven along a road with 21 tomahawk missiles flying right overhead. And that experience, Madam Speaker, of having tomahawk missiles shake your car and nearly turn you over, and thinking that that moment was death. I do not know how the Member for Point Fortin became an expert in bomb diffusion, as he is, and as he has served this country in such a distinguished way. That gives you a bit of an insight. I can tell you that seeing the effect of weapons is also an equally important thing. I recall standing again in Iraq at a crater of one tomahawk missile. So as I got to Baghdad and I went to see the craters of the missiles that got there before I did, several days

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later. One tomahawk missile landed in a residential area. The crater that I stood at was 200 feet wide by 100 feet deep, and I saw that day, a man standing with a little son, holding his hand, with tears streaming down his dusty face with his son looking in shock. Every single relative of theirs had been killed.

**Hon. Member:** What about the children in Libya?

**Hon. F. Al-Rawi:** Sorry?

**Hon. Member:** So were the children in Libya.

**Hon. F. Al-Rawi:** Yes, or Palestine or Israel or in any—Rwanda. The effects of war are real. And the Member for Tabaquite is right. We have become immune to this. You switch channels. You get a CCTV footage of somebody's head being shot. Our country now stops in our own little war and takes live pictures or videos of a tragedy on the road and it makes the rounds on social media before the wife, the child or the parent has gotten the news as to what has happened. And I ask myself, genuinely, where is our decency as a people to these acts of horror?

And I want to thank the Member for Tabaquite for the joining of forces today, in saying that we, as a country, will support this particular move in endorsing Her Excellency's statement in the fashion that we do. We do have a phenomenon of home-grown terrorism. It is an infamous position to have acknowledge, but fortunately, the Government has taken this very seriously and we are seen to be making best efforts and, indeed, great example in applying the laws which are existing laws of our country.

Madam Speaker, I, too, join with the Member for Tabaquite in saying that the Commissioner of Police is to be congratulated for his activism. But I want to say, it is the Minister of National Security and it is the Prime Minister as head of

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the National Security Council and it is the Cabinet of Trinidad and Tobago that backs the Commissioner of Police 100 per cent and creates the operational environment for the Commissioner to take advantage of the laws that we have. The anti-gang product, the less gangs that you see in existence going before the court, the better. It means you are splintering gangs. Because the idea is more 99 per cent dissuasion—scatter, rather than coalesce.

And I am pleased to say that we actually have had charges under the Anti-Gang Act. And I am pleased to say that the drug finds and ammunition finds that we are seeing are not by mistake. They coincide with the very information coming out of the OCIU, the Organized Crime Intelligence Unit. And, therefore, we are seeing something started by the Member for Point Fortin. You know, Madam Speaker, I want to say this. The Member for Point Fortin is a very humble gentleman. He is not the type to stand up and speak bold and boast. The Member for Point Fortin has dedicated a life prior to politics, and his life in politics, and I want to give him public commendation for the immense work that he put into the Ministry of National Security.

We are lucky to have the Member for Port of Spain North/St. Ann's West right now in that seat. Perhaps the Member for Point Fortin is lucky to be on the happy side of the equation in the Ministry of Housing, because what better gift than to build homes and give homes with that awesome responsibility and massive budget that he manages. But I want today, in the context of this Bill, to say thank you to the hon. Member for Point Fortin for his dedicated service to country, and it applies in the very origin of these laws, because it is the Member, when he sat, and then perfected by the Member for Port of Spain North/St. Ann's West, in coming

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to bring the work which I today bring in my own part. It is a tripartite relationship, really. It is the Ministry of Finance in their supervision at the FIU; it is the Ministry of National Security and the Attorney General's office. It is that tripartite combination that brings these laws together. I have nothing more to add to this and I beg to move. [*Desk thumping*]

Question put and agreed to.

*Resolved:*

That the Statement of Her Excellency the President pursuant to section 4(4) of the Economic Sanctions Act, Chap. 81:05, setting out the specific grounds on which the decision to make the Economic Sanctions (Implementation of United Nations Resolutions on the Democratic People's Republic of Korea) Order, 2018 was based.

**ECONOMIC SANCTIONS (IMPLEMENTATION OF UNITED  
NATIONS RESOLUTIONS ON THE ISLAMIC REPUBLIC OF IRAN)  
ORDER, 2018**

**The Attorney General (Hon. Faris Al-Rawi):** How I wish we had done this together. But here we go. Motion No. 2. Madam Speaker, I beg to move the following Motion standing in my name:

*Whereas* by section 4 of the Economic Sanctions Act, Chap. 81:05 the President may for the purpose of implementing a decision, resolution or recommendation by a regional or an international organisation of States or association of States, of which Trinidad and Tobago is a member, that calls on its members to take economic measures against a foreign State make an order with respect to-

- (a) the restriction or prohibition of any of the activities referred to in section 5 in relation to a foreign State;
- (b) the seizing, freezing or sequestration in the manner set out in the Order any property situated in Trinidad and Tobago that is held by or on behalf of—
  - (i) a foreign State;
  - (ii) any person in that foreign State; or.
  - (iii) a national of that foreign State who does not ordinarily reside in Trinidad and Tobago.
- (c) the exclusion of any person, property, goods, technical data, services, transactions, ships or aircraft or any class thereof from the application of the Order.

*And whereas* the United Nations Security Council Resolutions 2231(2015) relative to Iran, United Nations Security Council Resolution 1540(2004) and its successor resolution, Member Countries of the United Nations were called on to impose economic sanctions on the Islamic Republic of Iran;

*And whereas* Trinidad and Tobago is required to implement the Financial Action Task Force's Recommendations 7 relative to the Islamic Republic of Iran which requires that countries implement target financial sanctions to comply with United Nations Security Council Resolutions (UNSCRs) relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing;

*And whereas* the aforementioned resolutions require countries to freeze without delay the funds and other assets of, and to ensure that no funds and other assets are made available, directly or indirectly, to or for the benefit of,

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any person or entity designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations;

*And whereas* the President, by Legal Notice No 185 of 14<sup>th</sup> December, 2018 signed the Economic Sanctions (Implementation of United Nations Resolutions on The Islamic Republic of Iran) Order, 2018;

*And whereas* the President, in accordance with section 4(4) of the Economic Sanctions Act, Chap. 81:05 did cause to be delivered on the 17<sup>th</sup> December, 2018 to the Speaker for presentation to the House of Representatives a statement setting out the specific grounds on which the decision to make the Order was based;

*And whereas* section 4(4) requires the statement of Her Excellency the President, be debated as soon as practicable but in any event not later than one month from the date of the commencement of the Order;

*Be it resolved* that the Statement of Her Excellency the President pursuant to section 4(4) of the Economic Sanctions Act, Chap. 81:05, setting out the specific grounds on which the decision to make the Economic Sanctions (Implementation of United Nations Resolutions on The Islamic Republic of Iran) Order, 2018 was based, be approved.

I do not know if one trips the rule on reviving debates with respect to resolutions, because, if that is the case we could spend just a few moments on this, but I fear that I am bound by the rules of the Standing Orders. So permit me, Madam Speaker, to say we are here in compliance with our obligations under the Financial Action Task Force, Recommendation 7, Immediate Outcome 11. We are also here on account of our membership in the United Nations to bring to life the

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resolutions of the United Nations adopted by the Financial Action Task Force, managed by the Caribbean Financial Action Task Force as an FSRB, a FATF Style Regional Body, which regulates Trinidad and Tobago, together with 24 other jurisdictions, so that we can comply with our ratings review post our Fourth Round Mutual Evaluation which occurred on January 2015.

In that Fourth Round Mutual Evaluation we were deemed to be non-compliant completely and totally with respect to Recommendation 7, which is the prohibition against proliferation financing, and also with respect to Immediate Outcome 11. We have an obligation to meet those standards pursuant to our reporting requirements which occurred on the 30<sup>th</sup> of November—sorry, 31<sup>st</sup> of December—30<sup>th</sup> of November, 2018 and also pursuant to our reporting obligations to the joint group of the Financial Action Task Force in compliance with our action plan and our high level political statements so noted in the publications by the Financial Action Task Force, which we did on the 4<sup>th</sup> of January.

We are posited to meet these obligations but also to demonstrate that we have complied with the law. We have a lot to gain. We have very much to say by way of successful compliance with these laws. We have, of course, effected the consultation in respect of these laws. We have, in fact, approached Central Bank, TTSC, Customs, FIU, NAMLAC, National Security, Civil Aviation, Maritime, Ministry of Foreign Affairs, the Attorney General and UNILAREC. UNILAREC is the United Nations sub-body which scrubbed the data list and did the wordsmithing on the Orders for us to make sure that we are applying the Orders in proper fashion.

Iran is a particularly interesting country because Trinidad and Tobago has official relations with Iran; has a trade position with Iran. We do engage in

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positions. And Iran has been the beneficiary of wavers of the international sanctions because Iran has been taking steps to treat with the allegation of proliferation, financing and weapons of mass destruction. So poignant was their advocacy and steps forward that Iran, in fact, had a suspension of orders against it. There was then a resumption of certain orders by way of a monitoring process. Trinidad and Tobago has been monitoring that position, and therefore there is a particular caveat in this Order which allows us to come away from the sanctions approach.

I know that Iran is taking aggressive steps to make sure that it complies with its obligations to the United Nations and we compliment the people of Iran in relation to their work. The Order which Her Excellency has signed on the 14<sup>th</sup> of December, 2018 is before this Parliament, in keeping with the Economic Sanctions Act which prescribes that it must come to the House of Representatives via a statement of Her Excellency pursuant to section 4 of that Act. We must engage in the set-up of a Joint Select Committee which will monitor the application of these laws and that will be done pursuant to section 11. We have certain other steps to be taken. We must return before the expiry of three months from the date of the Order's publication, which was the 14<sup>th</sup> of December, 2018, and therefore before the 14<sup>th</sup> of March, 2019 we must be back to extend the Order, either in a staged phase or indefinitely, with the ability to vary the Orders or revoke the Orders from time to time.

We have the ability to approach the UN Ombudsman. We have the ability to apply the Orders in the context of a replication of that which we have done in Part IIIA of the Anti-Terrorism Act, where we do the listings by the Attorney General for entities and individuals sanctioned by the United Nations pursuant to section

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22B of that law.

In that law, and in these Orders, we, in fact approached the courts, ask the court to consider the listing of these entities and orders in Trinidad and Tobago. It is not by mere receipt of the information that the entities are listed by the UN that it happens. We must have our courts exercise that jurisdiction. The Attorney General presents a case, files a fixed date claim form, obtains a date for hearing, puts affidavits before the court; the Judge then considers the matters.

I am very pleased to say, Madam Speaker, that we, in fact, already did the test case for that, and I am pleased to say that on the 9<sup>th</sup> of January, 2019 I achieved the first order for the listing under the Iran function. That is to show that we are capable of acting with immediacy. We received the recommendation. We went to court. Madam Justice Donaldson-Honeywell already granted us the order. We have applied it and blitzed it through the system, in similar fashion to the Orders which we did under the section 22B of the Anti-Terrorism Act.

In those orders, for the record—I will just put it on—we have received under that 22B, 101 orders from the court already, under my hand as Attorney General, and we have done that for 506 individuals and entities, and 13 have already been delisted. So we are now down to 493 listed. In other words, then, we can take people off the list and we have been monitoring this and applying it with even-handedness. [*Desk thumping*]

The Orders allow us to engage in decided positions. They are proportional and rational, because we actually have the ability to manage the system by having judicial oversight by the Attorney General applying to the court. Funds and assets are prevented from being made available. Mechanisms for communicating the designations are blitzed through the system of financial institutions and FIUs, et

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cetera, by way of our publication mechanisms. We have the measures to protect bona fide third parties. We have the consequences for failure to comply with freezing obligations. We have the measures that enable designated entities to petition the Attorney General to come off. We have the delisting functionalities. We have the carve-outs for living expenses, et cetera, all in keeping with the amendments that we made to the Anti-Terrorism Act just last year where we improved the proportionality of the Anti-Terrorism Act provisions. The procedures to unfreeze funds, et cetera, are set out. We have the procedures for the access of funds, for permitting the addition of further accounts frozen and interest to be applied; for the freezing action taken pursuant to the UNSCR resolutions, and contact, et cetera.

So, Madam Speaker, this is not just “tick-the-box” law. This Attorney General, this Government, has demonstrated that we apply the law. We have done it on hundreds of occasions. We are now the example of success in this region. We are very pleased to lead the way. We have come in for active commendation and praise from our international assessors and from entities that look to us for guidance. We take this seriously because we take our country seriously. And in these circumstances, I beg to move. [*Desk thumping*]

*Question proposed.*

**Mr. Rodney Charles** (*Naparima*): Thank you very much, Madam Speaker. I take this opportunity to wish you all the best for 2019 and, by extension, my colleagues on both sides of the House.

Madam Speaker, I would like to find the time in this honourable House when I could support the legislation brought to the House by the other side. I would like to be like my colleague from Tabaquite who got commendations on his

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contribution. And I genuinely would like to support some legislation brought by the other side, but I cannot in good conscience support this Order, the Order, Legal Notice 185, entitled the Economic Sanctions (Implementation of the United Nations Resolution on The Islamic State of Iran) Order, 2018.

Madam Speaker, this legislation is inconsistent with the resolutions of the Security Council as it stands today. The relevant resolution is Resolution 2231 which is the only resolution on Iran that is recognized by the Security Council. And what did Resolution 2231 do—Resolution 2231, 2015 adopted by the Security Council at the 7,488<sup>th</sup> meeting on the 20<sup>th</sup> of July, 2015? It terminated all resolutions relating to Iran and terminated all actions relevant—economic sanctions that were applicable to Iran.

So if under Article 25 of the Security Council—of the UN Charter, sorry—Article 25 of the UN Charter, it says:

“...Members”—States—“of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.”

Well, if that is the case, then this Parliament is being misled today. I will say why. Resolution 2231 states—and I indicated, it terminated all previous resolutions. This was based on an accord that was developed and was pursued mostly by President Obama, the EU, Russia, China. And they all got together, the P5, the permanent members, the United States—it was France, the United Kingdom, China and Russia. They got together with—they call it the P5, the permanent five, plus one, Germany, and they met with the Iranians and they developed an accord.

**9.30 p.m.**

And out of that accord, Iran agreed to restrict its nuclear weapons

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programme in exchange for a removal of the economic sanctions, and that is why Resolution 2231 had a section which allowed for the termination of economic sanctions and termination of all the previous resolutions that applied to Iran and I will read section 6. It said and I quote:

“Requests further that, as soon as the IAEA”—that is the International Atomic Energy Agency—“has verified that Iran has taken actions specified in”—a previous paragraph—

“has reached...Conclusion that all...material in Iran remains...peaceful activities, the Director-General of the IAEA”—shall—“submit a report confirming this conclusion to the...Security Council;”

And then the Security Council in Article 7 says:

“Decides, acting under Article 41 of the Charter of the United Nations, that, upon receipt by the Security Council of the report from the IAEA described in paragraph 5”—quote—and this is the important one, Madam Speaker:

“(a) The provisions of resolutions 1696 (2006)...”

And I want you to look at the preamble to this Order because what all the resolutions quoted here as the source for the power to operate and apply the sanctions have been terminated. So I am reading:

“(a) The provisions of resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015) shall be terminated;”

Madam Speaker, I checked with the IAEA and chronology of actions, events, and in 2015, somewhere around October, they informed the Security Council that they were satisfied that Iran had taken appropriate steps to ensure that it has restricted its nuclear capability, and as a result of that all these provisions

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that were applicable to Iran were terminated. So here we have legislation that draws its sustenance from something that the United Nations Security Council has terminated and yet we are using that as the spirit, as the source, as the foundation for legislation that we have. It is strange. If the Security Council has said that all economic sanctions have been terminated and we are bound by Article 25 to abide—because resolutions of the Security Council are binding on members states, we are bound to not apply economic sanctions to Iran. It is strange.

So we have here, Madam Speaker, in the preamble to this Order:

*Whereas* the Republic of Trinidad and Tobago is a member of the United Nations;

*And Whereas* the United Nations Security Council has issued resolutions—and they repeat the same number of resolutions that I read that had been terminated, it says—requiring members of the United Nations to impose sanctions against The Islamic Republic of Iran.

Madam Speaker, that is a falsehood. I checked with the United Nations Security Council and these resolutions do not exist. How do they crop up here? And it says:

*And whereas* by virtue of its membership to the United Nations the Republic of the Trinidad and Tobago is required to implement the resolutions issued by the Security Council against The Islamic state.

Nonsense, craziness, and I draw—there is a source, the United Nations Security Council Resolutions on Iran by the Arms Control Association, this is an NGO, a reputable NGO in Washington DC and I quote—it was updated in August 2017. It says:

“The United Nations Security Council...has adopted seven resolutions as part of international efforts to address Iran’s nuclear program, although only

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one is in effect today.”

Do you know which one? This is the one, Resolution 2231. The same one that said that the previous resolutions have been terminated. So this supports that. It says:

“When Iran and the P5+1”—permanent members of the Security Council plus Germany—“reached a comprehensive nuclear deal on July 14, 2015, the UN Security Council endorsed the deal and put in place measures to lift UN sanctions that targeted Iran’s nuclear programme.”

So here we are today implementing something that does not exist and misquotes the United Nations Security Council, and draws sustenance from that action.

In fact, Madam Speaker, in Resolution 2231 (2015), which is the only one that is applicable in existence right now, it says in its preamble:

“*Noting* the termination of provisions of previous resolutions and other measures foreseen in this resolution, and *inviting* Members States to give due regard to these changes...”

So the Security Council which we have signed, which we are duty bound by their decisions and their resolutions, is telling us that we have to give due regard to the changes. That is the termination. So we are acting contrary to request of the Security Council. And in fact, we are illegal because we are bound by international law, we are bound by the UN Charter to which we have signed, to which this same document, this same Order, says that by virtue of membership we are required to implement.

So, Madam Speaker, you see why, much as I would like to support legislation, I cannot support illegality, one, and I can support something that is bad legislation. It is bad legislation. So that is the first point.

**Hon. Members:** Ohhhh!

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**Mr. R. Charles:** And, Madam Speaker—[*Crosstalk*]

**Madam Speaker:** Order! Order!

**Mr. R. Charles:**—the second point is, we on this side have significant respect for the President and I am reading—and I know we cannot. Under the Standing Orders we cannot, but this is before me and I would just like to read it and our obligations under various United Nations sanctions regimes, United Nations Security Council Resolution 2231 (2015) relative to Iran, and United Nations Security Council Resolution 1540 (2004) and its successor resolutions. I am asking Members opposite to correct this because we are a serious country and we cannot be seen in international fora to be doing things that are inconsistent, not well researched, and not reflective of the latest situation with the Security Council.

Madam Speaker, two, second point, how many UN security resolutions have been brought before the Parliament? I know there is international law which says we are bound by decisions of the Security Council and we operationalize it when in fact we have to carry out the requirements of the Security Council to operationalize it, but if we do not have to then it is not necessary. So the question is: What about other Security Council resolutions like imposing Resolution 2199 and other related resolutions regarding Al-Qaeda and associated individuals and entities like Security Council Resolutions 1262, 1373, 1483 and others concerning threats to international peace and security caused by terrorist acts which contain financial sanctions relevant to FATF? Why have we selected Iran for special treatment when there is a plethora of other countries that are in the same category? Or why have we not UN Security Council Resolution 2127 (2013) and other relevant resolutions concerning the Central African Republic, or Resolution 1917 (2011) and other relevant resolutions concerning Libya? We are already bound by

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the—why are we introducing this?

The Arms Control Association said that—it continued by saying:

“The resolution, 2231, retained some restrictions on ballistic missile activities and arms sales.”

And this was passed way back in 2015 by unanimous vote.

So the question is, why are we here? Why are we here, really? If the United Nations Security Council has in fact not done anything after 2015 regarding Iran, why are we here? Is it because we are here to please the United States because this Government fears reprisals of our ill-timed support for the Maduro regime in Venezuela? [*Crosstalk*] I know. This is important, Madam Speaker, because the only country that has removed itself from the United Nations Security Council resolution and the deal with respect to Iran is the United States. Madam Speaker, all; the EU, China, Russia, all of them are still supportive of the deal which is still part of the Security Council. If the United States wanted to change this agreement, the deal, it would be vetoed by the other four permanent members of the Security Council. So it is a no, no. It stands, it has to have a consensus among the P5.

So as it stands today, the Iran deal of 2015 is the current position of the United Nations Security Council. The only country—well, there are other countries, the countries that support the United States like Israel, et cetera, they have removed themselves from the understanding of the Security Council. So there is nothing wrong. The timing of this coincides. That happened in November last year, the United States withdrew from the accord. November, and here we are in January joining, apparently, a position that is consistent with the United States and nothing is wrong with that. We understand that we have citizens in the United States, we understand it is our trading partners, well, come straight and tell us.

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Come straight and tell us because it does not make sense that out of the blue, Trinidad and Tobago, the only country among many in the 193 members in the United Nations, have decided that today we have isolated Iran and targeted them for special action.

Madam Speaker, it will be recalled and I will raise the point that the Trump administration has accused Iran of violating the resolution by continuing to test missiles. As a result, on November 05, 2018, the US fully re-imposed the sanctions on Iran that had been lifted or waived under what they call the Joint Comprehensive Plan of Action by the P5+1. The United Kingdom, France, and Germany issued a joint statement and they said, we urge the President of the United States to preserve the agreement.

“Prime Minister Theresa May, Chancellor Angela Merkel and President Emmanuel Macron said the decision to pull out of the Iran nuclear deal was a matter of ‘regret and concern’.

They said: ‘It is with regret and concern that we, the leaders of France, Germany’—and the UK—“take note of President Trump’s decision to withdraw...”—from the accord and they regret it.

We are withdrawing from the accord because the accord states that sanctions, economic and otherwise cannot be placed on Iran. So we have taken a decision and I will talk later about the geopolitics of this because we could get into difficulty. The timing of this legislation is poor and unmindful of contemporary geopolitical realities. Poor Trinidad and Tobago is getting involved in a geopolitical nightmare which it does not fully comprehend. Madam Speaker, it is serious business. People are asking the question why Trinidad is doing this now. We call that “cockroach in fowl business”.

“Former President...Obama”—to talk about the complications in the United States—“criticized”—the US—“decision...to pull...out of the Iran nuclear deal.

The 2015 pact lifted sanctions on Iran that crippled its economy and cut its...exports roughly in half. In exchange of sanctions relief, Iran accepted limits on its nuclear program...allowed international inspectors into its facilities. Pulling out of the deal could strain diplomatic relationships with U.S. allies such as France and Germany, and it could have ripple effects in the oil market.”

And we, Madam Speaker, in the middle of that “kankatang”. In the middle of serious geopolitical plagues, we are in that. I fail to understand why the legislation now, why the content of the legislation, and what is the end product of it? It cannot be that we are doing this to comply with UN economic sanctions against Iran, because, as I have said before, that does not exist. So therefore, why are we doing this now? And when you dig beneath the surface you realize that it does not make sense.

I recall, if it is that our policy is not to get involved in geopolitical big games, is there a change in our policy? Because remember, in 2014, when the UN resolution on global terrorism—we co-sponsored it. Our Prime Minister said at the time, and I quote, I believe, sorry—he said that “we should stay out of things that do not concern us”. Those are his words and that is a valid position to take at the time. It proved subsequently the wrong decision because we ended up with the largest per capita number of terrorists-to-ISIS in the world. So it is something that was close to us. But at that time he said we should not get involved and right now we are in the middle of something we do not understand.

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Madam Speaker, let me explain. The Europeans right now from the EU, they have trade with Iran, they have economic activities, they encourage businesses and transfer of technology and Euro investments in Iran. So our probably second or third largest trading partner has economic relations with Iran, and Trinidad and Tobago is deciding today that we are putting in place sanctions to deal with Iran.

Madam Speaker, the Arms Control Association said that they retained certain restrictions on ballistic missile activities and arms sales, so that is enforced right now and allowed by the United Nations, but what kind of equipment are we talking about? Battle tanks. We have battle tanks. We are putting restrictions on the export of battle tanks to Iran. Armoured combat vehicles, large calibre artillery systems, that is what we are doing here today. “We serious?” Combat aircraft, attack helicopters, warships, we cannot even monitor our coast. We have 50,000/60,000 Venezuelans—they do not even know the numbers, to tell you how unregulated that is. There are reports from the Venezuelan authorities which say that it could reach 150,000 refugees in Trinidad in the next two years. Madam Speaker, Trinidad and Tobago has the highest per capita refugees in Trinidad and Tobago at this time. We have 60,000 in a population of 1.3 million; that works out to 4,000-plus per 100,000. [*Interruption and laughter*] We have 60,000 refugees from Venezuela in Trinidad.

**Madam Speaker:** Order! Order!

**Mr. R. Charles:** Madam Speaker, that works out to 4,000 per 100,000. Brazil has 24 per 100,000, we have 4,000. [*Crosstalk*] They could laugh, but they do not know what—they are getting into things that they do not understand. It is not your fault. But the point is we can safely say that we have none of these. So we passing legislation that will have no material effect.

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In fact, we have a—I call it a “ghost guard” that cannot protect our borders, and right now we are purchasing vessels but we are putting in trade sanctions for a combat vessel. I spoke about the EU. The EU right now allows transfer of funds between EU persons and entities and Iranians; banking activities; financial support for trade with Iran; investment in oil, gas and petrochemical sectors; import and transport of Iranian oil, petroleum products, gas and petroleum products; export of gold, precious metals and diamonds. So while the EU has removed trade restrictions on Iran, our big, bad, muscular Attorney General is flexing his significant muscles on behalf of Trinidad to impose trade sanctions on Iran.

Madam Speaker, they conflate FATF with the UN. They clearly do not understand the UN and how it operates, and let me also tell you the UN Security Council deals with war, global security and global peace. They do not deal with trade, by and large. They put in sanctions in support of global peace, but at the UN, agriculture is handled by the FAO, UNESCO handles culture, and you have different organizations to handle that. So that in trade we would deal with the UN General Assembly not with the Security Council. So we hear FATF and we—I would like this Attorney General to sit down one day and tell us—

**Mr. Al-Rawi:** Sure.

**Mr. R. Charles:**—what is required, the legislation that is required, put it together, bring it to the House and let us get this thing off the books so we can become compliant.

Furthermore, unlike UN Security Council resolutions, we are not bound by FATF sanctions, and I ask the question—we are not bound—what is the economic justification based on the FATF requirements? He needs to explain that to the House. Why select Iran for FATF treatment? Why this surreptitiousness? Why not

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deal with FATF requirements separately and place sanctions on all blacklisted countries? So hear the joke in this, Madam Speaker. Trinidad and Tobago, a country which is on FATF's grey list, we are placing sanctions on Iran which is on FATF's blacklist. Madam Speaker, draw attention to *PressTV* news, it talks about "Iran hails FATF's decision to extend suspension of its countermeasures". The FATF said Iran had acted on nine of 10 of its guidelines despite pleasures to make the grade and warn the country that it could face consequences. It says:

"We expect Iran to move swiftly to implement commitments that it undertook at a high level so long ago,"—the FATF president Marshall Billingslea said after chairing the meeting.

"In line with that, we expect that it will have adopted all of these measures by February..."—this year.

So, Madam Speaker, there is an expectation by FATF that Iran will be fully compliant—

**Madam Speaker:** [*Inaudible*]—this way.

**Mr. R. Charles:** Oh yes. Sorry. FATF is saying Iran could come off the blacklist next month. Madam Speaker, would it not make sense for us to wait until February and then see if they are still on the blacklist and take action against them. So what happens if they pass the legislation next month and they come off the list and we are on the grey list? We, on the grey list, they, on the list, but we are passing regulations and we are passing sanctions against them. A geopolitical nightmare. Are we aware that we are unwittingly being caught up in a geopolitical nightmare which we do not understand? We may now become ensnared in a global conflict involving Iran, Russia, the EU, Venezuela, the US and Guyana. Is this our real intention? Iranian warships are being sent into the Caribbean to assist Venezuela.

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According to *Newsweek* article dated 4<sup>th</sup> of January, 2019—so we are talking recently—an Iranian naval leader told the official *Islamic Republic News Agency* in an interview that a Sahand destroyer would be sent to this area following the Persian New Year in March in response to geopolitical activities happening here. So next month we will have naval vessels from Iran around our coastal areas, possibly. In this legislation—I note that the Attorney General said he consulted the Central Bank, has he consulted our EU partners to synchronize our policy with our trading partners? Has he done so with the Canadians? Has he done so with others? Why are we involving ourselves in this matter at this time? Have we taken on board that this Government has energy agreements with Venezuela, and Venezuela has very close relations with Iran?

**Madam Speaker:** Hon. Member for Naparima, your original speaking time is now spent. You are entitled to 15 more minutes—

**Mr. R. Charles:** Thank you very much and—

**Madam Speaker:**—to complete your contribution.

**Mr. R. Charles:**—I will take it. Madam Speaker, Russia China and Maduro have all taken Iran's signing this dispute, and what will Russia and China's involvement in oil producing areas adjacent to the Dragon Field in Venezuela from which we expect to get natural gas in 2020 and beyond? How will this impact us? And the question is: Are we synchronizing our foreign policy with our legislative agenda?

Madam Speaker, executive powers are once again being given to this dictatorial executive. Is the Minister of National Security—

**Mr. Al-Rawi:** Madam Speaker, 48(6).

**Mr. R. Charles:** I am going to explain.

**Madam Speaker:** I will ask you to find another way to say what you want to say

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and you could—

**Mr. R. Charles:** All right. Is this a ruse by the Government to use the alleged UN Security Council resolution—

**Madam Speaker:** Again, I will ask you to rephrase that because I think you are imputing improper motives. Find another way to say it.

**Mr. R. Charles:** Madam Speaker, the concern is that if this is passed as it is, it may enhance significantly the power of the executive. Clauses 14, 15, 16, 17 and 19 of Legal Notice 185, I am reading:

“...ECONOMIC SANCTIONS (IMPLEMENTATION OF THE”—UN  
RESOLUTIONS ON THE ISLAMIC REPUBLIC OF IRAN ORDER,  
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—require persons to apply to the Security Council if they want to have dealings with Iran with respect to transfer of funds or materials to facilitate:

“...nuclear related items; or”—combat weapons.

It then states that this does not apply where a person is authorized by the Minister so to do, and Minister here means the Minister to whom responsibility for national security is assigned. That is the context in which I was talking about the expansion of executive power.

Madam Speaker, in conclusion, this legislation is taking us down a road where we have to be weary of the implications. It clearly demonstrates that we are in over our heads in global diplomacy in which our main trading partners are on opposing sides. It shows that our energy policy regarding Venezuela was ill-conceived and not well thought out. We are presumably in bed with Maduro and we are taking sides against his friends—Iran in this case. There is a quote, “The friends of my enemy are not my friends”. This is an adage which our friends in

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Venezuela may well adopt. If you decide to be enemy of Iran then we could talk about that. It shows at best that we are not current with the latest development in the United Nations Security Council where sanctions which have been removed are now being placed in our legislation.

**10.00 p.m.**

It shows that we are taking inadequate and piecemeal measures to come off the FATF grey list. The United National Congress has always called for a comprehensive legislative agenda to get off the list. What we keep getting is ad hoc, piecemeal attempts and legislation that, at the end of the day, we pass it and then we realize that we are still on a grey list, a blacklist or non-compliant. This approach shows that we are not up to the task. This legislation is another glaring example of Executive overreach using global commitments which are not fully explained to extend Executive power.

Madam Speaker, I am of the view that this legislation is illegal. It is not well-thought-out. It is the wrong time to bring this kind of legislation. It shows a diminished understanding of international relations and how our actions and our legislative actions could impact our future, our economic development and our well-being. Much as I would like to support this legislation, Madam Speaker, I cannot and I so move. Thank you. [*Desk thumping*]

**The Attorney General (Hon. Faris Al-Rawi):** Thank you. Madam Speaker, oh my Lord God, heaven help us! To be subjected to the intellectual garbage that just flowed and I say intellectual garbage. [*Crosstalk*] Okay, I will rephrase, I will rephrase. To be subjected to the [*Crosstalk*] intellectual bankruptcy, laziness, lack of research, it is an argument presented that was insipid, wrong, vacuous. [*Continuous crosstalk*] Madam Speaker, to look at Naparima stand up—

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**Madam Speaker:** Okay, so that the person who has my ear is the Attorney General. Attorney General.

**Hon. F. Al-Rawi:** No, no, no, “ah sticking to meh points. Yeah, I am gonna stick.” I am sticking to my points. Madam Speaker, Naparima started off by saying “Oh how I wish I could support but, dangerous Executive abuse”, and then premised his entire argument upon the fact that the United Nations has moved on from the position that the Government has volunteered today, because the Member effectively stood here and said that we are attempting to apply a list from the UN that does not exist.

**Mr. Charles:** Resolutions.

**Hon. F. Al-Rawi:** The list comes via resolution. “Yuh cyah factor that? No, a list that, Madam Speaker—[*Crosstalk*—a list coming from—[*Crosstalk*] Madam Speaker, could you control Naparima?”

**Madam Speaker:** Okay. Member for Naparima, I always recognize your passion. I think you have had an uninterrupted 45 minutes to make your point and it is now the turn for the Attorney General to rebut, so I would really ask you—unless you want to make a valid interruption in accordance with the Standing Orders, I would ask you please to contain yourself. Attorney General.

**Hon. F. Al-Rawi:** Thank you. Madam Speaker, the list which flows from UNSCR 2231, I want to tell you this. I sat down here and listened in utter shock and amazement and feel a deep sense of embarrassment that somebody that represented this country at an international level as the Member for Naparima could and did, that that contribution which was just offered by Naparima is now on the *Hansard* record. I am shocked and embarrassed that there could be that level of approach to research, and let me put it on the record.

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The United Nations Security Council Resolution 2231 was passed on the 20<sup>th</sup> of July, 2015, and the hon. Member went on to say that there is nothing enforced which would cause us to treat with Iran in the fashion that we do. He said it was illegal, it was not proper, but for heaven's sake, you know the hon. Member just could not do some research. Somebody obviously wrote this for the hon. Member because I cannot lay the kind of scorn that I would like to on the intellectual approach to the hon. Member. Surely, somebody did a halfway research point for him and he just clean forgot to read the rest of the United Nations website.

So let me start off by saying UNLIREC received these Orders—Democratic Republic of Korea and Iran—and returned it to us with a certification that the Orders are valid and to be enforced. Let us start with that. Not Naparima, not Siparia, not the UNC telling us; the United Nations body UNLIREC, with responsibility for manage for this, certified in writing to the Government of Trinidad and Tobago, via its consultative SCRM, that this had to be done.

But hear this. It is true, Madam Speaker, that UNSCR 2231 was passed in July 2015. It set out a Schedule for suspending and lifting UN sanctions with provisions to reimpose UN sanctions in case of non-performance by Iran, and that was in accordance with the JCPOA. But Madam Speaker, on the fifth paragraph it goes on, there was reference to the fact that the EU and many of its international allies had not followed the US example of the re-imposition, but listen to this. What Naparima obviously—the researcher for Naparima was too lazy or too careless or too negligent or too vapid to find—I would put it on this way.

Madam Speaker, the Economic Sanctions (Implementation of United Nations Resolutions on Iran) Order, 2018, that we are doing now does not propose

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to reintroduce sanctions suspended by the UNSCR—I am reading from the UN pages which I have pulled up here, so forgive me for having my computer this way; I could not print it in time—does not propose to reintroduce sanctions suspended by UNSCR 2231 of 2015 but rather it applies sanctions which have been preserved by the UNSCR 2231, 2015. Obviously, Naparima could not find that. It is following upon full and effective implementation of the Joint Comprehensive Plan of Action—that is what the JCPOA means—to reach a comprehensive long-term and proper solution to the Iranian nuclear issue which is endorsed in the UNSCR 2231 of 2015. Some sanctions against Islamic Republic of Iran have been terminated by operative paragraph 7 of UNSCR 2231, and a number of individuals and entities listed by previous Iran-related UNSCRs have been removed from the list. However, this is subject to paragraph 6 of Annex B to UNSCR 2231 of 2015. Paragraph 6c maintains targeted financial sanctions against a number of listed individuals and entities and also allows for the listing of additional persons. [*Crosstalk*] What did you just say?

**Mr. Deyalsingh:** “Yuh lying.”

**Hon. F. Al-Rawi:** The Member for Naparima just said “he lied”, so I am reading from the United Nations website.

**Madam Speaker:** So Member for Naparima if you have said that, please stand up and withdraw that because you know better than that.

**Mr. Charles:** I withdraw it.

**Madam Speaker:** Thank you.

**Hon. F. Al-Rawi:** So reading from the United Nations website and its UNSCR, he may say that I have told an untruth but the United Nations is now being deliberate in its publication as at today’s date, and let me go on to say this. Paragraph 7,

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operative paragraph 7 of UNSCR 2231 states, hear this:

“Decides, acting under Article 41 of the Charter of the United Nations, that, upon receipt by the Security Council of the report from the IAEA described in paragraph 5”

It goes on:

“(a) The provisions of resolutions 1696..., 1737..., 1747..., 1803..., 1835..., 1929..., 2224...shall be terminated;”

Hear this one:

“(b) All States shall comply with paragraphs 1, 2, 4 and 5 and the provisions in subparagraphs (a)-(f) of paragraph 6 of Annex B for the duration specified in each paragraph or subparagraph, and are called to comply with paragraphs 3 and 7 of Annex B;”

Here is what paragraph 6 of Annex B, UNSCR 2231 of 2015, the same one the Member is too lazy to have a researcher—whose researcher who is too lazy to get.

Here is what it says, paragraph 6:

“All states are to:

(c) For eight years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier, continue to freeze the funds, other financial assets and economic resources which are on their territories at the date of adoption of the JCPOA, and freeze the funds, other financial assets and economic resources which are on their territories at any time thereafter, that are owned or controlled by the individuals and entities that were specified on the list established and maintained by the Committee pursuant to resolution...as of the date of adoption of the

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new resolution, with the exception of...individuals and entities specified in Attachment hereto, or that may be de-listed...and freeze those of additional individuals and entities that may be designated by the Security Council...”

It goes on:

“...as: having engaged in, directly associated...undertaken contrary to Iran’s commitments in the JCPOA...having assisted designated individuals or entities in evading or acting inconsistently with the JCPOA or the new resolution; having acted on behalf or at the direction of designated individuals or entities...” et cetera.

Madam Speaker, it is scandalous, it is a dereliction of intellectual and every other form of duty for Naparima to stand up and say that the resolution does not exist when the exceptions to the resolution are in black and white on the United Nations website as of today. It gets worse. It gets worse. Let me tell you how bad it gets worse and, again, I feel a deep sense of shame and I will repeat it. I feel a sense of tragedy that my grandfather once sat in the seat for Naparima as a Member of Parliament for Naparima to see the ghost of intellectual prowess by the researchers for Naparima now occupy that particular position. It gets worse.

I go now to the UN website again. I am going to read from the sanctions UN list. Right? Hear this. This is resolution 2231 of 2015 list. When you pop up on the list, the United Nations website generates a list. It starts off with the UN logo and it says:

“The List established and maintained pursuant to Security Council res. 2231 (2015)”

Here is what it says on the PDF generated by the UN because it is encrypted:

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“Generated on:”—the 11<sup>th</sup> of—“January 2019”

In other words, generated today, Madam Speaker, today. Naparima says “it doh exist”, the UN website generates it and today, the same list, 2231 of 2015 list pops up and Naparima “cyar pick up ah phone”. You know, we provided for Internet in this Chamber, we provided for the ability to access to research. I have just pulled this up on my laptop. [*Crosstalk*] Madam Speaker, could you control the babbling from Naparima for me?

**Mr. Imbert:** Keep quiet.

**Madam Speaker:** Member for Naparima, I would think if you would like, you can ask the Attorney General if he will give way.

**Mr. Charles:** Yes.

**Hon. F. Al-Rawi:** And I will not—sit.

**Mr. Charles:** Would you give way, Sir?

**Hon. F. Al-Rawi:** No. Madam Speaker, having been subjected to the ridiculous propositions coming from Naparima, having watched Naparima now bumbling and hustling to pull out phone to check out United Nations list, having sat here and listened to Member for Naparima, having utilized the services of the Parliament, free Internet services inside of here, generated a list dated 11 January, 2019, which conclusively determines that Naparima was untruthful in his research and brought forward a ridiculous submission to this Parliament.

Madam Speaker, again, I come back to the concept of having shame because in the composition of the list, listen to this: first person on the list generated IRi.001 Name: Fereidoun, Abbasi-Davani, Designation: Senior Ministry of Defence and Armed Forces Logistics. Number one on the list. Oh Lord heavens, Madam Speaker. To sit down here and listen to Naparima.

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**Mr. Charles:** Make up.

**Hon. F. Al-Rawi:** What is that you said?

**Mr. Charles:** Make up.

**Hon. F. Al-Rawi:** Make up. To listen to Naparima make up what he said. Make up. I quote now from High Court action CV 2019 0079 brought by the Attorney General of the Republic of Trinidad and Tobago in seeking to operationalize this Order, look who was listed. Look who a court in Trinidad and Tobago, Madam Justice Eleanor Donaldson-Honeywell listed: IRi.001 Name: Fereidoun, also known as Abbasi-Davani. “So the Government doh know what it doing, the Attorney General doh know wah he doing, Madam Justice Eleanor Donaldson-Honeywell and the court of Trinidad and Tobago doh know what they doing, the United Nations Security Council doh know wah they doing, the UNLIREC doh know what they doing, the website of the United Nations has not a clue what they doing”, and we have to listen to a gentleman bumbling and stumbling through an argument, looking “like he about” to have an intellectual fit over a proposition: “Ah ha, ah want to support but ah cyah support today. Yuh know how badly I want to support.” Madam Speaker, “oh God, ease us up nah, ease us up nah”. Ask Naparima to at least do the basic research. “He want ah hand”, I will help him. I will sit down right here and pull up the UN website, I will go and press print, I will bring the material for him but Madam Speaker, I have never seen a submission that is as boldfacedly, intellectually vapid—[*Interruption*]

**Mr. Charles:** Would you give way?

**Hon. F. Al-Rawi:** No. Intellectually vapid, vacuous and a waste of this Parliament’s time. Madam Speaker, if I knew that this is why we did not want to do the combined Motion, “ah coulda understand dat”, but to now be detained on

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the basis of what Naparima had to say to embarrass the whole country, to embarrass the UNC, to embarrass the people of Naparima, Madam Speaker, “ah find that ah lil bit hard, ah find that hard”. And worse yet, to embarrass the President of the Republic of Trinidad and Tobago who checked this list herself.

**Mr. Charles:** “You saying Resolution 2231 still exist? Yuh eh shame?”

**Hon. F. Al-Rawi:** You know, there is a definition for insanity, all right, that can be applied to this situation. There is a definition for senility, “halfzheimer”, some people call it, Alzheimer’s you want to call it or just diminished responsibility, Madam Speaker, because intellectually, this is really a genuinely embarrassing situation.

Let us get to Venezuela quickly, Madam Speaker. [*Crosstalk and laughter*]  
In Venezuela, the hon. Member is saying “we gehin caught up in ah geopolitical struggle”. “Lemme make this clear.” Venezuela is the neighbouring state to Trinidad and Tobago, we share economic reserves in large portions to be found in our oil and gas reserves. The Loran-Manatee field is but one of them and Trinidad and Tobago respects the sovereignty of all nations. To be taking the advice from Naparima that we somehow caught out on the wrong side, well that is Naparima’s point of view as he is entitled as a hon. Member to have.

But, Madam Speaker, our obligation is to the citizens of Trinidad and Tobago who, as a result of the United National Congress energy policy, saw a gas “curtailage” in Trinidad and Tobago which resulted in them delivering concessions by way of income tax write-offs which dropped our revenue on income tax from oil and gas by 96 per cent, and whilst they rode off into the sunset, happy, plump and secure in the wealth that they have, the people of Trinidad and Tobago were left to bawl. And they tried to tell us “do not go back there, you govern” and they

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have a problem when we are demonstrating how we have governed and what they have left us. You see, we are not blaming them you know, we are taking accountability for managing the disaster that they left and showing how well we did it in the circumstances.

So, Madam Speaker, the point is the relationship between Trinidad and Venezuela is the relationship between the Trinidad and Venezuela. As and when the UNC comes back, if ever that dark day were to descend on this country, Madam Speaker, if ever God were to turn his back on this country and we saw the face of the UNC again, in my humble submission, they are free to do that.

In the meanwhile, the taxpayers of this country are grateful that companies are not packing up en masse and leaving the Point Lisas Industrial Estate and elsewhere as happened under their tenure because of a gas “curtailage” and gas shortfall which they conveniently labelled as maintenance issues. You hear untruth? That is untruth. [*Crosstalk*]

**Hon. Member:** “Yuh hear lie? Dat is lie.”

**Hon. F. Al-Rawi:** So, Madam Speaker, Naparima is urged to do some research.

**Madam Speaker:** Members, in terms of, I think we have ruled here repeatedly that a particular word is not used here and while you may not be on your legs, I have heard it. So I will ask the Members who have said that, to please just stand up and withdraw it.

**Hon. Member:** Withdraw.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. To accept a scintilla of advice from Naparima is to accept the wrong advice. It is dangerous, it is certainly something that is to take this country in the wrong direction. The homework was done. The UNLIREC exists. Clearly, Naparima could not find the exceptions to the

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UNSCR positions. It is a demonstration of why this country must never even think of putting Naparima into public office in the Government because if that is the level of skill demonstrated by Naparima who, at the taxpayers' expense of this country, represented our country on foreign lands and on foreign soil, Madam Speaker, then God help us. Because the General Assembly of the United Nations would have had someone capable of misrepresenting what the United Nations itself was doing as happened today. So, in 2015, when the UNSCR list that the hon. Member referred to had a variation, time just stops till then? Madam Speaker, I reject out of hand the intellectual slothfulness demonstrated in the submissions of the hon. Member for Naparima and I beg to move. [*Desk thumping*]

**Mr. Charles:** Madam Speaker, 46(2).

*Question put and agreed to.*

*Resolved:*

That the Statement of Her Excellency the President pursuant to section 4(4) of the Economic Sanctions Act, Chap. 81:05, setting out the specific grounds on which the decision to make the Economic Sanctions (Implementation of United Nations Resolutions on The Islamic Republic of Iran) Order, 2018 was based, be approved.

### ADJOURNMENT

**The Minister of Health (Hon. Terrence Deyalsingh):** Madam Speaker, I beg to move that this House do now adjourn to Friday, 18 January, 2019 at 1.30 p.m. where we will be considering the Variation of Appropriation Bill. Madam Speaker, may I also advise that there will be a sitting of the Standing Finance Committee on Monday, 14 January at 1.30 p.m.

*Question put and agreed to.*

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*House adjourned accordingly.*

*Adjourned at 10.23 p.m.*