

**HOUSE OF REPRESENTATIVES**

*Friday, March 20, 2020*

The House met at 10.00 a.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, I have received communication from the Hon. Cherrie-Ann Crichlow-Cockburn, MP, Member for Lopinot/Bon Air West; Ms. Marlene McDonald, MP, Member for Port of Spain South, and Mr. Ganga Singh, MP, Member for Chaguanas West, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**CORONAVIRUS****(MEASURES ENFORCED IN PARLIAMENT)**

**Madam Speaker:** Hon. Members, in recognition of the collective fight against COVID-19, the Parliament is keenly aware of its responsibility to provide a safe environment for Members of Parliament to conduct business on behalf of the people of Trinidad and Tobago.

Therefore, over and above general cleaning activities, we have instituted daily sanitizing and steaming of workspaces and other areas within this complex. Additionally, all users of these facilities are now fully aware of the requirement to sanitize their hands on entry into the Red House and Cabildo Complex, regardless of their point of entry; there are no exceptions.

We have gone further, Committee meetings and Chamber tours have been suspended. As a Parliament, we have to do all we can to ensure that the critical business of the Parliament can continue even at a time like this. So, in an effort to observe the requirements of social distancing, since the previous sitting we began

making changes within the Chamber, including making an offer of masks to Members and staff who require, this offer still applies. Further, and in order to treat with the dynamics of the times, we have been compelled to reconfigure your seating arrangements in this Chamber, not without some challenge and a bit of inconvenience.

I would like to sincerely thank all of you and particularly the members of the elevated platforms in the distinguished persons' gallery for acceding to the adjustments which are necessary, but which we hope will be short-lived.

This Extraordinary sitting must be adjourned no later than 12.30 p.m. today. Particularly given the fact that pursuant to its own order the House is scheduled to meet in ordinary session at 1.30 p.m. Therefore, hon. Members, pursuant to Standing Order 2(4), I have advised the Leader of the House and the Chief Whip as follows:

- (1) The length of speeches will be limited to 30 minutes with no extension.
- (2) The House should go into committee no later than midday. All proposals for amendments must be submitted in writing, and handed to the Clerk for circulation prior to the commencement of the reply of the mover of the Bill.

Members are also advised that I shall announce when they have five minutes of speaking time remaining. I thank all members for their cooperation.

**MISCELLANEOUS PROVISIONS  
(2019 NOVEL CORONAVIRUS [2019-NCOV]) BILL, 2020**

Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50; the Companies Act, Chap. 81:01; the Bills of Sale Act, Chap. 82:32; and the Public Health Ordinance, Ch. 12 No. 4 in response to the 2019 Novel Coronavirus

(2019-nCoV) pandemic and for related matters [*The Attorney General*]; read the first time.

*Motion made:* That the next stage of the Bill be taken forthwith. [*Hon. F. Al-Rawi*]

*Question put and agreed to.*

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

That a Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50; the Companies Act, Chap 81:01; the Bills of Sale Act, Chap. 82:32; and the Public Health Ordinance, Ch. 12 No. 4 in response to the 2019 Novel Coronavirus (2019-nCoV) pandemic and for related matters, be now read a second time.

Madam Speaker, the matter before us is a Bill which sets out across five clauses, recommendations to effectively assist in the fight against the worldwide pandemic which is now known as the COVID virus. Madam Speaker, the terms of establishing the urgency of legislation, and also its importance for national purpose and hence emergency meeting of this Parliament, I put on record that this Government has, via the Ministry of Health and the National Security Council led by the hon. Prime Minister, in following the rise of the COVID issue as it become a pandemic, this Government has taken certain deliberate steps along each measured point of progress.

Firstly, I note that the Government introduced officially on the 28 January, 2020, proposed travel restrictions to minimize the risk of the importation of the 2019 novel coronavirus into Trinidad and Tobago. At that particular point in time, there was no declaration by the WHO, the World Health Organization as to pandemic status. In those circumstances, the Government with immediate effect as of that date, limited by way of prohibition of entry, persons living in or visiting in

China to be prohibited where they have departed China within a 14-day period. That, Madam Speaker, was then followed by a certain deliberate step, again, of the Government, in causing on the 31<sup>st</sup> of January, 2020, Her Excellency the President of the Republic of Trinidad and Tobago to issue a proclamation pursuant to the Public Health Ordinance, Ch. 12 No. 4, by that proclamation and on that date the President did declare the 2019 Novel Coronavirus (2019 n-COV) to be a dangerous infectious disease.

Madam Speaker, that continuation of laying tracks albeit that the rest of the world was not in similar pursuit in as aggressive a fashion, was followed up by the Cabinet's decision taken in the interregnum between January to February and then confirmed by way of Cabinet Minute of February 27, 2020, where further measures were put in place to deal with issues of the importation of COVID-19, being the same novel coronavirus. By that particular decision the Cabinet agreed with immediate effect travel restrictions be imposed on persons, except nationals of Trinidad and Tobago living in, or visiting, South Korea, Italy, Iran, Japan or Singapore, for a 14-day period following their departure from these countries. And for the establishment of a multi-sectoral committee chaired by the Chief Medical Officer; the members of defence staff; immigration office; Commissioner of Police; representatives from the Office of The Prime Minister; Ministry of Finance; Ministry of Works and Transport; Ministry of Education; Ministry of Rural Development and Local Government; Ministry of Tourism; Ministry of Trade and Industry; Ministry of Foreign and Caricom Affairs; Ministry of National Security; again, in a further subdivision, Ministry of Communications; Ministry of Social Development and Family Services; Airports Authority; Civil Aviation Authority; Port Authority of Trinidad and Tobago; Tobago Office of Disaster Preparedness and Management; Tobago House of Assembly; Tobago Emergency Management

Authority; and implemented the mandated provision of translating all WHO strategic objectives into Trinidad and Tobago national context.

Also, leading the development and implementation of an integrated multi-sectoral activity objective, providing oversight to the monitoring and evaluation of activities, reporting to the prime contact, the Minister of Health, on progress. And then noting that the Minister of Health could take steps to ensure that there are adequate isolation and quarantine facilities in this country. And with respect to that prerogative of the Minister, that the Minister was in the course of, and reported, and continued to report on audits of equipment and supplies which were arranged in pursuit of tracking. Madam Speaker, that was added by the Executive Director of CARPHA, the official agency for the Caribbean which conducts the testing for novel coronavirus to be engaged.

Madam Speaker, following that, by way of interaction between the Tripartite Committee of the Minister of National Security, the Minister of Health, and the hon. Prime Minister, adjustments have been made by way of Cabinet direction over time. Indeed, the hon. Prime Minister, in leading the charge, addressed the nation. Firstly, on several occasions post-Cabinet via Ministers and he, himself, participating.

And secondly, as is well known, by way of delivery of statements in this honourable House last Friday, and continuing with press conferences almost on a daily basis and sometimes two per day, with different Ministries having line responsibility for reporting.

Madam Speaker, the position and approach has been certainly to ensure that Trinidad and Tobago is intimately aware of the global pandemic issue, and by way of Cabinet communication with the country, the moral suasion was placed upon this country to comply with the positions before us. Madam Speaker, in

recognizing the transmutation of the imported version of COVID-19 and the risk by way of pandemic exposure to the citizens of Trinidad and Tobago, the Cabinet took a decision to take the provisions of the Public Health Ordinance, which is an ordinance standing then in the colony of Trinidad and Tobago, starting in 1917, the provisions of the Ordinance were invoked, and in fact regulations permitted to be issued by the Minister of Health, acting under the Public Health Act. Regulations were promulgated and in fact legal supplement was issued by way of Legal Notice No. 54, dated yesterday, 19 March, 2020. The Public Health Regulations were put into effect for the purpose of controlling and preventing the spread of the 2019 novel coronavirus, creating the lawful operation of the application of an offence during the period specified in Regulation 3 for any person to conduct the business of a bar, whether or not the person is licensed person under the Liquor Licensing Act. Secondly, to operate a club as defined under section 2 of the Registration of Clubs Act, and in respect of providing an amenity of seated dining in any restaurant to any customer.

Madam Speaker, that offence of six months was so put, because the law as it stands and which is to be amended by this Bill before us, has a penalty for breach of regulations of only \$480. Madam Speaker, those Regulations were dated 19 March, 2020, and I am able to inform that a second regulation has been signed by the Minister of Health, limiting the application of this Legal Notice only to one month to expire on the 20<sup>th</sup> of April, 2020.

In those circumstances, Madam Speaker, we then come to the coordination of ministerial intervention, Government agencies, state enterprises and indeed the Judiciary, and Parliament as they stand apart. It is now a matter of record that the Parliament has joined the limitations imposed by the Judiciary. Sittings of the court have been suspended unless there are urgent matters or other matters set out in the

Practice Direction issued under the hand of the hon. Chief Justice. A similar approach has been taken by the Industrial Court, by the Equal Opportunity Tribunal, by the Environmental Commission.

Madam Speaker, I am also able to say that the legislation now before us, and this is the Bill before us, addresses the extension of validity across a number of pieces of law, so that statutorily and by way of Parliament power, pursuant to section 53 of the Constitution, this Parliament will be able to extend the validity of instruments, documents, permissions and licences, which are due to expire in the period set forth in the several clauses in this Bill.

Madam Speaker, the common thread and legitimate aim of this legislation is that under the Motor Vehicles and Road Traffic Act, the Companies Act, the Bills of Sale Act, Madam Speaker, the Public Health Ordinance, and I should say by way of amendment all licences which the Licencing Committee of Trinidad and Tobago should consider including pawnbrokers' licences, metal licences, registration of clubs licences, liquor licences, et cetera, these which we will propose by way of insertion of new clauses 6, 7, and 8. We shall take all matters where licences may run the risk of running into expiry and therefore become invalid, we are proposing that licences be deemed to be extended for a particular period.

In the first and specific instance of clause 2, under the Motor Vehicles and Road Traffic Act, we propose to insert a new section 61B. New section 61B it is headed "Continuation of validity". We say:

"Notwithstanding any provision to the contrary...any driving permit, taxi driver licence, badge, certificate or other document issued by the Licensing Authority which expired..."— and it says in this Bill—"during the period 27<sup>th</sup> March, 2020 to 31<sup>st</sup> July, 2020..."

We intend to put “prior to” so that we can capture any licences which have currently expired by way of amendment, “or such longer period as the Minister may, by Order, specify shall be deemed to be valid until 31<sup>st</sup> August, 2020”.

The intention here to avoid the need for the members of the public to attend upon the Licensing Authority or Ministry of Works and Transport to request, apply for, line up, pay, in public places for the extension of these permits. This is directly tied in to insurance requirements, under the Motor Vehicles and Road Traffic Act, in particular, third party insurance which is a mandatory term. If anyone were to drive with an expired licence, even though the doctrine of necessity could apply, the validity here ensures that their contract of insurance is not made void or voidable. We do know that the Privy Council has had a view on these matters, and in the benefit of interpretation they tend to err on the side of the insurance company. That was made very clear in the coup claims where insurances went all the way to the Privy Council and back.

Under the Companies Act, at the Registrar General’s Division of the Ministry of Legal Affairs, we see at the Ministry of Legal Affairs, every three days approximately 15,000 people at the Ministry of Legal Affairs. In those circumstances, the three registries, the Companies Registry, the Land Registry and also the Births and Deaths Registry, marriages et cetera, those three registries have been dealt with by a combination of administrative measures and by way of law. In clause 3, we proposed to effectively put an amnesty for the provision of penalties applicable to the non-filing of company returns, this is all forms of returns, including for the non-profit organizations, by giving the validity and an amnesty from penalties in the period “27th March, 2020 to 31st July, 2020 or such”—other date as may by order be extended.

I should add, yesterday we were pleased that the Ministry of Legal Affairs

end of the AG's office to launch electronic payments for the first time in Trinidad and Tobago, across the civil registries, all of the civil registries. The facility of online payments via credit card, via those provisions, have been introduced into the whole of government approach for the first time in the history of this country. This is the first time a Government entity will be going online in that way. It is something that we have worked on for many years and we were pleased to launch yesterday, albeit without the fanfare that one would think is appropriate.

That has been aided by the ability to make appointments limited to ten people at a time, in scheduled numbers that we have sent out to the public by way of media release. Filing of land documents, online searches, et cetera, are also a feature of that. This mirrors therefore a number of procedures put in place at the Solicitor General's Office where we have now caused the delivery of pre-action protocols and the delivery of claims against the State to be facilitated by way of email, Madam Speaker, again, in a first in class position for the Government of Trinidad and Tobago.

Madam Speaker, the Bills of Sale Act may seem a little odd for people to be here, perhaps people do not know the import of this. The Bills of Sale Act, in the Registry, we receive approximately 21,000 bills of sales per year. That is close in number to the 27,000 deeds we receive every year. So, bills of sales are a high volume commodity, the timeframe for registration of bills of sales is only seven days. After the seven-day period, you are obliged to go to the court to seek an order of the court by way of fixed-date claim to seek the validity for extension.

In those circumstances, we propose to amend by way of clause 4 the Bills of Sale Act, to allow us to avoid the need for the seven-day requirement to preserve the validity of the instrument until the expiry of the period set out in subsection (3), note that what we do by subsection (3) is to say that your validity is for the period

27<sup>th</sup> March to 31<sup>st</sup> July and then we allow for one month after that to cause the registration of those instruments. In other words then, not just seven days which by law you would be required to obey, but one month after that.

Madam Speaker, we also propose that that apply in respect of renewals, which is an amendment to section 17 by the insertion of a new section 17A of the Bills of Sale Act. Madam President—Madam Speaker, forgive me. The Public Health Ordinance as indicated earlier, is one which is extremely old. It was passed in 1917 as a colony. Indeed when you look to the provisions of the law the law still speaks to the state and condition that Trinidad use to be in. We are referred to “barracks, barrack yard, cesspit, common lodging” means a class of lodging house for members of the poorer class received in short periods. It is actually quite an exercise to go through this law. It is not available on the online version of the laws. We have asked for it to be put up, the law has been amended for a couple of years, we had to go through the Legal Notices for approximately 103 years to see what survived in this law.

What came out of this law, Madam Speaker, is the provision of the validity of the law as it stands as saved law. The sections which have not been amended still stand as good law, and provide the relief that we require right now. In particular, I refer to the powers of the Minister described as the Board in this old law, but it is the Minister of Health to do any such thing or matter as may appear advisable for preventing or checking such diseases. In this case here, a dangerous infectious disease as we have by proclamation since the 31<sup>st</sup> of January, declared the COVID virus to be there.

Madam Speaker, what was required is what is in the Bill right now. It is to amend subsection (3) of what is described as section 105. Subsection (3) says that a breach of any regulation under this section shall be a fine not exceeding \$480 or

a term of imprisonment with or without hard labour not exceeding six months. It is for that reason that the legal notice with respect to the prohibition on bars and clubs refer to the six-month maximum exposure permitted. We propose to amend this by putting a maximum fine of \$50,000 or—and by this I mean and/or—the exposure to a jail term of a maximum of six months.

In those circumstances, consequent upon approval of this House and the Senate should it be, we intend to amend the Legal Notice by way of issuing a new Legal Notice today for the prohibition against bars and also clubs, as the Cabinet has directed. Madam Speaker, as indicated a little earlier, we intend to insert new paragraphs 6, 7, 8, 9 as clauses, by way of amendments which I have just circulated. These will cause amendments to the Registration of Clubs Act, these will cause amendments to the Theatres and Dance Halls Act, the Money Lenders Act, the Pawnbrokers Act, and the Licensing of Dealers (Precious Metals and Stones) Act, as well as the Old Metal and Marine Stores Act. All of those licences are at risk of expiry, and therefore the exposure to insurance provisions becoming invalid or worse yet the need to congregate in a courtroom, have public health inspectors inspect businesses, all of those contingent risks come if we do not at present amend these laws to extended the validity of licences issued by the Licensing Committee. I remind that in 2014 we created a Licensing Committee which handles all of these.

Madam Speaker, it may be that other entities and validity of licences have not been captured in the short space of time that we have had. This is a fluid situation, the Cabinet will direct from time to time, based upon the feedback and recommendations coming to the Cabinet, what further steps and measures are required to be engaged in to protect the citizens of Trinidad and Tobago.

I wish to publicly compliment my colleagues in the Cabinet and the frontline

essential service providers, who now include people such as supermarket owners, and store clerks and attendants, persons who are definitely engaged in caution, I want to encourage the concept of social distancing. I would like to encourage adherence to the methodology that is being proposed by the Cabinet. I wish to publicly compliment the hon. Prime Minister for taking charge of this situation [*Desk thumping*] in an organized and measured way. I genuinely believe that there is a sense of calm in this country. This is not to say that citizens should not be taking this absolutely seriously, and following the instructions from the various Members of the Cabinet who have participated.

To the public servants who have turned up to do the job, each and every one, we certainly say thank you, and to those who are affected in terms of the application of the necessary control measures, I am confident that in the conversations that the Prime Minister will have with the country via the Cabinet and various Ministers, that needs and concerns will be addressed as the situation evolves. I do not think I have any much more to say, Madam Speaker, and I beg to move. [*Desk thumping*]

*Question proposed.*

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Madam Speaker. Madam Speaker, I rise to make an intervention pursuant to your ruling of the revised time permitted in the circumstances we find ourselves in. Madam Speaker, just a few issues to raise at this extraordinary sitting for the Legislature to deal with what truly is an extraordinary challenge of our times. This morning, Madam Speaker, we meet with understandably little notice, some of us would have had to do some overnight preparation, and so we depend now on our smart phones and so on for data as we go along. And even as we speak, some of us are expecting more information coming to us pursuant to the points we wish to raise.

This morning, Madam Speaker, in this unusual and extraordinary sitting, I can truly say that we meet this morning to discuss a matter of urgent definite importance, because the matter before us concerns the global pandemic, concerns a crisis that we face around the globe, where, as of this morning it is stated that we have had over 250,000 infections across the globe. With a death toll of in-excess of 10,000 persons, and over the last few hours, I think, Italy has now overtaken China as the leader in terms of the death toll.

**10.30 a.m.**

Madam Speaker, in those circumstances in which 177 countries and territories have faced this problem and do have persons infected, we need to put in place urgent and critical law to respond, at first instance, with the need to protect citizens, institutions, from the spread of the virus, first and foremost, but also cognizant of the importance of ensuring that citizens do not run afoul of the law and find themselves exposed, not only to legal sanctions, but sanctions involving insurance and other issues which the Attorney General spoke about.

Madam Speaker, it is not for me in the now limited time that will be permitted to make an assessment of the handling of this crisis by the Government. I think in due course the time will come—and it may come sooner rather than later—when we will scrutinize and examine the Government in terms of its overall handling of this crisis. This morning may not be the time to do that, only to place on record yet, again, that the Opposition has tried for several weeks and, indeed, several months, to seek the attention of the Government and public authorities to debate and discuss in detail a framework and policy proposals to deal with this crisis. We have tried and we have tried.

The Opposition Leader is now on record as writing and seeking meetings with the Head of Government on behalf of, not the Opposition alone, but the

people of Trinidad and Tobago, to fashion a way out of this crisis. [*Desk thumping*] And for the record, the Opposition stands in support of any measure which will protect citizens within the law that is fair, that is equitable and just. [*Desk thumping*]

Madam Speaker, it was said in the public domain that the Opposition Leader and her crew voted against the Head of Government speaking on this issue. For the public record, never has the Opposition voted against the Prime Minister speaking on this matter. [*Desk thumping*] The Prime Minister was entitled to speak for 10 minutes, he was entitled. He needed more and he needed indefinite time; that was the issue.

Madam Speaker, in the Bill before us—I just want to go quickly to the Bill and the associated notice/Order. Madam Speaker, while we understand clearly the intention of the Bill and the amendment to the Motor Vehicles and Road Traffic Act and so on, I just wanted for clarity, again, because at this time given the nature of this type of debate, several issues we raised will be really issues of clarity. While we are clear that:

“...driving permit, taxi driver licence, badge, certificate or other document issued by the Licensing Authority...”

What that may or may not mean, the other documents—I wanted to remind the Attorney General, I am sure he is aware, that the drivers permit issue is, of course, a clear issue we understand.

One of the issues raised overnight by persons as well, concerns inspection of vehicles, in the sense that persons go, sometimes with family members even, to go and line up and wait and engage officers at the Licensing Division throughout this country to inspect their vehicles. There is a \$300 fine—payment sorry—for that inspection and there is a fine, a penalty in law, if your vehicle is not properly

licensed pursuant to the law—properly inspected, the inspection of that vehicle, I think four years and over or five years and over. Madam Speaker, if the Attorney General would make absolutely clear, that other document would include, or he may wish to put in that as well, the inspection of vehicles—their inspection sticker or whatever is the legal appropriate term for that, because that is a big issue.

Madam Speaker, linked to that as well, is the issue of transfers of vehicles. We have been hearing that too. A lot of people go, and are expected to go, to the Licensing Division and conduct the business of transferring vehicles. That has always been a bugbear in the system because people sell a vehicle, they part with their vehicle—they may pass it on to a family member and so on—but transferring has not been something that people are diligent about but they do it, because there are consequences again if you do not transfer your vehicle and you sell your vehicle, and whether the Attorney General could tell us clearly on the record, if he would not put it in document itself, in the Bill, that “other document” would include a requirement for transfer, because the objective here, the overriding objective, Madam Speaker, is this overriding safety protocol that has now appeared globally to be the most important and key safety protocol of all, which is called social distancing and this is why, Madam Speaker, I am so far from you this morning, because we are also implementing that policy.

It is claimed throughout the world in dealing with this crisis that social distancing is a critical safety protocol and congregating, assembling, is another issue that the Government and governments throughout the world are now dealing with. Madam Speaker, I believe it was yesterday, the Governor of California, United States—the State of California with 40 million people have now instituted what is called, a policy there, a law, that there are people who would stay at home. They may not call it a state of emergency as we do in some of the Westminster-

type systems, but they have instituted their law that persons are required by law to stay at home, and the Governor there has gone so far to suggest that half the population of the State of California could be infected if they do not take certain drastic measures. So, Madam Speaker, and we all agree, it is not the Government alone has to take radical action, it is people have to take radical action as well, and what is happening there we have to be very mindful of, and the issue here is congregating, it is assembling and this is why there is this preoccupation with getting people away from crowds.

Regrettably, when I was on my way here this morning, Madam Speaker, coming through the Brian Lara square, at a bank, you are still seeing, for better or for worse, 25 persons lined up in front the bank waiting for the bank to open and so on—persons moving up and down. I am sure that the bankers and so on will deal with that, but our objective, as the Attorney General said, was to ensure that people do not have to assemble, they do not have to congregate at Government offices for anything at this time. So, Madam Speaker, I ask the Attorney General to be mindful of the inspection certificate, the transfers and so on associated with that.

Madam Speaker, it brings me to the next point, and I am going to reflect now on the Bill, clause 5, Public Health Ordinance, and this is linked, of course, to the regulations. As I said, this morning, my role this morning is not to examine the Government's handling of the matter. We have our views, a time will come to do that. But all I want to put on record is that while I was reading a Legal Notice yesterday—in fact, while I was reading one notice, it was revoked when I was reading it, because the dates changed. It was initially July 31<sup>st</sup> and then it became what we have today, April 20<sup>th</sup>. So they changed that having issued one. So there was a need in this here to say “Legal Notice 54 of 2020 is hereby revoked”. Madam Speaker, the Attorney General raised this matter as he outlined the policy

objectives of the Government and so on.

Madam Speaker, I just want to make a few points for the Attorney General if he would reflect and clarify. Again, it is not that we are here to blanketly, to obscenely object to anything that is in the interest of saving human life. This is not what we are here for. It is to ask questions, to clarify because, Madam Speaker, let me just preface this by saying, if it is that this Government, given the legal infrastructure that a Government has, would have issued a Legal Notice and then when I am reading it, they revoked it, then clearly their minds must still be opened to criticisms, because it means that, you know, because we are trying to move at breakneck speed, you can still overlook something because of the speed we have to move with.

Madam Speaker, when this matter was raised by the Prime Minister in one of his several press conferencing and so on, of closure of bars, we took note. Now I want to make the point absolutely clear, we are in favour, in support of any measure that will lead to the demobilization of people at this time. [*Desk thumping*] In fact, the Chief Whip is on record—I read it in the newspaper yesterday or today—pursuant to our caucus meeting and the directives of the Leader of the Opposition to even raise the issue of Parliament meeting, and the Attorney General indicated it was an essential service, notwithstanding it is the only essential service that provides two months holiday, but it is an essential job we do, so to speak.

So we raised the matter of congregating, so we are in support of the demobilization of people—breaking up people, ensuring that they are not together by more than five or 10 as the case may be—but in my constituency, in several of our constituencies across the floor, people do run what we call bars, and I will come to that just now—and when this matter arose a few days ago, the objective,

the policy objective is that people do not congregate, do not assemble. The policy objective is not that people will not eat. The policy objective is not that people will not consume a beverage, the objective is that people must not assemble. [*Desk thumping*] This is why we allow restaurants to have takeaway service, because we are not stopping people from eating. So a restaurant is allowed to open, but no one is allowed to dine on the premise; buy your food and leave. But with what we call bars, we are saying that the bars must be closed.

Madam Speaker, in my constituency alone, which I can speak of—I cannot speak of others, but I suspect we may have similarities and so on—the bars are critical in all these local village economies. One person spoke to me last evening—he has 10 or 15 bars—he has 40 workers who are going home. Many of those workers are single mothers. One worker in particular, known to us, three children, three small children. She has no job and so on. So there is an employment issue that will arise here with what we call the closure of bars and I will come to that.

The other thing is bars also have chains, supply chains. They sell not just alcoholic beverages, but they sell snacks. They sell what we call in the village and you all know as cutters. A poultry owner called me and say, look, my demand for meat has now been curtailed at 60, 70 per cent, because with the closure of bars, people are not buying poultry, and then the workers in the poultry farm, they have to go home. The point I am making is a bar is not a bar. It is business that has a supply chain and vertical and horizontal supply involved. It is a micro-economy, and we must be careful when we make these types of laws because we know the policy objective. It is not to congregate.

The policy objective here is not to reduce the consumption of alcohol. As laudable as that is, that is not the policy objective. It is people must not

congregate. So could we not have considered that Attorney General, that persons who run those what we call bar—because I am told there is no legal definition of a “bar” and I would come to that now, because that is something I wanted to speak to as well—that the Liquor Licences Act speak of a spirit retailer and spirit grocers licence. It makes no mention of a bar. It is not defined. One gets a spirit retailer’s licence to use on certain premises. The place where one operates under a spirit retailer’s licence is what we commonly call a bar. But we know, of course, intuitively what we think a bar is. Could we not have considered, given the economic fallout, the employment fallout, the transfer of income fallout that bars could have been opened so that they can sell beverages or whatever they sell and people collect it and leave? They go home. Just how they go home with your box of chicken and chips, you go home with anything you buy, you get out so that you do not consume, you do not eat on the premises, because you do not want people to assemble, because the issue is assembling, you know.

So the bar is closed, you cannot sell alcohol, but the grocery up the road is selling. So what you do now? You go and buy at the grocery and you go on the road outside the grocery and start consuming—you sit down on the culvert by the side of the box drain, assuming you have a box drain. And you know, Members opposite “skin their face and twist up their face and geh me monkey face” when I am talking, but the policy objective is not the consumption of alcohol. It is people should not assemble. So why do supermarkets still sell alcohol? Why? When you could go outside in the car park, open your trunk and just say, okay, we are having a few drinks. The issue is congregation. So that it may have been that you could have thought this thing properly, better, if you say, listen, bars, lock your doors, no one is allowed to consume on the premise, absolutely not. If people want to make a purchase, you purchase and you get out as you purchase. Maybe it was a

thought.

We all know that people sit down to eat, they sit down to drink, but this focus, this laser-like focus on bar, while in the supermarket—and I am not calling names of supermarket—we know what a supermarket is and who they are—they are allowed to sell the same thing. So the small businessman who owns the bar faces now a terrible period when they will have serious problems in terms of the economic fallout but the supermarket can sell. You know, you can buy anywhere you want—the hotel, which we are coming do.

Madam Speaker, in the same—and let me say, my statement here is not a statement to encourage anybody to drink alcohol or to encourage anybody to consume. It is a statement to do with the policy objective of assembling and congregating and it is a statement to do with the fact that there must be harmony. Because, for example, you cannot say “the bar man close”, you are out of business for one month—it was initially four months—but the supermarket who carries the same item, the supermarket could sell, they are not out of business. You understand the problem? You understand the problem.

Then we have this matter, Madam Speaker, of the hotels. According to these regulations, hotels, once you have a guest registered to stay in the hotel—now it does not say what “register to stay” means. “Register to say”, is it overnight? Is it one hour, two hours? I do not know about that. What “stay” mean? If you are registered as a guest, I imagine, you can purchase food and consume, I believe, yes—consume there and you can purchase alcoholic beverages. So the hotels, wherever they are and whatever they do, can involve themselves in this, but not the small owner of the little bar in the village communities and so on, which we are trying to protect jobs. And linked to that is an interesting point, that this Government had a policy which the Minister of

National Security boasts about now of registering X thousands amount of Venezuelans. Many of those persons with their temporary licence were working in bars. They are now out on the street.

Now, again, today, do you today, unless I am mistaken, the National Reafforestation Project is going to be closed today with 3,000 persons on the breadline at a time like this; 3,000 gone there—thousands from bars and associated clubs or whatever they are. So it is a difficult time, difficult, and we are in support of ensuring that persons do not assemble, but if you just think it through a lil better, may be you can get to the policy objective without getting hardships, the level of hardships. So I just leave that there because I want to move on to a couple other matters because the time will go here very quickly.

I want to get back, Madam Speaker, to a related matter and I am happy that within hours of a statement yesterday, the T&TEC has decided to stop disconnecting persons for electricity and so on because, Madam Speaker, it was brutal that at a time like this [*Desk thumping*] T&TEC was disconnecting poor people, their electricity supply, and telling them stay at home. So stay home without an electricity supply. So T&TEC acted yesterday, I believe, in the evening. There is also the issue of WASA, there is also the issue of HDC. HDC continues to send letters to evict persons from their homes. At a time like this, I am sure the authorities will want to look at that.

Madam Speaker, while we welcome these measures, if properly thought out and we have no— We are not here to object to anything that is good. I also wanted to put on record, because I am not sure when we would speak to this issue again and how it will go, that—Madam Speaker, this issue of this pandemic leave, we have said in the Opposition, several of us, that this pandemic leave is not thought out. Again, while we understand the Acting Chief Personnel Officer, his statement

on this matter, it is not thought out and maybe you could have brought it as part of this Bill as well. So I am now raising—sorry.

**Mrs. Robinson-Regis:** Madam Speaker, Standing Order 48(1).

**Madam Speaker:** Member for Oropouche East, I uphold the objection. Please go on to another point that pertains to what is before us.

**Dr. R. Moonilal:** Thank you very much. Madam Speaker, well then, I would just say that we will write the Attorney General on the matter, because I was on the matter of what could be included in this Bill before we finish promptly at 12 o'clock. If it is that I cannot speak about something that could be included in the Bill, a right—

**Madam Speaker:** Please proceed on another point.

**Dr. R. Moonilal:** Yes, sure. So, Madam Speaker, we have been dealing with this. The issue of moral suasion, I just want to make a few points on that now. The Government started, of course, by calling on the population to be responsible and to understand the nature of this crisis. Madam Speaker, it is a global challenge and a very different challenge that we have ever faced in our existence in that your health is dependent on my health and my health is dependent on your health. So we understand the importance of appealing to citizens whatever you do, please try, you know, we appeal to you, not to congregate to ensure that you have social distancing approach to the problem, to ensure that you are tested and so on.

The Minister of Health, if he decides to intervene, will tell us whether or not we have ramped up capacity to test, which is a critical matter, because, Madam Speaker, it cannot be that three weeks from now, we reach the stage where we can test particularly persons who have not travelled because testing persons who travelled is one thing, but there are many people who may want testing who have not travelled; is a critical issue and the Minister of Health can speak to that. Moral

suasion—but, of course, we understand the national community, because many of us have been around for a long time. You can ask people to be responsible, you can ask them not to be reckless, but there is a point in time in which you must put your foot down and decide, look, there must be some type of punitive framework and penalty.

Madam Speaker, one wonders whether the Attorney General would see and would believe that this six months imprisonment of six months, whether or not—I know the Attorney General was trying to relate it to other offences and so on—six months in jail is too punitive, too harsh a penalty for the violation of this offence that we are creating here. Clearly, we understand the importance of a fine and maybe a hefty fine—

**Madam Speaker:** Member for Oropouche East, you have five more minutes left of your speaking time.

**Dr. R. Moonilal:** Sure. Thank you. Madam Speaker, surely we understand the importance of a fine. Some people may say we understand the importance even of a term of imprisonment, but to the Attorney General, I am asking whether you believe that this six months that you are putting in the law is not too harsh for this penalty. If you do, well then we can do something about that as well, Madam Speaker.

Madam Speaker, the issue of clubs, I think they have raised that. Madam Speaker, while we were here amendments were circulated. The Attorney General mentioned it, but we of course only received it after—Moneylenders Act, the Licensing of Dealers (Precious Metals and Stones) Act and Old Metal and Marine Stores Act. They are very old laws that they are amending now to ensure that persons, again, do not run afoul of the law in terms of licence and so on. And, again, once you protect persons from that, there could be very little, I guess,

objection to that.

But, Madam Speaker, in closing, therefore—I know other persons may speak—I would just want to reiterate that this matter, again, to make my point 100 per cent, is that we are not here today to tell the Government that you must open bars and people must go and congregate and assemble and have beverages and we support that kind of thing. Absolutely not. [*Desk thumping*] That issue is an economic issue, it is a business survival issue and when you bear in mind that so far in all the financial packages, you are not hearing of anything for small and medium term businesses beyond getting a loan that you have to pay back.

So, for example, if a bar owner sends home five workers or if he decides to pay monthly salary for five workers of \$20,000 this month—we are talking now from today—who is going to pay him back the \$20,000? Who? Is it the Government? Is it some programme? What? What is paying back him from that? And if he decides to send the lady, the female worker who has three children on the breadline, what happens to her? She applies of course, I imagine for a food card—and the Member for Couva South, I think, has already announced an initiative there where persons who are becoming jobless as a direct result of this crisis ought to have some special programme, I believe, they can have some special programme to get some income support at a critical time like this.

So, Madam Speaker, those are the few issues I wish to raise, but to indicate that it is time of, you know, great challenge and I know, for example, that the Opposition Leader has also advanced a comprehensive framework. We are hoping that the Government will also look at that in the course of today either in the Chamber or outside of the Chamber, will look at that and the suggestions. The Opposition, of course, stands more than willing to lend a hand to assist by way of personnel, by way of experience, by way of, you know, capacity. [*Desk thumping*]

As we were saying in the tearoom earlier that some of our colleagues, we were saying, you know, we were there, we had some type of these challenges, maybe not at this scale but, certainly, we have had challenges before which we have been able to surmount and we do have that capacity now, having been in Government, outside of Government. I think on this Bench we have three specialized specialist medical practitioners on this Bench alone [*Desk thumping*] and apart from that there are other great benefits that the Opposition could bring to bear on this type of crisis to assist the Government, and we hope that you do not say we are causing panic, because that was the reaction I think a few weeks ago, that we were trying to cause panic and look where we are today. Madam Speaker, I thank you. [*Desk thumping*]

**Mrs. Kamla Persad-Bissessar SC** (*Siparia*): Thank you, Madam Speaker, I join with my colleague, the Member for Oropouche East, in stating very clearly that we are in support of measures taken in this living in the times of COVID-19 of restrained activities, constrained activities, and all else that we needed to fight the dreaded virus. So the Bill before us today is really non-objectionable in terms of its intent, but we are often told “the road to Hell is paved with good intentions” and, therefore, whatever comments we will make, my colleague and I and the rest of us, in the spirit of seeing if we can improve on what is here. So the intention is great, the intention is good. It is needed. I had said before that the moral suasion in and of itself will not be sufficient. So we welcome the step taken by Government to legislate to restrain human behaviour and human activities. As I say, non-objectionable and, in fact, we will be of great benefit to many who may be caught in the circumstances with the first few clauses which the Bill deals with and these would be extended by amendments with respect to other activities that require registrations within specified time frames. So we have nothing against

those pieces of legislation.

In fact, I would ask the AG to go even further and this is, in fixing your timeline, you are going up until 31<sup>st</sup> August for persons who want to have registrations under the Motor Vehicles and Road Traffic Act, under the Companies Act, under the Bills of Sale Act—the other one has to do with the public health—if you can go further. You said what you are doing is you are going to put it, if you can, by Order, extend the period. Okay? So, for example, let us take clause 2:

“The Motor Vehicles and Road Traffic Act is amended by inserting after section 61A...

(1) Notwithstanding any provision to the contrary contained in this Act, any driving permit, taxi driver licence, badge certificate or other document issued by the Licensing Authority which expires during the period 27th March, 2020 to 31st July 2020 or such longer period as the Minister may, by Order, specify.”

—shall be deemed to be valid until 31<sup>st</sup> August. Can we go a bit further because nobody knows how this virus is going to change the world that we live in? There are, in fact, stories coming out now, that the virus is mutating so fast that whatever treatments were being used are not as effective or to be used because of imitation in the virus. So we do not know how long, we do not know how far this would go. So I would say, give yourself a further power to include “as such later date as the Minister may by Order specify”. I would like if you could kindly spell that out to give yourself a greater power to go beyond the dates that you have set out here for the expiry period. So you fix the expiry period within a certain time, and to be effective, up to August. Can we widen that or are you satisfied this gives you a wider power under all these pieces of legislation?

With respect to clause 5, clause 5 seeks to amend the Public Health

Ordinance to repeal the existing subsection (3) which has some very minor penalties, I think, \$480 and so on, and instead insert this subsection (3).

“(3) There may be attached, by way of penalty, to any breach of any regulation made under this section, a fine not exceeding fifty thousand dollars and a term of imprisonment not exceeding six months.”

**11.00 a.m.**

So you have increased the penalty, but clause 105 also deals with the making of the regulations to be issued under what in the law will be Public Health Ordinance, repealing subsection (3), substituting the following new section. I have a concern hon. Attorney General. The regulations in the legal notice seek to create an offence; the penalties attached in the regulations. Now this can be done, but section 166 of the Ordinance says that:

Except in this Ordinance expressly provided, regulations or by-laws made under the ordinance may provide for imposing offences against the penalties.—and then they give a certain amount. That may want to be also changed, because in section 166 of the Act, you have the penalty is \$24, and in case of a continuing offence a further penalty not exceeding \$10. So if we are increasing the penalty, the fines in the Public Health Ordinance 105, then you would also want to look at section 166, which also gives another kind of penalty in 166.

Then further, section 105 of the existing law, and that is the section under which the legal notice is published, explicitly provides in subsection (3) for a penalty and this is one that we are now amending to 50,000 and imprisonment. Therefore, the legal notice now lists a different penalty and the two legal notices do exactly the same the one, and what is now being termed two.

The first one I see has been gazetted, and therefore remains law until revoked. The second one I have—up to when I checked before coming here, the

second legal notice is not gazetted, so I do not know if the Attorney General could clear that up and, this second one revokes the first one. My colleague spoke of that one and they are both in fact dated 19<sup>th</sup> of March. The second one purports to revoke the first one, and the change in it was seeming to be very simple, has created a little complication in my respectful view. The change is that you changed the time for which these regulations will be in effect from 21 March, 2020 and to expire on 31<sup>st</sup> July. That has now been changed to, I think it is April or something. So what we have here, is the legal notice has a different penalty from that you are now amending in 105, you have changed it to the 50,000 and/or six months, whereas the legal notice says that in regulation 2(2):

“A person...contravenes subregulation (1) commits an offence liable...summary conviction to imprisonment for six months.”

So this is different from what the substantive law says and the substantive law again, as I respectfully to submit, is that it says that where there is something fixed there then that penalty should not be in the subsidiary legislation.

So first of all, we put in the subsidiary legislation, the legal notice, a different penalty from that in the substantive law. That is the first thing and then where the substantive law says, look, this is what holds, what is in the statute itself and not in the subsidiary and then we are going to what is called in statutory making, publishing, where the subsidiary or substantive, into what we call Henry VIII powers, that is, executive powers of giving the executive the power to go into subsidiary legislation to create penalties. And I would ask that this not be done in the legal notice, but instead remain in the substantive law and wherever the penalties are given in the substantive law, they should be, with greatest of respect, the same penalties. I do not know if there is a reason why they are different, but

from our limited time for researching which was just from last night to this morning, it seems that they are at loggerheads. That is one point on this thing.

The second thing with this legal notice, having changed it, both dated 19<sup>th</sup>, one is gazetted one is not gazetted. So you have Legal Notice 389 of 2014, Legal Notice No. 389. I am sorry, not 389. The first one is gazetted with a legal notice number, I will give it to you in a second. And in this one Legal Notice No. 54 of 2020 we have here—there were three sections in it. The second one, however, has four and just again, you know, the pen, the printer's ink, or the devil's ink, you refer to something in the first section, which is the citation:

“These Regulations may be cited as the Public Health...”

—et cetera.

Second:

“For the purposes of controlling and preventing the spread of”—the virus—  
“it shall be an offence, during the period specified in regulation (3), for any person—

...to conduct business of a bar...

...to operate a club...

...to provide the amenity of seated dining at a restaurant...

“2(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to imprisonment for six months.”

I have dealt with that point.

So when you read it, it says that you committed an offence during the period specified in regulation 3, but when we read regulation 3 in the second legal notice, the period is not specified there and therefore it is specified in regulation 4). And why? Because you inserted a new regulation to say that regulation 1 is hereby revoked. So from 3, you ended up with 4 because of that regulation, and therefore,

the reference to regulation 3 does not make any sense whatsoever, because regulation 3 does not deal with the specified period, it is regulation 4.

So just these minor points with respect to the legal notice, and I want to ask also, you have persons who are licensed to operate businesses under the Liquor Licences Act and my colleague raised the issue of the definition of bar. You have those who would be operating under the Registration of Clubs Act and you have those dining at a restaurant, why did you not include persons who carry on the business like cinemas under the—forgive my pronunciation—Cinematograph Act, Chap. 20:10. They also operate businesses where crowds gather, but they are not caught within the legal notice. I would respectfully suggest that they be included in your legal notice and if it is not yet gazetted, if the second one, the one that is signed by the Minister with no gazette number, then please do not issue that because there are many errors in that legal notice. I have attempted to draw out some of those.

So with those few points, very technical points. We support the measures, we will see how they pan out, how they work out. We know this is an evolving issue, an evolving crisis, and therefore more would be required. I hope to see, well, we would not go very far with that, but it would be other matters that we have to deal with at the legislative level, matters dealing with drawdowns on money, where the money will come from to fund various activities. We look forward and we are prepared to give support where necessary and of course, make our own input and suggestions with respect to other measures that may come.

Madam Speaker, I love my country just as you do, and we in the Opposition will do everything we can to assist in the fight against the dreaded COVID-19 disease. I thank you. [*Desk thumping*]

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. I thank my honourable colleagues for their contributions and I respond in the shortest fashion as possible, but yet doing justice to the arguments raised. I thank the Member for Oropouche East for raising the issue of transfers of motor vehicles. I think the hon. Member is correct that transfers may not be clearly captured by the proposed amendments to the Motor Vehicles and Road Traffic Act. I propose insertion of a new section to treat with transfer of motor vehicles so that we can extend the time by which transfers ought to happen to August 31<sup>st</sup>—yes, I will deal with inspections—to extend the time for transfers of motor vehicles to August 31<sup>st</sup> or such other date as made by order be affected.

The hon. Member raised an important question with respect to—that is Oropouche East—with respect to inspection of motor vehicles and, Madam Speaker, I wish to put on the record, for clarity sake, that the amendments that we propose here to the Motor Vehicles and Road Traffic Act, which says in the new 61B, this is at clause 2:

“(1) Notwithstanding any provision to the contrary contained in this Act, any driving permit, taxi driver licence, badge, certificate or other document issued by the Licensing Authority which expired prior to or during the period”—and in the period—“27<sup>th</sup> March, 2022 to July 31<sup>st</sup>, 2020 or such longer period as the Minister may, by Order, specify, shall be deemed valid until 31<sup>st</sup> August, 2020 or such later date...”—as made by Order.

Let me for the record refer you to the Motor Vehicles and Road Traffic Act, Chap. 48:50, in particular section 4 of that Act, where the Transport Commissioner is the licensing authority and, Madam Speaker, that is to be added to the provisions of section—let me get it for the record, correct—section 26 of the Motor Vehicles

and Road Traffic Act. Section 26 of the MVRT specifically allows— and permit me to refer to that section for the record— section 26

“(1) For the purpose of the inspection of motor vehicles or trailers for road worthiness, the Licensing Authority may designate premises not being under the control...” to “...be examined”

—etcetera. The designation may be determined by the licensing authority, a current list of designated premises. So, let me connect those two legal concepts.

Inspection of motor vehicles is properly covered by the issuance of the validity. The licensing authority is the Transport Commissioner. All persons delegated by him and so scheduled and listed are in fact the licensing authority or Transport Commissioner, and therefore, in the period captured by this law, that is before 31<sup>st</sup> of August 2020 or any other period extended by way of the Minister's hand by order, you do not need to go and get inspections done. This law effectively avoids the need to have motor vehicle inspections. I understand that right now at the Licensing Authority, there are quite a few people congregated, and those people do not need to be there. In any event pursuant to the combination of section 4 of the Motor Vehicles and Road Traffic Act, and section 26, administrative functions can be designated by the Licensing Authority. So all congregations can cease.

With the proposal for the amendment of transfers, and I thank the hon. Member for that recommendation, we will move that recommendation to insert a new clause to deem the requirement for transfer to be on hold until the 31<sup>st</sup> of August 2020, or such other date as the Minister made by order extend.

The Leader of the Opposition asked for us to consider broadening the time frame and she was respectfully correct in saying that we do not know when this thing will happen, how it will end, etcetera, and, in an attempt to assuage the

concern I just referred to the fact that the springboard power of the Minister by order, that is just by signing a piece of paper and gazetting it, to come to bring the extension to life, that is perfectly permissible. It allows the period to be extended in a very easy and lawful fashion which we have used from time to time.

Madam Speaker, the concept of the legal notice and licensing of regulations, the Leader of the Opposition raised the point as to whether we may potentially be offending the law as it relates to the regulations having specified an offence which refers to a jail term only, whereas a fine is provided. And permit me to address that issue, Madam Speaker. At section 105 of the Act, of the ordinance, the Public Health Ordinance, specifically subsection (3), there may be attached to any breach of any regulation under this section a fine not exceeding \$480 or a term of imprisonment with or without labour, hard labour, not exceeding six months.

We propose today to amend that \$480 to \$50,000. That, pursuant to the Interpretation Act, is simply a maximum limit which our court can consider. You may get no dollars, you may get a reprimand and discharge, you may get the maximum amount, you may get \$5. What we have done is perfectly lawful in referring to the six months. The requirement of section 105 of the Public Health Ordinance says that in the regulation, you must effectively put what the penalty is so that there is a force of law for the breach of the regulation. So I am certain that we are on the right track with this. I want to state today we will be amending that regulation as gazetted, because today, if the House and the Senate agree to the amendment of the penalty, we will have to amend the regulations to insert the reference to the fine.

**11.15 a.m.**

I want to also say, Madam Speaker, and I credit the hon. Prime Minister for putting this very clearly in our own discussions as a Cabinet. These are not normal

times. It is true that a vast amount of difficulty will be applied to our population and all of us. I can say that the Minister of Finance is aggressively engaged in coming to the Cabinet with all forms of packages that we can achieve. This situation was perhaps last preceded by the Spanish flu. The Spanish flu, in the early part of the 1900s, around 1920 or thereabouts—

**Hon. Member:** 1918.

**Hon. F. Al-Rawi:** 1918, forgive me. In 1918, I believe over 20 million people died—

**Hon. Member:** Fifty.

**Hon. F. Al-Rawi:** Fifty. Thank you. I was obviously not aware of that fact until the Prime Minister raised it. Fifty million people died in the Spanish flu. In this particular context in Trinidad and Tobago, we are not dealing with an economy which can survive under a state of emergency.

Let me just address that for a moment. Under a state of emergency where curfews are applied, our curfews in this country have usually involved the ability to go to work and come back before a certain hour so job preservation was capable in this market. It is why the hon. Prime Minister has said that everybody needs to do their part and whilst we as a Government work out the support that the Government can give, I want to put on record, our economy is not like the United States of America. In their economy, they can give an order to print cash, there is no requirement for a reserve. They do not need to have gold reserves or foreign currency reserves like we need to have, that is why we refer to import cover and other aspects; our Central Bank has reserves. In the United States of America, they can say, "Print money." Their debt to GDP ratio is—

**Mr. Lee:** Madam Speaker, with due respect, 48(1), please. I am trying to understand the AG.

**Madam Speaker:** Please proceed.

**Hon. F. Al-Rawi:** Much obliged.

Madam Speaker, I am addressing the point of the impact to the workers raised by Oropouche East just for the record, and in the short time I would say, we are not in normal circumstances. The hon. Minister of Finance and the hon. Prime Minister are engaged in what we can do, every cent matters, that paid out and that kept in. Madam Speaker, the statement of normalcy is something which is going to have to be a fluid concept. It is sure that in emergency measures, you may not get something right immediately, it is why we have the liberty to amend. Therefore, if you see a legal notice today issuing regulations under the Public Health Ordinance, that is something that is going to happen as the situation moves. In fact, the hon. Prime Minister told me this morning that the regulations to be issued today should include cinemas. This is what the hon. Prime Minister said to me this morning and reminded again today of. And I want to say why this situation is fluid and moving. Because the Government has been monitoring the public's acceptance of suasion and because the public has been ignoring the suasion and congregating nonetheless, the Government is compelled in the interest of the citizens of this country to take legislative action which is available to us.

The hon. Prime Minister also says if the virus begins to express itself differently, if we move from imported infection cases to community spread, there are different protocols that will happen along the way. What we can say to the country is expect the unexpected, deal with the unexpected. I wish to make a public exhortation to the hon. Leader of the Opposition to please control some of the voices speaking for the Opposition. I noted Sen. Khadijah Ameen raised matters whilst we sat in the Parliament—

**Mr. Lee:** 48(1), Madam Speaker.

**Hon. F. Al-Rawi:** I noticed Senator—

**Mr. Lee:** 48(1). On a point of order, 48(1), please.

**Madam Speaker:** Attorney General, I uphold the objection to a point related to the Bill.

**Hon. F. Al-Rawi:** Thank you. And therefore I urge restraint amongst all persons in our society, Madam Speaker. For the record, in answer to the submission coming from Oropouche East, it is a matter of record that last Friday, the 13<sup>th</sup> of March, 2020, when the division was put to the House of Representatives to allow the Prime Minister to speak on the COVID issue in this Parliament, [*Crosstalk*] that the Leader of the Opposition said—[*Interruption*] It is a matter of record on the *Hansard* where we did a division that every single Member of the Opposition, led by the Leader of the Opposition refused to allow the Prime Minister to speak in a wholesome measure to the urgency of the COVID situation and the global pandemic.

Madam Speaker, whilst the hon. Prime Minister has publicly said, we welcome all contributions into this fashion, we are certain that this situation is unprecedented at least in recent history and memory. We must expect the unexpected. We must be prepared to manoeuvre with this situation as it develops. All submissions are welcomed. Indeed we are receiving them with a multitude right now. It is not going to be easy. I can say now that the Minister of Finance has publicly stated that we will be returning to the Parliament at the shortest measure possible to treat with certain financial matters so that we can assist the citizens of this country in the economic hardship that is upon us. The Government is acutely aware, the hon. Prime Minister is acutely aware of the impact to the very smallest and most vulnerable of persons in Trinidad and Tobago. The Minister of Social Development and Family Services has spoken to a very large social support

measure, publicly announced and distributed. The Minister of Finance, in leading the conversation with the Bankers Association, the Central Bank, the Home Mortgage Bank, the TTMF, the HDC, he too has spoken to very significant measures of support.

We have had the Ministry of Education speak to measures of support. We have had the Minister of Health speak to measures of support. The Minister of National Security has been corralling by way of—

**Mr. Lee:** Madam Speaker, 48(1), please. I fail to understand the relevance of the AG winding up on the Bill that is before us.

**Madam Speaker:** Please proceed, Attorney General.

**Hon. F. Al-Rawi:** Madam Speaker, I want to say that in today's measure, I am honestly disappointed in the spokesman for the Opposition today. The country is burning for questions to be answered. We are in the Parliament, no doubt, the entire country is paying attention to what we are doing. The issue of how we underwrite and support the people of this country by way of our economic contribution where we do not have reserved currencies has been raised in this debate and I am shocked and alarmed that Pointe-a-Pierre, of all people, cannot understand that the people of this country want to hear what we have to say.

Madam Speaker, the further amendments that we proposed, including an amendment to the long title, will be circulated here. Madam Speaker, I am confident that the Prime Minister is well within his authority under the Constitution. This is not a Henry VIII edict. The Executive authority of Trinidad and Tobago is anchored in our Constitution. It is in section 79 of the Constitution and therefore, the Prime Minister's statements on behalf of the Government and Cabinet decisions, and the binding authority of Ministers who have delegated authority and actual authority over Ministries, administrative functions over

Ministries, those are properly the function of law. So I want to distance myself from the arguments coming from the Members opposite that we are somehow not in full compliance of the law. Madam Speaker, I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

**Madam Speaker:** Attorney General.

**Hon. F. Al-Rawi:** Madam Speaker, as provided by Standing Order 68(1), I beg to move that the Miscellaneous Provisions (2019 Novel Coronavirus [2019-nCoV]) Bill, 2020, be committed to the committee of the whole.

*Question put and agreed to.*

*Bill committed to a committee of the whole House.*

*House in committee.*

**Madam Chairman:** Attorney General, in the winding up you spoke of amendments, are they ready?

**Mr. Al-Rawi:** Madam Speaker, we are just settling the amendments for circulation. If we could have a 15-minute break for that to capture the amendments raised on the floor, I would be grateful.

**Madam Chairman:** Hon. Members, having regard to our time constraint, I would want to propose that we accept the 15-minute break suspension so that the amendments—the new amendments can be circulated. I think it saves time if people see it for a more fulsome discussion on the amendments which were proposed in the winding up.

**Mrs. Persad-Bissessar SC:** Is it these or are there any additional for this?

**Mr. Al-Rawi:** Yes, specifically, the matter raised in respect of transfer of motor vehicles by Oropouche East, we want to capture that into the amendments and to insert some amendments to the long title. So just some tidying up which would

save us some time.

**Mrs. Persad-Bissessar SC:** Okay. Madam, just one point more. I know the order was not before us— the regulations— because there is no requirement for it to come before the Parliament but there are serious issues with that, and I would ask you kindly, hon. Attorney General, since that part was not before us in your relooking amendments, can we take subsidiary legislation to breach the Constitution? And I refer to the case of the SDMS, the Maha Sabha case with the Trinity Cross issue. So regulations are not existing law and cannot be saved in that matter.

**Mr. Al-Rawi:** Yeah. My colleague is referring to the judgment of Frank Seepersad, which upheld at first instance that saved law can be deemed to be unconstitutional depending upon an interpretation of section 1 of the Constitution as it affects section 6 of the Constitution. In my respectful view, this does not apply in this instance. Certainly a global pandemic and public order has stood on our books. In any event, that judgment of the learned judge is on appeal and does not stand as the highest law of this land. There are colliding judgments with that at first instance and therefore, we are not there.

**Mrs. Persad-Bissessar SC:** It is the judgment at the Privy Council from Lord Hope. For Privy Council—but I will pass it to you anyway.

**Mr. Al-Rawi:** Yeah. I know what the hon. Member is referring to and there is a CCJ authority that is somewhat in line as well, which is not binding on us per se. So my point is we are— the question is, whether we are breaching the Constitution, and I do not believe we are at all, in terms of the promulgations of regulations under the Public Health Ordinance. In any event, that matter is not before us.

**Madam Chairman:** Okay. So, hon. Members, we shall now suspend this

committee meeting for 15 minutes. We will be back here at 11.45.

**11.28 a.m.:** *Committee suspended.*

**11.55 a.m.:** *Committee resumed.*

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed:* That clause 2 stand part of the Bill.

“Delete section 2 and substitute the following:

The Motor Vehicles and Road Traffic Act is amended by –

(a) in section 19, by inserting the following new subsection:

‘(7) Notwithstanding any provision to the contrary contained in this Act, any transfer of registration required to be completed prior to or during the period 27<sup>th</sup> March, 2020 to 31<sup>st</sup> July, 2020 shall be extended to 31<sup>st</sup> August, 2020 or such later date as the Minister may, by Order, specify.’; and

(b) inserting after section 61A, the following section:

‘Continuation of validity                      61B. (1) Notwithstanding any provision to the contrary contained in this Act, any driving permit, taxi driver licence, badge, certificate or other document issued by the Licensing Authority which expired prior to or during the period 27<sup>th</sup> March, 2020 to 31<sup>st</sup> July, 2020 shall be deemed to be valid until 31<sup>st</sup> August, 2020.’”

**Madam Chairman:** Attorney General.

**Mr. Al-Rawi:** Madam Speaker, for orientation sake, there is a fresh circulated list which is the last one, in respect of which there are a few manuscript amendments to add beginning with clause 2. So the proposal is that we amend clause 2 as

circulated and as further amended as is now proposed.

Madam Speaker, if Members are with me, when we see the reference to subparagraph (a), subsection (7), we are proposing, in the second line after the word “completed”, “prior to or”; if you could insert those words, “prior to or”. And then at the end of that third line in that very same paragraph, after 2020, if we insert, Madam Speaker, the following words, “or such later date as the Minister may, by Order specify”. In all other respects, clause 2 be amended as circulated. I should add, this takes care of the transfer observation.

**Madam Chairman:** Whip? Member for Siparia? Okay. All right. So the question is that clause 2 be amended as circulated and further amended as follows, to include the words between “completed” and “during” on the second line of subparagraph (7), “prior to or”. And in the third line after the words, “31<sup>st</sup> August, 2020”, the following words, “or such later date as the Minister may, by Order specify”.

*Question put and agreed to.*

*Clause 2, as amended, ordered to stand part of the Bill.*

*Clause 3.*

*Question proposed:* That clause 3 stand part of the Bill.

“In the proposed section 516A(1), in paragraph (a), delete the words ‘during the period 27<sup>th</sup> March’ and replace with the words ‘prior to or during the period 27<sup>th</sup> March’.”

**Madam Chairman:** Attorney General.

**Mr. Al-Rawi:** Madam Speaker, in the list of amendments as circulated, if we could just correct in the first line, that is not 9A, it should be 516A.

**Madam Chairman:** So five—are there any brackets or you are telling me five hundred—

**Mr. Al-Rawi:** No, Ma'am, it is 516A.

**Madam Chairman:** All right. Thank you.

**Mr. Al-Rawi:** Save otherwise, as circulated, is the proposal for amendment.

**Madam Chairman:** Member for Siparia?

**Mrs. Persad-Bissessar SC:** No comments.

**Madam Chairman:** No comments, okay.

**Mrs. Persad-Bissessar SC:** Through you, Madam Speaker, all these are in the same vein, yes?

**Mr. Al-Rawi:** Pardon?

**Mrs. Persad-Bissessar SC:** All these amendments, 2, 3, 4 and so, is the same?

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

**Mrs. Persad-Bissessar SC:** It is the same intent?

**Mr. Al-Rawi:** Yes, Ma'am.

**Mrs. Persad-Bissessar SC:** Yes.

**Madam Chairman:** Okay. So the question is that clause 3 be amended as circulated and further amended to delete 9A(1) and substitute 516A.

*Question put and agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*

**Madam Chairman:** Can we take clauses 4 and 5 together?

**Mr. Al-Rawi:** Yes please, Ma'am.

*Clauses 4 and 5.*

*Question proposed:* That clauses 4 and 5 stand part of the Bill.

**Madam Chairman:** Attorney General.

**Mr. Al-Rawi:** There are no proposed amendments to clauses 4 and 5, Madam Speaker.

**Madam Chairman:** All right. Member for Siparia? Okay.

*Question put and agreed to.*

*Clauses 4 and 5 ordered to stand part of the Bill.*

**Madam Chairman:** Okay, so we now go to the new clauses.

**Mr. Al-Rawi:** In respect of that, if it should please you.

*New clause 6.*

“6. The Cinematograph Act is amended by inserting after section 7 the following new section:

‘Continuation of validity during specified period

7A. Any licence issued under this Act which expires prior to or during the period 27<sup>th</sup> March to the 31<sup>st</sup> July, 2020 shall be deemed to be valid until 31st August, 2020 or such later date as the Minister may, by Order, specify.’.”

**Mr. Al-Rawi:** Sorry, Madam Speaker, I just wanted to interrupt, forgive me. We inadvertently—I mentioned it in the debate but it is not reflected in these amendments— because of the rush in printing, we omitted to include as the new clause 6, the reference to the Cinematograph Act. And therefore, I ask and seek your indulgence as follows, in what has been circulated beginning with clause 6— new clause 6, let that begin as new clause 7 and we will insert the following language for a new clause 6. So I am proposing the addition of the following.

**Madam Chairman:** Okay. So do I read what you have here? Member for Siparia?

**Mrs. Persad-Bissessar SC:** Is the AG then afterwards inserting that as a new clause 10?

**Mr. Al-Rawi:** Yeah. The reason is that it must go chronologically. So Chap. 20:10 comes before Chap. 21:01. So if you would just permit me to take just two

seconds to get it right. So, Madam Speaker, it will be—you see what is expressed there as new clause 6? The wording for the new clause 6 will be, if you look at the marginal note, instead of Chap. 21:01 it will be Chap. 20:10.

In the chapeau you will see there, the Registration of Clubs Act, it should really be the Cinematograph Act. The section 7 actually stays as it is and the wording is exactly the same. So that exact wording will be in respect of the Cinematograph Act, so the new clause 6 will be Chap. 20:10 amended; 6:

“The Cinematograph Act is amended by inserting after section 7 the following new section:

“Continuation of validity 7A. Any licence issued under this Act which expires during a specified period prior to or during the period 27<sup>th</sup> March to the 31<sup>st</sup> July, 2020 shall be deemed to be valid until 31<sup>st</sup> August, 2020 or such later date as the Minister may, by Order, specify.”

Then what is labelled at 6 onward just renumber as 7, 8, 9, 10, 11, 12.

The other small correction is in, what will be the new paragraph 7 referred to as the Registration of Clubs, just insert the word “Act”, and that is it, Madam Speaker. And, Madam Speaker, of course, you would see new clause 6, you just got to add in a 10 there right because we would have renumbered in the far left margin on the page. If you look at page—insert after clause 5. This column, Madam Speaker, just right here, just put in a 10.

**Madam Chairman:** Okay. All right.

*New clause 6 read the first time.*

*Question proposed:* That new clause 6 be read a second time.

*Question put and agreed to.*

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

*Question put and agreed to.*

*New clause 6 added to the Bill.*

**Madam Chairman:** Member for Siparia.

**Mrs. Persad-Bissessar SC:** We are taking up the words from 7A or is 7A going to change? It has to be another section under the Act related to the parts.

**Mr. Al-Rawi:** It is literally the same and the same place.

**Mrs. Persad-Bissessar SC:** It is exact?

**Mr. Al-Rawi:** Yes. It is fortuitous that it is a new 7A in a different Act.

**Mrs. Persad-Bissessar SC:** Great.

*New clause 7.*

“7. The Registration of Clubs Act is amended by inserting after section 7 the following new section:

‘Continuation of 7A. Any licence issued under this Act which validity during expires prior to or during the period 27<sup>th</sup> March to the specified period 31<sup>st</sup> July, 2020 shall be deemed to be valid until 31st August, 2020 or such later date as the Minister may, by Order, specify.’”

*New clause 7 read the first time.*

*Question proposed:* That new clause 7 be read a second time.

*Question put and agreed to.*

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

*Question put and agreed to.*

*New clause 7 added to the Bill.*

**Mrs. Persad-Bissessar SC:** May I suggest that we do all at the same time?

**Madam Chairman:** We do all together?

**Mrs. Persad-Bissessar SC:** Yes, do all together. If we could move all the

amendments in one motion.

*New clause 8.*

“8. The Theatres and Dance Halls Act is amended by inserting after section 3 the following new section:

‘Continuation of validity during specified period	3A. Any licence issued under this Act which expires prior to or during the period 27 <sup>th</sup> March, 2020 to 31 <sup>st</sup> July, 2020, shall be deemed to be valid until 31st August, 2020 or such later date as the Minister may, by Order, specify.’”
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*New clause 9.*

“9. The Money Lenders Act is amended by inserting after section 3 the following new section:

‘Continuation of validity during specified period	3A. Any licence issued under this Act which expires prior to or during the period 27 <sup>th</sup> March, 2020 to 31 <sup>st</sup> July, 2020, shall be deemed to be valid until 31st August, 2020 or such later date as the Minister may, by Order, specify.’”
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*New clause 10.*

“10. The Pawnbrokers Act is amended by inserting after section 32 the following new section:

‘Continuation of validity during specified period	32A. Any licence issued under this Act which expires prior to or during the period 27 <sup>th</sup> March, 2020 to 31 <sup>st</sup> July, 2020, shall be deemed to be valid until 31st August, 2020 or such later date as the Minister may, by Order, specify.’”
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*New clause 11.*

“11. The Licensing of Dealers (Precious Metals and Stones) Act is amended in section 4 by inserting after subsection (4) the following new subsection:

“(4) Any licence issued under this Act which expires prior to or during the period 27<sup>th</sup> March, 2020 to 31<sup>st</sup> July, 2020, shall be deemed to be valid until 31st August, 2020 or such later date as the Minister may, by Order, specify.”

*New clause 12.*

“12. Old Metal and Marine Stores Act is amended by inserting after section 4 the following new section:

‘Continuation of 4A. Any licence issued under this Act which validity during expires prior to or during the period 27<sup>th</sup> March, 2020 specified period to 31<sup>st</sup> July, 2020, shall be deemed to be valid until 31st August, 2020 or such later date as the Minister may, by Order, specify.’

*New clauses 7, 8, 9, 10, 11 and 12 read the first time.*

*Question proposed:* That new clauses 7, 8, 9, 10, 11 and 12 be read a second time.

*Question put and agreed to.*

*Question proposed:* That new clauses 7, 8, 9, 10, 11 and 12 be added to the Bill.

*Question put and agreed to.*

*New clauses 7, 8, 9, 10, 11 and 12 added to the Bill.*

**12.10 p.m.**

**Madam Chairman:** Hon. Members, due to the amendments that have been made to the Bill, the title of the Bill has to be amended to read as follows—*[Interruption]*

**Mr. Al-Rawi:** Sorry, I was just indicating, what has been circulated does not have the reference to the Cinematograph Act which needs to be the first one. So it will be, “An Act to amend the”—insert—“Cinematograph Act, Chap. 20:10”—and then continue.

**Madam Chairman:** Is it “cinematographic” or “cinematograph”? Which one?

**Hon. Member:** Cinematograph.

**Mr. Al-Rawi:** Madam Chairman, if you would just delete the word “pandemic” at the very last line.

**Madam Chairman:** Delete?

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

**Madam Chairman:** So let us see if we have this correct:

“An Act to amend the Cinematograph Act, Chap. 20:10; the Registration of Clubs Act, Chap. 21:01; the Theatres and Dance Halls Act, Chap. 21:03; the Motor Vehicles and Road Traffic Act, Chap. 48:50; the Companies Act, Chap. 81:01; the Bills of Sale Act, Chap. 82:32; the Moneylenders Act, Chap. 84:04; the Pawnbrokers Act, Chap. 84:05; the Licensing of Dealers (Precious Metals and Stones) Act, Chap. 84:06; and the Public Health Ordinance, Ch.12 No. 4 in response to the 2019 Novel Coronavirus (2019-nCoV) and for related matters”.

**Mr. Al-Rawi:** Yes, Madam Chairman.

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

*House resumed.*

*Bill reported, with amendment.*

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

**Hon. Member:** Division.

*The House voted: Ayes 37*

AYES

Al-Rawi, Hon. F.

Rowley, Hon. Dr. K.

Robinson-Regis, Hon. C.

Imbert, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Forde, E.

Cudjoe, Hon. S.

Garcia, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Dillon, Hon. Maj. Gen.

Webster-Roy, Hon. A.

Francis, Hon. Dr. L.

Jennings-Smith, Mrs. G.

Olivierre, Ms. N.

Leonce, A.

Smith, D.

Cuffie, M.

Antoine, Brig. Gen. A.

Lee, D.

Persad-Bissessar SC, Mrs. K.

Charles, R.

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Moonilal, Dr. R.

Newallo-Hosein, Mrs. C.

Gopeesingh, Dr. T.

Khan, Dr. F.

Indarsingh, R.

Padarath, B.

Bodoe, Dr. L.

Ramdial, Ms. R.

Paray, R.

Gayadeen-Gopeesingh, Mrs. V.

Ramadhar, P.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

### **ADJOURNMENT**

**The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. I beg to move that this House do now adjourn to a date to be fixed. But, may I just indicate that there is every likelihood that we may be here on Wednesday because of a need to amend the HSF, the Heritage and Stabilisation Fund Act. So I am just putting you on notice that that is a possibility. However, what I would like to move is that we adjourn to a date to be fixed.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 12.24 p.m.*