

**HOUSE OF REPRESENTATIVES***Friday, February 01, 2019*

The House met at 1.30 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Madam Speaker:** Hon Members, the hon. Kamla Persad-Bissessar SC, MP, Member for Siparia; the hon. Camille Robinson-Regis, MP, Member for Arouca/Maloney and Mrs. Vidya Gayadeen-Gopeesingh, MP, Member for Oropouche West have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**PAPERS LAID**

1. Administrative Report of the Ministry of National Security for the period October 2014 to September 2015. [*The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young)*]
2. Administrative Report of the Ministry of National Security for the period October 2015 to September 2016. [*Hon. S. Young*]
3. Ministerial Response of the Ministry of Finance to the Interim Report of the Public Administration and Appropriations Committee on an Examination into the Processing of Payment of Pension and Gratuity to Retired Public Officers and Contracted Employees. [*The Minister of Health (Hon. Terrence Deyalsingh)*]
4. Ministerial Response of the Ministry of Finance to the Fourteenth Report of the Public Accounts (Enterprises) Committee into the Examination of the Audited Accounts, Balance Sheet and other Financial Statements of

the National Commission for Self Help Limited for the financial years 2008 to 2015. [*Hon. T. Deyalsingh*]

5. Second Ministerial Response of the Ministry of the Attorney General and Legal Affairs to the Seventeenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago Bureau of Standards for the financial years 2009 to 2013. [*Hon. T. Deyalsingh*]

## **JOINT SELECT COMMITTEE REPORT**

### **Land and Physical Infrastructure Agriculture and Fisheries Industry in Tobago**

#### **(Presentation)**

**Mr Rushton Paray** (*Mayaro*): Thank you very much, Madam Speaker. Madam Speaker, I have the honour to present the following report:

Fifth Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into the state of the Agriculture and Fisheries Industry in Tobago (with specific focus on the levels of participation in the industries and the output of farmers).

## **URGENT QUESTIONS**

### **Mayaro and Rio Claro Fire Tenders (Functioning of)**

**Mr. Rushton Paray** (*Mayaro*): Thank you, Madam Speaker. [*Desk thumping*]  
Question No. 1 to the Minister of National Security: Given the warning of a harsh dry season by the Trinidad and Tobago Meteorological Service and the already high presence of bush fires, could the Minister indicate when will the Fire Tenders at the Mayaro and Rio Claro Fire Stations be properly functioning?

**The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young)**: Thankyou very much,

Madam Speaker. Madam Speaker, I must register my disappointment with my friend from Mayaro, having seen this first surface in a statement from him to the media reported in yesterday's newspaper. When I did an enquiry and a check there was no correspondence from him previously to either the fire service or myself asking for the answer. So now in the full public glare, I will answer.

There is, in fact, a working application in the Mayaro station and the Rio Claro Fire Station's appliance is working. There is an issue with the pump which will be repaired over the course of this weekend. Of course, we will remember the Mayaro Fire Station and its unfortunate genesis with a falling sign upon the opening during a certain period.

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

**Mr. Paray:** Thank you, Madam Speaker. Minister, are you aware that the tender in Rio Claro, the engine in that vehicle is not functioning, so?

**Hon. S. Young:** Madam Speaker, as I have just indicated, according to the Chief Fire Officer, who is not the Member for Mayaro, the fire tender in Mayaro is working, the fire tender in Rio Claro is working, save for a pump which has nothing to do with the engine, as just indicated by the Member for Mayaro.

### **CARICOM**

#### **(Negotiations with Venezuela)**

**Mr. Rodney Charles** (*Naparima*): Thank you, Madam Speaker. To the Minister of Foreign and Caricom Affairs: Could the Minister state how soon Caricom expects to bring the parties to the negotiating table and whether this position is still relevant given that President Nicolás Maduro has said that he will not hold new elections and that Mr. Juan Guaidó has been barred by the Venezuelan courts from leaving Venezuela? **The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, considering that my colleagues on the other side spent all their time trying to undermine the national initiative with respect to finding mediation as a

Urgent Questions (cont'd)

2019.02.01

replacement for intervention, I am surprised that he can come here now and asking me about how soon parties will be brought to the table. Caricom is—[*Crosstalk*]  
Madam Speaker, could you just?

**Madam Speaker:** Hon. Members, the Prime Minister must be heard. Prime Minister.

**Hon. Dr. K. Rowley:** Madam Speaker, Caricom is in no position to bring anybody to the table and, therefore, I will not attempt to answer any question and give any date to allow him to spin any wheel about the date has passed. What is happening, Madam Speaker, has been made public across the region, at the UN, and here in Trinidad and Tobago, that Caricom has initiated diplomatic interventions to put an alternative to the situation whereby mediation is being offered, meaningful dialogue and negotiations are to follow. And, Madam Speaker, as a result of our initiative, other countries who have taken the non-interventionist position, countries that have abstained from taking sides, those countries are now in a position to and have accepted the initiative, and in the very near future more definitive information would be available with respect to the initiatives of Uruguay, Mexico and Caricom. [*Desk thumping*]

**Mr. Charles:** Madam Speaker, I object to the Prime Minister putting improper motives to the UNC, [*Crosstalk*] and here is the question. [*Desk thumping*] What is—[*Crosstalk*]

**Hon. Dr. K. Rowley:** Because you all are traitors.

**Hon. Member:** What? [*Crosstalk*]

**Dr. Moonilal:** The Prime Minister has to withdraw calling Members of this House traitors.

**Madam Speaker:** Prime Minister, I will ask you to please withdraw.

**Hon. Dr. K. Rowley:** I withdraw that statement, Madam Speaker.

**Madam Speaker:** Thank you. Member for Naparima, supplemental question.

You have 15 seconds.

**Mr. Charles:** To the Prime Minister. What is the Government's thinking on President Maduro's statement on Russian TV that under no circumstances he would hold fresh elections in Venezuela?

**Hon. Dr. K. Rowley:** Madam Speaker, this Government has no responsibility for what President Maduro or any person says on any TV. [*Desk thumping*]

**Madam Speaker:** I say this to both sides, when a Member gets up to speak, I would like both sides to recognize Standing Order 53. Supplemental?

**Mr. Charles:** Have either the Government of Trinidad and Tobago or Caricom reached out to interim President Juan Guaidó to determine whether he is amenable to Caricom's mediation?

**Hon. Dr. K. Rowley:** Madam Speaker, this country's position is crystal clear. We have opened our doors at Caricom speaking with one voice to all sides in the Venezuelan issue under the understanding that the difficulties in Venezuela are matters for the people of Venezuela. [*Desk thumping*]

**Deputy Commissioner of Police Appointment  
(Debate for Nomination)**

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Madam Speaker. To the Minister of National Security: Given that the order of merit list has a life of one year, could the Minister indicate when the Parliament will debate the nomination of Her Excellency the President for the Appointment of a Deputy Commissioner of Police?

**The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young): Young:** Thank you very much, Madam Speaker. Madam Speaker, as all Members should be aware, because it is set out very clearly in the law, an order of merit list has a shelf life of one year. The order of merit list expired on the 23<sup>rd</sup> of January, 2019.

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

**Dr. Moonilal:** Thank you, Minister, for clarifying that the order of merit list was allowed to expire before Parliament debated the nominations. But what, Minister, do you expect to happen now since that merit list has expired without Parliament addressing the appointment? What is the next step that should happen now?

**Hon. S. Young:** Madam Speaker, there will be a new process and it will start over.

### ORAL ANSWERS TO QUESTIONS

**The Minister of Health (Hon. Terrence Deyalsingh):** Madam Speaker, there are four questions for oral answer and the Government is prepared to answer all four. Thank you very much.

#### Small Business Development Incentive Programme (Details of)

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

With regard to the Small Business Development Incentive Programme:

- a) the number of small businesses that received grants from October 01, 2017 to December 31, 2018; and
- b) the value of each grant disbursed to small businesses listed in part (a)?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. Madam Speaker, on behalf of the Minister of Trade and Industry, answer to question 37. The Ministry of Finance is in the process of procuring consultancy services to implement and manage the Business Development Incentive Programme. As such, the disbursement of grants has not commenced. It is expected that this programme would be fully operationalized in 2019. Thank you very much.

**Murders Committed 2015/2018  
(Details of)**

**63. Dr. Fuad Khan** (*Barataria/San Juan*) asked the hon. Minister of National Security:

Could the Minister state:

- a) the number of murders committed from 2015 to 2018;
- b) the number of murderers apprehended for each year identified in part (a); and
- c) the ratio of the number of murders detected to the number of murders committed from 2015 to 2018?

**The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young): Young):** Thank you very much, Madam Speaker. To my friend from Barataria/San Juan, the answer to question No. 63 (a). The number of murders committed from 2015 to 2018, 420 murders were reported in 2015, 463 in 2016, 495 in 2017 and 517 in 2018.

Part (b), number of murderers apprehended for each year identified in part (a): just to correct it, Madam Speaker, a person is presumed innocent until convicted, so we do not call them “murderers”. But, persons where there are allegations of them having committed the murder, 77 persons were apprehended for murder in 2015, 106 in 2016, 123 in 2017, 123 in 2017 and 110 persons apprehended for murder in 2018.

Answer to 63 (c): ratio of number of murderers detected to the number of murders committed from 2015 to 2018; detection rate for murders was 18 per cent in 2015, 18 per cent in 2016, 20 per cent in 2017 and 17 per cent in 2018.

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

**Dr. Khan:** Minister, could you tell me if the DNA lab is up and running and

functional?

**Madam Speaker:** I really would not allow that as a supplemental question. Any other question? Member for Barataria/San Juan.

**USD Injected to Banks/Financial Institutions  
(Details of)**

**64. Dr. Fuad Khan** (*Barataria/San Juan*) asked the hon. Minister of Finance:

Could the Minister state:

- a) the total amount of United States Dollars (USD) injected into the local banks and financial institutions for 2018;
- b) the quantum of USD injected in each local bank/financial institution for 2018;
- c) the quantum of USD utilised for credit card payments in part (b); and
- d) the quantum of USD reserve remaining in each local bank/financial institution after credit card payments identified in part (b)?

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. Answer to part (a): the Central Bank of Trinidad and Tobago sold US \$1,501 million or US \$1.501 billion to authorized dealers in calendar year 2018, as compared to \$1,550 or US \$1.55 billion in 2010; US \$1.475 billion in 2011; US \$1.785 billion in 2012; US \$1.315 billion in 2013; US \$1.715 billion in 2014 and US \$2.641 billion in 2015. That is the answer to part (a).

Answer to part (b): confidentiality obligations in the Central Bank and Exchange Controls Act restrict the Central Bank of Trinidad and Tobago, or myself, from disclosing information on individual financial institutions.

Answer to part (c): the financial services system used a total of US \$1.205 billion to meet credit card foreign obligations in 2018. Comparable data for the period 2010 to 2015 are as follows: in 2010, there were US \$343 million in credit card transactions; in 2011, US \$376 million in credit card transactions, foreign

obligations. In 2012, US \$539 million in credit card foreign obligations. In 2013, \$531 million credit card foreign obligation transactions; in 2014, \$641 million foreign credit card obligations and in 2015, \$766 million transactions in credit card foreign obligations.

Answer to part (d): as stated earlier, confidentiality obligations in the Central Bank and Exchange Controls Act restrict the Central Bank from disclosing information on individual financial institutions. However, the commercial banks net foreign position, defined as commercial banks aggregate foreign currency assets that they hold, less the foreign currency liabilities that they are obligated to, was US \$2.734 billion at the end of the third quarter of 2018. So net foreign currency assets in the commercial banks, US \$2.734 at the end of the third quarter of 2018.

Comparable data for the period 2010 to 2015 is as follows: 2010, \$1.458 billion in net foreign currency assets; 2011, \$1.768 billion in net foreign currency assets in the commercial banks; 2012, US \$2.437 billion net in the commercial banks; 2013, 2.342 net foreign currency assets in our local commercial banks; 2014, 2.276 billion in net foreign currency assets in the commercial banking sector and in 2015, 2.697 net foreign currency assets in the commercial banking sector. And just as an aside, the current number of US 2.734 in 2018 is the highest in the last five years.

**Dr. Khan:** Supplemental. Minister, could you then tell me if that is such a net, as you say, profit, why is there such a shortage of foreign exchange for day-to-day transaction to the general public?

**Hon. C. Imbert:** Madam Speaker, that question requires speculation. Please pose the question in the proper manner and I will answer it.

**Dr. Gopeesingh:** Hon. Minister, what would you say would account for the increase in credit card payment in US dollars from 2015, 766 million, which you

quoted, to 1.205 in 2018? What would you say accounted for the increase in credit card payments?

**Hon. C. Imbert:** Madam Speaker, that is, in fact, a matter that is engaging the Ministry of Finance in our regular meetings with the Central Bank. We discussed that just this week, and we are going to do some further analysis to determine what is the cause of the increase in the use of credit cards for US dollars transactions. The initial response from the practitioners is that more and more purchases are being made online as opposed to in the traditional retail sector. So more and more persons in Trinidad and Tobago are using their credit cards to purchase goods and services online as in the past when persons would go to a traditional retail store.

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

**Dr. Gopeesingh:** Would you say, hon. Minister—you were leading to the answer, but would you say that that is attributable to the difficulty in obtaining foreign reserves by the business sector, so they are using their business cards, so that would possibly lead you to one of the answers you are seeking? **Hon. C. Imbert:** Yeah. I would not want to speculate. It is a complex matter. There is absolutely no doubt that there is a shift in cultural patterns in Trinidad and Tobago and a shift towards online purchases. This is happening all over the world. It is happening in the United States. You would have seen the number of shopping malls that are closing down. So we are part of a worldwide trend towards e-commerce and online banking and so on. So, I would not want to give you a definitive answer. If you want to pose that particular question to me, by the time I am ready to answer it, I will have the information from the commercial banking sector.

### **Chinese Companies' Compliance on State Projects (Details of)**

**65. Dr. Fuad Khan** (*Barataria/San Juan*) asked the hon. Minister of Labour and Small Enterprise Development:

Could the Minister state:

- a) whether inspections are conducted to ensure that Chinese companies on current state projects comply with the Industrial Relations Act, Chap. 88:01, the Occupational Health and Safety (OSHA) Act, Chap. 88:08 and OSHA Regulations; and
- b) the type, date and location of each inspection conducted in part (a)?

**The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus):** Thank you. Thank you very much, Madam Speaker. [*Desk thumping*] Madam Speaker, the Ministry of Labour and Small Enterprise Development plays a strategic role in fulfilling Government's labour employment and entrepreneurship commitments with the aim of maintaining industrial peace, facilitating decent work and improving the quality of life of all persons in Trinidad and Tobago. One of the critical targets associated with the Sustainable Development Goal 8 is to promote inclusive and sustainable economic growth, employment and decent work for all for which the Ministry plays a pivotal role in fulfilling in Trinidad and Tobago with regard to its obligation to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants and those in precarious employment.

To give effect to this, the Ministry seeks to ensure the protection, safety and health of workers as articulated in Government's official policy framework through the implementation of the Occupational Safety and Health Act, Chap. 88:08. The OSH Authority Agency is responsible for the enforcement of the OSH Act and conducts inspections on companies for compliance. Companies that conduct their undertakings within Trinidad and Tobago are also inspected for compliance.

To date, the OSH Agency conducted investigations at the following

Ministries and state agencies: the Urban Development Corporation of Trinidad and Tobago, UDeCOTT; National Insurance Property Development Company, NIPDEC, Ministry of Works and Transport, Ministry of Education, Ministry of Health and the Water and Sewerage Authority.

Inspections were also conducted on Chinese's companies that are contracted by the above named Ministries and state agencies who operate within Trinidad and Tobago in accordance with the requirements of the OSH Act. Notice of undertaking, building operation or works of engineering construction section 63, which is on Form 15; application for approval of building plans for factory or warehouse, section 59(1); notice of accidents, section 46 and reports of complaints.

Madam Speaker, additionally, the Ministry, through the Labour Inspectorate Unit, is also responsible for the protection of workers and to ensure that proper terms and conditions of employment are met. This is accomplished through the monitoring and enforcement of the following pieces of labour legislation:

1. The Minimum Wages Act, Chap. 88:04 and the Minimum Wages Order;
2. Maternity Protection Act, Chap. 45:57; and
3. The Children Act, 2012, Part XIV.

The Labour Inspectorate Unit conducts inspection in investigation of complaints of all establishments that fall under its jurisdiction. The unit has received and responded to a large number of complaints that are lodged each year. For fiscal year 2018, a total of 283 complaints were received. To date, the unit has not received any complaints from workers employed by Chinese companies contracted by Ministries and state agencies. However, mechanisms are in place to address any issues that may arise that fall under the purview of the Labour Inspectorate Unit.

Madam Speaker, in monitoring the compliance of these Chinese companies

and, particular, the working conditions of migrant workers, two of the challenges that have been identified are the language barrier and the lack of policy guidelines specific to migrant workers. However, in 2018, an interministerial committee for the development of a labour migration policy for Trinidad and Tobago was established under the purview of this Ministry by the Cabinet of Trinidad and Tobago. One of the mandates of this interministerial committee is the development of a labour migration policy for Trinidad and Tobago. With regard to the language barrier, the Ministry will seek to explore the use of technology devices to translate between languages during field visits in real time, both verbally and written.

Madam Speaker, with regard to (b), as mentioned earlier, companies—

**Madam Speaker:** Hon. Minister, your speaking time is now expired. Supplemental?

**DEFINITE URGENT MATTER  
(LEAVE)**

**President Nicolás Maduro  
(Government's Recognition of)**

**Mr. Barry Padarath** (*Princes Town*): Thank you, Madam Speaker. Madam Speaker, in accordance with Standing Order 17 of the House of Representatives, I hereby seek your leave to move the adjournment of the House today for the purpose of discussing a definite matter of urgent public importance, namely the continued recognition of the Government of Trinidad and Tobago of Nicolás Maduro as President of the Bolivarian Republic of Venezuela.

The matter is definite because it pertains to the expressed unwavering and persistent recognition by the Government of Trinidad and Tobago towards the Nicolás Maduro regime—

**Madam Speaker:** One minute please, Member for Princes Town. Hon.

Definite Urgent Matter

2019.02.01

Members, the din is growing. I am having difficulty in hearing the Member for Princes Town. Continue.

**Mr. B. Padarath:** Thank you, Madam. Madam, the matter is definite because it pertains to the expressed unwavering and persistent recognition by the Government of Trinidad and Tobago towards the Nicolás Maduro regime in Venezuela where people are being denied their basic human rights and their country faces economic ruin.

It is urgent because should the Government maintain this position, Trinidad and Tobago could face sanctions by our largest trade partners and risk isolation by many developed countries which no longer recognize the Maduro regime.

The matter is of public importance because if this situation is allowed to continue, it will lead to the collapse of diplomatic relations, trade agreements, national security support, food imports and visas from many countries, thereby having a disastrous effect on Trinidad and Tobago. Thank you, Madam Speaker.

*[Desk thumping]*

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

### STATEMENT BY MINISTER

**The Minister of Health (Hon. Terrence Deyalsingh):** Madam Speaker, with your leave and with the concurrence of the Chief Whip, the Minister of Finance will be making a statement later on in the proceedings at quarter past four. I thank you very much.

**Hon. Member:** Quarter past four.

**Hon. T. Deyalsingh:** At quarter past four.

**Madam Speaker:** So, hon. Members, the matter of the statement by the Minister of Finance will be deferred until 4.15 p.m.

**2.00 p.m.**

**NATIONAL STATISTICAL INSTITUTE OF  
TRINIDAD AND TOBAGO BILL, 2018**

*Order for second reading read.*

**The Attorney General (Hon. Faris Al-Rawi):** Madam Speaker, I beg to move:

That a Bill to repeal and replace the Statistics Act, Chap. 19:02, establish a National Statistical Institute of Trinidad and Tobago and for other related matters, be now read a second time.

Madam Speaker, I rise today really, to pilot the work of my colleague, the Member for Arouca/Maloney, who has dedicated a very significant portion of intellect, effort and commitment to improving a matter of central concern for Trinidad and Tobago. Currently, Madam Speaker, the Statistics Act, Chap. 19:02, which is an Act of Parliament, No. 26 of the year 1952, now some 67 years old, provides for a statistician, so named under the legislation, to conduct the business of taking census and for collecting, compiling, analysing and publishing statistical information in relation to Trinidad and Tobago. The central functionality of statistics in any society cannot be overstated. Governments are run, budgets are run; estimations of trajectory of movement out of poverty and into prosperity, of furthering education, of analysing the health care system, of looking to ourselves as a people, reside in our statistics. For statistics to be meaningful there must be trust in statistical creation, consideration and publication. If there is no trust then we fall into the realm of speculation and we therefore cause our economy and our society and our politics to be retarded from development or in development.

The CSO, as it is referred to, created under the Statistics Act, Chap. 19:02, in the year 1952, some 67 years ago, produces population and vital statistics, economic statistics, national accounts, social statistics, labour force statistics, agriculture statistics, geographical information statistics. This allows us an insight

into religion, sex, ethnicity, age, structure, births, deaths, marriages, divorces, business statistics in trade and import and export, travel, tourism, retail price index, producer price index, domestic price index, indices of retail sales, our gross domestic product, our current and constant prices, education, crime, traffic, our livestock, poultry, and our spatial data on population, buildings, households and businesses. I have taken the time to reflect upon material created by our Central Statistical Office, which is a division comprising some 300 people across eight particular divisions, four of which are structured and four of which are in support of the four structured divisions, to give an indication of how wide the work product of the Central Statistical Office really is. The data dissemination produced by the CSO is responsible for the production of reports, including *Annual Statistical Digest*, *Pocket Statistical Digest*, Trinidad and Tobago Human Development Atlas, population and housing census report, demographic census report, household budgetary support, national income report, economic activity report, labour force report, trade bulletin, survey of establishments report, agricultural report, agriculture census report, et cetera—crime statistics report, annual traffic report. But statistics, Madam Speaker, I dare say, have been with us since biblical times.

In terms of recorded well-known traversed literature, we are told that the birth of the Lord Jesus Christ happened under the census then afoot and the obligation was to travel to one's place of birth to have that record done, as the journey to Nazareth was in gear. So, Madam Speaker, the fact is we accept that the work product of the national statistics framework is a critical product. So where are we and why are we here with a Bill? I would like to say, Madam Speaker, that in the late 90s Trinidad and Tobago really began to suffer the difficulties of an improper organization of our central statistics arrangements. It is true to say then, that in or around 1997 to 1999, certainly, we were having difficulties: inadequate

numbers, diminished capacity of technical staff, failure of the institute to respond in a timely manner to new market-related data requests, difficulty in coordinating data production activities, standards and statistical systems, reduction of cooperation from suppliers of data, and I underscore that; reduction in responses, erosion of confidence by data users and the creation of secondary data sources, and outdated structure, lack of information technology. And, Madam Speaker, certainly, a PNM Government in the year 2004, anchored in the year 2005, a very important introduction to improving this phenomenon observed. It was the then Government in 2005 that ensured that the Ministry of Planning and Development awarded an important consultancy, which has been with us for a while. This was the entity known as Statistics Sweden, it is an international consulting office, and they were retained to identify an appropriate model for the restructuring of the CSO. That work product was in the period 2005—2006.

Between 2006—2007 a plan of action was created. The proposed modern structure was developed. The system mechanism was analysed. The brief for the drafting of the legislation was created. In the period 2008—2009, the CSO undertook an internal review. They studied the work by Statistics Sweden. They created a gap analysis in respect of the structures, and then we had the change in 2010. In the period 2010—2012, the then Ministry of Planning, first under Mary King and then under my colleague, the Member for Caroni Central's tenure, we saw some analysis happen. In 2012 Statistics Sweden was returned to Trinidad and Tobago for a 13-month period and they were tasked with three main tasks, firstly, to define the core products to be delivered through the CSO; secondly, to design the organization structure, and, thirdly, to create the IT, the information technology master plan. In 2013, that Statistics Sweden consultancy of course reaffirmed the value of the CSO and in its report emphasized the need to review

and modernize the Act to central focus the issue of independence by an autonomous state operation entity. It recommended the development of a stronger and less hierarchical organization structure. It recommended modern human resource practices, capacity development. It asked for an organizational restructure of information technology and the implementation of robust IT structures. It asked for the development of core products by separating primary deliverables.

The Ministry of Planning, then, entered in 2014 on a particular exercise. Commendably, a management transition team was created. That management transition team went to work with its report, they came up with six thematic areas:

- organizational reform
- legislative review
- organizational restructuring
- technology support and improvement
- product development
- supply side strengthening.

The documentation produced then under the management transition team included: the policy framework for the National Statistical Institute, proposals and recommendations for the legislation to be reformed, the terms of reference for the firm and consortia to begin the design, procurement and building of the IT system, and then the transition plan, including human resource, IT, et cetera.

Governments changed in the September election in 2015, and immediately my colleague, the Minister of Planning and Development, the Member for Arouca/Maloney, went to work, brought an immediate product to the Cabinet in December 2015, and asked for the creation of a task force, Madam Speaker. That task force was specifically set up to provide oversight for the legislative framework

development; to guide the implementation of the new organizational and governance framework; to retain a consultant to provide comprehensive preliminary training plan; to execute the formal transition plan by the Government, importantly, the staff and the main representation union for the CSO; to oversee the development of the updated product portfolio; to retain a consultant to implement the IT system; to establish the Board of the NSITT as an entity intended to replace the CSO; to establish a national statistical council. And that management in December 2015, led to Trinidad and Tobago, between 2015, migrating then to a 2016 Cabinet decision. Our 2016 Cabinet decision involved the production of Cabinet Minute No. 1890 of 2016, that was confirmed in December 2016, where we approved a revised policy and legislative brief, where we dealt with the management of the staffing and IT and organizational structures, and where we asked for the Attorney General to then sit and draft the legislation, and as I now report, on behalf of my colleague, the content of the Bill is now before us.

So, Madam Speaker, I am able to say that the legislative product was materially assisted by two international entities, firstly from CARTAC, that is the Caribbean Regional Technical Assistance Centre—that is one of 10 IMF regional assistance bodies in the world—and also by ECLAC, which is the Economic Commission for Latin America and the Caribbean, which of course, has been long in existence having been started since, in or around the year 1948. So, Madam Speaker, that legislative drafting experience took us, importantly, apart from the two international entities that helped us, we were able to traverse a number of work products, of course that from central statistics, that coming from Statistics Sweden; those coming from CARTAC and ECLAC, and, importantly, the following jurisdictions: the laws of Jamaica, Canada, Australia, Malta, the United Kingdom,

Mexico, Chile and the Caricom models, insofar as Caricom models exist. What we did effectively was to do a data scrub across each of the legislative platforms. We compared it against our existing Statistics Act, Chap. 19:02, and then we came forward with the Bill which is before us now.

Now, I must indicate that the deficiencies which we seek to manage in this legislative proposal, this legislative product, are intended not only to move what is best practice in statistical management into Trinidad and Tobago laws, but it is intended to that in the environment of Trinidad and Tobago; our culture, our ethos, our social and political and economic factor consideration. You see, Madam Speaker, as a matter of fact our country has seen our own statistics office plagued not only by the indignity of having gone from a department—from a division to a department, and then being almost an assigned ward of several Ministries, be it the Ministry of Planning and Development or the Ministry of Finance, or any other entity that has held the reigns of the statistical office, but there was one point in time, as the Member for Caroni Central will remember, they were even put out of a building because the occupational, health and safety standards were not met, and that building was shut down in the year 2013. That is what I mean by the Trinidad and Tobago context, Madam Speaker.

So, Madam Speaker, we reflected in this legislative analysis in the consultant's arrangements, in the work product coming from the period 2005, straight to today's date, on some of the weaknesses in the law. And, indeed, when we get to the content of the Bill there are a few things that are quite novel, and perhaps it is an immediate obligation that we just dive straight into the Bill. Madam Speaker, the Bill is 49 clauses long, three schedules, and we are able to say that we have also prepared the regulations that ought to accompany this law in the form of the NSITT Annual Returns Regulations, 2018; the NSITT Birth

National Statistical Institute of T&T Bill, 2018 (cont'd)  
Hon. F. Al-Rawi (cont'd)

2019.02.01

Regulations, 2018; the Census Regulations, 2018; the NSITT Continuous Household Sample Survey of Population Regulations, 2018; the NSITT Coordination of National Statistical System Regulations, 2018; the NSITT Employment, Wages, Salaries and Earnings Regulations, 2018; the NSITT Release of Microdata Regulations, 2018; the NSITT Slaughter House Returns Regulations, 2018; the NSITT Survey of Business Undertakings and Non-profit Institution Servings, Serving Households Regulations, 2018. Now, I have taken the time to indicate that to demonstrate the work product that has been produced, not only the Bill, which is the improvements to the law, but also the regulations. And dare I say, the arrangement for the delegated authority that the Director will have in allowing the Registrar General or other specific points to manage the process as we go to legislative improvement.

Madam Speaker, there is also the fact that in the legislative construct, what we have done effectively in divisioning out the Bill is to—and I want to say this and compliment the drafters of the legislation, of course, excluding myself, because obviously the head of Ministry does pilot, does do work, but the technocratic team standing, coming from the Ministry of Planning and Development, sitting with the drafters, as we have on a day-by-day basis, I want to pay a significant compliment to them all on a well-arranged and well-scrubbed information, and the Legislative Review Committee in having sat for many months in scrubbing this product as we sat day-by-day, hour-by-hour in coming up with this law. [*Desk thumping*] What we did, Madam Speaker, is to preserve the heart and soul of the law that exists in the National Statistics Act, in particular, I can say now for the sake of *Hansard*, that there is a duplication of thematic elements between the existing law and the draft law, the Bill. For instance section 3, which deals with the establishment of a Statistical Department, is mirrored in the concept

of treatment in clause 6 of the Bill where we deal with the establishment of the National Statistical Institute. Section 4 of the existing law, the duties of the statistician, you can mirror that up with clause 10 of the Bill, which is the duties and functions of the Director General.

Clause 30 resembles section 5, the power to take census in the existing law in section 5 is equivalent to the taking of the census in clause 30. Section 6, where we deal with the collection of statistics, mirrors up the mischief treated in clause 31 where we deal with the collection and publication of official statistics. Section 8 of the existing law, the publication of statistics matches up with clause 39 of the legislation, of the Bill which treats with the publication of metadata. Section 9 of the Act deals with restrictions on publication of individual returns, and that is to be mirrored with clause 36 of the Bill which treats with restrictions on publication of individual returns. Section 10 of the parent Act, of the primary law which we seek to repeal and replace, which deals with the power to require persons to supply information, mirrors clause 35, which is the power to require persons to supply information. We get to the power of entry, which no doubt my colleagues will have a considerable amount of reflection upon; in section 11 of the existing law is equivalent to clause 36 with the power of entry in our Bill. Part VII, which treats with a standalone creation of offences, mirrors up with what we find in section 12 of the existing law for offence, statement and treatment.

Regulations in section 13 of the existing law match up with the regulations at clause 46. And we of course have the oath of office similarities, section 14 of the existing law with clause 38 of the Bill. Section 16 of the existing law for the appeals with respect to the statistician output against appeals in clause 43. Finally, section 17, the delegation of functions, matching up to clause 44 of the Bill.

Now, I have said that to allow Members to understand that we have chosen a

hierarchical structure which is very easy to read if you look at the Bill. We have really gone through the eight Parts of the Bill in a very purposeful manner. First of all, in Part I, when we deal with the preliminary aspects—we are looking at clauses 1 to 5—we set out how we bind the State, what the positions look like, and permit me to start with those sections immediately. Obviously we have clause 1 which is the standard title, short title; clause 2, we are proposing for this to commence by way of proclamation clause; clause 3, we state the obvious that the Act is inconsistent with the Constitution, and that is to be clear when one considers the privacy issues which would offend section 4 of the Constitution, and also the several sections of the Data Protection Act, the vast majority of which are unproclaimed but still stand on the books of Trinidad and Tobago. And then of course we have the section 4 provision of the Board of Inland Revenue legislation, which is a pre-1962 law which would also be traversed by the disclosure of information requirements.

There is of course treatment in the right to privacy, private life, to be found again in section 4 of the Constitution when we are treating with the power of entry, and I will come to that separately in a moment. We then go to the interpretation section in clause 4, and I want to point out a few important things here. We have included, as a result of the operational workout of the Statistics Act, an important clause. Defined now we have “gated facility or community”, because the experience in the request to get returns done demonstrated, as Trinidad promoted gated communities, et cetera, that the representatives of the statistician could not enter gated communities, have difficulty in accessing condominiums, town houses, et cetera, so we have purposefully defined that concept. It is not alien to our modern laws when you look to the provisions that we have in the property tax legislation or the valuation of property legislation, the Registration of Titles to

Land Act, the Land Adjudication Act. We have, in very recent times, parliamentary-wise, treated with these definitions. We have also gone a little bit further into the treatment of microdata. Microdata gets us into the position of managing how we treat with the different subsets of data to be published. Metadata, microdata, there is a distinction between the two aspects to make sure that we get the publication issues clear, because in today's world of statistics, meta and microdata are very relevant for extrapolation and utilization.

We have defined the national statistical system and this is now the ensemble of public bodies in Trinidad and Tobago to collect and process statistics because we are now tying in the many sources of information, because one of the mischiefs observed in the Statistics Act was that the coordinating factor of the statistician was not properly managed in the existing law and therefore we found silos of information not willing to share information, notwithstanding the implied obligation to do so under the Statistics Act. Of course, we have defined "official statistics" and "public body". Public body is synonymous with the definition that we have used in the public procurement legislation. It matches up with the:

—any body—“...supported directly or indirectly by Government funds...”

That is the material part, and that is synonymous with the legislation to deal with public procurement and disposal of property. Of course, we have defined "statistics" in similar fashion to the old law, the existing law by reference to what "statistics" looks like in Schedule I of the existing Act and of the Bill. The Act does bind the State in clause 5.

Now, Part II is quite interesting, two clauses only, clauses 6 and 7. Here is where we define the treatment of the National Statistical Institute. We are taking the advice of Sweden. We are taking the advice of best practice. We are choosing to establish a body corporate to be known as the National Statistical Institute of

Trinidad and Tobago, and we defined in clause 7, the functions of the NSITT. These functions are breakout versions with slight expansion from what the current CSO does. And importantly, in subclause (2), the Minister is to act on the advice of the Director General, may amend the order in Schedule I, and it is that Schedule I that tells you what you statistically are collecting. Part III is a very important safeguard to the law. In clauses 8 to 17 we established a Board of the NSITT. This Board, yes, it does have the feature of the word “Minister” appearing; yes, that is an executive appointment fashion for six persons to be appointed by the Minister, among the following disciplines, one person from the THA and the Director, ex officio, but what we do is we go on in clause 9 to describe what the Board is responsible for and it is confined to management policies. And we draw that distinction to say that in the architectural creation of the NSITT we treat with the Director, now taking the functionality of the statistician under the existing law, we make sure that the National Statistical Institute is ring-fenced away from the Board. Yes, the Board is populated by the Cabinet, as is currently the Minister’s discretion under the Statistical Institute under the Statistics Act where there is an involvement between executive and the functionality. But very importantly in clause 9, in defining that the Board is responsible for management policies, we make sure that we limit the functionality of any executive involvement, and we cauterize that saying that we specify what the Board shall not be responsible for.

So in ring-fencing the autonomy and independence of the National Statistical Institute by creating the body corporate, we are allowing for it to be independently funded, we are allowing for it to not be subjected to the vagaries of blowing in the wind, in going from Ministry to Ministry as a department or not, and we ring-fenced it by saying:

“...the Board shall not be responsible for the functions of the NSITT...”—in

clause 9.

And that means that the Board shall also not provide specific directions or have access to any information at all. We also say that the Minister can only give general or specific policy directives in writing, and again that is a very commendable feature of the law as this Bill sets out. We then go on in clause 10 to define the duties and functions of the Director General. We say that:

“The Director General shall perform his functions and duties in relation to national statistical reporting, independently of the control of any person or authority.”

And that is an important safeguard to the role and functionality of this entity. It mirrors, for instance, the Financial Intelligence Unit, which albeit that it falls under the Ministry of Finance, is deemed to be ring-fenced and cauterized away from the Executive. It mirrors some of the functionality of the interrelationship between central government and other entities in our society.

We say what the Director General shall be responsible for, and we make sure that there is a careful limitation in clause 10(3) of the functionalities of the Director General and the caution to be provided in how that officeholder interacts with the Board and/or the Minister. We make sure that we allow for supplementation in clause 11 by the appointment of ad hoc advisory committees to the Director General that he has the authority to actually perform that functionality, not an executive member. And then we go on to the manner in which the Director General shall be appointed by the Board with the approval of the Minister, serving a term not more than four years. And I want to say that this is a replication of the existing law, insofar as the statistician, as a public officeholder, mirrors up the Director General. There is an executive function to be provided there in the usual form.

We deal with resignation from the Board members in clause 13. The removal of the Director General is carefully prescribed in clause 14 for reason of being:

- “(a) ...declared bankrupt;
- (b) becomes of unsound mind;
- (c) ...incapable of performing the duties of the Director General;
- (d) has neglected his duties as Director General...engaged in conduct which would bring the office...into disrepute;
- (e) ...been absent without leave”—for more than—“three consecutive meetings...
- (f) has been convicted of an offence involving dishonesty;
- (g) has been convicted of an offence under the Integrity in Public Life Act;”

—as there is intended to be a marriage there—

- “(h) has been convicted of an offence punishable by imprisonment for one year or more...”

—under offence provisions of this law, and—

- “(i)...in breach of confidentiality contrary to the oath of secrecy.”

—as the Bill provides.

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

Madam Speaker, we then deal with some of the prescriptive elements: the meeting of the quorum in clause 15, declarations of conflicts of interest in clause 16. Again, there is harmony with the public procurement legislation that we have, and a number of other pieces of law, and then we deal with remuneration to be that by the Salaries Review Commission. That is in clause 17.

Part IV is important when we look to the staff arrangements. These are

clauses 18 to 26. I would like to point out that we have treated with the NSITT having the ability to employ its staff, clause 18. Options available to public officers, and this is very important. Option one, and I will stick a pin—in this Bill we propose the designation of the Public Services Association as the recognized entity as it currently serves the 300-odd people in the Statistics Institute, Trinidad and Tobago's existing law.

We designated that functionality because we have legislative prescription. If you look to the Housing Development Corporation Act, Chap. 33:06, section 33, subsections (1) to (3), you will find the precedent there. If you look to the Civil Aviation Authority, Chap. 49:03, 26(a) and (b), you will find precedent there. We have done that, adding for a limitation on when recognition and certification can happen pursuant to the Industrial Relations Act. So that we have preserved that which we have negotiated with the PSA on already.

So the public servants coming back, the employees available to public officers options in clause 19, we first of all describe “permanent appointees” or persons who have held temporary appointments and served at least two continuous years, they have one of three options. In the creation and migration of staffing you can voluntarily resign from the public service, terms and conditions to be agreed with the CPO. Secondly, you can seek employment with the NSITT on terms and conditions no less favourable than that which you enjoy at present. And lastly, of course, the obvious option, you can remain in the public service, provided that an office commensurate with the office held whilst working in the public service was available.

We provided in clause 20 for secondment. We provided in clause 21 for the establishment of the pension plan within five years. In clause 22, we have dealt with the superannuation aspects, treating with those who die or retire prior to the

establishment of the pension plan, or those who get into the pension plan pot before it has been created. So we managed that in clause 22. We get to clause 23, we deal with the payments of superannuation benefits by the NSITT, prior to establishment. Payments of the pension plan in clause 24 also further done. This is not new, there are umpteen precedents of these particular provisions in our laws.

It is in clauses 25 and 26 that we deal with the Public Services Association being deemed, in the manner that I have given example for in the HDC legislation or Civil Aviation Authority legislation. And then we have also given grandfathering, if I can call it that, a right of advantage to the PSA for a period of two years so that there is no recognition and certification, unless the Industrial Court allows you that privilege, pursuant to the provisions in sections 38(2) and 38(3) of the Industrial Relations Act, where you can get the leave of the court to do that application.

Part V in clauses 27 to 29, treat with the financial provisions of the NSITT. Moneys appropriated by Parliament, moneys borrowed by the NSITT and any fees, dues or charges, that would be the money of the NSITT; again, umpteen precedents for that in the laws of Trinidad and Tobago. We have prescribed the financial year end. We have harmonized that with the financial year end of Trinidad and Tobago in clause 28.

In clause 29, we make sure that we are treating with these accounts of the NSITT being public accounts, subjected to section 116 of the Constitution as is normal, the requirements for laying in Parliament. All of the general provisions that are accompanied by public accounts and scrutiny under the Auditor General's hand are replicated there.

The guts of the law, and I am sure the matters of most interest in this debate fall under the general provisions, Part VI. General provisions, clauses 30 to 39, let

us call a spade a spade. Right of power of entry, right to demand production of information, including Board of Inland Revenue information, and I will come to that.

The other provisions replicate the sections of the existing law, and I would like to say this. Under the existing law of the Statistics Act, there is a power of entry without warrant. You may be bound to produce your authorization under the existing law for entry in any circumstance. You must do so for a dwelling house, only when you are asked to if it is not a dwelling house, but there is no warranting. Because it is pre-1962 law and therefore saved law, the existing Statistics Act is draconian. It does not comply with the section 4 rights of the 1976 Constitution, but it is accepted by virtue of the savings clause from that.

In our provision here, we of course provide for the taking of census in clause 30. We are keeping with a formula which allows for the guarantee of the taking of census in the cycles that we are accustomed to. Ten years for households, 10 years for agricultural, industrial and five years for the other mechanisms, but we also prescribe the annual return factor for that. So that we have to give advance notice of certain things that we are going to do. Of course, this is open to change by the Director General asking for variations from the established time frames. So you see clause 30, National Population Housing Census. It is subject to negative resolution of Parliament. I point out that it is different from the existing law. The older law then based—you will find a lot of the amendments to the Orders or Schedules or positions were to be done by affirmative resolution of the Parliament.

We say that the first census should start in the year 2020 or such other time as the Director General may do by negative resolution order. We deal with the collection and publication of statistics in clause 31. Every year, if you look at subclause (4) of clause 31:

“On or before 31st December in each year, the NSITT shall publish in at least two newspapers in daily circulation in Trinidad and Tobago, a release calendar specifying the dates in the following year on or before which official statistics in relation to such matters as are specified therein, shall be disseminated.”

Perhaps, but it is intended with correct IT, with correct management, with correct funding, to at least allow for an anticipation of the production of statistics, even though our current Minister of Finance, the Member for Diego Martin North/East, has done extremely well to make sure that our budget figures are done on CSO figures, and not Ministry of Finance figures, as prevailed under Minister Howai in his time. Our Minister of Finance has managed to rely upon regular production of data on a functioning entity. We wanted to put into the parent law this obligation for anticipatory notice of publication.

Clause 33:

“Notwithstanding any other written law, the NSITT shall be granted access to all records, documents, returns and certificates, whether individual or corporate, in the control of all public bodies, including the National Insurance Board and the Board of Inland Revenue...”

I stick a pin there. That is no doubt going to be an issue of discussion with us all. The statistician has informed that whilst the current law allows for success to all public records, and impliedly so to the Board of Inland Revenue, the need for clarity to access to Board of Inland Revenue in circumstances beyond that described in existing law is required in this law. So that is something that we need to talk about.

When we get to the power to collect records and documents:

“The NSITT shall be authorised to collect any requested records...”—et

cetera, power to require persons to supply information.

Unless there is a prescriptive compelling obligation for persons to give their information, and it is sanctioned so that you can apply the force of law behind it, it is pie in the sky to want to collect statistics. They must be capable of being garnered, capable of being gathered, capable of being obtained, and therefore there is a need to apply a sanction and remedy for a failure to provide correct records, non-fraudulent records, the time frame for records, the particulars of records done, the veracity, et cetera, and quite importantly and you will see here, where people submit returns that are insulting, frivolous or vexatious. For instance a form filled out saying, “None of yuh business, none of yuh business, none of yuh business”, as actually happens, as I am aware.

Let us get to “safeguards and exemptions”. We are providing in clause 35 a very important due processing aspect. We are saying that in subclause (8):

“Nothing contained in this Act shall affect or be deemed to affect any law relating to the disclosure or non-disclosure of any secret or confidential information evidence, documents of any persons required...such as to give any evidence or produce document...”

And we protect by way of express reference privileges including:

“legal professional privilege, parliamentary privilege or any other privilege.”

Madam Speaker, what time am I bound to end?

**Madam Speaker:** Madam President, 2:44:25.

**Hon. F. Al-Rawi:** In full-time, much obliged, four minutes.

So, Madam Speaker, as time is obviously in scarce supply here, I will say we have allowed for the protection of privilege, very importantly in the right of access. We have introduced for the first time the requirement that you must obtain the consent of persons, within the hours that we now vary. We have gone from

7.00 to 4.00, to 7.00 to 7.00, and we are saying you must obtain consent, particularly for households every time. If you do not get consent, find yourself before a magistrate, obtain a warrant, have the warrant authorize who shall enter, and only in those circumstances, with due process considerations ought you to have the right to enter. That is to be safeguard amplified by the fact that you have the ability to appeal any decision directly to the High Court.

We have expanded that, we have simplified the language coming from the old law. You can apply to the court, and of course the right of appeal coming directly from the inherent jurisdiction of the High Court formulation, still applies in that basis. So warranting, protection, due process, we ensure that any right of entry here, and importantly, any dispute that you may have with that which is required of you, you can knock on the door of the High Court and you can say why you ought not to comply and therefore avoid the application of breach.

Madam Speaker, we have treated with those appeals in 43:

“Any person being aggrieved by, or through any demand or requisition of the NSITT, may appeal to the High Court against the demand or requisition, upon giving notice in writing...within twenty-eight days of...—that—  
“demand.”—et cetera.

We have dealt with clauses 44 onward in miscellaneous provisions to 49 with repeal and replace; provisions to prevail with the exemptions of stamp duty, with the power to create regulations. I have described the many regulations which are ready for consideration of the hon. Members, and we have dealt with the replication of delegated functions as has happened under the old law.

So, Madam Speaker, the Government's position is that this law is critical, it is important, the time is now. We have done the IT work, the consultative works. We have spoken with the unions, we have dealt with the staffing arrangements.

We have dealt with the operationalization. However, we accept that this provision is such that we require unanimity of purpose. It represents a continuation of effort from last Government to this and even government prior, and therefore we consider it apposite to our best interests that we refer this Bill to a joint select committee for Members' consideration, and we are proposing a joint select committee of 12 Members.

We look forward to the contributions of learned Members of this House, and certainly the Members of the Joint Select Committee, as we march on to ensuring that Trinidad and Tobago can move in the right direction of the proper application of statistical evidence, to our growth and benefit as a society.

I beg to move, Madam Speaker, as the Leader of the House will then deal with the establishment of the Committee at a later stage as I understand. Much obliged.

*Question proposed.*

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Thank you very much, Madam Speaker. For once the Attorney General representing the Government has come to the Parliament and presented a Bill without provocation, [*Laughter*] and without rancour, I would say. [*Desk thumping*] And for that, I want to first of all acknowledge it and, secondly, commend the Attorney General on this particular Bill. [*Desk thumping*]

This is an important Bill, as the Attorney General mentioned. It is going to repeal the existing Statistics Act, Chap. 19:02, and it is going to replace it with the National Statistical Institute of Trinidad and Tobago Act, when it becomes law, and the Bill here also has “and for other related matters”.

A national statistical system is a very important thing in a country. Recently, I had the opportunity first hand to see in a public space how the business

of statistics can really, or the lack of it I would say, can retard the process of development.

The Public Accounts Committee was engaging NAMDEVCO, and in the process I asked a question about the number of farmers, the quantity of land, how many were registered, et cetera. And it turned out that although they had identified a significant number of farmers in the country, they had no idea of the amount of land, the quantity of land that was involved, and only a small proportion of them, I think just over 3,000 out of something like 17,000, had in fact been identified. And that raised the question of how can you really plan your agricultural strategy in terms of production and the various things you did with it, if you did not have those statistics.

So that is a practical example of how statistics are critical to the development process, to the decision-making process, to the policymaking process, and therefore this is indeed a very, very important Bill. Because the attempt here that has been made by over several administrations, including the People's Partnership administration, is to try to establish an independent and autonomous capability to make a national statistical system with integrity, and with trust possible. The Attorney General acknowledged that the issue of trust was important in the establishment of the institution and the institution's ability to develop and establish a system.

Now, I am also very happy that in keeping with the commitment of the Minister of Planning and Development when she made a statement before laying the Bill, that this Bill is in fact going to a joint select committee, because notwithstanding the importance of the Bill, there are many, many issues that are very contentious in the Bill. And if we are to have an institution that is national in scope and jurisdiction, generates the trust, and is able to do the work that is

necessary in an efficient and effective way, and have the autonomy and the freedom and the independence to do it, which is something very beneficial as a public institution for Trinidad and Tobago, then we must do it properly, and the Joint Select Committee is the way to proceed. [*Desk thumping*]

Now, if you look at the Bill, Madam Speaker, for instance in clause 7(d), the issue of establishing standards is mentioned. The National Statistical Institute will establish standards, but it does not say who or how these standards will be established.

If you look at the Bill also you will see that although a national statistical system is mentioned, and this Bill is to establish the institute, the purpose of the institute is not identified, and I think that that is something that we need to look at. It has its functions; the functions are clearly identified. What is the ultimate purpose of this institution? I think we need to include that in it.

Another issue that might be important here is how do you represent the public interest in addition to the specialist interests that are identified for this institution? And I think that that is something that we also need to take into account, and because we are having a joint select committee I will not belabour the points here.

In the exercise of its functions, the board shall not be responsible for the function of the NSITT as specified in section 7, and shall not provide specific directions to the Director General or employee, et cetera, and they may not have access to any information.

I see, Madam Speaker, the potential for conflict between the person in charge of statistics, which is the Director General, who really needs to have that power and authority and autonomy, and a board that is responsible, of which he is a member, and to which he must report on some things. More than that, I think

that the board as I understand it from this Bill will provide the allocation for whatever is the plan of action for the Director General during the course of a year. So I believe that there are built in issues for conflict there that we need to take into account.

Then the other issue is the Minister:

- “(3) The Minister may give to the Board such general and specific policy directives in writing with respect to the carrying out of its function...
- (4) The Minister may give such general policy directives in writing to the Director General as he considers necessary or expedient...”

Now, here is the Minister giving direction to both the Board and the Director General; okay. I believe that that is not such a comfortable situation for managing an institution of any kind. I think that that can be a cause for—I will not say “conflict”, but I think it can create some problems. I am not raising the issue. So far I have not raised it, but it is an issue of whether in fact the appointment should be made by the Minister or Cabinet on the recommendation of the Minister. But that is a matter I think that we need to consider.

The whole issue of the ministerial responsibility, the Board responsibility, the Director General’s responsibility. I think unless we get some precision and clarity in this, we could have tensions and conflict. And the end result is that the institution will suffer and, of course, the statistical information which we prize so dearly will in fact suffer as well.

Now, when you read this Bill carefully, you will see that in addition the Director General is responsible for all functions of the NSITT as defined in clause 7, and the Board for management policies in relation to matters in clause 9. It is not clear from the Bill whether the Director General will be accountable for executing these management policies under the jurisdiction of the board, and

accountable to the board for these or whether the board will operate as an executive board to carry out its mandate. That is what I mean in terms of how these powers are organized. This is one issue that comes up. The AG may give clarity in his winding up, and we will have opportunity to explore this, but I am just flagging some of the issues that come up immediately.

The lack of clarity in this matter in the definition of responsibility and accountability for outcomes is problematic since the board shall not provide specific directions to the Director General, or any employee of NSITT with respect to the function of the NSITT. So you see how convoluted this becomes. And I understand the problem. The problem is you want to give power over statistics to the Director General, but you also have a board that has power to achieve the objectives of the national institution. So you have a kind of separation of powers built into a situation where the Director General is also a member of the board, and that does not take into account the specific and general directions to be given by the Minister. So I think immediately you can see, Madam Speaker, how with three bosses so to speak you are bound to set up yourself for a problem with an institution like that. I think we need the utmost clarity in dealing with this matter.

I want to acknowledge the importance of the Minister setting down instructions in writing. I am not conceding that the Minister in fact should be the one to make these appointments. I have my real doubts about that. But I understand the significance of the Minister putting down instructions in writing, because there is a public record and it brings transparency to the situation. I want to acknowledge that that is an important consideration in outlining how in fact the Minister would function in relation to both the board and to the Director General.

Now, the other issue here is the issue of the workers and how they transition into this new institution, and the role of the institution. I will not deal with that.

Maybe one of my colleagues will deal with that when they get up to speak, but I think again here there can be a problem. I think already problems are emerging. These things are very difficult when you are dealing with the transition of workers, and when you are dealing with the options that people have for choosing a union when a union already exists in the domain. Again, this is something in my view that is problematic to manage.

**3.00 p.m.**

Now, clause 33 is also problematic—“access to all records”, et cetera, from the BIR “Notwithstanding any other written law...”—the law currently grants BIR confidentiality and power not to disclose, so the issue here is problematic. On the one hand, certain kinds of BIR data, I want to concede, are critical to doing things like the GDP, and at the same time the issue of privacy does arise.

And I want to say that this issue is a vexing issue for more than one institution, I think the AG would be aware of this. In the FATCA debate, Madam Speaker, this issue of the BIR and how it would function came up, and I think that we resolved it successfully in the JSC there, so that was not a problem there because we were able to resolve it.

In the Income Tax (Amdt.) Bill it is also an issue; I am not sure if it has been resolved successfully there but it remains an issue.

In the matter of Auditor General who has to audit all the accounts of the country, certainly the public moneys accounts for Trinidad and Tobago, the Auditor General also wants access to all of this because it is an issue of how can you be auditing and not having access to the information, and I think that that—  
[*Device goes off*]

**Madam Speaker:** Member. Would all Members just ensure that their devices are off. [*Device goes off again*] Is the device still in here? [*Crosstalk*] Please, Member

for Caroni Central.

**Dr. B. Tewarie:** Thank you, Madam Speaker. So with the Auditor General that is an issue that has not yet been resolved, but it raises the same big issue, how do you allow the Auditor General power for the sake of transparent management of the national accounts, and how do you protect people's privacy. And here in this statistical institute in its establishment to give them the power you have the same issue coming.

Now, I want to say immediately, if the statistical institute had the power and the authority to get the VAT accounts, for instance, or to get the accounts for sales in an organization and be able to accrue them, the accuracy of the information would be much more significant. So there is a case to be made for access to this information; the issue is, how do you protect people's privacy in a serious way. And I know that there are elements in the Bill itself which seek to do that, and there are confidentiality clauses and oaths of secrecy which have to be signed as well.

I do not know if all the public bodies—maybe, AG, you can just indicate to me—are going to be identified in a schedule. Are they going to be?

**Mr. Al-Rawi:** What is the problem?

**Dr. B. Tewarie:** Well, I would think that you would want to identify all the public bodies in a schedule of some kind, so that it is transparent and everybody knows. Everybody knows also who are accountable and who are part of the system in the public sector and who are not, and that can be amended over time if you add new institutions to it, but it would be very clear, and it would make for a lack or an avoidance of nebulousness, it seems to me, if you have it.

The issue of registrar of births and deaths, I do not find that very efficient. I think the ideal thing would be to—for the Ministry of Health, for instance, or some

institution, to be able to collate all of this, and then the CSO deals with that institution, but if you had to deal with all of these entities one by one, I could see a problematic situation.

The issue of private sector information, which is critical, Madam Speaker, I mean to calculate the GDP of this country, unless you can have accurate private sector information, you are dead, you cannot do it, and that may well have been a problem for many, many years.

And I think that the issue of how you get the private sector to comply, which I know it is something that is addressed in here, is something, again, that has to be carefully attended to, because you do not want to use a kind of big stick to deal with people, but at the same time, you do not want people to simply say, “Look, I am not providing the information that you want”, when the larger picture is, how to get the statistics right, and therefore, some kind of formula has to be found to do that.

Now, the bible, so to speak, on how you establish a statistical institution in a country, is the UN *Handbook of Statistical Organization*, and I think the last one is the third edition or something like that. And this was used, certainly in my time, as a guide on how we were going to do this, and the model Caricom statistics Bill, I have it here as well, was also used as a guide. By the way, in that Bill, the Bill points more or, at least, gives the option of the person who appoints the council or an institution similar to that, that that person would be, depending on which State you were in Caricom, as the president or governor general, so that there are other models of how you do it.

So, we did appoint a management transition team to manage the crossover from the CSO to the National Statistical Institute, and I know that a lot of the good work in terms of a policy framework and the issues to be attended to were

identified by that committee. The legislative committee was established under the current Minister of Planning and Development, and this Bill therefore evolves out of that Ministry.

Now generally, a Bill derives out of a certain vision, and the Minister in her statement, and if you look at any of the statements that I made at the time, you would see that the vision was for independence and autonomy, and this is something that this Minister, that is to say the Minister of Planning and Development, the current Minister of Planning and Development whom the AG ably represented today, he—she, in fact, that is to say the Minister of Planning and Development—indicated that, in fact, she was committed. [*Crosstalk*]

**Mr. Al-Rawi:** No. You said committed.

**Dr. B. Tewarie:** No; talking about the former Minister. Sorry. The former Minister; the Minister of Planning and Development I meant.

The Minister of Planning and Development made a commitment to transparency, not to transparency, but to autonomy and to independence of the institution. Now, so if that is the vision, and I share that vision because if you want to have a decent and serious institution that commands not just national trust but international respect, you have to have that. So what are the issues? What are the issue in doing that? How to establish a reliable, comprehensive, accurate, credible, national statistical system? So, that has to do with how many institutions you rope in, how do you ensure compliance, and how do you ensure accuracy in the institution.

Now, a national statistical system is a public good. Now it is important to say that, and that is why government is involved in it, because nobody else will establish this as a public good. If this were a private sector initiative, and I think within our time, the AG may remember, I think that there was a private sector

assertion that maybe they should establish a statistical system that could service the private sector. But the problem with something like that, Madam Speaker, is that if it were established by anybody else, it would have to be run as a commercial enterprise.

And what that means is, just like education, if you do not see it as a public good, is that those who can pay, can have access, but those who cannot pay cannot have access. And always in a public good you have to be aware of the fact that it must be available equally to everybody who is a citizen or who needs to have access to this information or this service or this product and so on.

So, because it is a public good, government has to establish it, government has to pay, government has to make sure that it runs as a public good, because you cannot have an information gap between those who can afford and those who cannot afford; so this is one issue.

The question that derives from that is: What kind of institution do you need to make that possible if the national institution is a public good? Now, it has to be structured and organized to function well, first of all. But the second issue is, what must be its character, what must its character be? And that is where the issue of independence and autonomy becomes important. How do you assure integrity of the national statistical system?—and I am not saying that there has been lack of integrity so far. There have been problems, but I do not think that there has been lack of integrity in the system. And how do you secure statistical integrity of the National Statistical Institute?

I think those are two critical questions. What are fundamental principles when you are dealing with official statistics? What code of conduct do you need to have to make that possible? How do you ensure that it has the wherewithal to stand up to scrutiny of the international system? What are the problems therefore

that need to be solved and we need to aware of that. I mentioned one of them which is, how to compel stakeholders who have the information to provide it? And the Bill does provide for public stakeholders. It identifies private stakeholders as well, and I am not sure if everything exists there to get the kind of compliance we need. So, I think this remains an issue.

The issues of accuracy, comprehensiveness, timeliness, relevance, those things become critical because that cannot be the responsibility of a Minister, that has to be a responsibility of the institution, and that institution has to function like clockwork to meet its mandate. Part of the problem with the CSO, so far, has been this nebulousness of it functioning which is that it has moved from the Prime Minister's Office to the Ministry of Planning and Development, I think it was somewhere besides—in the Ministry of Finance before, and that has been part of the problem.

Now, it is well located in the Ministry of Planning and Development because of what the Ministry of Planning and Development does, but it does need, not just permanence, but it needs stature, and that stature comes with independence and with autonomy and therefore, after that, respect on its own. And therefore, it is critical that we do what is required to achieve that.

I want to read something from the current Director of the CSO because he made a statement the other day which was very, very interesting, I think it was in 2017. He said the vision for the structured CSO would be that it would exist and I quote him now:

“...outside of the confines of Central Government and therefore obtain the necessary”—independence—“and autonomy needed to effectively coordinate and manage the national statistical system.”

Now I, quite frankly, think that is a pretty brave thing for a current Director of

Statistics to say, but he is on solid ground in saying that. The question would be: How do you achieve that? And I raise that which is, how do you achieve that in the context in which, as I said before, it is a public good and the Government has to make it possible and pay for it in order to create a system of equality in terms of access to statistics.

So, I will not elaborate and fight this issue, I raise it for the consideration of the Attorney General. It will obviously have to be an issue that we engage in the Joint Select Committee, but the question is how do you do it? If this the big issue—

**Madam Speaker:** Hon. Member, your original 30 minutes are now spent. You are entitled to a 15 minutes to continue and complete your contribution.

**Dr. B. Tewarie:** I will take some of it. Thank you very much, Madam Speaker. So what are issues that we are flagging here that are likely to be controversial and worthy of discussion. The question of access to the BIR and VAT documents on sales, profit, VAT payments, et cetera, and the protection of privacy; I think that would be a concern of how we do it. The second thing:

What is the role of the Minister in the issue, and what is the role of Government generally?

Now, recently I had occasion to be at the University of the West Indies in a session in which the Member for Port of Spain North/ St. Ann's West was also there, and after the session a young student, master's degree, just finished, came up and spoke to me, and he said something that triggered something in my own head. Because the question he asked me, he said: "You know, Dr. Tewarie, one of the issues in this particular instance"—we were discussing the issue of Sandals—"is: What is the role of government in a situation such as this?"

And we talked a little bit, I would not disclose the nature of the

conversation, but as I was driving out, I was thinking about it, and I realized that he had triggered something in my mind that is very important. You know, often we talk about what is the role of the private sector, what is the role of the State, what is the role of government, but what this young man triggered in my head is this. It is not so much what is the role of government over all things or the role of the private sector in all things, it is: What is the role of government in each situation?

And I think we have to be very sophisticated about it, because the dominant role of government might be necessary for some things. All right? A quasi-governmental presence may be necessary for some things, minimal government presence may be necessary in other instances, and there are some instances in which government should be nowhere around at all. And I want to raise this issue of what is the appropriate governmental presence that you want in an institution such as the National Statistical Institute and we could discuss that, because I think that that is something that needs to be discussed if we understand the principle. And I thank the young man for raising the issue that the role of government can differ from instance to instance depending on what the particular context demands, and what are the results or the consequences or the outputs that you are looking for.

The other issue, I raised the issue of the Minister, the board and the director in this, I think that this is a blueprint for conflict. I think the AG probably sees it already, and I think it is almost self-evident that you are going to have some problems there. The question is: How do we resolve it? Together with that is the question of appointments. The other issue—because the power of appointments becomes an issue because of that.

The other and final thing I want to raise in relation to those kinds of issues is: What is the role of the stakeholders in the system? So this Bill is written in

such a way that you have the major players to establish the institution and to connect the system, but a critical part of this and the only value of a national statistical system is for the users. All right? And there is the demand side from the users, but there is also the supply side of the information, so the stakeholders are critical, and the users are critical, and therefore, the Bill needs to take into account those two critical elements. So

the stakeholder element, the consumer element, if you want to call it that, that is to say the user element, we also have to take those things into account.

And I said I would not use all of my time of the 15 minutes, but I do want to deal with the issue of financial considerations, because the CSO, at the present time, usually wants about \$100 million to operate, it usually gets about \$40 million, and this has been across governments. Okay?

So the problem would be, if you have a national statistical system, would effective funding be guaranteed?—because that is an element of its autonomy and independence. You know, we have a situation in order to create the autonomy and independence for the house of assembly, we decided and determined a formula. There are many questions and controversies about the formula, and it will continue for some time, it may come up, again, with the Bill that is due in Parliament, but the principle has been established.

And we also have the situation of the Judiciary, and that has been a matter, how do you ensure judicial independence if they do not have control over the appropriations from the public purse, and therefore, this issue also comes up in this National Statistical Institute. And I feel that that is something we must address to ensure that as, in fact, some people claim has happened, that this is not an issue in either the strengthening or the diminishing of the power of the institution that has to manage the national statistics for Trinidad and Tobago.

Madam Speaker, there many more things I could say, but I will not. I am very glad that we are going to the Joint Select Committee; it will give everybody a chance to make an equal contribution, I hope. And at the end of day, if we came up with a consensus document, I think we could have something worthy of the nation, and worthy of the 21<sup>st</sup> Century in which we live, and something that we could be proud of when we think about other institutions of similar kinds in other countries that really have done it well.

And with that said, I want to thank you for the opportunity to say a few words today, and to make my contribution. Thank you very much. [*Desk thumping*]

**Madam Speaker:** Minister of Finance.

**The Minister of Finance (Hon. Colm Imbert):** [*Desk thumping*] Thank you, Madam Speaker. Madam Speaker, it is necessary to put some factual information on the record so that persons will understand the current situation with respect to statistics, what this Government has done in terms of improving the collection and publishing of accurate statistics, and what we inherited, Madam Speaker. And I go straight to the—[*Interruption*—]Madam Speaker, I do not know what is wrong with Members opposite. Is truth so bad that it bothers you?

So, Madam Speaker, if you look at the 2014 Article IV Consultation with the International Monetary Fund—between the International Monetary Fund and the Government of Trinidad and Tobago—and let me repeat the year, the 2014 Article IV Consultation between the IMF and Trinidad and Tobago, the following statement was made by the IMF in 2014.

And, Madam Speaker, the Article IV report is usually published around September/October, so this would have been in the third or fourth quarter of 2014, towards the end. And this is what the IMF had to say about the country's ability to

gather and publish accurate statistical data.

“Data shortcomings have reached critical mass and now severely constrain staff’s ability to conduct economic surveillance...the Central Statistical Office...temporarily ceased operations in mid-2013...”

And I would like hon. Members to understand what year we are talking about, mid-2013. And this not the PNM saying this, this is the IMF saying this.

“...and now operates under extreme resource constraints, leading to very long lags for GDP, trade and labor data. Official trade data are available up to February 2012...while the GDP data for 2012 is still only provisional.”

That was at the end of 2014, the IMF was indicating that our GDP data and our trade data were more than two years out of date.

“There are also significant gaps in tourism statistics, while expenditure-side and quarterly GDP estimates...that are flawed due to methodological weaknesses.”

This is what was happening towards the end of 2014.

“...there has been little concrete progress implementing reforms.”

And they were speaking about the previous Government.

“CSO staff are still in temporary locations and permanent quarters are unlikely in the next 12-18 months.”

So this was the IMF speaking towards the end of 2014 and saying that permanent accommodation for the CSO was not likely before the end of 2015.

“The CSO’s self-proclaimed goal to bring a wide range of statistics rapidly up-to-date once they move into new quarters is laudable, but severe resource shortcomings cast serious doubt on its achievability.”

The 2014 IMF Article IV Consultation report also noted:

“The CSO currently has 350 staff, and due to inadequate office

accommodation, some staff work from home, rotate office spaces, or do not work at all.

Additional trade data recently became available from March 2012 to October 2013. However, the CSO...has cautioned"—the data—"are not yet reliable."

And one final noteworthy comment on the CSO from the 2014 Article IV IMF report summarizes the conditions which prevailed at that time towards end of 2014.

"Critically, the lack of reliable and timely data is an overarching problem that hampers public and private decision-making. Since the last Article IV discussions,..."

This would have been Article IV discussions in 2013 with the then Government.

"...there has been little concrete progress in implementing lasting reforms to remedy data shortcomings. The CSO still has no permanent quarters after its building was condemned last year and it remains starved of resources, leading statistics production to seriously lag in critical areas. Data shortcomings now severely constrain staff's ability to conduct...surveillance. Moreover, aside from the plan to alleviate resource shortages on a temporary basis, there are no concrete signs of implementing an action plan to resolve the problems at the statistical agency, and there is therefore a critical and urgent need to provide the CSO the resources needed to fulfill its mission."

That was the CSO under the Member for Caroni Central who seems to have walked away.

Now, let me talk about the CSO under the present PNM Government under the stewardship of the current Minister of Planning and Development, the Member of Parliament for Arouca/Maloney. This is now what the IMF had to say in 2017.

This would be in the Article IV 2017 Consultation. This would be just about 15 months after the PNM took office.

### **3.30p.m.**

“The authorities are committed to improving data provision, through the establishment of an independent National Statistical Institute (NSI), which will replace the Central Statistical Office (CSO). In the meantime...”

And this is PNM performance; this is the performance of the hon. Member of Arouca/Maloney.

“...the CSO has obtained new offices, taken on additional provisional staff to reduce the backlog of uncompleted surveys, increased staffing with assistance from the...”—Central Bank— “...and secured...”—technical assistance—“...from a number of international partners.”

These are not my words. These are the words of the International Monetary Fund in its Article IV Consultation report of 2017. The IMF went on to say:

“The CSO has made noticeable improvements in the timeliness of data provision since 2015. The GDP estimates have been improved and rebased from 2000 to 2012. Revised real and nominal production-side GDP estimates have been compiled from 2012 to 2015, with preliminary estimates produced for 2016. The last expenditure-side GDP data is for 2008. The CSO expects to compile updated expenditure-side GDP estimates during 2018, as well as releasing quarterly production-side GDP estimates... subject to availability of source data...and resources to ensure appropriate staffing. Since the end of 2014, the CSO...”

This is after the end of 2014 under this Government.

“...has reduced lags in publication of its quarterly labor force bulletin to about two quarters (from one year).”—where it was previously.

**Dr. Tewarie:** That was not under me. You are misrepresenting.

**Hon. C. Imbert:** Madam Speaker, I do not know why someone is shouting at me from over there. I do not know why, and since I heard the shout, let me speak to you again, Madam Speaker, and just for your information, since the hon. Member for Caroni Central believes this was done under him, let me say what the IMF had to say in 2014, under him:

“Data shortcomings have reached critical mass and now severely constrain staff’s ability to conduct economic surveillance.”

There has been little concrete progress in implementing reforms. Some staff work from home or do not work at all.

And, under the PNM Government, which is not under the Member for Caroni Central, in 2017 the IMF said this:

“The CSO has made noticeable improvements in the timeliness of data provision since 2015.”

And let me make those years clear. [*Desk thumping*] We came into office in 2015. So, the IMF is saying:

“The CSO”—under the stewardship of the Minister of Planning and Development, our Minister of Planning and Development—“has made noticeable improvements in the timeliness of data since 2015.”

GDP estimates have improved, rebates from 2000 to 2012, and so on, and so on. And the timeliness of data on labour and population has improved from being just two quarters behind from where it was one year behind.

**Hon. Member:** That is not true.

**Hon. C. Imbert:** And, Madam Speaker, I hear hon. Members opposite saying it is not true. Well, “tell the IMF they lie, nah?” Tell the IMF “they lie”. So, Madam Speaker, let us move on now.

National Statistical Institute of T&T Bill, 2018 (cont'd)  
 Hon. C. Imbert (cont'd)

2019.02.01

**Madam Speaker:** Hon. Member.

**Hon. C. Imbert:** I am sorry, Madam Speaker.

**Madam Speaker:** All right, so you will just withdraw that word and—

**Hon. C. Imbert:** Most certainly.

**Madam Speaker:**—remember we have a certain rule in here.

**Hon. C. Imbert:** Pardon?

**Madam Speaker:** Remember we operate in a certain ambience here.

**Hon. C. Imbert:** Oh certainly, Madam Speaker. I would ask hon. Members opposite to go and tell the IMF that what they put in their 2014 report about the horrible mess that the CSO was in under the previous Government, and what they put in their 2017 report about the vast improvements made by this Government under the hon. Leader of Government Business are incorrect and false. Go and tell them that. [*Interruption*] Go and tell them that.

Now, let us move on, Madam Speaker. Let us move on. In 2016—this will be approximately one year after the PNM came into office. There was a problem at the CSO that had been discovered by the Minister of Planning and Development, and I read from a *Guardian* newspaper story, Thursday, October 13, 2016, and this newspaper story says that:

“4 CSO officers suspended for ‘fixing’ figures.

Police and Director of Public Prosecutions have been asked to examine four CSO staffers.

Both agencies have been notified about the four CSO officers who had allegedly been falsifying labour force data, Planning Minister Camille Robinson-Regis has said.

Speaking during the 2017 budget debate...Robinson-Regis said on entering office, Government had some issues with CSO staff.

‘We found internal systems indicated that over a period of time, some CSO officers had been falsifying data related to the continuous sample survey of the population, labour force data in particular, and robust quality checks...revealed data was incorrect over a period of time.’

The four officers—

“...have been suspended and an internal investigation is taking place...The DPP has been advised and the police...asked to investigate.

Since (PNM)” came “into office...”

—this is the Minister of Planning and Development speaking in the 2017 budget debate—

“...the CSO has moved assiduously to get its standards back up to a certain level. So now it is the normal information that the CSO gives out.

It seems that there may have been some under-handedness over the last five years, and there’s a suggestion that there may have been some corrupt practices. We’ve established an internal investigation.”

So, Madam Speaker, under the previous administration the CSO was deemed by the IMF to be a total mess. Under this administration the CSO has shown noticeable improvement.

I think it is necessary now also for me to explain the difference between the collection of data and the publication of statistics by the Central Bank of Trinidad and Tobago and the Central Statistical Office, because when this institute is created, and I am assuming that Members opposite would not want to retard the creation of a quasi-independent or an independent statistical institute, I would hope—[*Interruption*] I would hope that Members opposite would not want to oppose the creation of an independent statistical institute. [*Interruption*] Yes, Madam Speaker, I would hope that you would not want to oppose it. This is how

the Central Bank does its analysis, distinct and apart from the Central Statistical Office.

The Central Bank of Trinidad and Tobago computes a quarterly index of real economic activity. *[Interruption]* Just forget them Attorney General, just ignore them. A base weighted quality index—quantity index—with a base year of 2010. That is the first difference between the data collected by the Central Statistical Office, and published, and the data collected and published by the Central Bank. In 2017, under this administration, under this Government, because we realize that under the previous administration the Central Statistical Office was producing data that was at best unreliable. We went to the Caribbean Regional Technical Assistance Centre, CARTAC. CARTAC is a regional—*[Crosstalk]* Madam Speaker, they are shouting at me, Madam Speaker. Please!

**Mr. Al-Rawi:** Usual subjects, Naparima and Caroni Central.

**Madam Speaker:** Hon. Members, I think we were doing so very well today, and therefore I expect we will continue in that vein. Minister of Finance, I am sure all the crosstalk will stop on both sides, and please address the Chair. Continue.

**Dr. Tewarie:** “He spoil it”, Madam Speaker. *[Laughter]*

**Madam Speaker:** And, Member for Caroni Central, what I will say is, even if in your estimation it is right, even if in the views expressed is correct, what I would say is, all is not lost. Minister of Finance.

**Hon. C. Imbert:** Madam Speaker, it is amazing how they shout at me across the floor and then say they were not saying anything. *[Interruption]* Oh dear, living in unreality.

Madam Speaker, in 2017 the Government of Trinidad and Tobago, this PNM Government, accessed assistance from the Caribbean Regional Technical Assistance Centre or CARTAC. CARTAC is an expert centre which has been

established by the International Monetary Fund to provide technical assistance for governments in the Caribbean region. There are a number of these technical assistance centres all over the world. There are centres in Asia, in Europe and so on. And our centre for technical assistance from the IMF is the Caribbean Regional Technical Assistance Centre or CARTAC.

In response to a request from the Central Statistical Office of Trinidad and Tobago, the real sector statistics advisor at the Caribbean Regional Technical Assistance Centre, CARTAC, visited Port of Spain during the period May the 01<sup>st</sup> to May the 12<sup>th</sup>, 2017, under this Government to provide technical assistance on rebasing the GDP estimates and improving the national accounts methodology. GDP by economic activity estimates are based on outdated 2000 benchmarks, and reliable quarterly GDP estimates are not available. The RSA—the Regional Sector Statistics advisor—reviewed the available source data and worked with the national accounts division manager—this is in Trinidad and Tobago—and compilers on developing the compilation worksheets to produce rebased annual GDP estimates for 2012 onwards, and new quarterly GDP estimates at current and constant 2012 prices.

The industry classification is being updated at the same time, moving from the International Standard Industrial Classification of all economic actives, ISIC, Revision 3, to ISIC Revision 4. Now, what came out of this, Madam Speaker, is the vast improvement in reliability, accuracy and timeliness that is now evident and manifests itself in the Central Statistical Office under this PNM administration. It is a direct result of the visit by CARTAC to Trinidad and Tobago in May 2017, which is then after the CSO did its work when the Article IV Consultation took place. You saw the remarks from the IMF in its Article IV Consultation report of 2017, where they indicated—[*Interruption*] Madam Speaker, the grumbling is

National Statistical Institute of T&T Bill, 2018 (cont'd)  
 Hon. C. Imbert (cont'd)

2019.02.01

really ridiculous. Where the IMF in 2017 said the CSO has made noticeable improvements in the timeliness of data provision since 2015.

**Dr. Tewarie:** They said that in January 2016, and it was based on work done in 2015.

**Madam Speaker:** Member for Caroni Central, if you wish you may ask your friend to give way.

**Hon. C. Imbert:** Thank you, Madam Speaker, I do not know what the problem is. I “doh” know what the problem is.

**Dr. Tewarie:** I am not your friend.

**Hon. C. Imbert:** Haaa! The statement that I am reading from is that—it is clear in English:

“Since 2015 the CSO has made noticeable improvements in the timeliness of data provision.”

And therefore “since 2015:” has to be after 2015. That is an obvious conclusion in the English Language. The first date since 2015 is the 1<sup>st</sup> of January, 2016. That is axiomatic, as my colleague from St. Joseph has said. So the first day, since 2015, is January 2016 and the IMF was saying, since 2015, there have been noticeable improvements in data collection and accuracy and timeliness from the Central Statistical Office, Madam Speaker. [*Interruption*] So—Madam Speaker, I do not know if you heard that, he said I am in—

**Dr. Tewarie:** But it is true.

**Madam Speaker:** Member for Caroni Central—[*Interruption*] Member for Caroni Central, I am sure you did not really mean that to be heard so if you could withdraw it; and Member for Naparima, thank you very much. Okay. And Member for Caroni Central, let us keep in the spirit that you yourself pointed out that prevailed today, so I will just kindly ask you, just withdraw the statement and

let us continue, please.

**Dr. Tewarie:** I find it hard to do it, but I will withdraw it, Madam Speaker.

**Madam Speaker:** And I do commend you are going against what you think was your natural gain. I thank you. Minister of Finance.

**Hon. C. Imbert:** Yes, Madam Speaker, thank you. I find it disgusting though. So—

**Madam Speaker:** Minister of Finance.

**Hon. C. Imbert:** Yes, Madam.

**Madam Speaker:** Minister of Finance, I think we have reached a certain plateau, and I am going to ask you to assist me for us to remain there. Okay? Thank you. Please continue.

**Hon. C. Imbert:** Thank you, Madam Speaker. So, the reason why this National Statistical Institute is so important is twofold. One, we really need to get everybody involved in terms of the private sector, the university, the business sector and the government agencies involved in gathering of statistical information and publishing of statistical data. This institute is cutting edge systems.

Let me also indicate what has happened in the CSO and the way the CSO gathers information, Madam Speaker. Arriving out of the visit from CARTAC, there is now a questionnaire that the CSO would send to a particular business establishment and the CSO would ask the business establishment to indicate the number of employees, the type of business, the total payments to all employees in terms of wages and salaries, contribution to pension plans, cost of housing, medical welfare facilities, directors fees, total cost of raw materials purchased for the period, cost of goods purchased for resale in the same condition as purchased, containers, wrapping and packaging materials, stationery and supplies, tools, cost of fuel and electricity, fuel for motor vehicles, natural gas and electricity, current

expenses, transportation costs, utility costs, rental lease of machinery, equipment, vehicles, rental/lease of buildings and lands, interest on bank charges, insurance, fire, machinery, vehicles, advertising and sales promotion, business and professional services, accounting audit fees, computer services, legal expenses, security, et cetera, management fees, payment to commission agents, maintenance and repairs, payments to other establishments, repairs of vehicles, equipment, payments for construction materials, payments to government, indirect taxes, taxes on production, license fees, excise tax, customs duties paid on imports, water and sewage rates, paid income tax, gross business levy, withholding tax, Green Fund Levy, travel and entertainment, scholarships and training, donations and charities, loss on foreign exchange transactions, loss on disposal of fixed assets, value of goods produced, assembled by the establishment sold during the review period, value of services provided by the establishment during the period, total receipts from sale of goods purchased and resold in the same condition, value for services on contract work, rental or lease of machinery and equipment.

I am reading these out to show how detailed the CSO is in gathering data to allow the CSO to develop estimates of domestic production and GDP in particular. This is all of the information they gathered by questionnaire: Rental/lease of lands for agriculture, forestry and mining, rental/lease of office space, revenue from agency operations, subsidies, interest received, dividends received, patents, copyrights, management and consultant fees, gain on foreign exchange transaction, and so on, raw materials, supplies and components, goods purchased for resale, work in progress, finished goods of its own production, construction, building construction, all other construction, roads, bridges, et cetera; land improvements, plants, machinery, transport, equipment, vehicles and other equipment, furniture and office equipment, information technology, hardware, software, acquisition of

used assets, non-current assets including lands and buildings, leasehold improvements—*[Interruption]* Madam Speaker, why is the Member for Chaguanas East mumbling at me. I seek your protection, Madam Speaker.

**Madam Speaker:** I think he is conceding, you continue.

**Hon. C. Imbert:** Madam Speaker, as soon as you got down he starts to talk again. Current assets, cash in hand, trade receivables, inventories, taxation recoverable investments, equity issued share capital, capital reserves, loan borrowings, bank overdraft, taxation payable, provision for taxation, and so on, Madam Speaker.

And this is the type of detailed information that the Central Statistical Office gathers from thousands of business establishments in Trinidad and Tobago in order to produce its estimates of domestic production.

The Central Bank on the other hand uses a very simple process. They compute a quarterly index of real economic activity and they use a different base year, 2010. So, while the CSO is using a base year of 2012, based on technical advice from CARTAC and detailed expert advice, the Central Bank is using a base year of 2010. And their index is disaggregated into a number of sectors, but it is a fraction of the sectors and information that the CSO gathers. The Central Bank would gather information on energy, construction, utilities, finance, transport, manufacturing, agriculture, hotels and guest services and so on. Just one page of data, Madam Speaker, whereas the questionnaire that upset the Member for Chaguanas East so much, is numerous pages and has, I would say, at least a hundred items of data that are collected.

And for this reason, what is in the Statistics Act—the Statistics Act states clearly and unambiguously that the official collector of statistics on a number of matters, Madam Speaker, you have significant number of issues that—the CSO is empowered by law to collect data on a series of items. I could read them out for

you: population and housing, immigration and emigration, internal and external trade, primary and secondary production, agriculture including dairying, horticulture, pastoral and allied industries. [*Interruption*] Madam Speaker, this torrent of [*Inaudible*] by the Member for Caroni Central, it may not be bothering you, Madam Speaker, it is bothering me.

**Madam Speaker:** Okay. But you know Minister of Finance, you have a way of creating excitement. So, maybe it is that, but I would ask all Members to observe Standing Order 53. Minister of Finance, please try and direct your contribution this way and do not allow yourself to be disturbed.

**Hon. C. Imbert:** Thank you, Madam Speaker. The point is that— and I am going to come to this point in a short while, to provide evidence of the way certain persons in this society manipulate data, use sources of data that they know are inaccurate and unlawful and quote statistics, and pull numbers out of a hat.

So the statistics office is—and let me repeat—the only lawful body authorized to publish data on population and housing, immigration and emigration, internal and external trade, primary and secondary production GDP, agriculture, forestry and fishing, factories, mines and productive industry—because we heard reference to something called extractive industries. They are not part of the Statistics Act, Madam Speaker. Salaries, wages, bonuses, income earnings, profits and interest, social education, labour and industrial matters—

**Madam Speaker:** Minister of Finance—

**Hon. C. Imbert:** Yes, Madam Speaker.

**Madam Speaker:**—your original 30 minutes are now spent. You are entitled to 15 more minutes to wind up your contribution. Please continue.

**Hon. C. Imbert:** Thank you very much, Madam Speaker. Industrial disturbances and disputes, banking, insurance and finance generally, commercial and

professional undertakings, distributive trades, health, transfer and non-communication, wholesale and retail prices of commodities, injuries, accidents and compensation, stocks of manufactured and unmanufactured goods, sweepstakes and lotteries, land tenure, local government, work in progress, debts outstanding, fixed capital assets, and plant, Madam Speaker. So those are the areas of responsibility of the Central Statistical Office.

But let me now go to a newspaper article which would illustrate what I am speaking about. The Director of the CSO, the current Director of the Central Statistical Office published—wrote a letter which was published in the *Newsday* of the 25<sup>th</sup> of December, 2018, under his own hand. And the current Director of the Central Statistical Office had this to say:

“The following aims to correct some misconceptions in the media recently and specifically an...editorial dated December 15, regarding the Central Statistical Office’s statistics.

Recently, there seems to be some measure of confusion with regard to the income data produced and disseminated by the CSO. Principle four of the United Nations Fundamental Principles of Official Statistics states, ‘The Statistical agencies are entitled to comment on erroneous interpretation and misuse of statistics.’”

So this was the head of the CSO utilizing Principal 4 of the UN Fundamental Principles of Official Statistics to say that he is entitled to comment on erroneous interpretation and misuse of statistics. So, using that authority he commented. And he went on to say:

“The recent conjecture that 75 per cent of people in TT earn less than \$6,000 does not originate from the CSO and consequently it is not official statistics and may not be quoted as such.”

But we had the Member for Tabaquite getting up in this Parliament and saying 75 per cent of persons in this country earn less than \$6,000, and intimating that this came from some official source. But you have the director of the statistics division indicating clearly that did not come from them, and the CSO is the only official source of data in this country. And he went on to say, according to the:

“CSO’s Continuous Sample Survey of Population”

—and I gave you an example of how the CSO gathered its data. That is why I read out the questionnaire, Madam Speaker, and one of the items, or several of the items in the questionnaire related to employment and wages paid by business establishments in this country.

So the CSO is able to say, because it gathers these questionnaires all the time on a continuous basis, that according to its data 41.4 per cent of people with jobs earned an income of \$5,999 or less, not 60, not 75 per cent as put into the system by the hon. Member for Tabaquite. And this is a letter written by the director of the CSO, Madam Speaker, and published in the newspapers. So I go back to the Central Bank. I go back to the Central Bank, and it is very important that we in this country, if we are to be a serious country, and we are not to be denounced by international observers as having inadequacies, inaccuracies, flaws and faults in our official statistics, one of which is GDP. When this country goes before the rating agencies such as Moody’s or Standard & Poor’s, the most important statistics are national production, Gross Domestic Production, and so on, debt to GDP ratio and so on. These are the most important statistics that the international rating agencies look at, and therefore it is very important that we in this country have credibility with our data. I am sorry to say that in the 2014 period there certainly was no creditability with respect to the data published in Trinidad and Tobago.

And going now to the Central Bank, there is a tendency in this country by persons who know better, who know very well that the Central Bank, which it actually stated in an advertisement, the Central Bank published this advertisement, and they said in this advertisement:

The CSO is the official source of GDP data in Trinidad and Tobago, and as such this is the traditional data source used by the Ministry of Finance over the years for the national budget documents, including the *Review of the Economy* and the budget statement.

This ad that was published by the Central Bank about a year ago was in direct response to people misusing information published by the Central Bank.

The methodology that the Central Bank uses is totally different. They do not look at value added, they do not have an exhaustive questionnaire that they send out to business establishments, they do not have a vast array of sources of data. They use very simple data such as, sales of new cars, sales of cement, very simple data in a small area of the system. And the Central Bank then looks at that data and draws its conclusions in terms of what they call economic activity. It has absolutely nothing to do with GDP. It has nothing to do with growth or contraction in the economy. The Central Bank simply does its own compilation for its own purposes in terms of looking at credit in the banking sector, whether the repo rate should be maintained at the current 5 per cent, reduced or increased in terms of whether they should stimulate loans or whether they should suppress consumer spending and so on. This is what the Central Bank does.

The Central Bank's job is to manage the financial sector. They are to manage inflation if they can, to manage consumer spending, to manage borrowing, to manage credit in the financial system and so on. So it gathers data for that purpose. But there are persons who know better, who like to—when they do not

like what they see coming out of the Central Statistical Office, they would go and quote other sources, as I just indicated. I gave a particular example of statistics being pulled out of a hat, and there are persons who just like to quote statistics from out of a hat, and take them from unofficial sources and try to transplant them into the official production of data.

**4.00 p.m.**

I am very hopeful therefore, Madam Speaker, that when this statistical institute is established, that we will get for—I will have to say for the first time, data that everybody in this country can rely upon. Only persons who are up to mischief would question the data that will come out of the new statistical institute.

In terms of this—[*Interruption*—those are matters, Madam Speaker—I will respond to the “cross the floor” even though I should not—those are matters that will be dealt with, matters of drafting that will be dealt with in the Joint Select Committee by the Attorney General and his team and by the Minister of Planning and Development and her team and others who will contribute in the Joint Select Committee. Those are not matters for me to quibble about here today. That will be dealt with in the Joint Select Committee. What is important, Madam Speaker, is that the statistical institute, as I said, is a cutting edge system. The new statistical institute—[*Cellphone rings*]

**Madam Speaker:** Could the Member with the offending device please leave the Chamber and they can return when they get it under control, please.

**Hon. C. Imbert:** Thank you, Madam Speaker. Madam Speaker, just reading from the—if I read from the Caricom booklet on *Regional Statistics* and commentary on that:

Several complaints by users and other stakeholders of official statistics—this is within the region—about the type and quality of data actually emanate

from weaknesses in the national statistical system and to the extent that these weakness remain unrecognized and their warning signs disregarded, then the official statistics needed for bringing sustainable development into fruition—and none of us could have any argument with that—will remain suboptimal despite the numerous and continuing improvements.

The CSO—I am advised—reached out to the Partnership in Statistics for Development in the 21<sup>st</sup> Century, Paris21, to seek assistance in the development of a national strategic development plan for statistics. The organization believes that this assistance will help to improve productivity and the delivery of statistics in Trinidad and Tobago.

And this will build on the technical support and technical advice received from CARTAC, the IMF regional resource centre.

Another potent contemporary factor that has influenced the strategies and operations of national statistical offices in the Caribbean is the IMF's General Data Dissemination System. The General Data Dissemination System is a structured process to which IMF member countries commit voluntarily to improving the quality of data produced and disseminated by the statistical systems over the long run to meet the needs of macroeconomic analysis.

The whole point of it, the invitation to CARTAC and the provision of technical assistance from CARTAC to the CSO, which is already bearing fruit and showing noticeable improvement as the IMF has indicated, is part of a pathway that the Minister of Planning and Development—a very robust and very professional pathway towards reliable, accurate and timely dissemination of statistical data. This is a pathway that the CSO has been put on by the hon. Minister of Planning and Development and this Government.

I am certain that this new statistical institute will erase the misconceptions

that people in this country have with respect to where data is gathered from, how it is gathered, how accurate it is, how truthful it is, how reliable it is and will provide some level of comfort to policymakers as they go forward in planning the development of this country, Trinidad and Tobago, and the development of the country as a whole.

I completely endorse this Bill. As I said, matters of drafting will be sorted out in the JSC by the Attorney General and the Minister of Planning and Development. I beg to move, Madam Speaker.

### **ARRANGEMENT OF BUSINESS**

**The Minister of Health (Hon Terrence Deyalsingh):** Thank you, Madam Speaker. Madam Speaker, in accordance with Standing Order 50(3), I beg to move that the debate on the National Statistical Institute Bill, 2018, be adjourned to later in the proceedings.

*Agreed to.*

### **STATEMENT BY MINISTER**

#### **Public Procurement and Disposal of Public Property Act (Implementation of)**

**The Minister of Finance (Hon. Colm Imbert):** [*Desk thumping*] Thank you, Madam Speaker. I am authorized by the Cabinet to make this statement about the implementation of the Public Procurement and Disposal of Public Property Act. In view of a number of misleading, mischievous and patently false statements made in the public domain by uninformed commentators, it is necessary to clear the air on the status of the work in progress to allow for the implementation of the Public Procurement and Disposal of Public Property Act, Act No. 1 of 2015.

Firstly, Madam Speaker, I wish to reiterate the following statement that I made in this House during the 2019 budget speech, and I quote:

Statement by Minister  
Hon. C. Imbert

2019.02.01

“...the Procurement Regulator has been actively building capacity within the Office of Procurement Regulation. I am advised that staffing and training is in progress, and barring unforeseen circumstances, the new procurement regime utilizing best practice could be in place in the first quarter of calendar 2019.”

Madam Speaker, the end of the first quarter of 2019 is March the 31<sup>st</sup>, 2019, and today is only February 01, 2019. There are therefore two months to go before the end of the first quarter of the calendar year. However, notwithstanding this clear and unambiguous statement, in the budget speech, and the factual situation, certain spokesmen continue to attempt to mislead the population into believing that the Government is not doing its work and seeking to avoid the implementation of the Public Procurement Act.

This is in our view, Madam Speaker, all part of a campaign of fake news designed to create a false impression that this Government is not interested in transparency or accountability.

Allow me therefore, Madam Speaker, to place the true facts on the public record for yet another time. The Act at section 10 requires the President of the Republic to appoint the Procurement Board and Procurement Regulator in his or her own discretion, using a process developed by the Office of the President. These appointments were made by His Excellency Anthony Carmona, SC, TC, on January the 12<sup>th</sup>, 2018. Any delay before that date, Madam Speaker, cannot be reasonably ascribed to the Government.

After that, the Regulator and his Board set about securing accommodation and systems for the Office of Public Procurement, engaging staff and drafting the draft procurement regulations that are required to give effect to the Act. In this context, I have confirmed that the Ministry of Finance has made available all

Statement by Minister (cont'd)  
Hon. C. Imbert (cont'd)

2019.02.01

necessary financial, technical and administrative support to the Office of Public Procurement in a timely manner, as requested by them, and I wish to compliment the public servants in the Ministry of Finance for their commitment and diligence in this respect.

Without these regulations, Madam Speaker, the new public procurement system cannot be implemented and under section 63 of the Act, the regulations are made by the Minister of Finance on the recommendation of the Office of Public Procurement. Draft regulations were received at my office on November the 30<sup>th</sup>, two months ago. Again, any delay prior to that date cannot be reasonably ascribed to the Government.

The Treasury Solicitor's Office of the Ministry of Finance has already reviewed the draft regulations and in an abundance of caution and for good order, the Ministry has also sent the draft regulations to external senior counsel for their review and comments in order to ensure that the regulations are intra vires the Act.

Further, Madam Speaker, in a meeting held at my office on January 15, 2019, with the Procurement Regulator, the Regulator confirmed that his Office had already engaged 75 per cent of the staff required to properly implement the Act and he was reasonably confident that by the end of March 2019, he would have up to 90 per cent of the required staff.

I can also report that I am advised that government Departments and Ministries, state enterprises and statutory authorities have also been putting their house in order and preparing for the implementation of the Act by the end of March 2019.

Any statement to the contrary, Madam Speaker, is therefore mischievous and false. The only thing that could possibly affect the timeline and schedule for implementation of the Act is if the advice from senior counsel, which we expect to

Statement by Minister (cont'd)  
Hon. C. Imbert (cont'd)

2019.02.01

get shortly, indicates that some aspect of the draft regulations requires amendment or clarification.

I trust this puts to rest the mischief that is being propagated in the public domain about this matter. Thank you, Madam Speaker. [*Desk thumping*]

**Mr. Singh:** Thank you very much, Madam Speaker. In accordance with Standing Order 24(4), I wish to ask the hon. Minister the following question: Having reviewed the Act and the regulations, to what extent that the Procurement Regulator look retroactively at any contract entered into by the Government?

**Hon. C. Imbert:** Madam Speaker, that has nothing to do with the implementation of the Public Procurement Act.

**Madam Speaker:** Hon. Members, the debate on the National Statistical Institute Bill, 2018, shall now resume. Member for Princes Town.

### NATIONAL STATISTICAL INSTITUTE OF TRINIDAD AND TOBAGO BILL, 2018

**Mr. Barry Padarath** (*Princes Town*): [*Desk thumping*] Thank you, Madam Speaker, for the opportunity to be able to contribute to the Bill currently before the House. Madam Speaker, while listening to the contribution of the Minister of Finance, Member for Diego Martin North/East, something instantly came to my mind that the Leader of the Opposition usually shares with her members. And that is, never believe this Government, they are one that engages in statistical “conmanship”.

Madam Speaker, I was very happy that the hon. Minister of Finance spoke about the 2014 Article IV Consultation Report. You see, the hon. Minister made mention of what was contained in that Article IV report. But the hon. Minister cherry-picked his way through in that he did not say to this House how we arrived at that position. You see, Madam Speaker, for years, in typical Government mode,

there was review and consideration, but no work. So the systematic problems at the CSO continued, so much so that when we came in to office in 2010, they had run the CSO into the ground. [*Desk thumping*]

Madam Speaker, I want to refer to an article by Richard Lord, Wednesday May 16, 2012. And the headline read:

“...Political interference at CSO by last Government”

Madam Speaker, the last Government that this article referred to, was a People’s National Movement Government of which the Member for Diego Martin North/East played a very significant feature in. Madam Speaker, if you would allow me to quote, the article said:

“...there was always political interference (in the CSO) by the last (PNM) administration.”

Minister of Planning, Bhoë Tewarie said:

““...there were also attempts to ‘prevent the enterprise from running as the business that it was.’ He then gave assurances to the people of”—Trinidad and Tobago—

- “■ To clean up the CSO
- To make sure that data has integrity in this country”—and—
- “■ To ensure that information makes sense

Tewarie said the Opposition was trying to run the affairs of the Government from the Senate benches.”

So, Madam Speaker, while they were there they were unable to do the work. It was talk, talk, talk. But let us fast track to 2014 with respect to the article mentioned by the Member for Diego Martin North/East. You see, Madam Speaker, the hon. Minister spoke about juggling statistics, and he spoke about persons who pull statistics out of a hat from different quarters of the society. I

want to remind this hon. Minister, that it was this very hon. Minister and this very Government, just recently as of last year, who never explained to the population why two different sets of statistical data were sent to the IMF with respect to the hydrocarbon sector of Trinidad and Tobago. [*Desk thumping*]

So when the hon. Minister wants to speak about pulling numbers and statistics out of a hat, I hope that Members opposite can give an explanation to the people of Trinidad and Tobago as to why the Minister of Finance and the Minister of Energy and Energy Industries were totally, separate from each other, in terms of providing accurate statistics to the IMF. [*Desk thumping*] Madam Speaker, the hon. Minister, again, in keeping with the 2014 Article IV Consultation report, cherry-picked.

You see, Madam Speaker, the IMF report, January 28, 2015, had this to say: “There has been progress on the structural reform front. Data provision by the...(CSO) has materially improved...”

Madam Speaker, I listened to the argument put forward by the Member for Diego Martin North/East and he said, “Well, in 2016, in the 2016 explanation they would have dealt with the 2015 numbers”. But I want to say to the hon. Minister, Madam Speaker, that regardless to whether it was said in 2016, 2017, 2018, 2019, the 2016 report would have reflected the work that was done in 2015. [*Desk thumping*]

You see, Madam Speaker, it was the administration of Kamla Persad-Bissessar and Minister Bhoe Tewarie, Member for Caroni Central—not the Member for Caroni Central then, but as the Minister of Planning and Development who would have done the work on the tail end of 2014, go into January 2015, February 2015, March 2015, April 2015, May 2015, June 2015, July 2015, August 2015; Madam Speaker, and that is what was reflected, what the IMF tells us that

they see progress and they saw progress going forward. So do not try to come here and convolute your argument by saying what is reflected in 2016 is not really what work was done prior to that.

Madam Speaker, another myth that I want to dispel, was, when the Minister spoke about the work of the current Minister of Planning and Development having to find a home for the CSO. Madam Speaker, if you would allow me, *Trinidad Guardian*, Saturday August 01, 2015, headline:

“CSO gets new home.”

But again, it is the cherry-picking [*Desk thumping*] by the Member for Diego Martin North/East that does not reflect the truth of what really occurred under the CSO. So they ran the CSO into the ground, did no work, review and consider for all the years that they were there, came in and CSO had a home under a People's Partnership Government, [*Desk thumping*] by Kamla Persad-Bissessar and the Member for Caroni Central, then, the Minister of Planning and Development.

Madam Speaker, this Bill has been long in coming. The Member for San Fernando West took us back as far as the birth of Christ. And if that was any indication in terms of both the Government and the Opposition really wanting to see this Bill come into effect, it tells the story essentially of how we got here and the length of time it took for us to get here. Madam Speaker, off the bat I would like to share with you another failure of the Member for Diego Martin North/East not being able to go into the clauses of the Bill which really was a sort of philosophical, airy-fairy, blame game that the Minister engaged in, as opposed to how we can strengthen the Bill because Government has already indicated that this Bill will go to a joint select committee. Right off the bat as I have indicated, the clauses that the Opposition is particularly concerned about but is not limited to, is clause 11, clause 12, clause 21 and clauses 29, 33, 34, 35 and 36.

Madam Speaker, we are very mindful on this side of the importance of the establishment of the National Statistical Institute of Trinidad and Tobago. In fact, Madam Speaker, a lot of the work that informed this particular Bill, as I mentioned before, was done by the Member for Caroni Central in a different dispensation.

Madam Speaker, essentially this National Statistical Institute of Trinidad and Tobago will be concerned with data collection, national census, status of sectors in our society, monitoring and evaluation, hopefully an element, which I have heard no one speak about as yet, hopefully an element of research and development. It will provide a framework of cohesion among state agencies, Ministries and Departments.

Madam Speaker, something the hon. Attorney General said earlier in the piloting of this Bill really struck me. And the AG said that in December of 2016, Cabinet took the policy decision that would inform the position of the Government with respect to this Bill. The hon. Attorney General referred to two bodies, ECLAC and CARTAC. Now, these are two organizations that the hon. Attorney General would have indicated that would have assisted Government in terms of technical support and advice. Madam Speaker, this would have occurred in December of 2016. Very little or actually no mention on the side of the Government with respect to the Caribbean model Bill with respect to the National Statistical Institute. So therefore, no information coming out from that model Bill was contained in the drafting of this particular Bill. That worries me tremendously.

Madam Speaker, Caricom saw it necessary to bring about this model Bill and essentially, Madam Speaker, the Caricom model Bill for the National Statistical Institute, as I said, would have been established in 2016. Now, when you look at the Caricom member states and the legislation that guides member

states with respect to their National Statistical Institute, in some jurisdictions it goes far back as 1962, 1965, and the most recent one that I could have found was in 2006 with respect to Belize.

Madam Speaker, it was a clear road map articulated by Caricom for member states to establish a reliable and competent body that would conduct data collection, research and programmes, design to inform decision-making by Governments in the region. Now, Madam Speaker, when I saw this model Bill presented by Caricom, I decided to do a comparison in terms of the Bill that we have before us that the Government has brought. And there are fundamental differences.

Madam Speaker, the Caricom model Bill was very mindful and both the Member for San Fernando West, the Member for Diego Martin North/East and also the Member for Caroni Central touched on political interference, one, but insulating the National Statistical Institute from any political interference. And that was one of the fundamental pillars of the Caricom model Bill of 2016.

Madam Speaker, it protected the role and responsibility of the Director General or as it is referred to in a Caricom model Bill, the “Chief Executive Officer” from being beholden to any politician by the process of their appointment. Madam Speaker, when you look at the Caricom model Bill in clause 5, subclause (2):

“The Board shall consist of not less than nine”—or—“no more than fifteen... members”—appointed by—“[the Head of State]...”

Now, Madam Speaker, even as a junior parliamentarian when I first came into the House it took a little while for me to get familiar with the language in the legislation. And sometimes when you hear “President” you thought it was actually the Head of State solely making that decision, not realizing it was the Cabinet of

the Republic of Trinidad and Tobago. So I looked instantly to see what was the intention of saying “Head of State” here. And it explicitly mentions, Madam Speaker, that there is a distinction between Head of Government, Cabinet and Head of State. For those countries who are not Republics, the Governor General will then fall within this purview.

Madam Speaker, the use of the word “consultation” in terms of the President or the Governor General consulting the Minister, is also in the Caricom model Bill. The use of the word “consultation” is important because it does not mandate the Head of State from taking the advice of the Minister on the appointment.

Madam Speaker, I think that is a fundamental point that is not contained in our Bill and really it is a point that I hope will be fleshed out when this matter goes before a joint select committee. It also does not say “Head of Government”, therefore it gives the element of impartiality, an objectiveness as opposed to someone who is in line with the views of the Head of government.

Madam Speaker, the Caricom model Bill, for me it ensured that the politician did not have the final selection and that is a fundamental point. It did not have the final selection of Board members and more importantly, the Chairman of the Board, and therefore there was a safeguard and a protection from abusing the system and the data contained in the National Statistical Institute from active politicians and the hon. Member for Diego Martin North/East touched a bit on that.

But, Madam Speaker, in order for us to insulate the Board, the Chairman, we have to ensure the hand of the political directorate is not involved in the appointments. [*Desk thumping*] And that is something that we will not shift from, Madam Speaker. And therefore when you look at the Caricom model Bill we could have seen the sense, when Caricom drafted this model Bill, in ensuring that if you wanted transparency and integrity in the process and in terms of the

establishment of this National Statistical Institute that would provide data in many different sectors, this was the reason for that protection, Madam Speaker.

Madam Speaker, in clause 8, subclause (1) of the Caricom model Bill:

“The Board...appoint the advisory committees...”

Do you know what is contained in the Bill before us? The Chairman who is selected by the Minister, the political directorate as it is in this Bill, the Chairman under sole discretion will select the advisory committees. Madam Speaker, there is no way, absolutely no way the Opposition will agree to that. And I am putting the Government on notice when it goes to the Joint Select Committee, the provision that is contained in the Caricom model Bill is one that we recommend, we are not limited to it, but we recommend that we take a look at it.

You see, Madam Speaker, the National Statistical Institute of Trinidad and Tobago gives this responsibility as I said, explicitly to the Chairman of the Board in this legislation. If we let them have their way, the Government would hand select the Board, the Chairman and then the Chairman appoints the committee. So, Madam Speaker, what essentially do you have?—it is himself to himself. Where is the safeguards for checks and balances when the Member for Diego Martin North/East, the hon. Attorney General, the Member for San Fernando West, speak about ensuring that we have impartiality and we have confidence in the data being generated by the National Statistical Institute of Trinidad and Tobago.

Madam Speaker, as I said, this was not the case in the Caricom model Bill. The Chairman was not chosen by the Minister but rather the Head of State and the Board as a whole selects the advisory committee by majority vote. And Madam Speaker, in any democracy—now, I know my friends probably have a problem with democracy seeing their position they have taken with Venezuela— [*Desk thumping*] but, Madam Speaker—

**Mr. Al-Rawi:** 48(6), Madam Speaker.

**Hon. Member:** “Oh God, man.” [*Crosstalk*]

**Madam Speaker:** I think you could find another way to say that and move on. Just withdraw it, find another way to say it and—

**Mr. B. Padarath:** Thank you, Madam Speaker, I will not say that Members have a problem with democracy. I withdraw it. Madam Speaker, you see in a democratic process you will take a majority vote because these advisory committees will determine the work of the board, in the areas of finance, in the areas of human resource management, in the areas of looking beyond the scope of Trinidad and Tobago and looking at areas in which we can strengthen our National Statistical Institute.

**Madam Speaker:** Hon. Members, it is 4.30 p.m. We shall take the suspension now. Member for Princes Town, you will have 11 minutes and 55 seconds of ordinary time left. This House now stands suspended. We will resume at 5.00 p.m.

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

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

[MR. DEPUTY SPEAKER *in the Chair*]

**Mr. Deputy Speaker:** As we resume, I recognize the Member for Princes Town. You have 11 minutes, 55 seconds of your initial speaking time and then you have your additional 15. You care to avail yourself?

**Mr. B. Padarath:** Yes, Sir.

**Mr. Deputy Speaker:** So proceed. [*Desk thumping*]

**Mr. B. Padarath:** Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, to pick up from where I left off, I was dealing with the Advisory Committees as contained in the Bill. Mr. Deputy Speaker, as is presently presented to us in the NSITT

establishment through this Bill, what you have happening is the Director General, having been advised by the Chairman of the Board and the board members, now has that authority to select these ad hoc committees, or these Advisory Committees. And, essentially, what these Advisory Committees would be doing is directing policy with respect to finance, with respect to human resource management, with respect to operationalizing issues that affect the National Statistical Institute of Trinidad and Tobago.

Mr. Deputy Speaker, in clause 33 of the Bill, the NSITT Bill, it blanketly says that:

“...the NSITT shall be granted access”—to data—“records, documents, returns and certificates, whether individual or corporate, in the control of all public bodies, including the”—NIB—“and the”—BIR—“from which information is sought in furtherance of the purposes of this Act.”

Mr. Deputy Speaker, speakers before me touched on this particular issue, knowing that it would be an area of concern not only for us in the Opposition but in many sectors of Trinidad and Tobago as it relates to the NIS and the BIR. Mr. Deputy Speaker, the Caricom model Bill explicitly names the CEO. The equivalent in the NSITT Bill will be the Director General as the custodian of that data after collection. Mr. Deputy Speaker, I do not think we fully appreciate that point in this Bill.

In the NSITT Bill, it blanketly says the NSITT. And while I understand that the National Statistical Institute of Trinidad and Tobago will be able to designate, this is either very bad drafting or an administrative error. And time and time again you would hear from the Member for Diego Martin North/East and the Member for San Fernando West, of people who bring Bills to this House in other incarnations because of laziness and not doing their homework and Members do not read. Mr.

Deputy Speaker, when you look at clause 33, clearly Members opposite did not read. The Caricom model Bill explicitly names the CEO which is the equivalent of the Director General in the current Bill before us, the NSITT establishment Bill, as the custodian of that data after collection. There is no ambiguity in this law with respect to the Caricom model Bill. There is no room for ambiguity in the law. The NSITT Bill blanketly says the NSITT—the language should be harmonized in the Bill if we are to accept this point. But alternatively, I can already say that there are issues contained in this provision in clause 33 of the NSITT Bill that we have serious issues with.

Mr. Deputy Speaker, on that point, clarification is being sought with respect to the scenarios in which NSITT would require the personal information regarding returns and tax information on anyone. So any Members speaking from the Government, we would hope that they would provide the rationale for why this particular clause was phrased in the way that it was, in that there is ambiguity in the law, and what was the real intention with respect to the NIS and the BIR. What would necessitate the National Statistical Institute of Trinidad and Tobago in acquiring this information? While I know—and I will put it out front—that there are other jurisdictions that provide for looking at NIS and BIR, while the provision may be so, it does not blanketly provide this ambiguity in the law with respect to the role of the Director General as opposed to what is contained in the Caricom model Bill with respect to the role and functions, as the custodian of data through the Chief Executive Officer.

Mr. Deputy Speaker, in analysing the Bill that that is before us, it was important to take a look at the legislation that established the current Central Statistical Office of Trinidad and Tobago and to see what were the deficiencies compared to that law, to what we are trying to establish. The powers afforded to

the Minister under the NSITT; the powers afforded to the Minister in terms of the establishment of the board and the direction that will be given to the board; the powers that are afforded to the Director General, is completely, completely, completely, different than what is contained in this Bill. And while one may argue that the drafters of that legislation which governs the original CSO Bill may not have taken into context the present-day scenario that we live and operate in, it was the same purpose in mind to insulate from political interference. There is no mention of the Minister in the original legislation with respect to the CSO.

Mr. Deputy Speaker, it says pursuant to section 3(2)—and I am quoting from the original CSO Act—pursuant to section 3(2) of the Statistics Act, the Director can employ staff—and so on, at the statistician department only with the approval of the Minister. That is the only—and that falls within the realm of how the public service operates but it does not give the day-to-day running, and direction, and policy powers to a Minister. And again, the staffing, as pursuant to section 3(2) of the Statistics Act, would fall in line with the Service Commission and the public service. Mr. Deputy Speaker, there are other labour issues that other colleagues will deal with if given the opportunity—or if not—I am sure will be fleshed out in the Joint Select Committee.

Mr. Deputy Speaker, I would like to look at other jurisdictions and what other jurisdictions have provided in their law that I believe can help us further along in terms of where we want to be with respect to the establishment of the National Statistical Institute of Trinidad and Tobago. Very early I did indicate that within the Caricom region there are some countries that have not advanced their legislation and are still governed by old law: 1960s, 1970s. The most recent one, as I said, would have been in 2006 that I could have found with respect to Belize.

But what you have seen happening in countries like Jamaica and Barbados is

a very similar approach to what we see in this current Bill that is before us, the NSITT Bill. But if you look at the context of the operationalizing issues and the separation of powers, if you were to use that term with respect to their Director General and their Minister and their board members, you will see that there are a lot of issues that exist in those countries because of these deficiencies in the law. And that is why the Caricom model Bill was proposed and put forward for member states to consider and also apply it in their own jurisdictions so that they would be able to strengthen the independence and transparency that we want to see in the NSITT.

Mr. Deputy Speaker, two areas—and I recall the Member for San Fernando West spoke about Australia and spoke about the United Kingdom. But this Government is a touch-and-go Government, because the hon. Attorney General, while mentioning Australia and while mentioning the United Kingdom, did not go into the fundamental differences that are contained in this Bill, compared to the legislation in those countries. All the hon. Member said was that they did take a look at it, but, again, no fleshing out of the issues here. Mr. Deputy Speaker, in a few minutes I would like to take that opportunity to flesh out what are some of the areas that we can benefit from the Australian law and the UK law, and which, I believe, that the Joint Select Committee could consider while they are performing their work and deliberating on this particular Bill.

Mr. Deputy Speaker, you see, in Australia, the Governor General appoints the head of the statistics institute. There is an advisory council in Australia who feeds back to the head of the Stats. Institute and the Minister. Now, in terms of the decision-making, the head of the Stats. Institute in Australia is the one, really, who has the final say because they are totally insulated, even though there is some role for the Minister. However, because of the protections afforded in their legislation,

the role is a very limited one.

Mr. Deputy Speaker, if you look at the United Kingdom—and I found this to be particularly interesting for Members to take a look and I am hoping that Members on both sides will advance a lot of the work that has been done by the UK in this regard, because there is a parliamentary oversight committee in the UK that deals with this specific matter of stats. And, Mr. Deputy Speaker, a situation arose in the United Kingdom where they themselves had to establish a separate committee from the oversight committee to assist them in furthering the work, because a lot of issues were creeping up with respect to privacy rights, with respect to proportionality, with respect to persons bringing legal action before the Stats Commission in the United Kingdom.

In the United Kingdom, the Crown, the Queen, appoints the chairman or the head of the Stats Institute, and the Minister appoints the board members. And as I said, in several different jurisdictions there is a variance, but I will tell you what is the fundamental point contained in why the Minister is allowed to select the board members. You see, Mr. Deputy Speaker, after that appointment, the Minister has no function, no role, no responsibility, no interference, and that is safeguarded in the laws of the United Kingdom. The Minister must consult the chairman before appointing board members, again, giving that power to an independent authority.

And, Mr. Deputy Speaker, you will be familiar with the US system where you have congressional hearings, and so on, and this person has to appear and be questioned. There are background checks, et cetera, to ensure that there is trust, faith and confidence in the performance of the duties by the head of the Statistics Institute of the United Kingdom. Mr. Deputy Speaker, in the UK, the office of national statistics reports to the Parliament of the UK. It does not report to any Minister. If we truly want transparency and integrity in the process, Members

opposite will support a system like this when it goes to the joint select committee, where the Parliament has the oversight made up of Members from both sides of the House, listening to submissions, work done in the interest of the people of Trinidad and Tobago, similar like the interest of the people of the UK, by having a committee set up in the Parliament to deal with the reports.

Mr. Deputy Speaker, with this oversight committee of the Parliament, the Minister, as I said, has no involvement. Further,

The board as mandated by subsection (1), clause 27 of the Statistics and Registration Service Act of 2007, must lay an annual report in the Parliament outlining the following:

(a) What it has done during the year.

They must categorize by class, by organizations, by individuals, the work that they have done during the year;

(b) What it has found during the year, the findings, again by class, by organization, by individuals.

(c) What work it intends to do during the next financial year.

And, Mr. Deputy Speaker, again, this Bill, as it is, is totally deficient with respect to looking forward in terms of how we could add further developments when it comes to the transparency, and faith, and trust, and confidence in the statistics and data that will come out from the NSITT.

Mr. Deputy Speaker, a report mechanism through laying an annual report should be included and should be considered when it goes to the Joint Select Committee. This is something that should be done in conjunction with a parliamentary oversight committee similar to that of the United Kingdom. And we often talk about First World countries and wanting to advance and progress, and we have seen, time and time again in this country, where independent state

Mr. B. Padarath (cont'd)

institutions have been undermined by this Government. [*Desk thumping*] Mr. Deputy Speaker, that is in the DNA of the People's National Movement.

**Hon. Member:** Ahhh! [*Desk thumping*]

**Mr. B. Padarath:** We have seen it happen from the Judiciary all the way up, and this is another argument and another reason why, when it goes to the Joint Select Committee, we will support a parliamentary oversight committee and a laying of an annual report when it comes to the National Statistical Institute of Trinidad and Tobago. As I said, Mr. Deputy Speaker, while we are advancing suggestions, we are not limited and constrained to only these suggestions, but other Members from our side will listen to submissions provided by stakeholders in the industry as well as research from their own experiences and other jurisdictions.

Mr. Deputy Speaker, I want to turn your attention to some of the deficiencies and I will come back to the UK system. But I would like to look at some of the deficiencies contained in this Bill with respect to the overview. Many stakeholders have had some say, whether it is through the media, whether it is through submissions to the ministry, because this Bill has—while the Bill may be relatively new, the work has been ongoing for some time.

Mr. Deputy Speaker, we need to urgently update our income inequality index, also known as the Gini Coefficient. There are huge inequalities in how our nation's wealth and income are distributed, which is why poverty levels continue to grow even after the economy earned windfall gains from oil and gas in the past. The last Gini Coefficient available for Trinidad and Tobago, Mr. Deputy Speaker, you know is for what year?—1992. This is something that I would really like to see while the Joint Select Committee continues its work, that we put in place right here in Trinidad and Tobago. Because we really cannot measure the prosperity and gains from different sectors as opposed to how it is trickling down to the

everyday man and woman on the street. And, again, since 1992, we have not dealt with this issue.

We also need to create an index that measures economic loss due to climate change. [*Desk thumping*] This will indicate how much economic activity suffers due to flooding. And, Mr. Deputy Speaker, we saw the massive floods in Trinidad and Tobago. We saw the poor response from the Government. And again, Government has not demonstrated, through the Ministry of Planning and Development, their commitment to dealing effectively with climate change and legislation, and the treaties that Trinidad and Tobago has signed on to. The Member for Naparima, time and time again, has raised that particular issue in this House. Where are we, as a country, with respect to that particular issue?

Mr. Deputy Speaker, as another deficiency, we also need an under-employment statistics which will indicate the degree to which persons are employed in jobs that are far below the skill and educational levels, [*Desk thumping*] such as a university graduate working as a cashier in Subway; where you have doctors working in supermarkets. That is the reality of the situation that we have in Trinidad and Tobago. We cannot ignore it, Mr. Deputy Speaker, and that is one of the deficiencies that currently exist at the CSO that we must look at in terms of the creation of this NSITT.

You see, Mr. Deputy Speaker, I will tell you this. We could have a very good working system if we get this right, but the history of this Government and the history of their party has always been that while the intention may be there, you need to put the hard work in order to see the results. [*Desk thumping*] And, Mr. Deputy Speaker, this is one of the areas of under-employment statistics that must be looked at with respect to the NSITT, because you have a situation in Trinidad and Tobago where many graduates are unemployed or under-employed.

Mr. Deputy Speaker, you would recall in this very Parliament, the first budget of the Member for Diego Martin North/East, that they will establish the graduate trainee programme in every ministry. Today, the graduate trainee programme has been removed from several ministries and still cannot get its way off the ground.

**Mr. Al-Rawi:** I rise on Standing Order 48(1). This Bill is about statistics and structures, not the fact of the statistics. [*Crosstalk*]

**Mr. Deputy Speaker:** Member, proceed, but tie it in quickly.

**Mr. B. Padarath:** Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, it was just an attempt to demonstrate, what are the areas that the National Statistical Institute of Trinidad and Tobago must be looking at [*Desk thumping*] and the deficiency in the current circumstance of the CSO.

**Hon. Member:** Statistics could lie.

**Mr. B. Padarath:** Mr. Deputy Speaker, we need to develop a financial stress index for the overall country. Many other jurisdictions, many other countries, have established a similar index that assist in terms of the push-and-pull factors that have an effect on the economy in terms of whether it is dipping or whether or not it is improving.

Mr. Deputy Speaker, all government ministries should have a performance index at the end of each fiscal year and feedback that information to the CSO—well, now the National Statistical Institute of Trinidad and Tobago—to rate their performance. That way, the Government can be held accountable for under-performance and not meeting set targets. Again, in many other jurisdictions this is something that is placed in their legislation and it works well there.

Mr. Deputy Speaker, cybercrime and attacks do not receive proper attention locally. While I know that there is a joint select committee dealing with this, we

Mr. B. Padarath (cont'd)

also need an index that measures the extent to which this occurs. All these things—none of these things were spoken about when the Member for San Fernando West and the Member for Diego Martin North/East—and it tells you the very myopic approach. I remember the Member for Caroni Central in a previous dispensation spoke about these index, and what it will do to boost confidence, but also to help measure the performance of the economy. And when the Member for Diego Martin North/East says that they pull statistics out of their hat, should the Member speak about indexes like these?

**Hon. Member:** Indices.

**Mr. B. Padarath:** Indices, sorry—like these? If the Member were to speak about indices like these, then we would not have the problems that we have today, but, again, a very myopic approach both from the Member for San Fernando West—I will not chastise him too much because he is not the line Minister. The Minister of Planning and Development is not here today—but also the Member for Diego Martin North/East did not deal with any of these issues.

We also need—and I know the Member for Chaguanas West would appreciate this one. We also need a water crisis index for each locality to gauge the extent to which citizens are having access to clean potable water. There is no mention of these sectors in terms of what the legislation provides for, but more importantly, what the work of the NSITT will be about.

Mr. Deputy Speaker, education effectiveness index to gauge how well students who receive GATE are contributing to productivity. The Member for Tabaquite, I know, champions quite a lot about the investment and the productivity and, again, these are areas that the NSITT should be looking at. Mr. Deputy Speaker, the Member for Diego Martin North/East spoke about the United Nations Fundamental Principles of Official Statistics, and it was also mentioned in passing

by the Member for Caroni Central. Mr. Deputy Speaker—and I am hoping the Government will be able to answer this in their wrapping up before the Bill goes to the JSC. While some of the principles of official statistics—the report—was considered, how much of it was actually implemented in terms of the creation of the Bill and in terms of the policy from the Government? We are told that the policy was passed in the Cabinet in December of 2016. How much of these United Nations Fundamental Principles of Official Statistics which guide the creation of national statistical institutes around the world, have informed this particular Bill? And, again, it is something for the Joint Select Committee to work at.

So there are two deficiencies with respect to international organizations and—well, also regional organizations—the United Nations and the Caricom as it relates to the Caricom model Bill. The United Nations Fundamental Principles of Official Statistics, Mr. Deputy Speaker, dealt with the following areas—and again, I am not comforted that when I take a look at this Bill that it clearly deals and considers all of these elements that would make up a fully functional National Statistics Institute of Trinidad and Tobago. It deals with relevance impartiality—and I am quoting from the United Nations Fundamental Principles of Official Statistics Implementation Guidelines. It deals with:

“Relevance, Impartiality and Equal Access.

Professional Standards:”—which was mentioned in passing—“Scientific Principles and Professional Ethics.

Accountability and Transparency.

Prevention of Misuse.

Sources of Official Statistics.

Confidentiality.

Legislation”—itself.

“National Coordination.

Use of International Standards.

International Cooperation”—and most importantly—

“How to Ensure Independence.”

Mr. Deputy Speaker, the implementation guidelines of the UN speaks about:

“The Fundamental Principles of Official Statistics”—being—“a pillar of the Global Statistical System.”

And that is accepted worldwide. But it is enshrined based on the:

“...profound conviction and commitment that official statistics have to adhere to well-defined professional and scientific standards, they define us as a professional community, reaching across political, economic and cultural borders. They have stood the test of time and remain as relevant today as they were when they were first adopted over twenty years ago.”

And even though they would have been adopted 20 years ago, Mr. Deputy Speaker, the Member for Caroni Central spoke about the different editions, because there is a continuous updating to meet the demands of an evolving world with respect to the implementation guidelines:

“In order for the Principles to be more than just a statement of noble intentions”—the UN says—“we need to renew our efforts, individually and collectively, to make them the basis of our day-to-day statistical work. Implementing them in our national institutions and systems is our common challenge. In this respect, much has been accomplished in the past twenty years, but much still remains to be done. It is in this spirit of shared responsibility that these implementation guidelines were produced.”

Mr. Deputy Speaker, I do not think it is a surprise for many to hear that one of the challenges that we have always had as a country is the issue of implementation,

and the UN laments that there must be measurable elements in our legislation to tell us whether it is working or whether it is not.

Mr. Deputy Speaker, there are a few other points, before I wrap up, that I would like to raise, and one of the those issues is with respect to the performance evaluation of the Director General. Again, this is another deficiency. While it does provide for the Director General to return, should he be accepted by the board and the process as exists now in this Bill, which we do not agree with, it also is deficient when it comes to the performance evaluation. You see, Mr. Deputy Speaker, one of the guidelines of the UN Fundamental Principles of Official Statistics is appointment of persons to head these institutes, or that would carry out the work of the institutes. And therefore, if we are defining clearly the roles of the Director General, the core responsibilities and functions of the Director General, Mr. Deputy Speaker, if the Director General has to be reappointed after the term—I saw—I am not sure whether it is in the South African or the UK model, Attorney General, but I saw where they also limited the terms of the equivalent to the Director General, and that is something that we may wish to consider as well, but most importantly, to put into our legislation a mechanism that will specifically address the area of performance evaluation. This has nothing about merits and benchmarks, et cetera. Therefore, it is in total contradiction to the implementation guidelines.

And, you know, I do not know if the Member for Diego Martin North/East really read, or he just skimmed it, because the Member comes time and time—he says, “You do not read.” Clearly, Mr. Deputy Speaker, I know it is a voluminous document, but the Member for Diego Martin North/East should have known better and should have read the guidelines in terms of how it is applied and also the contradiction that it has with respect to the same Bill that he got up to support

today.

**5.30 p.m.**

Mr. Deputy Speaker, the issue of privacy, and I know the hon. Attorney General touched a bit on it with respect to the entry; whether it is through collecting data for a census. And the legislation says, as it is before us, it gives the power and authority between the hours of 7.00 a.m. to 7.00 p.m. for entry. When I spoke about the UK system it is because the UK system has developed problems within itself, in that the issue of privacy and privacy rights, and the issue of proportionality, has arisen before that committee, and the work of that committee is ongoing but there are recommendations coming out of that committee of how to we can deal with it.

You know, Mr. Deputy Speaker, I was having a chat with the Member for Fyzabad earlier and I understood when the Member for San Fernando West said, “We have to understand the context of Trinidad and Tobago with respect to the establishment of the National Statistical Institution of Trinidad and Tobago”. And, Mr. Deputy Speaker, while I throw out these suggestions I understand those realities, and it is not a pie in the sky dream where I think well our technology is so advanced and Trinidad and Tobago is a First World country that we could implement many of them, but I think what it helps us to see in the UK system is that 10, 15, 20 years from now what some of the problems will be.

Mr. Deputy Speaker, we always say that we do not legislate only for today, but for further down the road, for other Governments, for societies that have evolved, but one of the challenges that they have found is that persons are objecting in the UK to the entry to conduct their census, and so on, and the issue of privacy rights and proportionality has come to the forefront and some of the ways that they have been looking at it is that, especially with the taking of the census,

Mr. B. Padarath (cont'd)

and again, the Member for Fyzabad told me, he said, “Well boy, I myself”—the Member for Fyzabad, that is, is saying—“I myself may be afraid for persons to come into my home to take this census considering the high crime rate,” and so on.

Mr. Deputy Speaker, what they have done in the UK is that they have recommended that we utilize the schools in communities, where you establish staff and a resource base where persons can come in, and then you protect within the law the information that is being provided by saying, “Listen, if you provide false data that there will be sanctions and there will penalties.” Again, it is some ways in which we should be looking holistically—

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

**Mr. B. Padarath:** Thank you—at the evolution of the National Statistical Institute of Trinidad and Tobago.

Mr. Deputy Speaker, in the few minutes that I have, I would really like to congratulate the Member for Siparia and the Member for Caroni Central for their leadership [*Desk thumping*] because when the Minister of Finance said that nothing was done, the mere fact that the Minister spoke about the report of 2014—  
[*Interruption*]

**Mrs. Jennings-Smith:** You are mandated to say—[*Interruption*]

**Mr. B. Padarath:** I am not mandated to say anything like—[*Interruption*]

**Mr. Deputy Speaker:** Please.

**Mr. B. Padarath:**—like the Member for Sangre Grande is speaking about, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Members please.

**Mr. B. Padarath:** You see, Mr. Deputy Speaker, I am not promoted and then demoted. We stand a very strong ground here. When we go to a Ministry [*Desk*

*thumping*] or we go to an office, we have work to do we do. That is why we have delivery, and that is why we have performance.

Mr. Deputy Speaker, we have done a significant amount of work. We are happy to see that Trinidad and Tobago will establish a National Statistical Institute of Trinidad and Tobago, but we must get it right. We will not just blankly support what has been provided here. The Bill itself, the work that was done to inform the Bill, is not totally reflected in this Bill. This Bill reflects a lazy Government. [*Desk thumping*] It represents a Government with a very myopic approach, and it represents a Government who is desperate, who is in desperation mode and continues to blame, blame, blame, rather than deliver.

Mr. Deputy Speaker, I will not be surprised if it takes the Member for Caroni Central and the Member for Siparia to come back to establish the National Statistical Institute of Trinidad and Tobago because that is our modus operandi compared to what they have delivered, which is, nothing from nothing is nothing. [*Desk thumping*]

**Mr. Deputy Speaker:** I recognize the Attorney General.

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Mr. Deputy Speaker. My learned friend from Princes Town—[*Interruption*]

**Mr. Imbert:** Nothing learned about him.

**Mr. Hinds:** That is your friend?

**Hon. F. Al-Rawi:**—gave a—

**Mr. Deputy Speaker:** Please Members.

**Hon. F. Al-Rawi:**—contribution, full of sound, full of fury, but let us get to the facts so that we can judge the depth of the vessel that contained the contribution. Mr. Deputy Speaker, I want to start off with the hon. Member's attempt—that is the hon. Member for Princes Town—to chastise the Member for Diego Martin

Hon. F. Al-Rawi (cont'd)

North/East, and went on to quote an article that supposedly gave information coming from the Parliament.

You see, the Member went on to say that the Member for Diego North/East, the Minister of Finance, was cherry-picking he said, and while I sat here one of my colleagues sent me a little message to just go online and take a look for the article that the hon. Member is quoting from. So the hon. Member goes on to say that—the Minister of Finance is cherry-picking is his commentary, reads out content purported to demonstrate that cherry-picking—

**Mr. Deputy Speaker:** Silence Members.

**Hon. F. Al-Rawi:**—and hear is what the [www.guardian.co.tt](http://www.guardian.co.tt) news says. Listen to headline online:

“Tewarie tells Senate: Political interference at CSO by last Govt”

*Trinidad Guardian*. So let us start off with the fact that header on the World Wide Web is demonstrative that the argument put forward by the Member for Princes Town holds no water at all. But it does not stop there. It does not stop there. [Crosstalk]

**Mr. Deputy Speaker:** One second. Hello, one second. One second. Princes Town, you had your opportunity and I think you did well in terms of not being disturbed by anyone. So please, I am not going to tolerate no disturbances. Proceed.

**Hon. F. Al-Rawi:** Thank you. So let us go a little bit further because the art of advocacy is certainly to tell the version of the story that you wish to be convincing. I cannot say anything other than Princes Town did his very best. When we go fact checking on the World Wide Web and you start off with the header of the article as put forward by the *Guardian* itself, it demonstrates that what the hon. Member puts forward is far from what he put forward in the context of the manner of that story.

Let us go into the Article IV IFM allegations. I will call it that. So in the IMF's 2014 Article IV Consultation, it is reported and I quote:

“Data shortcomings have reached critical mass and now severely constrain staff's ability to conduct economic surveillance. The ... Central Statistical Office (CSO), temporarily ceased operations in mid-2013 and now operates under...”—and listen to this.

This is in bold, in capital letters in the report of the IMF itself. Not the Minister of Finance, not the Member for Diego Martin West, not the Minister of Health, not the Member for Caroni Central. This is the IMF, choosing in an international publication to capitalize the words, and listen to them.

“...and now operates under Extreme resource constraints, leading to very long lags for GDP, trade and labour data. Official trade data available up to February 2012...while the GDP data for 2012 is still only provisional. There are significant gaps in tourism statistics, while expenditure-side and quarterly GDP estimates that are flawed due to the methodological weaknesses.”

**Mr. Deputy Speaker:** Minister of Finance and Chief Whip, please.

**Hon. F. Al-Rawi:** Mr. Deputy Speaker, I want to remind that in the *Review of the Economy* published under then Minister Larry Howai, year on year we found the footprint of the People's Partnership.

[MADAM SPEAKER *in the Chair*]

They actually bothered—as I welcome Madam Speaker back to the Chair—they actually went so far in those statistics to put the letter “P” in the *Review of the Economy*; and you know why?

**Mr. Deyalsingh:** Provisional.

**Hon. F. Al-Rawi:** Exactly. Because it was provisional. Year after year, after

year, the figures that Trinidad and Tobago relied upon were provisional figures, and, Madam Speaker, we have to hear from Princes Town, who has now fled the Chamber, that this Government is a Government effectively to have no credibility from his perspective.

Mr. Deputy Speaker and Madam Speaker, I think it *infra dig* for one to accept the logic of Princes Town and I wish to wholeheartedly reject it, and I do so as I answer in final way on that particular point by quoting from the IMF again. This is what the IMF says:

This Government has recognized how critical data is for planning and mobility.

The IMF in its Article IV Consultation in 2017. The IMF stated as follows. This is their 2017 report, eh.

“The CSO has made noticeable”—in capitals again—“improvements in the timelines of data provisions since 2015.”

I mean, Madam Speaker, for Princes Town to try to allege that the improvements that we are seeing in the CSO’s Office came about as a result of the work purchased by the now frequently absent Siparia—I think I have seen her once for the year if so lucky in the sittings that we have had—and for the Member for Caroni Central—I acknowledge the Member for Caroni Central served as the functional Minister in charge of Planning and I am sure he would have done his work, but to say that this report from the IMF is attributed in the manner offered by Princes Town, I think falls far short of the truth.

Madam Speaker, I would just like to say that if we are to accept the logic of Princes Town, Princes Town says that everything that is now bearing fruit is borne on the back of the work of the United National Congress. [*Dr. Moonilal thumps desk*] My friend from Oropouche East thumps the desk as he is entitled to. I invite

them to accept that that is their reality, because to do so means you also have to accept that the crash in the economy, the savagery to the Treasury, the removal of the money from the taxpayers' hands in this country, are also equally within their production. [*Desk thumping*] You see, you cannot abrogate and reprobate. You cannot cherry-pick as Princes Town invites. Either you accept it all or you accept none of it, Madam Speaker, and I think that that just simply answers the case.

I want to go on to say that the observations coming from Caroni Central were very sensible observations.

**Mr. Imbert:** What?

**Hon. F. Al-Rawi:** Yes, they were. I think that the observations, and the questioning, and the line of reasoning offered by Caroni Central takes us to one end of the spectrum. After all much of the logic offered from Caroni Central can be found in a precedent. That precedent, albeit not on point, is the public procurement legislation. In the public procurement legislation, there is a swing in the scale of proportionality where the executive intervention via the Minister or Cabinet labelled as "President" is minimized by President upon consultation, et cetera. Those methodologies can be discussed certainly at the parliamentary Joint Select Committee, but the core content of what my learned colleagues have offered are really not difficult issues.

Yes, we can insert an objectives clause. It is in the public procurement; it is in clause 4. It is a very simple clause, not a difficult position. The objects set out—forgive me it is not clause 4, it is in clause 5. We could easily have adopted "the objects of the Act are to", and then you go through (a), (b) and (c); very short reference. That is permissible. The danger in doing that at times really revolve around claims for review purposes, in particular judicial review and whether one is ultra vires or not. So a cautionary approach is usually done by just sticking to the

functions of the entities. The treatment of the ministerial intervention in this, again, it is the existing law. In the existing Statistics Act, we have the role and the appointment functionality coming from central government. I am not necessarily persuaded that the Caricom model is the quintessence of legislative perfection.

Very often, one is reminded that the Caricom model as applied in other Caricom territories operates with every other Caricom jurisdiction having a very different Constitution from ours. Our Republican Constitution, Madam Speaker, has an entrenched provision to deal with Trinidad's dichotomy. Trinidad and Guyana are the two societies that fought two national entity contributors, our ancestors, those from Africa, those from India, that have managed constitutional reform, in the case of Guyana, with a very interesting constitutional arrangement for presidency and national assembly, and in Trinidad and Tobago on the basis of constitutional entrenchment supposedly then to make sure that we have protected our delicate balance of our racial operation. And I say that not only from my pursuit of education in this country, but from the mouth of my own grandfather who went to Marlborough House and participated in the constitutional arrangements for Trinidad and Tobago, and who by his own report to me had a very sincere fight with Capildeo over the insistence to entrench the protections that we have in our Constitution.

My grandfather's submission then, he as Member for Naparima—Lord rest his soul with who is now occupying the seat of Naparima—but the contribution then was that Trinidad and Tobago would come into difficulty 50 years later because of these provisions. So when we look at the Caricom model, I am not persuaded that just because Caricom has it we ought to follow it. Jamaica operates in the passage of laws in a way that Trinidad and Tobago cannot even get over because of our constitutional entrenchment provisions. And for the record, we did

consider and I did call out in the heading “Analysis of Jurisdictions” that we had look at Caricom model as well. We did look at the Caricom model, I put that on to the record, but it is not everything that passes across your desk is a great idea. It must be looked at in the context of Trinidad and Tobago, and for that reason I offer caution to Princes Town, in particular, that that model is necessarily the best model.

This particular Bill is something that we always intended would come to a joint select committee. I think we are in agreement that the national statistics ought to be operated upon. I do not want to be pejorative unduly this afternoon so forgive me for having been compelled to answer the submissions of Princes Town in the manner that I have, Madam Speaker, but I want to say, I think this is within our grasp. If we look to the core of the Bill, the general provisions are really the heart and soul of the three-fifths issues that we are looking at: the right to entry, the right to privacy. That can be managed by due processing and other protections. The aspect of ministerial or executive intervention, we have models of that right here in Trinidad and Tobago. The public procurement law is certainly a model that we can look to and can be guided by.

I think that this is work which we can easily take to the public procurement desk analysis. We can look at the Caricom models and provisions. I am confident that we can, in the committee’s work, get through this. It is not complicated law and, Madam Speaker, I look forward to the work of the Joint Select Committee as we get there. I thank hon. Members for their contribution and I beg to move.  
[Desk thumping]

*Question put and agreed to.*

*Bill accordingly read a second time.*

**Hon. F. Al-Rawi:** Madam Speaker, I beg to move that in accordance with

National Statistical Institute of T&T Bill, 2018 (cont'd)  
 Hon. F. Al-Rawi (cont'd)

2019.02.01

Standing Order 68(1), that a joint select committee be established to consider and report on the National Statistical Institute of Trinidad and Tobago Bill, 2018, and that the committee be mandated to report by the 31<sup>st</sup> of March, 2019.

*Question put and agreed to.*

**Hon. F. Al-Rawi:** Madam Speaker, subject to the concurrence of the Senate on the establishment of this committee, I beg to move that this House appoint the following six Members to sit with an equal number from the Senate on the Joint Select Committee established to consider and report on the National Statistical Institute of Trinidad and Tobago Bill, 2018:

Mrs. Camille Robinson-Regis, MP

Mr. Terrence Deyalsingh, MP

Mr. Randall Mitchell, MP

Mrs. Cherrie-Ann Crichlow-Cockburn, MP

Dr. Bhoendradatt Tewarie, MP

Dr. Tim Gopeesingh, MP

*Question put and agreed to.*

## **ADMINISTRATION OF JUSTICE (INDICTABLE PROCEEDINGS)**

### **(AMDT.) BILL, 2018**

#### **Senate Amendments**

**The Attorney General (Hon. Faris Al-Rawi):** I beg to move the following Motion standing in my name, that is Motion No. 2:

*Be It Resolved* that the Senate amendments to the Administration of Justice (Indictable Proceedings) (Amdt.) Bill, 2018 listed in the Appendix be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 3.*

*Senate amendment read as follows:*

“In paragraph (a)(i), insert after the definition of “arrest warrant”, the following definition:

“‘computer’ means a device or group of interconnected or related devices which follows a program or external instruction to perform automatic processing of information or electronic data;”

**Mr. Al-Rawi:** Madam Speaker, may I ask whether it is the will of the House that we take all of the amendments in the round insofar as there are only a few of them?

**Madam Speaker:** Is there an agreement?

**Hon. Members:** Yes.

*Senate amendments read as follows:*

*Clause 4.*

In paragraph (c)—

- A. in subsection (6), insert after the words “under this section, take”, the word “all”;
- B. in subsection (7)(a), insert after the word “suspect”, the words “or his authorised representative”; and
- C. in subsection (8), insert after the words “or a suspect”, the words “or his authorised representative”.

*Clause 8.*

In subsection (5)(a)—

- A. by inserting after the words “notice to be”, the words “filed in the High Court and”; and
- B. by deleting the words “and filed in the High Court”.

*Clause 13.*

In paragraph (a), by deleting the word “ten” and substituting the word “twenty-eight”.

*Clause 24.*

Renumber the existing paragraphs (a) and (b) as paragraphs (b) and (c) respectively and insert a new paragraph (a) as follows:

“(a) by inserting after the words “files an indictment”, the words “under section 6(2)”;

*Clause 27.*

In paragraph (7), by deleting the word “fourteen” and substituting the word “twenty-eight”.

*New Clause 29.*

Insert after clause 28, the following new clause:

“Section 33 29. Section 33 of the Act is amended—

- amended
- (a) in the marginal note, by inserting after the words “Chap. 12:01”, the words “Act No. 14 of 2014”; and
  - (b) by deleting the word “is” and substituting the words “and the Indictable Offences (Committal Proceedings) Act, 2014 are”.

Renumber existing clauses 29 to 31 accordingly.

**Mr. Al-Rawi:** Thank you, Madam Speaker. Madam Speaker, I am very pleased to give the rationale for the Senate’s proposed amendments to this Bill, which is a Bill to amend Act No. 20 of 2011, that being the law by which we proposed to abolish preliminary enquiries in Trinidad and Tobago. The first amendment is an amendment to the definition section of Act No. 20 of 2011. We proposed in clause 3 of the Bill to introduce a definition of the word “computer”. We do so modelling the definition for “computer” from two particular pieces of law, firstly the Anti-

Terrorism Act and, secondly, from a Bill which we have in joint select committee to treat with cybercrime legislation. We thought it prudent insofar as we are allowing for search warrants in respect of “computers” to have a defined term as opposed to an undefined term as prevailed in the 2011 legislation.

The second amendment, Madam Speaker, is to clause 4A. We seek to insert the word “all”. Now clause 4A, as it appears in the Bill, is the clause intended to be treated with in subclause (6), and this is where, Madam Speaker, we are treating with the execution of a search warrant that a constable shall do certain things, and then we say in relation to that which is seized. We had provided in subclause (6) that:

“A person shall, during any period that he is assigned responsibility for the safe keeping of anything seized under this section take reasonable care...”

Now, we are providing “take all reasonable care”. This was intended to give a slight broader or weightier obligation upon the custodian of evidence to ensure that evidence, firstly, of the kind that is to be produced by the prosecutor is in fact brought forward, and, secondly, evidence of the kind that can be subjected to a claim for detinue or for compensation insofar as evidence may deteriorate. Take the example of a motor vehicle which is seized and it was not kept in proper care and condition in the police custody, we felt it important to convey Parliament’s position that there should be a slightly more diligent management of evidence, both for production in the courts from a prosecutor’s points of view, and for protection of the evidence from a wastage point of view or a wasting point of view as that concept is used in law.

We have also in this clause sought to add in subclause (7) a safeguard. Now subclause (7) of the same 4A treated with the identification of matters which were put into evidence, things which were seized. We have allowed for the first time the

photography, photographs of evidence seized to be taken so that you do not need to continue in possession with the thing for years in some circumstances where the trial can be inordinately long. We thought it prudent to catch the situation where a suspect who was not available, perhaps through incarceration, would not be present together with the Justice of the Peace to certify the photograph and, therefore, we have allowed for the inclusion of the phrase “or his authorized representative” being him specifically to the suspect so that we have a better due processing, so that his authorized representative, be it agent or legal representative could be there to treat with it. Similarly, in subclause (8) of that particular again clause 4A, we have added in that as a further safeguard as well.

Madam Speaker, we turn to clause 4 which amends sections 5, 7 and 8 of the Act. Forgive me, that is the one that I just spoke to. I had mistakenly called it 4A. It was 4. I will turn next to clause 8 which amends section 8A, and if we look to that provision as we get to 8A of the parent Act and we look into the Bill, we are seeking to insert the “appearance” before Magistrate prescriptions. We have added in just a simple reversal of language. The original Bill required where the Magistrate made an order that the notice to the Registrar shall specify the offence, and the “Magistrate shall cause”. Originally we had “a copy of the notice to be served on the accused and then filed in...Court”. In fact, it should have been the other way around. You file it in court and that which has been filed is then served upon the accused.

So that is the simple amendment to clause 8 of the Bill.

**6.00 p.m.**

We then seek in clause 13, which amends section 13 of the Act, to increase the time for the provision of an alibi and we did that, Madam Speaker, just because of the realities of Trinidad and Tobago’s litigation. We felt it prudent to improve

the time frame away from five days and instead to 28 days for the service. So that is the amendment to section 13 of the Act which is by clause 13 of the Bill.

Madam Speaker, I turn next to clause 24 which seeks to amend section 27 of the Act and if we look to section 27, this is a very important provision that allows us to have the circumstances of the DPP's ability to avoid a sufficiency hearing, in particular, in complex fraud cases as exists under section 23 of the Indictable Proceedings Act, Chap. 12:01 in any event. But very importantly, in circumstances where the trial of the accused has been aborted for any other reason. We accept the dicta of Madam Justice Gobin in the case of Marcia Ayers-Caesar matter most recently, now at an end, which provided that de novo is not an appropriate circumstance to return cases, and in these circumstances, we are allowing the DPP to move straight to an indictable position. We thought that the clause needed a small tidy-up because it was not clear that we had looked at the circumstance of the DPP's referral under section 6(2) of the Act and therefore, by way of clarification, we have inserted that into section 27, subsection (3), which is what clause 24 treats with, to provide for a clarification of the reference of getting there.

I turn to clause 27; 27, again, we are looking at just simply the time frame. Clause 27 amends section 30 of the Act, specifically section 30 subsection (7) to increase the time for which the DPP is to provide the names of witnesses to the Registrar from 14 to 28 days. We have harmonized that procedure obviously in the reverse for the accused to provide, et cetera. That already stood in the law but we just simply amplified the time frame from 14 days to 28 days.

We have added in an omission. In treating with the Bill in this House, we had inadvertently omitted—and I have checked since then—to deal with the fact that the 2014 law, the Committal Proceedings Act was in fact assented to. Having

confirmed that it stood as law, it is necessary therefore to repeal it as we revert to the 2011 now improved version of the abolition of preliminary enquiries.

Madam Speaker, those are the reasons that arose in the Senate for these consequential amendments and I beg to move. [*Desk thumping*]

*Question proposed.*

**Mr. Padarath:** Thank you, Madam Speaker. With respect to the amendments made in the Senate in relation to a Bill to amend the Administration of Justice (Indictable Proceedings) Act 2011, before going in clause by clause to deal with some of the substantive issues and some of the concerns that we had, I would like to indicate at this point, as a student of law, I was very happy to take a look at the proceedings that took place in the Senate and some of the contributions that helped to strengthen the amendments that are before us. Also, I want to thank Senators Ramdeen, Hosein, Vieira, Chote, Sobers and also the Attorney General for accepting the recommendations coming out from that sitting.

Madam Speaker, clause 3 essentially amends the definition section of the Act. It included the definition of several terms mentioned in the Act such as “arrest warrant”, “documentary exhibits”, “either-way offences”, et cetera. However, the term “computer”, as the hon. AG has said, it was inserted in the Bill at clause 4 for materials which are the subject of a search warrant. Madam Speaker, the Bill was deficient in that it did not define what is a computer. During one of the contributions, Madam Speaker, the issue raised was that the term “computer” was not defined and they found that the definition existed, as the hon. Attorney General said, in the Anti-Terrorism Act, Chap. 12:07 and as such, that was the definition that was accepted.

Madam Speaker, one of the questions that I have—really is not an argument to put forward but a question really and hopefully the Attorney General would be

able to say—is that whether or not the amendment, when it was considered, whether or not the hon. Attorney General looked at the model outlined by the OAS and the Commonwealth with respect to the definition on this particular matter. Hon. AG, you would also remember that in 2002, there was a Law Ministers Conference in Trinidad and Tobago and it dealt with some of these substantive issues in terms of definitions, similarly that of a computer, et cetera. And while 2002 was a long way off to where we are in 2019, that Law Ministers Conference, the reports have evolved since then and I just wanted to have an idea of whether or not in putting forward this definition whether that was actually considered.

Madam Speaker, clause 4:

“In subsection (6), insert after the words ‘under this section, take’, the word ‘all’.”

In clause 4 of the Bill introduced by the AG to make it clear that computers and electronic devices are subjected to a search warrant, it further allowed to the retention of the item seized and the filing of the report in the High Court of items that have been seized. The amendment at subsection (6) stated that:

“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.”

Madam Speaker, I am a little bit concerned here because it says “take reasonable care to ensure that it is preserved for the purpose of evidence in criminal proceedings.” I will develop—

**Madam Speaker:** Yeah, but all we could really deal with here are the amendments so we are not rehashing the whole thing. So that what you are dealing here with is either “all”, “suspect”, “or his authorised representative”. That is all.

**Mr. Padarath:** Sure, Madam Speaker. With respect to this particular clause, one of the issues that we had in relation to this was that there is, in common law, a case *Dillon Hayes v The Attorney General of Trinidad and Tobago*.

**Madam Speaker:** Are you dealing with “all”?

**Mr. Padarath:** Yes.

**Madam Speaker:** Just the word “all”, not the clause. It is not the entire clause. We had our opportunity here to have dealt with it. All we have to consider now is the “all”. Or as I say, because I cannot say whether you are dealing with A, B or C “or his authorised representative”.

**Mr. Padarath:** Certainly.

**Madam Speaker:** That is all you could deal with. “All”.

**Mr. Padarath:** Thank you. Madam, as such, it was suggested that greater emphasis should be placed in storing and keeping of the seized item by the police taking “all reasonable care to ensure” that evidence is preserved and not just reasonable care. Madam, the concern that we have with that with respect to police taking “all reasonable care” is that we have seen from time to time, in our justice system, where “all reasonable care” has not been taken and you have had situations that—

**Madam Speaker:** Okay, go on. You have made your point, go on, please.

**Mr. Padarath:** Thank you, Madam. Madam Speaker, with respect to clause 8:

“A. by inserting after the words ‘notice to be’, the words ‘filed in the High Court and’; and

B. by deleting the words ‘and filed in the High Court’.”

Now, Madam Speaker, this section was introduced so that at the first hearing, the Magistrate has the power to issue a notice to the Registrar specifying the offence which will be transferred to be heard before a Master namely, indictable offences,

either-way offences which are being heard indictably or related summary offences which can be tried together in the High Court with the indictable offences. The notice, Madam, which the Magistrate issues to the Registrar must be served on the accused, however the procedure as drafted was incorrect as it provided for serving the accused and then filing it in the High Court. Again, this could possibly have been an administrative error. Hopefully, the hon. Attorney General will be able to tell us whether or not this was an administrative error and really the homework should have been done with respect to this.

**Madam Speaker:** I believe the Attorney General explained this when he made his presentation. Okay? Now, remember this process is just limited to these very little words. Okay?

**Mr. Padarath:** Yes, Madam.

**Madam Speaker:** So while I am allowing you a little leeway to put it in context, we are not here rehashing a debate of the Bill.

**Mr. Padarath:** Certainly.

**Madam Speaker:** Good.

**Mr. Padarath:** Madam, with respect to clause 13 and I do take your point and I appreciate it and I abide by your ruling. In clause 13:

“In paragraph (a), by deleting the word ‘ten’ and substituting the word ‘twenty-eight’.”

I would like to say that when you look at other jurisdictions, hon. Attorney General, we agreed to this particular provision. I know this is something that Sen. Ramdeen would have raised. When you look at the NYU and Cornell University Federal Rules of Criminal Procedure, it suggested 14 days. In other jurisdictions, in the Commonwealth, which we share similar jurisprudence with, it suggested between 14 and 28 days. I think this is a step in the right direction with respect to

considering what is happening at the DPP's office.

Madam Speaker, clause 24, renumbering the paragraphs is really an administrative issue here but it inserts:

“...after the words ‘files an indictment’, the words ‘under section 6(2)’;”

Clause 24 amends section 27(3) of the Act. Section 27(3) allows the DPP to request a sufficiency hearing where he prefers and files an indictment without a sufficiency hearing. Therefore, to clear up any ambiguity, Madam Speaker, that existed, the Attorney General accepted the amendment by the Opposition. We are very happy by that—and the Independent Senators—to state clearly what the indictment which the DPP prefers is from his powers derived from section 6(2) of the Act. We are very happy for that ambiguity being cleared up.

Madam Speaker, with respect to clause 27:

“In paragraph (7), by deleting the word ‘fourteen’ and substituting the word ‘twenty-eight’.”

The section treats with the time limit given to the DPP to inform the Registrar of the names of the witnesses he desires to call at the trial. Again, Madam Speaker, for those who practise in the system, they understand the limitations. Here in terms of the section that will treat with the time limit given to the DPP to inform the Registrar of the names of the witnesses that he would like to call in a trial and the plethora of issues that we have here. But, Madam Speaker, a further point is that if we are making greater demands on the DPP, therefore there must be greater resources available to the DPP and not what we saw on the *Express* front page of Sunday.

**Madam Speaker:** Member, please go on to your next point.

**Mr. Padarath:** Thank you, Madam. [*Laughter and crosstalk*] This is the last one. Clause 29, section 33 of the Act is amended:

“(a) in the marginal note, by inserting after the words ‘Chap. 12:01’, the words ‘Act No. 14 of 2014’; and

(b) by deleting the word ‘is’ and substituting the words ‘and the Indictable Offences (Committal Proceedings) Act, 2014 are’.”

This is an amendment by the AG which is consequential in nature. The 2014 Act was assented and is on the law books. The Act would come into force in repealing the 2014 Act; as such it is a consequential amendment.

Madam Speaker, having gone through the amendments and attempting to make some issues of it, what I would say, at this point, as I wrap up, is that I do see merit in terms of the strengthening of the legislation that came back from the Senate and I really would like to thank Members who made those recommendations. I know the hon. Attorney General, if you would allow me, I know you did give an undertaking with some other areas of the law; I was very happy to see that and I thank you, Madam Speaker.

**Madam Speaker:** Member, you so want to push the envelope today.

**Mr. Padarath:** I am done. [*Laughter*]

**Madam Speaker:** So I understand that and, you know, we are in a very cordial spirit so I understand that. Are you finished?

**Mr. Padarath:** Yes, Madam. Thank you. [*Desk thumping*]

**Madam Speaker:** Okay. Member for Caroni East.

**Dr. Gopeesingh:** The Attorney General, just to ask him whether he would be kind enough to—but, Madam Speaker, thank you for allowing me to wear this because of my eye surgery. I appreciate it. I just wanted to ask the Attorney General, would you be kind enough under clause 3 to give some examples of the devices of interconnected or related devices? Give some examples if at all possible. Thank you.

**Mr. Al-Rawi:** Madam Speaker, I thank both Members for their contributions. By way of example, it really takes care of everything. It is intended to capture any device: a telephone, a computer, et cetera. We have used this modern version coming out of our work in a joint select committee on cybercrime—I would not go into that work—and coming out of the best-in-class standard that we use in the anti-terrorism law, so we thought it prudent to stay with that definition as opposed to earlier definitions raised by the Member for Princes Town. But it is intended to be a law which continues to speak, meaning that the law will evolve as devices evolve. So we have gone for as non-technically-specific definition as possible to allow the law to apply in those circumstances. I hope that suffices. I beg to move.  
*[Desk thumping]*

*Question put and agreed to.*

#### **ADJOURNMENT**

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, Madam Speaker. After a productive day, I beg to move that this House do now adjourn to Friday 8<sup>th</sup> February at 1.30 p.m. when the House will debate a Bill entitled an Act to amend the Trespass Act, Chap. 11:07. Thank you very much, Madam Speaker.  
*[Interruption and crosstalk]*

**Madam Speaker:** Okay, we just have a few more seconds here.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.16 p.m.*