

**HOUSE OF REPRESENTATIVES**

*Friday, June 05, 2020*

The House met at 1.30 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, I have received communication from Mrs. Glenda Jennings-Smith MP, Member for Toco/Sangre Grande and Ms. Marlene Mc Donald MP, Member for Port of Spain South, who have asked for 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 National Library and Information System Authority for the fiscal year 2017. [*The Minister of Health (Hon. Terrence Deyalsingh)*]
2. Ministerial Response of the Ministry of Social Development and Family Services to the Fifteenth Report of the Joint Select Committee on Human Rights, Equality and Diversity on the Current Provisions for the Education of Children who require Special Education Programmes and Services in Public Primary and Secondary Schools. [*Hon. T. Deyalsingh*]
3. Ministerial Response of the Office of the Prime Minister to the Thirteenth Report of the Joint Select Committee on Social Services and Public Administration on an Inquiry into the prevalence of Teenage Pregnancy and the State's Capacity to Minimize the Occurrence of Teenage Pregnancy and provide services and assistance to teenage parents. [*Hon. T. Deyalsingh*]

4. Ministerial Response of the Ministry of National Security to the Eighth Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into the Effectiveness of Measures in place to reduce Traffic Congestion on the nation's roads. [*Hon. T. Deyalsingh*]
5. Ministerial Response of the Ministry of Rural Development and Local Government to the Eighth Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into the Effectiveness of Measures in place to reduce Traffic Congestion on the nation's roads. [*Hon. T. Deyalsingh*]

### URGENT QUESTIONS

#### Salary Relief Grant (Remaining Applications Addressed)

**Mr. David Lee** (*Pointe-a-Pierre*): To the Minister of Finance: Given reports that thousands of citizens were still awaiting approval for the Salary Relief Grants while the Minister has publicly indicated that out of some 51,098 applications, only 18,899 were paid, could the Minister give the timeline in which the remaining applications would be urgently addressed?

**The Minister of Finance (Hon. Colm Imbert)**: Madam Speaker. The number of salary relief grants that have been paid as stated by the Member of Parliament for Pointe-a-Pierre is outdated. As of yesterday, 20,173 persons have received the salary relief grant at a cost of \$28 million.

The rate at which the Salary Relief Grant Unit is now processing and paying grants is 1,000 applications per day. That figure of 18,899 is as of two days ago, and as of yesterday there were 20,173 payments made, which meant that in one day 1,000 payments were made.

Of the 51,000 applications that have been received, not all of these applications are valid. I would say that based on the information that I have

received approximately 20 per cent of the applications received are not valid for one reason or another. These would be persons who may have been out of employment long before the March 19<sup>th</sup> publication of the first public health restrictions or persons who are not within the NIS system, or persons who are not citizens of Trinidad and Tobago. So out of the 51,000, just about 40,000 in my estimation, but accurate figures can be given in due course, would be valid, and we have paid 50 per cent of those so far. We would think that by the end of this month all 40,000 valid applications will be paid.

I want to stress that the Salary Relief Grant is for persons within the national insurance system and not persons outside of the national insurance system.

**Dr. Tewarie:** Minister of Finance, is there a confusion, because it has come up with people who have applied and received this grant, about whether the amount gotten in the first instance is for the entire three-month period or whether the person will get two more grants? Because this matter has come up in the case of at least two people, and I drew that to the attention of the Minister of Social Development and Family Services.

**Hon. C. Imbert:** Madam Speaker, if there is confusion then the Member for Caroni Central is adding to the confusion. The Salary Relief Grant is being managed by the Ministry of Finance, and it is unproductive to try and confuse the Salary Relief Grant, which is for people in the national insurance system, with other grants that are being provided by the Ministry of Social Development and Family Services for persons outside of the national insurance system.

This grant is paid to persons based on evidence that they are unemployed as a result of the public health measures, and it is done on a month by month basis. Because as you would recognize, the public health restrictions are being relaxed systemically. Construction is back out, manufacturing is back out, retail is back

out, personal services will come back out next week. So that whereas some persons may be unemployed for three months, others may only be unemployed for two months, others only unemployed for one month, others not unemployed at all. So the Salary Relief Grant that is being processed by the Ministry of Finance based on the national insurance records is on a month by month basis.

**Dr. Tewarie:** Okay.

**Mr. Lee:** Madam Speaker, just for clarity Minister of Finance, the 20,172 applications that have been processed to date, could you just tell us, is it for the month of March only, or is it March and April? I got confused by your answer just now.

**Hon. C. Imbert:** Madam Speaker, it is 20,173 persons at a cost of \$28,067,300, and it is based on applications received. Payments are made based on applications received. So 51,000 applications have been received, of which approximately 40,000 would be valid, and of that 40,000 applications received, 20,000 payments have been made.

**Salary Relief Grants  
(Payment Beyond June 1<sup>st</sup>)**

**Mr. David Lee** (*Pointe-a-Pierre*): To the Minister of Finance: Given reports that despite the gradual reopening of the economy, many small businesses are still facing the issues of low sales which may result in permanent closure in the coming weeks, could the Minister state whether Salary Relief Grants would be made available to workers who have lost their jobs beyond June 1<sup>st</sup> when businesses were allowed to resume operations?

**The Minister of Finance (Hon. Colm Imbert):** Madam Speaker, the projection for the cost of the Salary Relief Grants is for the months of April, May and June, based on a projection at the time that the first set of public health regulations were enacted as to how long persons will be out of jobs. This is a dynamic situation, it

is an evolving situation, and this Government keeps this matter under constant review, and we will make appropriate decisions based on what is determined in terms of what actually is happening. This Salary Relief Grant is for persons who are out of a job as a result of the public health restrictions. So it is under constant review.

**State Quarantine Services  
(Returning Nationals to Pay)**

**Ms. Ramona Ramdial** (*Couva North*): To the Minister of National Security: Could the Minister inform the House whether any decision has been taken by the Government to encourage returning nationals to pay a fee for quarantine services being provided by the State?

**The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young)**: Madam Speaker, as has already been indicated by the Ministry of Health, but more than worthwhile repeating, it is and will continue to be the policy of the Government to provide free quarantine services via the parallel health care system, as has already been done for 261 nationals and we have a number of nationals currently in our state quarantine facilities.

The inflow of these nationals is a very carefully managed process based on the number of nationals seeking re-entry, the applications being in the thousands, and the number of available quarantine beds. So what we are doing is balancing to ensure that there is not an overrun of the system.

It must be further noted that in order to avoid any possible viral contamination, any facility that houses COVID-19 positive patients can only be reused for a subsequent batch of patients after the appropriate sanitization of the facility is conducted and the required pre-determined period is allowed to pass. This period is normally two weeks.

Importantly, Madam Speaker, there is being explored the possibility of permitting a very limited number of persons to return and cover for themselves the cost of being quarantined under State supervision. The category that it is envisaged that may be accommodated under this rubric, are workers whose jobs outside of Trinidad and Tobago were performed and completed and their employers are willing to pay for their return and the cost of accommodation. But most importantly, the number of those that may be facilitated in this category would still be limited by the number of suitable available accommodations as well as the ability to keep those persons under State quarantine and supervision along with the rest of those individuals who are in the State quarantine facilities. So the meeting and the facilitation of that balance between our medical public health system being able to handle the number, that is what is going to be the determining factor.

**Ms. Ramdial:** Minister, can you say what is the cost per patient for quarantine?

**Hon. S. Young:** Madam Speaker, there is no fixed cost of quarantine per patient. It would depend on the location, the circumstances where they are, et cetera. So for example, to get the Tacarigua setting up there would have been a capital expenditure cost that would be offset over time, and then there is the cost of provision of meals and any medical attention. That would be a different cost to the Balandra facility. That would be a different cost to the Home of Football which we negotiated as a free facility with no rental arrangement, but there will still be costs incurred.

**Dr. Bodoë:** Minister, in the event where those who are willing to pay for their own quarantine, has the State identified facilities, and would the State be looking at perhaps some special rates for those returning residents?

**Hon. S. Young:** This is a flowing process. It continues to evolve. But the most important factor that one has to bear in mind is that regardless of however many rooms may be available, it really depends on the numbers that we can accommodate in our state public health facilities. In case there is a re-importation of the virus, we do not want to be found in a position where the state public health facilities to deal with positive COVID cases is overrun and we will be discussing this and talking about this more in the coming days. Thank you very much.

**POLICE SERVICE COMMISSION  
(NOMINATION OF MR. COURTNEY MC NISH)**

**The Prime Minister and Minister of Planning and Development (Dr. Keith Rowley):** Madam Speaker, I beg to move the following Motion:

*Whereas* section 122(3) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 (“the Act”) provides that the President shall, after consultation with the Prime Minister and Leader of the Opposition nominate persons, who are qualified and experienced in the disciplines of law, finance, sociology or management, to be appointed as members of the Police Service Commission;

*And whereas* section 122(4) of the Act provides that the President shall issue a Notification in respect of each person nominated for appointment under subsection (3) and the Notification shall be subject to affirmative resolution of the House of Representatives;

*And whereas* the President has nominated Mr. Courtney Mc Nish to be appointed as a member of the Police Service Commission;

*And whereas* the President has on the 13<sup>th</sup> day of May, 2020 made a Notification in respect of the nomination;

*And whereas* it is expedient to approve the Notification:

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The Hon. Dr. K. Rowley (cont'd)

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*Be it resolved* that the Notification of the nomination of Mr. Courtney Mc Nish as a member of the Police Service Commission be approved.

Madam Speaker, in the context of what I have just said, it is my responsibility today to introduce for attention of this honourable House that this citizen, Courtney Arthur Mc Nish, be considered and with the House's approval, permitted to serve on the Police Service Commission.

As you know, Madam Speaker, the Police Service Commission has the responsibility of overseeing the affairs of the police service, though having been limited by legislation of not too ancient vintage. But the Police Service Commission is still an important arm of the State's security and safety mechanism in that it oversees the activities and appointments of the Police Commissioner, and some responsibility for the Deputy Commissioner of Police, officers who hold those positions, and, more importantly, it assesses the performance of the Commissioner of Police and it acts as a tribunal with respect to disciplinary matters of other members of the police service.

**1.50 p.m.**

So, Madam Speaker, the filling of the positions on the Police Service Commission is necessary so that our crime-fighting efforts, our appointments, our discipline in the police service and our assessment of the police service under the hands and monitoring of the Police Commissioner that they are all in place. And today we are presented with the citizen who we believe, as I present this, is a qualified citizen to hold that position on the Police Service Commission.

Mr. Mc Nish is an individual of very broad experience and highly qualified in very many areas that are suitable for appointment to this position. He has extensive experience in human resource management and industrial relations. He

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is a legally trained industry professional and is adept at analysing current and emerging social, legal, technological, as well as economic issues.

In his areas of expertise, Madam Speaker, one would find in his CV that he has experience in strategic and tactical human relations policy formulation. He has experience in very many areas of benefits and compensation administration. He also is experienced in domestic and regional labour legislation, standards and practice norms. He has in-depth experience and expertise in contract negotiation, dispute avoidance, dispute settlements and arbitration. He is also versed in the business of employee satisfaction surveys, has been involved in advocacy of the Industrial Court and other industrial tribunals, and has done significant work in contemporary performance appraisal systems. He has also had experience in strategic business planning and in corporate recruitment.

Madam Speaker, over his years of service he has held very significant positions. If I go back to the 1970s, in the period 1977 to 1983, he was a supervisor and a union branch president at Cannings and company in Port of Spain. During the period of to 1983 to 1989, he functioned as senior personnel and industrial relations officer at the Airports Authority of Trinidad and Tobago at Piarco. In 1989 to 1997, he functioned as a human resource manager in the private sector at Carib Brewery in Champs Fleur.

Madam Speaker, 1997 to 2007, he held the position of group human resource manager at Trinidad Cement Limited. In 2008, he joined Caribbean Airlines as the vice-president of human resources, and he continues since 2018 to the present, holding the position of chief executive officer, principal consultant and advocate of Human Resource Technology Limited at his office in Chaguanas.

Madam Speaker, over and above these public and private sector

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appointments, Mr. Mc Nish functioned as a guest lecturer in the MBA programme at the Institute of Business at UWI, St. Augustine and in the Mona School of Business, UWI and at Cave Hill. He also held professional consultancies with the credit union, the TCL Group, Unit Trust Corporation and CUNA.

His educational performance and his training can be observed from 1980 where he obtained the national diploma in personnel and industrial relations at Cipriani Labour College. In 1990, he obtained the advanced diploma in Strategic Human Resource Management at Boston College, Boston, Massachusetts, United States. In 2002, Madam Speaker, he read and obtained the Bachelor of Laws Degree at the University of London with honours.

Madam Speaker, in 2006, he graduated from the Faculty of Law UWI with a masters in law, with a thesis titled “A case for the harmonization of labour laws and practices in a single market Caribbean”.

Madam Speaker, this citizen, like many others, has chosen to put aside self and embrace service to the wider national community, particularly at this time when persons who enter the public arena are frequently subject to all kinds of vilification and ridicule, sometimes for no good reason, sometimes for malice, spite and hatred, many citizens as qualified as Mr. Mc Nish, shy away from public service. So when persons agree upon request to serve, we, a grateful nation should say thanks.

And on that basis, Madam Speaker, I as Prime Minister in this office, present this notification for acceptance by this House. I encourage my colleagues to accept the President’s entreaty and therefore, Madam Speaker, I beg to move.

*Question proposed.*

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you very much, Madam

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Speaker, as I seize this opportunity to join this debate on behalf of the Opposition, the Members on the side in relation to Motion No. 1 on the Order Paper of today's sitting which is in the name of the Prime Minister, Dr. Keith Rowley to affirm the notification from Her Excellency the President for the nomination of Mr. Courtney Arthur Mc Nish, a person who is qualified and experienced in the discipline of human resource management and is the holder of a Bachelor of Laws and a Master of Laws to be appointed as a member of the Police Service Commission with immediate effect.

Madam Speaker, I will have a bit much more to say on the qualifications of Mr. Mc Nish during the course of my contribution, and it would be remiss of me, Madam Speaker, if I did not inform this House that the residential address of Mr. Mc Nish, which is No. 2 Wittet Drive, Central Park, Balmain, Couva, falls in the constituency of Couva South, and more importantly I hold no brief for Mr. Mc Nish or there is no conflict of interest as I take the opportunity to speak in relation to this Motion.

Additionally, Madam Speaker, I want to take the opportunity to congratulate Mr. Mc Nish for answering the call to serve Trinidad and Tobago, and not only Mr. Mc Nish because we are filling a vacancy on the Police Service Commission, and I take the opportunity to congratulate or thank all those members who have previously served on the Police Service Commission whether as ordinary members or at some point in time who would have chaired the Police Service Commission.

And the Prime Minister has said that from where he sits as the Prime Minister of this country, and also I will add, as the head of the National Security Council, he sees the Police Service Commission as an important tool in the whole crime-fighting effort in our country. And, Madam Speaker, in recent times over

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the last four and a half years, the issue of murders, the issue of crime in the public domain continues to impact upon the lives of all of our citizens.

**Mr. Deyalsingh:** Madam Speaker, Standing Order 48(1). This is not a crime debate, it is an appointment.

**Madam Speaker:** So, Member for Couva South, just be reminded we are filling—what this is about is the nomination. Okay? So I uphold the objection. Please, speak to the Motion.

**Mr. R. Indarsingh:** Thank you, Madam Speaker, I am guided by your ruling and I feel that the acting Leader of Government Business would be very active this evening, but I know for a fact that it has to do with the CV of Mr. Mc Nish. And it is important that when we look at Mr. Mc Nish's CV we must ask from an opposition point of view whether his CV will play a role in strengthening the commission's capacity in terms of examining the effectiveness of the police service, the human resource capacity and so on, and also the whole question of organizational reform and so on, Madam Speaker, and what is the value of putting the person there, and why is the qualification relevant. And, Madam Speaker, it is important to note that the Police Service Commission—it is not the only function of the Police Service Commission to deal with the appointment of a Commissioner of Police, and also, Deputy Commissioners of Police.

The Police Service Commission by virtue of section 123(1)(f) undertakes a critical function in dealing with the police service, and this involves a critical function serving as an appeal tribunal, as well as an appellant body to listen to the appeals of police officers against decisions made by the Commissioner of Police pursuant to whatever actions he may embark upon in respect of promotion and discipline, Madam Speaker.

And also, from the point of view, Madam Speaker, in looking at or looks at the whole question of responsibility of and monitoring the efficiency and effectiveness of the performance of the Commissioner of Police and the Deputy Commissioners. And also, the Police Service Commission has a responsibility to prepare an annual performance appraisal report in such a form as may be prescribed by the Police Service Commission.

So, Madam Speaker, when I look at the expertise of Mr. Mc Nish I see that Mr. Mc Nish's experience is in the field of strategic and tactical HR policy formulation, and also, is in the areas of benefits and compensation administration including job evaluation, variable pay application, executive compensation and pension administration, and he has in-depth expertise and experience in contract negotiation, dispute avoidance settlement and arbitration, and has been an advocate at the Industrial Court and industrial tribunals, and has also expertise in the area of multisource feedback assessment, and contemporary performance appraisal system, Madam Speaker, in addition to reward and recognition strategic business planning and corporate recruitment.

And, Madam Speaker, when I further look at the CV of Mr. Mc Nish, I see that he has experience having served as a union branch president between the years 1977 to 1983 being a branch president on behalf of the Seamen and Waterfront Workers Trade Union representing over 500 workers in three different companies and was able to play a role in finalizing collective agreements as being part of the union's negotiating team and represented the union at the Ministry of Labour and Small Enterprise Development, and also at the Industrial Court. And he has also extensive experience having served at the Airports Authority of Trinidad and Tobago, Carib Brewery, Carib Glass, at Trinidad Cement Limited, and also at

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Caribbean Airlines in the capacity as a vice president, and he is also currently the chief executive officer and principal and advocate in relation to the firm, the human resource firm that he leads.

Madam Speaker, and it is my fervent hope and wish, given the experience and expertise of Mr. Mc Nish that he will be able to add value in terms of discharging his responsibilities as a member of the Police Service Commission. And when I say add value, Madam Speaker, because under section 123 of the Constitution, in addition to the whole question of appointing persons to hold or to act in the office of the Commissioner and Deputy Commissioner, the Police Service Commission has a very important role as it relates to preparing or to prepare an annual performance appraisal report in such form, as I said, as may be prescribed by the Police Service Commission respecting for the information of the Commissioner and Deputy Commissioner of Police. So I hope his experience in this field of performance appraisal and so on, Madam Speaker, will play a role in giving advice and direction as it relates the performance appraisal of the Commissioner of Police and also the Deputy Commissioners of Police.

And in this regard, Madam Speaker, I want to remind the Prime Minister, during debates of a similar nature, the Prime Minister had focused on the importance of a fully constituted Police Service Commission. And a fully constituted Police Service Commission will have or should have discharged the responsibility of filling vacancies, not only at the level of the Commissioner of Police, but at the level of the Deputy Commissioners of Police. And, Madam Speaker, I would expect that Mr. Mc Nish, his expertise will also bring to the fore the performance appraisal of persons who will fill the substantive posts and have them confirmed as Deputy Commissioners of Police, because at the end of the day

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I am sure that the Prime Minister has in his possession the information of why probably persons have not been able to be confirmed as Deputy Commissioners of Police.

Madam Speaker, in addition to this, the Police Service Commission has the responsibility to hear and determine appeals from the decisions of the Commissioner of Police or of any person to whom the powers of the Commissioner of Police have been delegated in relation to the appointments on promotion or as a result of disciplinary proceedings brought against a police officer appointed by the Commissioner of Police.

And, again, looking at the expertise of Mr. Mc Nish, I hope that he in discharging his responsibilities to this Police Service Commission will play a role based on his human resource experience, having seen it from both sides of the fence, or both sides of the divide, having trade union experience having served as a general council member, a union officer of the Seamen and Waterfront Workers Trade Union, and having served in a number of human resource positions with different state organizations, and also from the position of his own entity, he will play a very prominent and active role as it relates to hearing in relation to assisting the commission in discharging its roles and responsibilities from this end because, Madam Speaker, whilst this particular debate focuses on the CV or the qualifications of Mr. Mc Nish, I have in my possession, Madam Speaker, the annual report of the Police Service Commission for 2018.

And in this regard, Madam Speaker, on page 17 of this particular report under the heading “Hearing and determination of appeals in promotions and disciplinary matters”, Madam Speaker, it further goes on to inform myself and by extension those who have perused this report, that the four appeal matters were

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filed in 2018 bringing the number of appeals before the commission to 29 at the 31<sup>st</sup> of December, 2018. Nine of these appeal matters are in relation to appointments on promotions, whilst 20 of these appeals matters are as a result of disciplinary proceedings, Madam Speaker. So, again, Madam Speaker, I am of the firm opinion that Mr. Mc Nish must discharge his role and responsibility based on the expertise that he has.

In addition to the issues that I have to raise as it relates to Mr. Mc Nish's CV, Madam Speaker, I also want to take the opportunity in looking at his CV, and have I focused on the issue of performance appraisal, and also the status of disciplinary appeals and promotional appeals and so on. In recent times we have heard coming from the Commissioner of Police that officers should be compensated on the basis of performance appraisal and not on the basis of senior.

And as we focus with the passage of time on police service reform reorganization of the police service and so on, Madam Speaker, it is my fervent hope and wish and also legislative changes and so on that we have been hearing in recent times, and also on the focus of dealing with rogue officers and the issue of criminality within the police service and so on, it is my fervent hope and wish that the expertise that Mr. Mc Nish has in his possession will guide the Police Service Commission on the issue of, the whole issue of compensation and whether the issue of paying for performance are not being based on only seniority, if it has to be properly ventilated, not only in this Parliament but outside of the Parliament of Trinidad and Tobago, that Mr. Mc Nish will give a sense of guidance to the Police Service Commission.

And in addition to that, Madam Speaker, in dealing with the issue of rogue police officers and the conduct of police officers also, based on the experience of



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Mr. Mc Nish, Madam Speaker, I could see Mr. Mc Nish giving advice as it relates to the whole question of due process and the opportunity to be heard, and incorporating his advice so that it could play a role as it relates to whether it would, one of legislative change, whether it is one of reform at whatever level it has to take, the issue too of whether we will hear from the Government of Trinidad and Tobago where they are, for example, with the establishment of a police inspectorate, a police management agency, and I could go on and on based on the promises and the commitments that the Government would have made when they came into office in 2015.

So, Madam Speaker, Mr. Mc Nish is a constituent of mine, as I said, in the constituency of Couva South. He has answered the call of national service and I am sure that based on his qualifications and having fulfilled the criteria and the requirements of the office of Her Excellency, I only can say I offer him my sense of best wishes, and I hope that his conduct as a member of the Police Service Commission will be able to withstand public scrutiny, and in addition to withstand any form of political pressure or intimidation or interference in the conduct during his tenure as a member of the Police Service Commission. Madam Speaker, I thank you. [*Desk thumping*]

**Madam Speaker:** Prime Minister.

**The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley):** Madam Speaker, I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Resolved:*

That the Notification of the nomination of Mr. Courtney Mc Nish as a member of the Police Service Commission be approved.

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

[Second Day]

*Order read for resuming adjourned debate on question [May 29, 2020]:*

That the Bill be now read a second time.

*Question again proposed.***Hon. F. Al-Rawi:** May I ask how much time I have, please?**Madam Speaker:** You have 20 minutes left.**Hon. F. Al-Rawi:** Much obliged, Madam Speaker. Madam Speaker, permit me to dive immediately to the clauses of this Bill as time is short on hand today.

Suffice it to say that the work before us in the Copyright (Amdt.) Bill originates out of three particular concepts of obligation, the first being the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled. The second being the Beijing Treaty on audio-visual performances. And then the third being our obligations under other pieces of world intellectual property laws in particular the WIPO performance and Phonograms Treaty of 1996, the WIPO Copyright Treaty of 1996 and, of course, our obligations as it relates to improving coincidentally required articles of dignity and also technology into the realm copyright.

Copyright for those who are not aware is a property right. Copyright is a very valuable thing as we know in our world today. Section 5 of the Copyright Act preserves copyright for literary and artistic works.

We have the need in our amendments before us now, and if we look to the clauses that anchor us, the first thing that we need to do is to improve the concept of ownership of right to something which is broader that works of artistic or literary work, and very much so we need to include the concept of audiovisual fixations and audio books.

**2.20 p.m.**

Permit me, Madam Speaker, to the dive to the provisions of clause 3. Clause 3 is critically important because it sets up the framework for these amendments. In clause 3 you will find reference to a number of terms. We are adding in a definition for “accessible format”, for “audio-visual fixation”, for an “authorised entity”, a “beneficiary person”. We are then harmonizing the concepts of fixation into broadcasting, into “communication to the public”, we are specifically describing what “circumventing technological protection measures” looks like, we are broadening the definition of “performers”, we are introducing a definition of “print disability”, and we are also anchoring the concepts of the Marrakesh and Beijing Treaties, Beijing in particular, in this case to “rebroadcasting”. We then go on to make sure that we describe what “technological protection measure circumvention” is.

The amendments that we look at in clause 5, clause 5 anchors the copyright itself in copyright works. What was missing from our laws was the concept of an audio-visual fixation or an audiobook being specifically defined as copyrightable in protection as an artistic or literary work. An audio-visual fixation is what we have in our definition section, and that audio-visual fixation is specifically the embodiment of moving images, whether accompanied by sound or representation thereof, which allows the moving images to be perceived, reproduced or communicated through a device. This audio-visual fixation, put quite simply, is things including DVDs or streaming content as you may have it, anything that can capture what we now look at as artistic and literary work. In the concept of audio books it is important for us as we bring to life the Marrakesh Treaty and we treat with our VIPs, our visually impaired persons, or our print disabled persons. And what does print disabled mean? It includes people, for instance, who have no

arms, who are limited by way of affliction of motor skills, for instance only their eyes may move, or their tone may move, or they may be able to blow, as we saw in the famous examples of Stephen Hawking where you can see someone actually manipulate computers by eye movement as opposed to physical movement.

So, we are anchoring into clause 12, the new section 12A which we produce by our clause 5, the heart of the position of the Marrakesh convention. 12A says that we can enter into an MOU with an entity that is authorized by the Minister. I can tell you as a matter of fact, through the hard work of persons such as Mr. Kenneth Suratt who is from the Trinidad and Tobago Blind Welfare Association, of the Controller of Intellectual Property, Mr. Regan Asgarali, of the persons at the Ministry of Public Administration and NALIS. NALIS which is the National Library is the authorized representative in Trinidad and Tobago pursuant to an MOU. And what does this do? 12A allows for people who have visual impairment or print disability to actually be fed content. There is a book famine as is referred to in the world, that book famine is that people who rely upon braille or audio books, they are locked out of all of the wonderful literature, learning and dignity anchored in the United Nations conventions that we are bound to follow in Article 21 of the UN Convention, or Article 30 of the UN Convention. These persons are locked out, some 20 to 30,000 people in our country, from books, from literature, from education. And the new 12A by clause 5 says, that subject to certain conditions we can provide access for NALIS. NALIS can relate to the World Intellectual Property Office. NALIS can receive information, literature, music in different formats, but here is where we allow the copyright exception by law. So, the copyright exception is the right to undertake changes, the right to reproduce, distribute, communicate to the public, the right to export, the right to import, without the need to obtain the express authorization from the author or

other owner. Because an owner may be somebody who has bought the right, a producer, et cetera.

What we say by way of qualifications and by way of caution, in sub (3) of 12A is that there are conditions that must be met. The authorized entity, in our case NALIS, must have lawful access to the work or copyright work. In other words then, it is not a willy-nilly access, but then we underwrite it by saying that you must preserve the moral rights, you must preserve the author's paternity. The author must be known. You must make sure that you are not derogating from the true intent of the work. You must make sure that you have a non-profit basis, that you are not doing this for profit. You can obtain the coverage of costs, but the public interest in this exception is to allow VIPs, print disabled persons to have access to copyrighted material, otherwise they are just locked out, and that is why every other government prior to this Government seemed to have no form of conscious reflection for the wants and needs and dignity of our disabled people, of our differently-abled persons, of our people afflicted by print disabilities.

And today this Bill, section 12A, clause 5, underwrites dignity for our people, our vulnerable citizens, and residents, and users in our artistic and literary sense in Trinidad and Tobago. What do we do, Madam Speaker? We also preserve in clause 5, in 12A, we also allow for the use of technologically—of devices which can circumvent technological protection measures. What does that mean? The Marrakesh Treaty, the Beijing Treaty, and the WIPO copyright laws say, you have to make sure to prohibit, criminalize, and also provide for civil sanctions for people who want to cheat technological protection. Copyright is a right. People ought to earn the right of their music, of their effort, of their production, of their books. Intellectual property rights are as valuable as a piece of gold, and in these circumstances we need to make sure that the Marrakesh Treaty

exceptions to allow for audio-visual access, to allow for print disability access, that you can use the circumvention devices.

Madam Speaker, I turn next to the provisions which caused the amendment to our neighbouring rights. And what are neighbouring rights? So you have got copyright which is artistic and literary works. Your “Neighbouring Rights” under Part V of the Copyright Act are: protection of performers, producers, or sound recordings and broadcasting organizations. These are rights which are on the outside of the owner of copyright. The owner of artistic and literary works is treated with in Part IV. In Part V we have the neighbouring rights. Because a performer engaging in the work of Beethoven or Shakespeare, works that have long passed copyright, if it is life plus 80, or life plus other years, 50 years, it may be in other jurisdictions. When we are looking at the performance it is as equally impressive and valuable as the work itself, and our neighbouring rights protection come in, and here is where we take care of deficiencies in the other laws, the WIPO Performances and Phonograms Treaty, when we look to the provisions of the Rome convention as well, there is a lacuna. The lacuna are of different types. There is a lacuna with respect to moral rights. But there is a lacuna with respect to the breadth of performers, and there is a lacuna with respect to whether works are fixed or unfixed. What does that mean? An unfixed work is a live performance. A fixed work is when you record it. We therefore cause amendments, first of all, in section 19A, as we amend that we are making sure that we—make sure that the copyright protection is for the 50<sup>th</sup> year following when the performance was fixed.

In section 21, as we amend section 21 with clause 8. 19A was amended by clause 7. Clause 8 amends section 21. In section 21 we are making sure acts requiring authorization of performers are anchored into fixed or unfixed performances, whether they are direct or indirect, and we are making sure that the

performer has the exclusive right to their work, unless, of course, the performer has contracted for a producer to have those rights. Because a performer can be multiple persons in a play. They may agree to come on to a play production which is produced by someone. They enter into a contract to assign their exclusive right, their economic right to that producer, and therefore we have anchored that down in amendments to section 21, subsection (2). We make sure that we preserve the right of contract, but we require that it should be in writing and signed by both parties. In other words then, it cannot be by mere trickery of a unilateral contract by the performer, you have to have a balance of the rights.

We then, Madam Speaker, turn to the provisions which anchor into further amendments proposed. We have clause 9, clause 10, clause 11, clause 12. If we look to clause 9, and we proceed a little bit further, we are looking to the introduction of our obligations to make sure that people cannot circumvent technology. Now, the Copyright Act is built upon two forms of relief. Under Part VII you have “Civil Remedies” and under Part VIII you have criminal “Offences” or the criminal sanctions, offences they are called. Under Part VII for “Civil Remedies”, we are specifically causing amendments to section 34A. We do that by clause 9. In clause 9 we are saying:

“The following acts shall constitute infringements of copyright and neighbouring rights:”

In other words then, performers’ rights, producers’ rights. We are quite simply causing a reduction in language, we are simplifying the prospect. We are saying that circumventing technological protection measures is something which you can have a civil remedy for. Having the manufacture, or importation, or sale, or rental of any technological protection measure, circumvention device, is also something for which civil remedy can apply. We are then allowing the owner of the

copyright to be entitled to damages for infringement.

We then go to the introduction of a new 34C by clause 10. In clause 10, we are giving the exception to offences. It is critically important having given birth to the Marrakesh convention amendments that we caused in section 12 of the Act, by way of the amendments caused by clause 5, we must now give the specific exception in the new 34C, which we bring to life by clause 10, in saying:

“Notwithstanding the provisions of...34A, the circumvention of technological protection measures shall not be prohibited when undertaking acts permitted by a limitation or an exception contained in this Act.”

Obviously, the exception contained in this Act is for the Marrakesh Treaty, for the exception of no need for authorization if you are going to be giving visually impaired persons—sorry, I am being disturbed, Madam Speaker. So, Madam Speaker, 34C causes that exception to the right in this end.

Madam Speaker, we then go to clause 11. Clause 11 amends section 41(2), and here is where we are in Part VIII, which is the criminal offences that apply. What we are doing in 41A, is we are inserting into subsection (2), that a person shall commit an offence who, amongst other things:

“(c) makes, imports, sells, distributes, lets for hire, offers or exposes for sale or hire, or advertises for sale or hire, a technological protection measures circumvention device.’”

Very importantly, we also in the amendment to section 41A(1) by clause 12, we are adding in the protection of neighbouring rights. Penalties in respect of unauthorized public performances were not adequately covered, arguably so, in section 41A, because it simply said that it was confined to a belief that copyright would be infringed. It is important for us to include the concept that neighbouring rights may be infringed. Why do you want neighbouring rights? The performer



ought to have the ability to invoke criminal sanctions as well as civil sanctions, in this case criminal sanctions under Part VIII of the Copyright Act.

So, Madam Speaker, these amendments are really and properly driven by human dignity, and by requirement for international law being brought into local law. We are a dualistic system of law. We do not sign on to treaties and therefore make it law just by signing on to them, or ratifying them, or acceding to them. We have an obligation to bring that treaty into law by way of an Act of Parliament. Today we are bringing into law the Marrakesh Treaty, the Beijing Treaty. Today we are bringing into law the WIPO Copyright Treaty as it is further required for us to bring into law. Today we acknowledge that this Government had the courage and the dedication to bring into law things which were acceded to only by this Government. It is unacceptable that we had not acceded to the Singapore Treaty, the Marrakesh Treaty, the Beijing Treaty, the Rome Treaty. It is unacceptable that this country has had no regard for performers' rights, has had certainly no focused regard for our visually impaired; that anybody could be allowed to allow the print disabled to operate in a book famine, our blind persons to operate in a book famine. It is thanks to people like Mr. Kenneth Suratt.

May I stick a pin, I thank Mr. Suratt on behalf of all of us for two things: one, for allowing me to use the case that went to the Privy Council so frequently in this Parliament, and that is the case of *Suratt v the Attorney General*, which I often refer to as the underwriting for the ability that you do not need a three-fifths majority for any sections 4 and 5 rights necessarily that is being addressed by law, and that is the quotation from Baroness Hale. But more particularly, for his advocacy on behalf of the blind persons of this country to ensure that we end book famine, and that we end the indignity that has been suffered by so many people. In 2011 the census told us that there were approximately 20,000 visually impaired

persons. We are easily 10 years later, up to 30,000. In today's world it is a requirement of human dignity that we address these matters, and there can be no better way than for us to all agree with this.

Madam Speaker, I can tell you, in the two minutes that I have left on the podium, that we have made massive strides at the office of the Attorney General and Ministry of Legal Affairs. First of all we have made significant improvements to our IT structure, we can now do intellectual property payments online for the first time. We can now use the world intellectual property software which has been installed into our facilities, thanks to the energy and enterprise of our Controller, the tireless Regan Asgarali, if I could just find the correct adjective to describe him. We now have the ability to have that software in operation. We have signed, Madam Speaker, as I come to an end and I ask for the permission to beg to move this Bill, as I now beg to move, I will wrap up with the rest in wrap up.

*Question proposed.*

**Dr. Lackram Bodoie (Fyzabad):** Thank you very much, Madam Speaker, for the opportunity to speak on a Bill which promises to bring tremendous relief for the visually impaired persons in our society as well as to expand the intellectual property rights of our entertainers. And this Bill, namely:

“An Act to amend the Copyright Act, Chap. 82:80, to give effect to the Marrakesh Treaty to Facilitate Access to Published Works, for Persons who are Blind, Visually Impaired or otherwise Print Disabled, and to the Beijing Treaty on Audiovisual Performances”

A Bill, Madam Speaker, which has just 12 clauses, but in my opinion has tremendous significance and implications for assisting one section of our disabled citizens.

Madam Speaker, in preparing for this Bill, I am a very avid reader, and I wondered as I am getting older if I were ever to become blind what would I do, because in addition to the profession I enjoy so much, reading really forms—it is one of my strongest hobbies, and therefore I can understand and appreciate the deficiencies and the shortcomings that those who are blind in our society must experience. Madam Speaker, this law when passed in this House, as I feel certain it will, fulfils several laudable societal goals. It will afford those of our citizens with disabilities equal or equitable treatment, as the AG mentioned, especially the introduction of clause 5. So, it does satisfy certain human rights obligations as well. It would expand limited protection currently afforded to performers with regard to those rights in clauses 7 and 8, and the Explanatory Note in the Bill speaks to protecting property, and of course we take note of the inclusion of the neighbouring rights. It will also police and punish infringements of those rights, clause 9, and importantly as well, assist Trinidad and Tobago in its compliance with international copyright obligations.

However, Madam Speaker, in relation to this last point, my research has indicated that Trinidad and Tobago is currently on the watch list of the 2020 Special 301 Report of the Office of the United States Trade Representative. So what does that mean? And I am hoping that perhaps in the wind up AG might be able to provide some clarification, but essentially, when one gets on this watch list—and this report here would have been April of 2020, so it is quite current. And essentially in the executive summary, the implications of this would be, and I quote from the report:

“This Report provides an opportunity to call out foreign countries and to expose the laws, policies, and practices that fail to provide adequate and effective IP protection and enforcement for U.S. inventors, creators, brands,

manufacturers, and service providers. The identification of the countries and IP-related market access barriers in the Report and of steps necessary to address those barriers are a critical component of the Administration's aggressive efforts to defend Americans from harmful IP-related trade barriers."

If you will permit me, Madam Speaker, just one more paragraph in this report, and it says here, and I quote again:

"USTR identifies Trinidad & Tobago on the Watch List for a lack of enforcement actions against operators that broadcast unauthorized cable and satellite channels, which Trinidad & Tobago had pledged when it was removed from the watch list in 2016. The United States will monitor enforcement efforts and efforts to addressing long-standing concerns, including copyright piracy and payment of royalties."

So, Madam Speaker, I am hoping that with the passage of this Bill into law today, that this will go some way into addressing and getting us back, or getting us off that list.

So, Madam Speaker, I just want to say at the outset, that we in the Opposition are in agreement with these measures. I see no reason why we should not lend our support to what is good legislation, in the interest of all the people of Trinidad and Tobago, and as noted this Bill requires a three-fifths majority. This Bill was debated at length in the Senate, where four of my Opposition colleagues spoke, and therefore we consider this Bill worthy of our support for several reasons: First of all, it furthers the work done over many years in the field of intellectual property and copyright law in Trinidad and Tobago, and we have been a forerunner, we have been in the forefront of copyright law. Secondly, the Opposition through its leader, the Member for Siparia, the hon. Kamla Persad-

Bissessar, has always viewed the cultural heritage of our people as a prized asset, one that must be harnessed, protected and sustained.

Indeed, Madam Speaker, no lesser a person than Independent Sen. Anthony Vieira, himself a pioneer in intellectual property rights in Trinidad and Tobago, had this to say in the Senate on 12 May, 2020, whilst contributing to the Bill, and I quote:

“I can also say that I was also very proud of the Leader of the Opposition, the hon. Kamla Persad-Bissessar SC, when she, as Attorney General, put Trinidad and Tobago on the intellectual property map globally, when she convinced WIPO to allow for the creation and the protection of a new form of IP, the works of mas, as a derivative right.”

And I know the AG would have mentioned derivative rights.

“So the country is blessed in having very able and experienced leadership in this most important area of law, culture and industrial practice.”

Furthermore, Madam Speaker, I just want to mention, that on this side in our National Economic Transformation Plan, we have recognized that the creative sector can contribute enormously to economic transformation in our country.

So, Madam Speaker, all these things are being done here today by making amendments to the Copyright Act, 1997, which really will give effect to two important international treaties, the Marrakesh Treaty and the Beijing Treaty. Madam Speaker, I really would want to focus mainly on the empowerment of the visually impaired via the Marrakesh Treaty, but before I do that I just want to put on record a few points for consideration by the Attorney General, perhaps in his winding up or at the committee stage, regarding the amendments that pertain mainly to the Beijing Treaty.

Madam Speaker, in discussion with Dr. Justin Koo, I suspect the AG might

be familiar with Dr. Koo's work, his department, who is a lecturer in law at the UWI, and a bright young man with a very keen interest in intellectual property rights, a few concerns came up, and I would just mention these briefly, as I said we can come back to them, whether the concepts of broadcasting and rebroadcasting should be repealed, with regard to clauses 3(a) and 3(e)? And the reason for saying that is that both are included in the modern interpretation of communication to the public. The second point then would be to fine-tune the new definition for communication to the public, because the visual images, or sounds, or both can be subsumed within the definition of works. The other point really, would be whether audio-visual fixation and audio book should not be included under the definition of an audio-visual work to avoid confusion. So I want to record my gratitude to Dr. Koo for taking the time and effort in studying this Bill and forwarding his suggestions.

Before I leave this part of my contribution, Madam Speaker, I just want to make a few comments on the concept of an intellectual authority or intellectual property authority. I know the hon. AG in the laying of this Bill in the Senate, did mention about intellectual authority, perhaps because of time he would not have mentioned it today. I just wanted to make a few comments and to endorse the idea of having an intellectual authority. Because one of the important and key things in this Bill is the protection and policing of rights. And therefore I am saying, if we look at intellectual authority or intellectual property authority this can help to reduce the level of IP infringements in Trinidad and Tobago. It can encourage active policing, enforcement and prosecution of IP infringers. We can have more stringent monitoring of imports, and perhaps the seizures of infringing goods, therefore we have to get the Customs and Excise included. And, of course, they can perform a very important role in education of the public, and perhaps one can

also make the case for a special budgetary allowance to further intellectual property development in Trinidad and Tobago.

So, Madam Speaker, let us turn to clause 5 of the Bill which really speaks to the Marrakesh Treaty. This treaty was negotiated to address the global shortage of books, the so-called book famine as described, and other texts in accessible formats, in braille, large prints, specialized audio files and other alternative formats. And the Bill addresses this problem by providing with appropriate safeguards, which I am happy to note, that copyright restrictions should not hinder the creation and distribution of such accessible format copies. It also makes provision for the exchange of such copies internationally.

**2.50 p.m.**

So, Madam Speaker, section 5 actually allows us to infringe on the property rights of others, but for a very good cause in my opinion. The new section 12A allows the Minister to designate an entity which meets certain requirements, provides education, instructional training, adaptive reading or information, to create accessible format copies for reproduction, distribution and communication to beneficiary persons. In this case, the authorized entity means NALIS, as stated in the Bill.

These measures being proposed today, Madam Speaker, will bring comfort and relief to many of the close to 20,000 blind persons in our society and by conservative estimate that perhaps may now be 25,000 or 30,000 persons. Currently, it is estimated that 415,000 books will become accessible via the Accessible Books Consortium to visually impaired persons in Trinidad and Tobago. In 2016, Madam Speaker, the Director General of WIPO, Francis Gurry had this to say at the opening of the REPO Assemblies, and I quote him:

“ABC”—Accessible Books Consortium—“has so far facilitated the loans of

accessible books to 100,000 visually impaired people through its 19 participating libraries in 16 countries. It currently contains 319,000 titles in more than 76 languages. Participating libraries saved USD 11 million in production costs (for a book read aloud by a person) by being able to download 5,500 electronic books into their collections.”

So, a tremendous potential for savings here, Madam Speaker. This cost savings being the case, perhaps the AG may want to provide a bit of insight again in his wrapping up on how exactly NALIS will operationalize clause 5 and what type of cost savings can be expected from the implementation of this Marrakesh Treaty.

So, Madam Speaker, I too would want to compliment and commend the work of Mr. Kenneth Suratt and I had the privilege of speaking with him in preparation for this Bill and I just want to quote from a submission that he had made to me and I read from his submission:

Only 5 per cent of all printed material is in an accessible format for persons who are blind, that is Braille, large print, visual format and audio. Before a person who is blind can access any printed material, it must be converted to any of the above formats. The right to gain information is a human right. Once the Parliament of Trinidad and Tobago amend the Copyright Act, to make printed materials accessible to a person who are blind, it will give new opportunities for employment through education and not limit persons who are blind to making baskets.

And I think this is a very important point here, Madam Speaker.

As a young medical intern at San Fernando Hospital, when I left work in the evening, I would walk down pass the old building for the blind, Trinidad and Tobago Blind Welfare Association, and in truth and in fact, all the work that was being done by the blind was the making of baskets. So what Mr. Suratt is saying



here is that it will increase tremendously the opportunities available when this Bill becomes law. So, just to finish from his submission:

Prior to this law, countries could not share their accessible books. Now that Trinidad and Tobago has joined the rest of the world, persons who are blind in Trinidad and Tobago could share their accessible books and benefit from the rest of the world who have made their books accessible to their citizens. There will be opportunities for voice actors for audio books and maybe local production of movies.

I state this simply, Madam Speaker, to let us become aware of the importance of this piece of legislation and the expectations of the blind community in Trinidad and Tobago.

Madam Speaker, this Bill also provides the opportunity for us to reflect just a bit on the medical aspects of eye health. While it is commendable for us to address the needs of the blind, I think it is also incumbent and important for us, as parliamentarians, to look at areas where you might have opportunities for prevention. So, I just wanted to mention, in the context of blindness and preventing blindness and dealing with the blind in the society, the impact of the COVID-19 would have had an impact on what we call the waiting list for cataracts. And interestingly, as I mention COVID-19, Madam Speaker— and I just want to take the opportunity to commend all workers, health care workers, all of those who have been involved in the battle. It is my first opportunity I have had to speak in the Parliament, so I just want to take that opportunity. But interestingly, the person would have brought COVID-19 to light— I do not want to digress too much, Madam Speaker— was an ophthalmologist, an eye doctor in China, one Dr. Lee who subsequently died from the disease. I am just making the point that an eye surgery would have been deferred as a high risk surgery and therefore, now there

will be a waiting list and that will need to be corrected.

Madam Speaker, the other thing that concerns me is the issue of blindness as a complication of diabetes and high blood pressure in this country, and I want to take this opportunity to call upon citizens to ensure that they look after their health to prevent—

**Madam Speaker:** Member for Fyzabad, I think I have allowed you some liberty. I would ask you to please get back to the substance of the Bill. Thank you.

**Dr. L. Bodoë:** Thank you, Madam Speaker. I will be guided. So, Madam Speaker, if you would permit me, there is one more thing I wanted to make and that is the point of—one further point of preventing blindness in children, and I just want to commend the work—

**Madam Speaker:** [*Inaudible*]

**Dr. L. Bodoë:** Thank you, Madam Speaker. So, Madam Speaker, I would just want to highlight the issue of one of my constituents, who is blind, who is looking forward very much to the passage of this Bill. This is one Mr. Prakash Jaglalsingh and he comes to mind because he is blind and he is also a performer, he is a singer. So in fact this Bill, when passed, will give both of him tremendous rights and he is eagerly looking forward to the benefits of this Bill that will bring him—the problem though, Madam Speaker, and again, I just wanted to highlight this. The problem is that— and I just think that because we are passing legislation here in the Parliament to bring rights and to bring back the dignity of the blind, I just wanted to highlight the case that Mr. Jaglalsingh unfortunately has been out of the country for the last three months, he is diabetic and hypertensive, he is trying to get back into the country and the point—

**Mr. Al-Rawi:** Madam Speaker, 48(1).

**Madam Speaker:** Member for Fyzabad, I think you have to be reminded we are

not talking about rights as a general issue. So I have risen three times on the same basis for the relevance. So please, in your remaining time, try to confine yourself to the matters before us.

**Dr. L. Bodoë:** Thank you, thank you very much, Madam Speaker. So, Madam Speaker, we on this side are saying that this Bill is not objectionable, that we are prepared to support the measures being proposed by this Bill. I would just want to say in closing that now that we have this legislation, the question really is: What impact will the standards in the treaties have on the creativity, innovation and access to the information for education, economic and socio-development in Trinidad and Tobago?

Madam Speaker, there is also the issue of what effect this Bill will have on the knowledge economy and the overall development of the country. And, Madam Speaker, with regard to—there will be the need for the Intellectual Property Office and other Government agencies to sensitize the visually impaired persons, the performers, the entertainment and the cultural industry, lawyers and the masses as a whole, as to the benefits and practical implications of the Bill and how to go about accessing the services to be implemented when the Bill becomes law.

So I am saying that although we are passing a very important, very good piece of law, it will be very important to provide some sort of education as to the benefits that the blind can access from this law. And again, I would want to make a call for the consideration of an intellectual property authority to oversee the impact of this Bill and to ensure that the society benefits maximally as we make this Bill into law.

So, Madam Speaker, it is good law, it is an important day in the Parliament. I am convinced that when this Bill becomes law, it will benefit a very important sector of society and it really remains for us to see, as we go forward, how the law

is operationalized and implemented. I thank you very much, Madam Speaker.  
[*Desk thumping*]

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker, for the opportunity to join this debate, entitled a Bill:

“...to amend the Copyright Act, Chap. 82:80, to give effect to the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled and to the Beijing Treaty on Audiovisual Performances”

Madam Speaker, there are two people I would like to thank for this. One, the hon. Attorney General. The hon. Attorney General should be congratulated for his foresight but most importantly, for his compassion in bringing this piece of legislation because it touches the soul of our country, to persons who we who are sighted, who are not deaf, we cannot begin to imagine what life is like. I want to thank him for his “stick-it-ivity” because this is long in the making.

I want to contextualize my contribution in *Vision 2030* and to recognize the hon. Camille Robinson-Regis who did this. Our National Development Strategy 2016—2030 articulates a board policy framework that is transformative. Under “Theme I - Putting People First...”—and no one should be left behind and that is what we are doing here today. We are trying not to leave anyone behind, to give them equal opportunity to access social services and all our citizens, including the most vulnerable, are cared for and treated with dignity and respect.

This piece of legislation for which the hon. Attorney General again should be congratulated, speaks to non-discrimination, equal opportunity, accessibility, full and effective participation and inclusion in society. We as a Government are mindful of all the challenges that are prejudicial to the complete development of persons with visual impairments and other print disabilities.

Madam Speaker, they cannot express themselves freely; their ability to express themselves, freedom to seek information, receive information to education and most importantly, to conduct research. Yes, they would like to do research. What are the benefits of this piece of legislation that have not already been spoken about? They can now participate fully in the cultural lives of their community, enjoy the arts, to share scientific progress. So this piece of legislation, Madam Speaker, has great societal impact, it speaks to equity and balancing the scales once and for all.

Madam Speaker, the issue of copyright law has a very long history, we may not realize that. The first copyright law, the Statute of Anne was actually enacted in 1710, I believe, which for the first time had the concept of an author being the owner of copyright and then you go to other pieces of legislation and conventions like the Berne Convention. But what are the practical implications of recognizing copyright? Madam Speaker, as you know, when you go to performances, one of the first things you are told after the security briefing is no recording, you cannot take out your phones and record. We know about pirated movies, pirated music, copying books, even photocopying. So we have to protect copyright. But this piece of legislation speaks to two classes of persons, the deaf and the hard of hearing and the visually impaired. And who will this benefit?

Madam Speaker, in checking with DRETCHI today, they gave us a figure of 7,500 persons in Trinidad and Tobago who are deaf and that does not include the hard of hearing. So, hon. Attorney General you are bringing relief to thousands of persons who are deaf. And what is the global prevalence of deafness?—5 per cent of the global population or 466 million. That is the prevalence of deafness.

This piece of legislation speaks to the blind and the visually impaired. On checking with Mr. Suratt himself again today, Mr. Suratt's ears are probably

ringing a lot today. [*Laughter*] AG, you have made him a very famous person and deservedly so. The Blind Welfare Association speaks to 1,200 persons registered with them who are blind, who can benefit from this piece of legislation and that does not include the spectrum of visual disorders. What is the global prevalence?—2.2 billion people have a visual impairment; 2.2 people and many of these people are over 50 years of age. So we are giving people a lot of dignity here.

Madam Speaker, this piece of legislation could not be possible without wide consultation. We have not heard who has been consulted and it is important to know that. The hon. Attorney General would have consulted with the Trinidad and Tobago Blind Welfare Association; Persons Associated with Visual Impairment; the School for Blind Children, because we have to look after our blind children; the National Centre for Persons with Disabilities, the CPC's division, Ministry of Foreign and Caricom Affairs, Ministry of Education is important because our children, who need to access this type of material now, can have a better quality of education; NALIS, and the list goes on and on; the National Carnival Bands Association, and so on; copyright organization; Artists' Coalition, and so on.

Madam Speaker, I think to bring alive, to bring alive to the country and through you, Madam Speaker, how important it is to copyright your work— and I am speaking now directly to young struggling artistes, song writers, whether you are writing a calypso, a pop song, hip-hop. Clauses 4 and 9; clause 4 talks about artistic works and clause 9 talks about the circumvention of technological protection.

Madam Speaker, many a legal battle has been fought over copyright. Lost protection of copyright leads to financial losses. And I just want to use one example, though you, Madam Speaker, an example I think we are all familiar with.

And this is a direct piece of advice to designers, and artistic designers to copyright your work. The example I want to use, Madam Speaker, is a brand that we all familiar with called Nike. Nike has a market capitalization of, between US \$82 billion to US \$162 billion. Think about the size of that company and what the copyright for that means. The brand, Madam Speaker, is worth 26 billion and what is the brand recognized? The Nike Swoosh, which I think we are all familiar with. Madam Speaker, do you know what it cost to make that Nike Swoosh?

The cost of that Nike Swoosh— and the person did not copyright her work, the person by the name of Carolyn Davidson. She charged Phil Knight, the then struggling entrepreneur setting up Nike, \$35 for the Nike Swoosh. She charged him \$2 an hour and billed him for 17 and a half hours work; \$35. That was the value that she placed on her work then. She did not take paternity of it, and the AG spoke about paternity of your work. But years later, she got a \$1 million worth in shares, luckily. But that just goes to show how much value is created in protecting your intellectual property.

Madam Speaker, the last example I would like to draw on and I think, Madam Speaker, I am speaking to the over 60 crowd here, I do not know where you fall into that. You probably do not. But— [*Laughter*]

**Madam Speaker:** Please do not—[*Inaudible*]

**Hon. T. Deyalsingh:** Do not bring you into the debate.

**Madam Speaker:** Thank you very much.

**Hon. T. Deyalsingh:** I will. [*Laughter*] So I am speaking to all my colleagues who are over 60— I cannot see your smile, Madam Speaker, but I know you are smiling behind the mask. Section 5 speaks to the authorization of the right holder and section 8 speaks to the economic rights of performers, and performers again must understand the value of their work. Madam Speaker, in the olden times

before IP was recognized as a legal concept and a thing of value, song writers did not protect their work.

Madam Speaker, and to all my colleagues here, except the ones under 60, there is a song called “A Whiter Shade of Pale”, everybody should know that. I do not know if the Attorney General knows it, by a group called Procol Harum. That song resulted in a court battle which raged 40 years after the song came out. The organist, Matthew Fisher just wrote the organ rift. But the organ rift, like the Nike Swoosh, became the thing, became the brand and he had to wait 40 years to sue, to be recognized as the co-author of that song.

So, Madam Speaker, the message that needs to go out, as we talk about copyright, intellectual property and bringing justice to society, is that artistes, composers need to protect their intellectual property, protect your work. It is not only work by the sweat of your brow that needs to be protected, but that of your brain.

And in closing, I want to congratulate the Attorney General, once again, for bringing compassion, equity to our most vulnerable citizens, some of our most vulnerable, the deaf, the hearing impaired, the blind and the visually impaired. And I want to thank him most sincerely from the bottom of my heart and for one of my constituents, a young man who is visually impaired. Thank you very much, Attorney General.

**Mr. Rushton Paray** (*Mayaro*): Thank you very much, Madam Speaker, for acknowledging me today to join in this debate as we seek to amend a Bill, the Copyright Act, Chap. 82:80 in basically three broad areas. The first area, Madam Speaker, is to incorporate into domestic law, the Marrakesh Treaty of 2013. Two, to incorporate into domestic law, the Beijing Treaty on Audiovisual Performances of 2012 and the third broad area, Madam Speaker, is to ensure adequate legal



protection and effective legal remedies against pirates and those who seek to circumvent these protection technologies.

Madam Speaker, this Bill is a step in the right direction in terms of equity and inclusiveness for that vulnerable sector of our population, the differently abled and in particular here, the blind and visually impaired. It will also incentivize performers to hone and create their works now with added economic and moral rights. This Bill will now allow performers to consolidate their position in the audiovisual industry by safeguarding the unauthorized use of their performances on audiovisual media inclusive of television, film, video, paid TV, DVDs, the internet and mobile environment.

Madam Speaker, both the Marrakesh Treaty and the Beijing Treaty brings new entities into the world of art, music and culture while, at the same time, adding coverage or protection to segments of the industry not covered by the existing parent legislation. Madam Speaker, it is important that I start by declaring that I do have a personal interest in this piece of legislation, by virtue of my profession as a telecommunication and IT specialist, and as the owner and operator of two businesses dealing specifically with software and content distribution. I am also part of the cable TV industry and will be offering, with your permission, a position in my contribution dealing specifically with IP and copyright infringement.

Madam Speaker, the blood of this amendment to the parent legislation revolves around, as we said, the Marrakesh and Beijing Treaties. Much has been said during the Senate debate and by the hon. Attorney General today and, of course, the wonderful contribution of my colleague, the Member for Fyzabad in dealing with the amendments and how it gives life to the treaties in domestic law. But I want to focus my short contribution today on specifically to clauses 9 and 10 of the Bill, which makes several changes to the wording of section 34A(1) and (3)

which prescribes the circumventions of technological protection measures as well as the commercial use of a technological protection measure circumvention device. And 34C which provides instances where exception are made.

Madam Speaker, the foreign gaming software and entertainment industry suffers billions of dollars of loss of revenue due to counterfeiting and illegal streaming and broadcasting of music and video entertainment. Globally, Madam Speaker, counterfeiting is linked to global terrorism and organized transnational crime. Madam Speaker, if you will allow me just to read briefly from a UNIFAB report of 2016, where they identified that counterfeiting, IP theft, it represents up to 10 per cent of the world trade and it costs an estimated 2.5million jobs in the G20 nations.

Madam Speaker, as of 2020 the trade value in IP theft in counterfeiting, in copyright infringements, it is worth almost US \$1 trillion. Madam Speaker, counterfeiting, IP theft, copyright infringements, it threatens all economies of all developing worlds and Trinidad and Tobago is no stranger to that either.

Madam Speaker, I wish to let my fellow citizens know that the next time they purchase a pirated CD, a DVD, a handbag, that they may be assisting in organized transnational crime, terrorist organizations. The next time we buy a Gucci bag which is TT \$2,500 for \$200 on Fredrick Street, we may be funding a dirty bomb somewhere, you know, putting lives at risk at the end of the day. Madam Speaker, the interconnection of organization like Hamas and Hezbollah, and some of these terrorist groups that are using legitimate business structures to fund the illegal activities of counterfeiting, IP stealing and so on, it is well documented under the United Nations Transnational Organized Crime. But, Madam Speaker, coming closer to home, how would clauses 9 and 10 really protect the welfare of our state?

Madam Speaker, the telecommunications sector or the broadcast industry is valued over TT \$5 billion. It hires thousands of employees, hundreds of contractors and pays millions of dollars of royalties to the State. The Copyright (Amdt.) Act, as amended in 2008, has not been able to keep up with the advances in decryption technology, computing power, the growth and development of what we now call the Dark Web and technologies developed in many areas in that regard. In common language, Madam Speaker, our copywriting policy has not been able to keep up with the rate of internet access, the development of freeware devices, like media players, android boxes, pair to pair streamers, the development of what you call anti-geotargeting software, known as VPNS, decrypting device such as emulators, et cetera, all easily available on eBay, on Amazon, through online shopping.

So, Madam Speaker, what the Attorney General has done today is really, brought clauses 9 and 10 to broaden the technological scope, to ensure the prohibition of these devices and the technology from destroying a very important industry and sector here in Trinidad and Tobago.

Madam Speaker, between 2014 and 2018, the sector itself moved from a 10 per cent growth position to an average of a minus 11 per cent decline in terms of revenue and this data was provided by the TATT Annual Report of 2018. If left unchecked, further deterioration is expected annually as copyright infringement, in terms of piracy, continues to grow unabated.

So, Madam Speaker, I have a couple of questions for the Attorney General that I think is very important to make sure that the amendments to the law brings true value to the industry. Madam Speaker, how will our customs and border patrol identify and confiscate these devices that circumvent these technological protection? Have these officers been trained in this area to take action or

understand the nature of these technologies? How does the State intend to police the internet technology itself? What roles would ISPs play in the clamping down of rogue streaming sights as it is done in many European jurisdictions? What is the role of the Telecommunications Authority and the Board of Inland Revenue in prosecuting commercial businesses engaged in the importation and sale of these devices, software or services with the intent to circumvent these technological protection of intellectual property, Madam Speaker?

Madam Speaker, if there is a role of the Minister in bringing regulations to concessionaires to use technology to manage and control Internet activity, how would that impact constitutional rights where Internet censorship may be possible? So, Madam President, I am of the view that without addressing these questions, the law may have very little teeth in protecting the foreign rights holder who we have a responsibility to protect as well.

**3.20 p.m.**

Madam Speaker, the second area I wish to quickly address, and it ties back into my first item, there is a current issue with the foreign free to air networks which is a huge copyright and IP issue, and I know my colleague from Fyzabad, he asked the Attorney General a question concerning the fact that the US trade office has their eyes closely glued to that operation in Trinidad in terms of how are we dealing with intellectual property and copyright of these broadcasting companies. What I can say is that the potential of the copyright infringement and piracy legislation, it will and can affect our trade relationships with our largest trading partner.

Madam Speaker, agreements like the Caribbean Basin Initiative, which is coming up for renewal in 2020 September, these are some of the things that can affect us if we do not take a very solid and firm position to dealing with this

matter, and that focus on Trinidad and Tobago stems from the broadcast of these foreign free to air networks in Trinidad and Tobago. While these retransmission are sourced and paid for by local operators, there exists no provision in Trinidad and Tobago for a licensing regime to capture, collect, and repatriate royalties which is really the money that the Intellectual Property—the worth of these performers can be collected and redistributed to the content—*[Interruption]*

**Madam Speaker:** Member, I have allowed you some leeway, but remember we are not dealing with intellectual property in this Bill in the wider sense. The amendment Bill is very limited, and therefore, I will ask you to tie these into the Bill; if not to leave it and go on to something else please.

**Mr. R. Paray:** Sure. Thank you, Madam Speaker. What I am trying to—in terms of clauses 9 and 10, which speak specifically to the broadening of the technological terms, it is really to be able to capture and to be able to find an opportunity for us here in Trinidad and Tobago to operate within the framework of the law, and what I just wanted to get at, Madam Speaker, is that there may be some opportunities for the Attorney General to see if there are provisions where he can look at amending the existing legislation to further bring some relief.

So, Attorney General, I know there was a document that was done by a law firm of Stephen Zolf which established a compulsory licensing regime that would have bring coverage to our operators. I am hoping that perhaps some of the suggestions in that document would give some allowance for these operators, and so on, to operate legally, give TATT some teeth to help protect the foreign content provider so there is no breaking of the law by these providers, and allow an opportunity for the content owners to legally pay for these transmissions. So, Madam Speaker, I will move on from that point.

What I also want to say, Madam Speaker, is if the legislation does not allow

to properly police this control of copyright and IP, what you would have happening is that the proliferation of these devices will continue to create a bigger piracy problem within the borders here of Trinidad and Tobago and we may not be really solving the problem. So again, Mr. Attorney General, I have no intention of not supporting this Bill. I think it is good law, it is good legislation. It has the support of the Opposition, it has the support of Opposition in the Senate, and I think it is well on its way to give a lot of opportunities for our visual and hearing impaired citizens to benefit from the work of art, culture, music, and so on.

So, Madam Speaker, thank you very much for the opportunity to just add a few words to this Bill today. Thank you very much.

**Mrs. Christine Newallo-Hosein** (*Cumuto/Manzanilla*): Thank you, Madam Speaker. Thank you for this opportunity to contribute to this debate, and as I begin my contribution as it relates to the Bill before us, the Copyright (Amdt.) Bill, 2019, which seeks to bring about some relief to the community of visually impaired persons in Trinidad and Tobago, allow me the opportunity to express on behalf of the wider community of persons living with disabilities to commend the Opposition Leader and my colleagues for going out there in the height of this COVID-19 pandemic, seeking out the most vulnerable in our society, attending to their needs, the most pressing being the ability to feed themselves, and we are speaking here about the visually impaired, the hearing impaired, children living with HIV/AIDS, children living with cerebral palsy, Down syndrome, the elderly, the infirmed, the unemployed, the downtrodden. We were able to touch the lives of all these persons.

**Madam Speaker:** Member for Cumuto/Manzanilla, I know you have just begun, but by way of guidance I remind you of Standing Order 48(1). All right?

**Mrs. C. Newallo-Hosein:** Thank you, Madam Speaker.

**Madam Speaker:** We are dealing with the Copyright (Amdt.) Bill and, as I said before to many other people who stood up here there are very narrow provisions and I will ask you to confine your contribution to those.

**Mrs. C. Newallo-Hosein:** And I raise this issue because of fact that there is an aspect in the clause, Madam Speaker—

**Madam Speaker:** Again, I just again just guide you with respect to the Bill.

**Mrs. C. Newallo-Hosein:** In clause 5, it speaks about NALIS in the new 12A, NALIS being responsible for the operationalization of this entire aspect of the Bill. And so, as a result of it, we often ask for accountability, accountability during this pandemic, accountability for relief efforts, and this here is of no difference in the event that the hon. AG can give a definition of how much it would cost. I know that the AG has indicated in his presentation that it is intended to reduce the cost significantly, but the questions that I am asking are really: How soon will persons be able to gain access of this material that will be before us? What kind of infrastructure would be required in outfitting NALIS in preparation for this most prestigious project that is before us?

I know that the hon. AG, in consulting with the various persons that the Member for St. Joseph identified, would have been able to have a round robin as to what would have been required, and, of course, with the Treaty of Marrakesh they would have probably put forward some suggestions as what will be required. So we are here today seeking to bring about a better system that will allow persons with visually impairment the ability to access material in a much easier way, and by making amendments to the copyright rules in order to permit reproduction, distribution and making available copies of books and other published materials accessible in formats to beneficiary persons without the authorization of the right holder. And as I focus on Article III of the Treaty of Marrakesh, which is to

facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled, Article III really defines beneficiary persons.

It is a broad definition that includes just about any disability that interferes with the effective reading of printed material. It includes people who are blind, visually impaired, reading disabled—and an example of reading disabled would be dyslexia—or have a physical disability that gets in the way effectively holding a book, turning pages or focusing on the page. I know that AG gave an example of Stephen Hawking as a person who would have been a beneficiary of this. I know that in the Senate that Stephen Hawking's name did come up and I do not think we understand really what or how it impacts. I know Member for St. Joseph indicated in his contribution, he said you know you cannot begin to imagine what someone who has a disability such as this, how or what they go through, and that is in fact correct.

Oftentimes we come here, Madam Speaker, and we do not understand what somebody is going through. We come and we make law, and those laws may not be able to impact them. For instance, we have in our midst a pandemic and persons are told to sneeze in their elbow, but someone who is visually impaired cannot sneeze into their elbow because of the fact that they would have an aid in their hand and they would have someone holding. So for us to be able to understand what is happening here, it is very good for us to always have the necessary information from those who are in fact in the situation themselves. And so as a result of it, we have someone as important, a physicist who has made a name for himself, as in Stephen Hawking, who would have achieved his accomplishments in his life before he was struck down with an illness. And so, he had the opportunity to be able to make it in life, but there are many persons, Madam Speaker, who would have been born and as a result of it would not have



the opportunity or would not have had the opportunity before having these books made available for education.

We have here, Madam Speaker, where persons can now go and be able to read books that would not have been available before because of the famine. And so as a result of it, we have persons who are excited now of not just a better education but looking at opportunities for employment, and we see that as is stated here in clause 8 where it speaks about the aspect of having persons—is extended to existing economic rights and I do not think sometimes we understand what it means by “economic rights”. And so, I just wanted to just explain what “economic rights” means so that persons can understand really and truly what happens in a situation like this. Economic rights speaks about your right to employment, a right to health, a right to better living, and so forth, and as a result of it, Madam Speaker, we on this side are very happy because we have had a track record of providing better quality of life for all citizens. We did that between 2010—2015. So, Madam Speaker—[*Interruption*]

**Mr. Al-Rawi:** Standing Order 48(1).

**Madam Speaker:** Member for Cumuto/Manzanilla, again tie that very quickly to the Bill. This is not about socio-economic right in its entirety. Please tie it to the Bill.

**Mrs. C. Newallo-Hosein:** In clause 8, I know it speaks about the economic rights, and so, Madam Speaker—[*Interruption*]

**Mr. Al-Rawi:** I rise on Standing Order 48(1). We are not amending clause 8 of the Bill, it is not even before us—of the Act.

**Madam Speaker:** I believe you are talking—did you say section 8 or you are talking about clause 8?

**Mrs. C. Newallo-Hosein:** Clause 8.

**Madam Speaker:** Clause 8 which is in this Bill?

**Mrs. C. Newallo-Hosein:** Yes.

**Madam Speaker:** Okay. So please confine what is in clause 8. If you are talking about anything, please tie it to what is in the Bill.

**Mrs. C. Newallo-Hosein:** Clause 8—and, Madam Speaker, I just want to let the AG know that we on this side are enthused about any effort that would bring relief to members of the visually impaired community through this piece of legislation, or on any matter that would seek to better the lives of persons living with disabilities in general in Trinidad and Tobago because they too are equally citizens just like any of us guaranteed by our Constitution. So clause 8 speaks about economic social reform for a lot of persons.

Mr. Surratt, as the AG has repeatedly called Mr. Surratt's name, Mr. Surratt, I do know him. I went to play cricket with him once, and so you think that, how can someone who is visually impaired could play cricket? It is because they too want to enjoy the very many benefits of life that we enjoy, that comes normal to us, that comes natural to us. And so, this issue of persons living with disabilities was really raised many, many, years ago by Mr. Daniel, who had a 116-day strike, Madam Speaker, in 2003 in the month of May, and it was during that time that many persons would have been made aware of the problems that faced persons who lived with disabilities and that job opportunities were not available to them. And so this here, this education programme here that is going to come because of this Copyright (Amdt.) Bill, will bring about opportunities, Madam Speaker, where persons can become educated, they can aspire to come in here to be doctors—not to be doctors—to be lawyers, to be MPs, perhaps even as Speaker of the House because of the opportunity that would be guaranteed to them now because the book famine would have been eliminated as a result of this amendment.

Madam Speaker, I just want to put on the track record that under the Kamla Persad-Bissessar administration we showed tremendous strides in meeting some of the most pressing issues affecting the differently abled community. We have done that. And so, therefore, it would be remiss of us if we were to ignore what was happening here, but also it would be remiss of the Government to ignore what transpired in 2015—[*Interruption*]

**Mr. Al-Rawi:** Madam Speaker, I rise on Standing Order 48(1).

**Madam Speaker:** And again, Member for Cumuto/Manzanilla, I caution you with respect to Standing Order 48(1). This is not people with disabilities in general. So kindly get back to the Bill. This would have been the third time I have stood up with respect to irrelevance.

**Dr. Khan:** Madam Speaker, may I just reiterate 48(1)? 48(1) reads that:

“Subject to these of Standing Orders, debate...shall be relevant to such motion...and a Member shall confine his observations to the subject under discussion.”

The subject under discussion right now is the Copyright (Amdt.) Bill and the disability, and I think the Member is confining her argument to the subject under discussion.

**Madam Speaker:** Member for Barataria/San Juan, I thank you so much for the guidance that you sought to offer, but I have ruled that this is not about disabilities in general. This disability relates to people who are blind, visually impaired, and therefore, all forms of disabilities are not the subject of this debate and I so rule. Please continue.

**Mrs. C. Newallo-Hosein:** Madam Speaker, the Member for St. Joseph spoke about scales. The Member said this is about the balancing of scales, and I wonder if the Member of Parliament understand that the scales could only be balanced with

equal employment opportunities. So coming on the heels of this Bill, what is going to happen afterwards?

**Mr. Al-Rawi:** Madam Speaker, I simply, again, rise on Standing Order 48(1).

**Madam Speaker:** And, Member for Cumuto/Manzanilla, this is going to be the last opportunity that I give you. If it is that you continue to be irrelevant, I will ask you to take your seat.

**Mrs. C. Newallo-Hosein:** Madam Speaker, the hon. AG spoke about treaties and I wonder if he understood how important treaties are, so much so that we would disregard Rio Treaty. I also want to—*[Interruption]*

**Mr. Deyalsingh:** Madam Speaker, Standing Order 48(1).

**Mr. Al-Rawi:** I rise on Standing Order 48(1).

**Madam Speaker:** I therefore uphold the objection is valid. I will ask you to please take your seat, Member for Cumuto/Manzanilla.

**Mrs. C. Newallo-Hosein:** Thank you, Madam Speaker. I said what I have to say.

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. Madam Speaker, I am very pleased to bring conclusion to what appears to be a Bill for which we have full support. The merits of the legislation have been clearly put onto the record in the round. I wish to, therefore, just give a quick wrap-up to some of the issues raised. I thank the Member for Fyzabad for raising a few issues in relation to this matter, as well the Member for Mayaro. There were some proper considerations that I think ought to be put onto the record. I thank both Members for that. The issue raised by both Members for Fyzabad and Mayaro, there is one issue in common that both Members raised and that is, of course, the fact that Trinidad and Tobago is now reflected upon the United States Special 301 Report watch list and permit me to address that issue.

I note that the Member for Mayaro did quite properly and in a very fulsome way

declare his conflict of interest in the issue, and I thank the hon. Member for doing that, but I do not think that one should look past the fact that he has a significant insight into the industry that few people have being somebody with stakeholding in that position. Unlike others, we do not seek in this Government to criticize or condemn anybody that has interests in anything. We recognize that economic growth, which this Bill certainly anchors, is something that must be promoted, and there can be no criticism made even if hon. Members themselves have stakeholding and interest in matters provided they declare the interest. That is a very stark and different position from my friends opposite in the manner that they sometimes address other issues. So I would just like to point out the decency with which we approach these issues consistently and every time. I think it is important to make that point, Madam Speaker.

Madam Speaker, Trinidad and Tobago went onto the US Special 310 Report watch list some time ago, and through discussions that occurred between the United States relevant authority and Trinidad and Tobago—and I would like to just underscore that it is the Telecommunications Authority of Trinidad and Tobago that has the line responsibility for treating with the US listing that comes via the US Special 301 Report. We went onto the list, certain recommendations were made and, of course, the issue at hand was the fact that our broadcasters, or providers, our cable providers here, have been issuing through their channel feeds what is referred to as free-to-air programmes. So in the United States of America there are certain free-to-air programmes which are intended to be given to the US borders and economy because, of course, they are outside in Hawaii and different other places.

It is a prohibition in terms of copyright in the strict sense that our providers here in Trinidad and Tobago have been distributing that content. In fact, our

providers here not only distribute the content, but they ask people to pay for it. The hon. Member for Mayaro raised a very important point which is the solution to this. The solution to that is one of two things: one, you stop it, and Trinidad and Tobago via TATT asked our providers to stop the free-to-air distribution and an undertaking was given that that would be treated with. Forbearance was given. We communicated that forbearance to the United States via TATT, and therefore, they took us off the watch list for a little while.

We were supposed in March of this year have the ending of the free-to-air distribution in Trinidad and Tobago, but as a direct result of COVID-19 pandemic and the shutdown of our borders, it would have been a terrible situation for Trinidad and Tobago to lock off channels during the COVID pandemic particularly when a lot of information was being distributed on those channels to the benefit of the citizens of Trinidad and Tobago. In those circumstances, TATT wrote to the United States authorities indicating that they would give a further forbearance to July 2020 because it is critical as a matter of national education and public health awareness that the information coming to so many people in our country not be stopped. And in those circumstances, and in the interest of the citizens of Trinidad and Tobago receiving proper information from sources including the free-to-air channels, a further forbearance was granted to the end of July 2020.

The second method of treating with this is something which will require legislation. That is a mechanism potentially of compulsory licensing. The reason that we could not bring that legislation now is that there has to be a certain degree of consultation and policy has to be taken, but worse yet, let me—*[Interruption]*

**Dr. Khan:** Madam Speaker, Standing Order 48(1).

**Madam Speaker:** The AG is responding to something that I allowed from the Member for Mayaro.

**Dr. Khan:** Madam Speaker, you ruled the Member of Parliament for Mayaro of irrelevance for the same topic. [*Crosstalk*] Not on that point.

**Madam Speaker:** Continue, Attorney General.

**Hon. F. Al-Rawi:** Thank you. Perhaps my friend from Barataria/San Juan was asleep during his colleagues' contributions, but I understand how it goes. The second method and the point raised by the Member for Mayaro is the method of compulsory licensing, and the compulsory licensing would have an ability to allow the local providers to actually pay for the free-to-air content in a proper fashion, and that is quite a laudable suggestion. It has come from all of the providers, and I recognize because the Member for Mayaro declared his interest that he was one of those Members who made that recommendation, or at least joined in the recommendations that were made and I have, of course, find nothing wrong in the hon. Member having done that.

It is something which is under consideration by this Government. After we win the general election that is upon us [*Desk thumping*] we can return to treating with that issue, because I will tell you quite frankly any amendment for compulsory licensing is going to require a three-fifths majority. I have no form of expectation that the Opposition has any regard for some critical three-fifths majorities at times. That is going to be a big one to look at, and we have already started engaging in the work product on that. So I thank both the Members for Fyzabad and Mayaro for raising that very important issue because obviously the Member for Fyzabad raised it in the commentary that came from Dr. Koo, and that was the first point that this was raised.

With respect to the amendments coming from Dr. Koo—of course, we thank Dr. Koo for his suggestions—Dr. Koo suggestions were also sent to the Intellectual Property Office and to the Attorney General, and because of the regard and respect

that we have for Dr. Koo we specifically sent his enquiries and recommendations to the Legislative Drafting Department of the World Intellectual Property Office, WIPO. WIPO had a look essentially with respect to the suggestions as to the reformulation of the definitions of “broadcasting” and “rebroadcasting” as they are found in the amendments proposed to section 3 of the Act that the Bill makes. Quite simply, WIPO put it this way. WIPO recognized that copyright laws, such as the kind that we have in Trinidad and Tobago, treat with divisible or subset issues of broadcasting or rebroadcasting. That is the first point.

Secondly, in the formula of copyright law that we use, our offences or some civil remedies that are attached, or permitted items that are attached to elements or subsets of broadcasting or rebroadcasting, are set out in the Act itself in iterations, in divisions. The redefinition in the terms proposed by Dr. Koo would unfortunately collide with the fact that we treat with the subset broadcasting issues in our law in certain areas. That is the first point.

**3.50 p.m.**

The second point is that we would find ourselves in a disharmony with WIPO and every country that incorporated their statutory definitions: the Berne Convention, the Marrakesh Treaty, the Beijing Treaty, the WIPO copyright laws. The model laws that are now in harmony across the platform tell us that we ought to keep with the formula that has been approved. Why should we keep with the formula? Quite simply because copyright as a property right, neighbouring rights as an essential position for producers and performers, et cetera, these are cross border in nature.

And if we go into disharmony in definition, when we look to mutual assistance in legal matters, criminal matters in particular, or resealing of judgments in the civil forum, then we are going to get into disputes as to what is broadcasting



in the United States versus broadcasting in Trinidad and Tobago. And there is a requirement under the Mutual Assistance in Criminal Matters Act if you look at Part VIII of the Copyright Act for criminal offences. In the extradition treaties, our Mutual Assistance in Criminal Matters Act and extradition, we cannot extradite somebody who may be guilty of a copyright breach as we cause amendments to section 32A, et cetera, in this Bill. We cannot be in a position to extradition unless there is a dual criminality. In other words then, the offence in the US must be the offence in Trinidad and Tobago and as we cause the amendments to the Bill now, the offence must have parity and therefore that is a very compelling reason as to why we ought to maintain the formula of definitions for broadcasting or rebroadcasting.

So Dr. Koo had in fact raised the point about the US Special 301 Report. He went into the issues of broadcasting and rebroadcasting and whether we should cause legislative amendments and then Dr. Koo also made comments—and the hon. Member for Fyzabad put it on the record—in relation to whether there would be confusion as to any difference between audio-visual fixation or audio-visual work and these are, again, concepts of law and I most respectfully can report that WIPO's legislative drafting department recommended to us that we maintain the distinctions in the form and fashion that we have. So I think that Dr. Koo has had a very keen eye. I respectfully believe that Dr. Koo's submissions are worthy, however for now we want to keep harmony. And why do we want to keep harmony?

Trinidad and Tobago has just signed, has received approval from this Cabinet, to execute a memorandum of understanding with the Government of Singapore, the intellectual property office of Singapore. Why do we want to do that? Because whilst others talk about having respect for intellectual property and

for the information technology and for the information experience, because we are well beyond information technology, we are in information experience right now. Whilst others talk and I mean specifically Members of the Opposition, their track record does not demonstrate any performance. You see, it most respectfully cannot be performance by the UNC to say that you respect intellectual property rights when the UNC, as a Government, did not even accept the Rome Convention into accession. Not the Singapore, not Rome, not any one of the critical aspects, nor could it be any more than lip service for the Opposition to say that they respect intellectual property rights. Why?

Because, Madam Speaker, it is this Government and this Attorney General that moved the Intellectual Property Office into the tower that the AG's office now occupies as we operationalize the amendments to this law. It is this Government that purchased the legislation to have electronic filing actually happen by bothering to do the financial instructions. It is this Government that brought in the World Intellectual Property Office software to do online filings. It is this Government that will see trademarks and patents come to life. You see, whilst other people talk about doing something, come and visit our new offices, come and see our new software, come and see our intellectual property. Come and see all of the conventions that we have brought to life.

And whilst others talk about having respect for persons with disabilities, differently-abled, print-disabled, Madam Speaker, as this law anchors the Marrakesh Treaty, as we cause amendments to the definition section, as we introduce new section 12A, as we cause amendments to section 19A, amendments to section 32A, section 41A. We have had seen no action from the Opposition. And, Madam Speaker, it is now a matter of record that this Government and this Attorney General has taken the issue of differently-abled and disabilities to heart

and has taken the issue of protecting the vulnerable to heart. Who else had the courage to abolish child marriage?

*[Madam Speaker rises]*

I end on that in terms of relevance.

**Madam Speaker:** Yes, please.

**Hon. F. Al-Rawi:** But in this context of Marrakesh Treaty and clauses 3, 4 and 5, in this context of amendments to broadcasting and rebroadcasting as we look to improving audio-visual fixations, whether they are live or not, it is in this context that you are treating with the most vulnerable. Who are the most vulnerable? The most vulnerable are the VIPs, the visually impaired, the print-disabled and very much in particular, the performers in the neighbouring rights that this Bill anchors to allow them an economic right for the first time in their works that are audio-visual fixations. This is ground-breaking. Because what do we have in Trinidad and Tobago in the context of this law? We have a whole lot of talent in our music industry and in our performance industry.

My learned colleagues asked opposite how much it would cost to operationalize and what the cost-savings were with respect to bringing in the Marrakesh Treaty in the context of NALIS. I would like to say it is for free. Let me repeat that. It is for free because what we are doing in the accession of this treaty and grounding it into law and via the MOU that NALIS has in its work, we are bringing in the access to ABC from WIPO and in doing that, we get almost 500,000 works in an almost immediate point of delivery.

Because this is run on a non-profit aspect, I mean it almost boggles the mind why the last Government did not bother to do this. It boggles the mind to ask why you did not do this because it was there for the taking. But you see to do that, you had to have a passion for the vulnerable and you have to have a passion for

intellectual property and you have to have a passion for the neighbouring rights that performers get in their economic delivery here today in the amendments that we cause to this law. Not lip service, passion and operationalization.

The hon. Member for Mayaro asked the question as to how will Customs know what are technological circumvention devices, and quite simply, there is work that is afoot between the USTR and the EUIPO and what we are doing there is we are engaging in significant training: understanding what the devices look like, what the techniques involved, ensuring that ASYCUDA is managed in terms of importation. The Minister of Finance did something that people did not notice really, you know. The particularization of importation items was reintroduced by the Minister of Finance. Before that, pursuant to amendments that the hon. Winston Dookeran as Minister of Finance had caused and then Minister Howai, people were just bringing in any and everything without declaration whatsoever and the circumvention of technology devices were easily imported into the country. Imagine that. That which is grounded in this Bill affects the business, the declared business of the Member for Mayaro and his own Government could not be bothered to protect him. Do not worry, Mayaro, this Government will protect you and your business and your employees. This Government will do what the last Government did not have the courage to do. You see, Madam Speaker, when you drill down into the facts, you understand that my friends opposite are found wanting, full stop.

Madam Speaker, I do not think that the Member for Cumuto/Manzanilla had anything that required response and in the round therefore I am very pleased to once again indicate full some support for these measures. I would like to note that we intend to operationalize this law with immediacy and I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

**Madam Chairman:** Whip, we have 12 clauses. Can we take them en bloc or?

**Mr. Lee:** I do not know if Members would need any clarifications in any of the clauses? [*Discussion held*]

**Madam Chairman:** Okay. So AG we are doing all 12.

*Clauses 1 to 12 ordered to stand part of the Bill.*

*Preamble approved.*

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

*House resumed.*

**Hon. F. Al-Rawi:** Madam Speaker, I wish to report that the Copyright (Amdt.) Bill, 2019, was considered in committee of the whole and approved without amendment. I now beg to move that the House agree with this committee.

*Bill reported, without amendment.*

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

**Madam Speaker:** This Bill requires a three-fifths special majority. And Members, I am to remind that Members accommodated throughout the Parliamentary Complex will be allowed a maximum of three minutes to return to the Chamber to vote. So hon. Members, the division will now commence. Members are reminded that even if the Clerk has already passed the Member in the usual voting sequence, once a Member is present in the Chamber before the division is announced, he or she will be called upon to vote.

*The House voted:* Ayes 33

AYES

Deyalsingh, Hon. T.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Young, Hon. S.

Mitchell, Hon. R.

Forde, E.

Cudjoe, Hon. S.

Garcia, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Dillon, Hon. Maj. Gen. E.

Crichlow-Cockburn, Mrs. C.

Webster-Roy, Hon. A.

Francis, Hon. Dr. L.

Olivierre, Ms. N.

Leonce, A.

Antoine, Brig. Gen. A.

Cuffie, Hon. M.

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.

Ramadharr, P.

Bodoe, Dr. L.

Ramdial, Ms. R.

Paray, R.

Gayadeen-Gopeesingh, Mrs. V.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

### **MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL, 2019**

*Order for second reading read.*

**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, be now read a second time.

Madam Speaker, we come before you today as a Government to discuss 28 clauses being the fourth piece of law that we bring to essentially tackle a number of issues. The first one is the criminal justice system. The second one is road safety. The third one is the ease of doing business and the fourth one is in managing the comfort and joy of our citizens of Trinidad and Tobago. You surely would not think that those four aims and objectives that I have just described could possibly find themselves in a Bill which is an Act to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50, but permit me to put it into context now as follows.

This is the fourth piece of law that we are bringing as a Government to treat with those four issues. We have, of course, Madam Speaker, brought the red-light camera, demerit point, fixed penalty reform Bill, No. 1 of 2017. That was assented to on August 03, 2017. It is Act No. 9 of 2017 and it has been proclaimed. That

law was to do certain radical transformations, which I will come to in a moment because it is relevant to what we are doing today in this Bill.

The second law that we brought was No. 3 of 2017. It was brought in on the 28<sup>th</sup> of November, 2017, and it was the Motor Vehicles and Road Traffic (Spot Speed Camera Enforcement) (Amdt.) Bill, 2017. The next law that we brought forward was the Motor Vehicles and Road Traffic (Amdt.) (No. 2) Bill, 2017, 9<sup>th</sup> of November, 2017, assented to 12<sup>th</sup> of December, 2017, and that, of course, was where we are treating within the speed limits, et cetera. Why have I referred to those three and now this Bill? Because, Madam Speaker, the key in getting reform in your country is strategy. Let me repeat that. The key to getting reform in your country is strategy.

My colleagues opposite brought Bill No. 24 of 2014. It was a Bill which was intended to revolutionize our system. It was 214 pages long and required a three-fifths majority. No form of dedicated effort was poured into that structure. It was a law which just simply meandered its way through our country. On coming into office, we took a very deliberate decision to change the way our courts worked and to tie law enforcement in with essential items which deliver results.

[MR. DEPUTY SPEAKER *in the Chair*]

**4.20 p.m.**

And one of the most important things was the motor vehicle and road traffic arena. Why? The motor vehicle and road traffic offences, under the law prior to us operationalizing amendments in our second round of amendments, offences, traffic matters, motor vehicle matters, Mr. Deputy Speaker, can you believe that every year there is an annual caseload of 146,000 cases in the Magistrates' Court?

People wonder how they are going to solve crime, how they are going to



deal with structures— 146,000 cases with 43 magistrates doing the job. By bringing the amendments to the Motor Vehicles and Road Traffic Act that we bring today, and by bringing the amendments that we brought in our second round of amendments, and our first round of amendments, we effectively eliminate 104,000 of those 146,000 cases from the load clean. Add that on to the decriminalization of marijuana, it takes away another 8,500, add that to the abolition of preliminary enquiries, you take away another 26,000 cases, leaving 8,500 cases to be dealt with by 43 magistrates.

So, Mr. Deputy Speaker, we are talking about the management of crime as we bring the amendments before us here today. Now the Bill itself, if we get to the other three objectives that I have managed to paint, the Bill itself is anchored in further amendments that we bring to a very old piece of law. Chap. 48:50, which is the Motor Vehicles and Road Traffic Act, is an Act of Parliament, No. 42 of 1934, and that law, Mr. Deputy Speaker, is the lifeblood of what we do because our roads, our pedestrians, our drivers of cars on the road, or buses, or whatever they may be, this is the method by which we connect ourselves, but it is also the method by which we discipline ourselves, we keep road safety. Today we propose, in these amendments before us, to introduce technology into the equation and we also propose to further what we just did in the Copyright Act a little while ago, to bring human dignity to an area and a group of our citizens that have been ignored by everyone prior to this Government.

So we propose to introduce vehicle registration and tagging by a system of radio frequency identification technology, RF tags ID. We propose to introduce spot speed camera enforcement systems to work in tandem with our red light enforcement systems.

We propose to introduce the regulation of tints, something as important as how dark your windows look, that has caused some people to pay up to \$10,000 in fines, set aside on way of appeal. And very importantly, we introduced a parking permit system for persons with disabilities. And I will call Mr. Suratt's name once again. We propose to introduce, by way of regulations, the manner in which people with white canes are given the respect on the roads of Trinidad and Tobago.

So let us look at what we do here, Mr. Deputy Speaker, and forgive me if I sometimes say Vice-President. I spend a bit of time in the Senate as well, I apologize. Mr. Deputy Speaker, we are effectively, in clauses 5 and 24, amending section 12 of the Motor vehicles and Road Traffic Act, and we are introducing the concept of number plates; special types of plate. We are also making sure that fraud in plates is managed, that is the reference to clause 24. In treating with e-registration and tags on motor vehicle— they are called tags— we deal with clause 6 where we introduce a new Part IIB, which is electronic registration and tags, and we treat with sections— the new introduction of sections 20D through 20J as in “Juliette”. We then deal with the concept in clause 7 of an amendment to section 23(2) of the Act, to treat with how tints on cars are managed. We tie that in with clause 25, where we use the regulation ability in section 100 of the parent Act to say how tints are to be regulated. It is at that point as well, that we treat with persons with disabilities because by way of regulations, by way of clause 7, by way of clause 25; clause 25 in particular, which amends section 100 of the Act, we can introduce regulations for disability parking and for persons with white canes, the visually impaired.

The next thing that we do is we deal with certain parts of the law that has to work in conjunction. Clauses 8 and clause 17, we deal with speed monitoring

devices and we deal with clause 17 with a new Part VB, where we introduce the spot speed. Spot speed, effectively, is an amplification of what we did in the red light camera enforcement. The red light camera enforcement catches you if you are speeding, catches you if you are breaking the red light, but only at the red light. The spot speed catches you along the artery way before you get to a red light.

We then deal with clauses 10 to 16, which effectively bring in the Criminal Division requirement. So we pass the Criminal Division and road traffic Act. That is now operational in our country, a radical transformation of our criminal justice system. It is tied into this. We now need to harmonize some terms and definitions coming from the Criminal Division Act.

We then also deal in clauses 18 to 23, with managing the introduction of the technology that we have installed in the Judiciary. The software in the Judiciary is called TTJim, J-I-M. It is the software introduced into the Judiciary, which the traffic division, the licensing division, and the police that have the enforcement tools in their hands, operate on one platform. So that whilst you are on the road receiving a ticket, or you are at home getting your ticket in the mail, all of that is on one unified platform of technology.

We then, of course, add a very important clause which we took in the Senate. We added, it is an amended clause to this Bill, it is clause 26. In clause 26, we are adding in the manner in which we will take the backlog of 90,000 cases at highest; 80,000, 60,000 to 90,000 cases that are in backlog. How we crush that backlog is in this Bill. This means our magistrates are now free to deal with serious matters and not road traffic matters.

Of course, clauses 27 and 28 deal with the amendments to the Schedule, in particular, Schedule 7 and Schedule 10, where you need the amendments to say

what is a violation or what is not. What time is full time, Mr. Deputy Speaker?

**Mr. Deputy Speaker:** Four forty-seven.

**Hon. F. Al-Rawi:** Four forty-seven, much obliged. So Mr. Deputy Speaker, what is the architecture of this legislation built upon? It is built upon something that we did in 2017. It was proclaimed on the 26<sup>th</sup> of May, 2020, that is Act No. 9 of 2017. We introduced into that law, Mr. Deputy Speaker, three critical clauses that have radically transformed the Motor Vehicles and Road Traffic Act. We introduced sections 20A, 20B and 20C. Effectively, what we said in section 20A is, the use of the road by a motor vehicle is a condition; it is not an absolute right. You are given the permission, by way of a licence, to use the road.

In 20B, what we say is that this matter of road user is tagged on to the owner of the car. Now, of course, the owner may not be the driver. The manner in which the owner and the driver arrange their business is no different from anywhere else in the world. It can be done by way of contract or other positions. And the other thing that we do in 20C, is we say that it is a civil standard. We create violations, as opposed to offences. Matters that are set out in the Seventh Schedule are violations of the law. You can get a demerit. You can pay a ticket. If you do not pay your ticket and you get a certain number of demerits, you can have your transaction suspended and your driver's licence suspended or revoked. We stopped taking people to court, everything being an offence, requiring a police officer to come, serve a summons, serve a warrant, have a warrant for your arrest, have a 100 per cent of police time occupied, 104,000 cases a year in the court. We take all of that out and we say, "If you want to come to court, file a notice to contest." Why? Because the data shows only 30 per cent of the matters actually get dealt with. So why use a 100 per cent resource for a 30 per cent return? If you

know it is only going to be 30 per cent that come to court, let those 30 per cent of cases tell you they want to come to court. Otherwise, let them show cause as to why their licence should not be suspended and their transaction stopped within the due process requirements of the law.

So let us get to the Bill in the individual pieces because what we do now is we add some critical improvements to the Act. Section 12, which is amended by clause 4, proposes that you have to register or renew your registration of a vehicle. Right now, section 12 of the Act says once you register a car, it is registered. If the car got wrecked, destroyed, stolen, went under water and you did not bother to remove the registration from the registry, it is still registered. That is why we have 1.1 million cars registered. We have digitized nearly, I think, 98 per cent of that, if not 100 by now. We have digitized all motor vehicle registration and driver's permits in this country. Why? Whilst others talk, we are performing. And in registering on a one-time basis, you end up with a list of vehicles that may not be real because they were written off, et cetera.

So what we do in amending section 12 of the Act, is we say, "You have to register your vehicle. On a continuous basis, you have to renew it." We tell you how you renew it. We tell you the time frame to have it renewed and we set it out in the law here so that you are required to come and renew your registration every five years.

What does that do? It allows you to know what is working, what is not; what is genuine, what is not. And even though we prescribe a very small formula for that, what we do is we require—at least that way, we will not see the obscenity of people lining up for motor vehicle inspection and fraud in motor vehicle inspection being perpetuated in this country.

We say that license plates are now to be the property of the MVRT, the motor vehicle, the licensing division. No longer are license plates going to be produced by someone outside, they would be randomized, unique plates and what we do in the randomized unique plates, is we allow people to come in, all new vehicles will be under the new licensing regime, randomized, plates belonging to the authority, and what we do instead now, we will call in the older vehicles on a phased basis and replace their plates.

We tie that in with the provisions that we do for the tagging, electronic registration and motor vehicle tagging, the new Part IIB, and that is in clause 6. What we do with tagging, is we introduce the RF tag ID. What is that? For people who have travelled or seen it in the movies, you see an electronic device, it is called an ID, a radio frequency ID. It is on your number plate or another part of the car. You pass under an archway. You pass under a device and they know that vehicle registered to the Member for San Fernando West has just passed at that point, going too fast, his registration is out of date. The information is relayed directly to the licensing division, and it is relayed directly to the Trinidad and Tobago Police Service as well.

So you are broadening your crime-fighting techniques by having something called eyes everywhere. Because if you have these devices being monitored on your roadways, you know whether somebody is in compliance with the law at the moment when they pass. It exists in every country around the world that is developed, the United States, the United Kingdom, South America, Australia, Europe, et cetera. That is to be found in the introduction of the new sections 20D straight through to 20J, as in “Juliette”.

We, of course, provide for certificates, and documents, and filings, and

registrations to be done electronically. Let me repeat that. Same way you do not need to come into the Attorney General's Office, Legal Affairs now, to go and line up for a birth certificate because you can pay for it online and get it by TTPost, all of your submissions, and all of the results that come at you, tickets, et cetera, they can come electronically to you. These are upfront prepared and ready for operationalization, Mr. Deputy Speaker. Whilst others talk, we implement, Mr. Deputy Speaker.

And that is to be found in the new section 20I, as we see new proposed section 20I, where we have signatures, documents, everything done electronically, so that when you get into the court under a notice to contest, or you get into court for a matter to be treated with, you do not need to have the complainant, or a virtual complainant there. You do not need to bring people out of their office. We apply the presumptions of law, so that you know that the electronic signatures are valid and that the certificates are valid.

Clause 7 treats with the introduction of the method. We just delete section 23(1). What was 23(1)? Section 23(1) was the obscenity where a man could get a \$10,000 fine for a tint, under the say-so of an officer, not by way of a calculated light entry, or filming, or other aspect. We know propose the introduction of a tintometer. And that can be done by way of regulations under section 100 of the parent Act.

We treat, Mr. Deputy Speaker, with a new form of compatible RFIDs. What we do basically, Mr. Deputy Speaker, is we take all of the prohibitions that we had in the red light enforcement, we make sure that the devices are now retrofitted to read more than just red light tools, devices, certification, functionality, permits. All of these things are now put into the anchored provisions of the law. We

harmonize what we did in the legislation that came before us, which I would call the red light camera legislation and we effectively matched up spot speed enforcement with red light camera enforcement.

In that regard, Mr. Deputy Speaker, I can easily say the definitions are in conformity with each other. We can go into parity, whether it is Minister to approve devices, unlawful interference with devices, owner deemed responsible for violation, photographic recording or image captured, preparation of citation notices, form of citation, service of citation notice, payment of fixed penalty notice, filing of notice to contest, certification by inspection officer, proceedings for traffic violation, transmission of documents to court, certificate of commissioner, evidence of condition of camera, police, no complainant in proceedings, magistrate to proceed ex parte, nonpayment of fixed penalty notices, notice to owner of possible sanctions, imposition of sanctions by Licensing Authority, show cause. All of these are taken to match up with the red light camera enforcement, what we are now proposing for the spot speed enforcement, Mr. Deputy Speaker.

Mr. Deputy Speaker, it is very critical when you get down to clauses 10, et cetera, that we are marrying up what we have done in the Criminal Division and District Criminal and Traffic Courts Act, 2018, which as you know is up and running. What we do with the software for the TTJim to make sure that the Judiciary software is harmonized.

We also allow, Mr. Deputy Speaker, in clauses 12, 13 and 17, what I just referred to as marrying the same provisions that we did for red light enforcement, with spot speed. Importantly, clauses 13, 14, 15 and 16 is where we are now adding in the judicial operational functions. So we have taken the benefit of



having operationalized the entire system. We have retrofitted it into the Bill that is before us now, so that it can all work in tandem and make proper sense. Mr. Deputy Speaker, that will take us straight through to the clauses that I have just come straight now down to clause 18 because I have effectively married up the provisions up to clause 17, in the parity between red light enforcement law and the spot speed law.

Clauses 18 and 19, we are dealing with the Judiciary amendments as I call them, where we are making sure the technology of the Judiciary is anchored into law, where we remove seven working days, for instance, into one day. Why? We now have technology to treat with these things. These are radical transformation points.

When we deal with clauses 20, 21, 22, we are again dealing with up to 23, what I call the TTJim clauses. We are taking the Judiciary software provisions and retrofitting it into law. We need to redefine a clerk into the new version of a clerk. Remember, before this Government, a clerk in the court was an administrative officer. The Registrar of the Court now operates and the Registrar of the Court is, of course, a qualified person for the first time, under the Legal Profession Act. That is just radical in transformation, Mr. Deputy Speaker.

Mr. Deputy Speaker, clause 24, as I told you earlier, is tied in to the previous positions. It is where we repeal and replace the fraud that is associated with imitation of number plates or ID plates because, of course, fraud is rampant. We know, as a matter of fact when you look to the number of stolen cars in Trinidad and Tobago. If you look to the number of stolen cars in Trinidad and Tobago, Mr. Deputy Speaker, it is actually quite spectacular. We have, for 2015 to 2020, we have had 3,535 stolen cars. You know how many have been detected? Two

hundred and seventy-five. That is 7 per cent of stolen cars. Why? Because they just change the number plate. Because anybody can produce a number plate and put the number plate on. That is why, in this country, people will tell you—we all have stories of people saying, “Well, I saw my number plate on another car” or “I saw somebody with a number plate that I recognize that is not the number plate that should be on the car.” We all have these stories. That is why the detection rate is so low. With the RF tags, you cannot imitate the tag because it is produced in a unique way by the Licensing Authority. And therefore, when you listen to platform speeches, virtual or otherwise, talking about: “What I will do with crime,” my question is: “What did you do with crime when you had the chance to do it?” Mr. Deputy Speaker. Sweet nothing, Mr. Deputy Speaker. Sweet nothing, Mr. Deputy Speaker.

Mr. Deputy Speaker, we have put in a new clause 26. The new clause 26, Mr. Deputy Speaker, is radically important to what we are doing here today. The new clause 26 is where we add the ability to “buss de” logjam. New clause 26:

“The Act is amended by inserting after section 106, the following section:”

A new section 106A:

“(1) Notwithstanding section 9 of the Summary Courts Act, the Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules...”

Listen to this, for:

- “(a) the location for the hearing of traffic matters;
  - (b) the manner in which cases will be listed...
  - (c) ...other matters necessary...
- (2) Rules...”—may—“be subject to negative resolution...”

- (3) ...Chief Justice may by Practice Direction, determine...Court locations...”

Mr. Deputy Speaker, let me put this into context. Whilst others talk about saving this country from crime, this Government opened 12 courts in the prisons. And in a three-month period, March 16, 2020 to May 13, 2020, we did 1,450 cases from the prisons. And therefore, we have the ability, in this new clause, this new section, this new clause 26, to allow for the virtual hearing of matters.

Further, you may not know this Mr. Deputy Speaker, we amended the number of magisterial districts. We reduced them down to three. We only have three magisterial districts in Trinidad and Tobago now: north, south and Tobago. What does that mean? If you get charged in Rio Claro, “yuh doh have tuh back tuh Rio Claro if yuh living in Toco”. You know what that means? You do not have to get to that court to go and hear the matter, not only because it may be a violation pursuant to Schedule 7, but because we have implemented the solutions to the law, Mr. Deputy Speaker. Whilst others talk, we deliver, Mr. Deputy Speaker.

Mr. Deputy Speaker, let us get down to clause 25. Clause 25 is what I call the Suratt clause. It is the clause by which we as a Government give the blind the ability to be respected on the road. It is the manner in which we as a Government allow people who are disabled in parking, who have specialist vehicles, like so many of the people that we know, to actually have dignity. So whilst others talk, Mr. Deputy Speaker, we deliver.

Mr. Deputy Speaker, clauses 27 and 28 amend the Schedules. Clause 27 deals with the amendment to the Seventh Schedule— sorry, we amend the Schedules in the Seventh Schedule and Tenth Schedule, so that we can harmonize now what are violations and what are not.

Mr. Deputy Speaker, we are immediately prepared to cause the amendment to these laws—

**Mr. Deputy Speaker:** Two more minutes, Member.

**Hon. F. Al-Rawi:** We are chomping at the bit to have Trinidad and Tobago be delivered out of difficulty.

I wish to take this moment to thank a most incredible colleague of mine. His name is Rohan Sinanan, the Minister of Works and Transport, Sen. Sinanan. It is because we have such a dynamic working relationship that he can operationalize whilst I legislate; that he can ensure that his team, Marvin Gonzales, the head of legal in his team, in particular, aided by people in society like the most beautiful person I know Mrs. Sharon Inglefield from Arrive Alive, who has been a champion for the people of Trinidad and Tobago. You see, Mr. Deputy Speaker, too long have these measures been in the waiting, too long have people just simply twiddled their thumbs, walked with a couple hundred pages of amendments in proposed law in 2014, without delivering relief.

I would end by saying law cannot work by itself. Law requires the formula that I most humbly recommend: plant and machinery, people, processes and law. That is how you operationalize law. I look forward to the contributions of hon. Members as we take this debate forward and I beg to move. [*Desk thumping*] I thank you for that warm round of congratulations, Terrence.

*Question proposed.*

**Mr. Fazal Karim (Chaguanas East):** Thank you very much, Mr. Deputy Speaker. And may I also join in thanking the Leader of the Opposition and our Chief Whip for giving me this opportunity to contribute to this very important Bill:

“An Act to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50”

Mr. Deputy Speaker, I just listened to our hon. Attorney General. But before I get into the substance of my contribution, I think there is something I need to correct. I need to remind the hon. Attorney General that we brought down serious crimes to the lowest levels in 32 years [*Desk thumping*] and I need to remind him about our slogan: You talk, we work.

Mr. Deputy Speaker, this Bill essentially focuses, in my view, on five areas, which are electronic registration, tagging, spot speed cameras, red light cameras, tint, disability parking permits. Mr. Deputy Speaker, in the event that I run out of time, I think I want to deal with the last item first because it is a very sensitive item. It has to do, as I indicated—

**Mr. Deputy Speaker:** Hon. Member, I just want to confirm, you have 30 minutes.

**Mr. F. Karim:** Okay. Thank you very much, Sir.

**Mr. Deputy Speaker:** I just want to confirm that.

**Mr. F. Karim:** Thank you. I wanted to start with the last item I mentioned, which is the focus on this Bill, disability parking permits. I have seen, Mr. Deputy Speaker, when I drive around, or when I am looking for a park, sometimes this aspect of disability parking, even though you have the signs on the road marking, is abused by persons. And when you look at persons who are getting into their vehicles, it is very clear, when you look at them, how they move physically, that they do not appear to be disabled. And in some cases when the bona fides who are disabled want to get into that parking spot there seems to be an unnecessary confrontation, so there is abuse and hostility.

**4.50 p.m.**

Mr. Deputy Speaker, we are told in this Bill that to get that decal, that disability parking permit, that a medical report needs to be obtained, and while that

is all well and good, and that that sticker will be issued by the Licensing Authority, and it must be displayed in the car, I want to make a suggestion for the consideration of the hon. Attorney General. What prevents someone who wants to use that spot for their own convenience, and to inconvenience a bona fide user, a disabled person, by lending that park, by doing so by sharing that permit and hanging it on your rearview mirror in front of your vehicle, so that you are seen that this is a car that is permitted for a disability person?

I want to suggest to the hon. Attorney General that in Canada, what obtains—it is not simply the decal that is hung on your rearview mirror. What obtains is that the person who is using that facility, who is the driver of that vehicle, who is the beneficiary of that disability sticker, has a card and in that card has your information that verifies and certifies that you are the person who is able to use that, and who in fact has been given the authority to so use.

I want to ask the hon. Attorney General as well, in an effort to avoid this unauthorized transferability, because sometimes you see people use this where they know for a fact that if they go into this car park it is going to be very crowded, based in terms of whether it is a mall, or whether it is an event and they take advantage of that. I want to ask him whether he would not consider having a bar code on that decal that would be facing the front of the vehicle, and just like you have the tintometer hon. Attorney General, that someone could flash an electronic item and confirm that that sticker is a bona fide sticker. You know in Trinidad and Tobago you have plenty of smart people who could reproduce these things and abuse the system and lend the system to fraud. And I hope that my colleague from San Fernando West will give some consideration to ensuring that we eliminate that kind of abuse.

Mr. Deputy Speaker I now want to get into another aspect of the Bill which is, he just spoke about it, my colleague from San Fernando West the hon. Attorney General, “tint on windows and windscreens”. Mr. Deputy Speaker, the Bill proposes to delete section 23(1)(d) of the Motor Vehicles and Road Traffic Act which restricts the use of tinted treated or darkened glass on windscreens or any other windows of a motor vehicle, so as to obscure the view of the inside of the vehicle from the outside, and introduce section 100(ea) of the existing Act, to allow the Minister to make regulations to effectively regulate the degree and shade of tint on windows and windscreens of a vehicle or trailer.

Mr. Deputy Speaker, the Minister of Works and Transport said in another place that the Transport Commissioner would commence work on developing a proper system to regularize the percentage of tint on vehicles and would further explore using measuring tools for the percentages of the tint on vehicles. Mr. Deputy Speaker, the proposal to remove section 23(1)(d) and introduce section 100(ea) will leave a vacuum in the absence of the actual regulations. The Government has been in office—this Government—for five years now and at the ninety-ninth hour now intends to investigate what are acceptable tint levels for vehicles, and whether tint meters could be used to determine visibility.

Mr. Deputy Speaker, I am sure you would have seen like many of us where vehicles are sometimes randomly pulled on the side of the road and you have to ask the driver to pull out your tint. A tint metre, Mr. Deputy Speaker, works by simply shining a beam of light at 550 nanometres from the instrument sensor through the window to the optical sensor. As the beam is intercepted by the window, the metre then measures the amount of light that passes through and gives a reading of the visible light transmission.

Mr. Deputy Speaker, I repeat, in terms of the necessity for this Bill we would have loved to see this happen before now and what happens is that, in this last five years, the fifth year, and in a last-ditch effort proposes to amend—the Government that is—to amend the law to effectively give the Minister extra time to do some more research and develop regulations. There are readily available international examples, Mr. Deputy Speaker, of tint levels as measured by visible light transmissions.

If I may just give a few examples, Mr. Deputy Speaker, New Brunswick, Canada uses 70 per cent visible light transmission for windshields and front side windows, but permits any darkness from the back side windows and rear windows. In Florida, in the United States, it uses 28 per cent light visibility transmission to front side windows, and 15 per cent for back side windows and rear windows. Mr. Deputy Speaker, in New York, in the United States of America they use 70 per cent visible light transmission for front side windows, and back side windows and any tint visibility for the rear windows. The United Kingdom uses at least 75 per cent visible light transmission for the front windscreen, and at least 70 per cent for front side windows for vehicles, first used on the 1<sup>st</sup> of April, 1985.

Mr. Deputy Speaker, the Government must answer the following questions. When will the regulations be introduced? In six months? In one year? In two months? The hon. Attorney General is saying, “right away”. So we will measure that not with the tintometer but we will measure that in terms of your parliamentary statements and the delivery of your promise. We ask the question: If there is a time lapse between the date of enactment and proclamation of this Bill, and the actual development and enforcement of the regulations, how will existing drivers with obscured tints be policed? We ask another question: Will the same



\$2,000 fixed penalty apply under the new regulations?

Mr. Deputy Speaker, the current demerit system, will it impose new penalties for tints and will that be introduced? What is the status of the measurement tools for tint? Has the Minister of Works and Transport and the Transport Commissioner tested any of these measurement tools as yet? Have they gotten them? Are they in the country? Has a training programme been conceptualized for licensing and police officers in making this transition? We are told that officers would be trained and will there be in this transition, trained in terms of eyeballing the tint? Moving from eyeballing a tint to using science and technology to measure tint levels? I ask the question, who are the trainers? Who are the certifiers? What will be the training institutions who will provide this training? Will they be accredited? Because if we do not answer these questions now they can be challenged in the court and will make this Bill something to be further challenged, and will break down the integrity of the Bill.

Mr. Deputy Speaker, I say there must be consistency, there must be objectivity, rather than subjectivity. And I ask the question of the hon. Attorney General, when you are utilizing the tintometer is it that you are going to get on spot a printout just like the speed spot, or the spot speed ticket, or the red light ticket? Are you going to be getting a printout saying what is your tint level, and therefore have evidence from the tintometer? And I think that will be very useful and that is an important aspect of the training in terms of the science and technology of this new mechanism.

Mr. Deputy Speaker, I now turn to the criminal justice system and criminality. The hon. Attorney General declared that the Bill will serve a twofold function of reducing the backlog of cases in the criminal justice system, and also

enable law enforcement authorities to better detect criminal activities through vehicular trafficking. Every piece of legislation the hon. Attorney General has brought to the Parliament, he sometimes tries his utmost best to connect to crime. The sad reality is that after five years in Government, over 2,300 of our citizens have lost their lives under this administration, in spite of their ubiquitous, if I may use that word, legislative machinations.

The hon. Attorney General, Mr. Deputy Speaker, spoke in other words in another place to—and just here recently, about the use of RFID tags, radio frequency identification tags which will connect the Judiciary to the Licensing Authority which in turn will connect to the inspectors and the police officers with handheld devices. However, neither the hon. Attorney General nor the Minister of Works and Transport have provided a shred of evidence on the proposed governance structure for the use of private citizens' data. In the other place some very important questions were asked and the Government is still to answer.

I ask the question: Where will this data collected by the Licensing Authority on vehicle owners, with their personal addresses, email contacts and other private details be stored? On site? In cloud storage? Has cybersecurity been explored? Have off-site data redundancies been considered at the Government's data centre? Another question I want to ask Mr. Deputy Speaker: What levels of authorizations will be instituted to access this data? Could the Minister of Works and Transport access the private email addresses of citizens through this technology infrastructure? Could the Transport Commissioner access the private data of citizens? What level of police in the Trinidad and Tobago Police Service will have access to the private data of citizens? The Commissioner of Police, the Deputy Commissioner of Police, Senior Superintendents? Will the TTPS, I ask, have real-

time access to this data as happens in other countries?

Mr. Deputy Speaker, there is a natural emotive response to any piece of legislation related to curbing criminal activity. However, we have seen this Government increasingly encroach on the enshrined constitutional rights of citizens without any accountability and without any safeguards.

**Mr. Al-Rawi:** I rise on 48(6), Mr. Deputy Speaker. “Without accountability” and regard encroaching on citizens’ rights? Mr. Deputy Speaker, I most strenuously object to that in terms of the disparaging—(4) and (6).

**Mr. Deputy Speaker:** Upheld. Member, I would like you to retract that statement, reword accordingly please.

**Mr. F. Karim:** Okay, I retract it, Mr. Deputy Speaker. And with your permission I continue. On the issue of criminality RFID tagging in and of itself cannot effectively lead to the detection of crime. We have seen the research, we have seen what has happened in other countries and it must be carefully integrated which we hope it is being done here, and which has been said so far this afternoon to the national security apparatus.

The hon. Attorney General is always keen to provide statistics and he did so this evening. He told us that there were 146,000 cases in the Magistrates’ Court for 43 magistrates to handle and that over a period in terms of handling these cases, that they are now down to 8,500 cases to be dealt with by the same 43 magistrates.

Mr. Deputy Speaker, I want to go back and mention with respect to the RFID, that the National Institute of Standards and Technology, the US Department of Commerce, published a document in 2014, entitled, “RFID Technology in Forensic Evidence Management, An Assessment of Barriers, Benefits, and Costs”. The report says and I am quoting:

“Despite the potential benefits of RFID adoption in forensic evidence management, many barriers exist that prevent law enforcement agencies from fully embracing and investing in the technology.”

These include:

The—“Magnitude of Startup Cost”

The—“Reliability of Technology”

We have seen the situation, we have been told that there are cameras in many places, and when you ask how many cameras are effectively functioning, you get a very different number. The standardization of the processes, Mr. Deputy Speaker, the report further says and again I quote:

“Establishing a chain of custody for an item of evidence throughout the process of investigation, transportation, storage, and legal proceedings is a huge challenge for law enforcement. While RFID can contribute to improving efficiency in each of these areas, it is difficult”—it has been found—“to quantify the savings or return on investment (ROI) due to the varying agencies and handlers involved in managing evidence.”

The hon. Attorney General must tell the country what baseline data is he using? Or do you only use statistics conveniently? Tell the nation whether the Government has produced any predictive models on criminal detection rates from RFID tagging? There must be prospective models that we can use to project this system, to ascertain the voracity of this system, to look at the efficacy of the system, and to look at the impact of this on crime and criminality.

Added to that, what safeguards will the Government take to prevent cloning, spoofing, and even maintenance of the RFID tags. Citizens are now required, Mr. Deputy Speaker, to incur an expense, an additional tax of \$350 every five years,

presumably to cover the cost of the RFID tags. I ask the question: Does the RFID tag have a lifespan of five years? Or if the RFID fails before that, what is the process and protocol for replacement?

The Government has come today, to the Parliament, to put a check in the box of tabling legislation, but history has proven that it has consistently failed at implementation. Year in, year out, we look at the delivery and I just want to give a few examples. In the 2020 budget statement, Mr. Deputy Speaker, the PNM promised to modernize the licensing divisions in Port of Spain, Arima, St. James and San Fernando with full eight-hour digitized services to the public, by when? By December 2019. Has that been delivered, I ask? The PNM has promised to start the secure motor vehicle number plate system by March 2020, to improve vehicle registration and remove illegal license plates; I ask the question, has this been accomplished? The PNM has promised to proclaim the Motor Vehicles and Road Traffic Act, 2017, by December 2019. I ask that question again: Have you delivered on that? That is the track record that we sometimes often have to make reference to, of incompetence, failure, nonperformance, and of course, unfulfilled promises. And please do not blame COVID-19.

Mr. Deputy Speaker, I now want to turn to communication with vehicle owners. Clause 4(e) of the Bill states and I quote:

“(5A) Registration plates issued under this section and Part IIB shall remain the property of the Licensing Authority and shall be surrendered to the Licensing Authority where the Licensing Authority—

- (a) has caused to be published in the *Gazette* and at least two newspapers in daily circulation in Trinidad and Tobago, a notice requiring an owner of a vehicle to return his registration

plates to the Licensing Authority;”

Mr. Deputy Speaker, the entire system is being digitized. But the Government is resorting once again, maybe in compliance with the digitized system to the archaic means of communicating with motor vehicle owners via newspaper publications, granted that some of them may not have the technology, but then we are saying that this is a combination but I think that we should move to a higher system, particularly in the context of what we have experienced recently with COVID-19.

Mr. Deputy Speaker, the Government is proposing to send traffic tickets via TTPost, but then resorts to mass and indirect communication in cases where vehicle owners have to return their registration plates to the Licensing Authority. This sounds obviously counterintuitive. If the Government feels strongly about newspaper publications, why not also send notification to the vehicle owner directly to their last registered address, in addition to email or electronic communication? Section 79AB(1) and (2) both allowed for both scenarios.

Mr. Deputy Speaker, I would not want to repeat those sections because they are there. But clause 17, new section 79AB says, it states:

“(2) In the case of a Citation Notice to be served on an owner whose usual or last known place of residence cannot, with reasonable diligence, be ascertained, service may be effected by means of publication in at least one newspaper in daily circulation in Trinidad and Tobago or electronic transmission through e-mail.”

It is very possible that a vehicle owner could be out of the country and miss the newspaper publication entirely, and therefore direct post together with email communication will mitigate any communication gaps in relation to clause 4(e).

Mr. Deputy Speaker, the RFIDs can also be used as a last resort option to track down the owner via the authorized authorities if there is no response from the vehicle owner within the specified time frame. New section 20E(5) is also subject to the archaic thinking of newspaper publication alone. Mr. Deputy Speaker, the accuracy of vehicle registration files at the Licensing Authority cannot be relied on from experience. We hope that that will be something of the past and if the Government intends to attach RFID tags to every vehicle, there must be a data verification process on the 1.1million vehicles which the hon. Attorney General mentioned today. From our information while we may have 1.1 million vehicles on the records, we are advised that there are about 750,000 vehicles in active use on our roads.

The Government is committed—and again, I am mentioning this, the Government committed in its 2020 budget statement to begin the process of changing out existing license number plates in March 2020. But I want to make a comment, I want to just go back to the number of vehicles that the hon. Attorney General told us that we have on our roads were registered, 1.1 million, and I think one of the things that is we have to look at, hon. Attorney General, through you, Mr. Deputy Speaker, that there is always an alarm, an unfortunate position where when you drive on our roads you have to wait until the other vehicles passes. Why? Because you have roadside garages, you have derelict vehicles, and I am hoping that with this new system that we will be able to once and for all clear the road ways. We are talking about traffic safety, saving the lives of our citizens.

The hon. Attorney General told us today that it is about human joy, living with ease, comfort and therefore there is much discomfort in many of our roadways. You drive anywhere almost and particularly in some areas which are

close to a garage and you will see what you have to face. Sometimes these vehicles are not lighted, they have no—nothing that will alert you that there is a vehicle that is parked there, and therefore, I want to just return to saying that I hope that that will be something that we will be able to deal with.

Mr. Deputy Speaker, we are already in June 2020, and as I indicated before, that the law with respect to changing out number plates which was due in March 2020, has not been done.

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

**Mr. F. Karim:** Thank you very much. The project is already off to a late start, and an estimated 30,555 vehicles to be tagged in one month. Let me repeat that, there is an estimated 30,555 vehicles to be tagged in one month or 1,018 vehicles per day, based on the data that we have had here in terms of the registration of the amount of motor vehicles. I ask the question, how will the Government realistically achieve this in three years? What will the staffing look like to handle this kind of workload? We see the kind of congestion when people have to take your vehicles to get it inspected and to get a sticker at the so many inspection stations.

The Government is already behind schedule and as under-budgeted on time to complete this exercise. This entire exercise in our view will take five years under a PNM administration, but much less than that under a UNC-led government. Mr. Deputy Speaker, added to that there will be obvious logistical complications with simply publishing an owner's name requesting that the vehicle be brought into the Licensing Authority. And we ask the question, what is going to happen in the case of Tobago? How many licensing offices you have for the entire island? How many do you have operating in Trinidad and Tobago? Many people



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in Tobago for instance may have to journey to Trinidad to address their RFID tagging, but the PNM's incompetence on the sea bridge may compromise Tobagonians. Added to that, the Licensing Authority will have to work through a range of issues such as stolen vehicles, incorrectly registered vehicles, engine changes, chassis changes, ownership never transferred, all of these issues, Mr. Deputy Speaker, will delay the verification process before the RFID tagging could be implemented in a seamless manner. I thank you very much, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Thank you, hon. Member. I recognize the Member for Caroni Central. [*Desk thumping*]

**5.20 p.m.**

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Thank you very much, Mr. Deputy Speaker. My contribution will be a short one. My colleague, the Member for Chaguanas East, did a wonderful job [*Desk thumping*] in addressing some of the major issues in this particular Bill. There are really four issues that are addressed in this Bill, an Act to amend the Motor Vehicles and Road Traffic Act. Chap. 48:50.

First of all, there is the number plate system which is tied to electronic registration and reregistration every five years. And this particular issue raises the question of registration and how it will be done, renewal, but also raises, Mr. Deputy Speaker, the issue of revenue. And I will say a word on that in a minute. Because each time you register or reregister, you pay TT \$350, and if you register late you pay \$100 more, \$450, and this is anchored by what is called a unique identification mark. So, that is what anchors the number plate system.

The second issue is a spot speed camera system for enforcing the speed limit, and for providing automatic fines for breaking the speed limit. So, what is being introduced here, Mr. Deputy Speaker, are really eyes of surveillance along the roadway. And I will have a word—a few questions for the AG on that.

Thirdly, there is a system to ensure priority for special needs persons and persons with disabilities involving permits, which is a humane action, my colleague, the Member for Chaguanas East spoke about that. And we are very supportive of that issue. We know that there are many problems with it and it is a positive effort. And then the new regulations for tinting vehicles, perhaps with greater precision and avoidance of doubt, but I notice in the legislation, it mentions that it will probably be done with the, I forget what is the name of the instrument that is used to—tintometer—which is meant to measure the tint. But I suspect that if that is brought in, it will add some precision to the situation.

Now, these new RFID plates will allow you to get—I want to ask if these new RFID plates will allow you to get a customized number by paying for it, which could become a source of additional Government revenue. We had a system like that, it was steeped, we have been told, with corruption, and that system has now been eliminated so your number simply comes up. And the question is, if this is properly done with a system that works, it can be a source of revenue. I ask, therefore, if all the online infrastructure for the system that we are trying to establish here in this country, to modernize and upgrade the system are in fact in place.

We are also dealing, as we manage all of these, with about 100, sorry, with about 1.1 million registered vehicles. And this system that is being outlined here in this piece of legislation is administered by the electronic reading device by police

officers, by transport officers, by traffic wardens and by estate constables, and by use of the traffic courts. That is the system that is organized on the basis of this legislation which has 28 clauses in the Bill.

Now, the success of this system or such a system, Mr. Deputy Speaker, depends on, first of all electronic surveillance system that works. And that is why I am raising the issue of the entire infrastructure system here and whether, in fact, it will be in place and functional and operational in the way that it is supposed to.

Secondly, it requires effective communication thereafter to the Licensing Authority, the offending owner of a vehicle. It requires compliance and enforcement for the system to work, and I want to ask the question therefore, what kind of electronic efficiency and human resource effectiveness are required to administer this system, and are the people and the processes and the systems properly trained and in fact in place. This may be an easy system in terms of putting up—putting into place the electronic requirements, but to actually get the system to work will take some doing. And I want to ask if—can there be a breakdown of this system? And if so, if it breaks down what happens?

And the reason I asked for instance, is that many of you might be bmobile users of your telephone and I think within the last few days some of you may have been experiencing, because certainly I have, that people will call and the call will not come through. You would be talking with people on the call, you would just not hear the other person on the other side. And the calls, well we have always had the problem of dropping calls, but in a simple system like that, you realize that for two or three days something can go wrong although you are dealing with relatively high and sophisticated technologies, and I am asking the question: If you have a system like this and something goes wrong, what happens?

There are other instances like that, like there have been numbers that have been given as the emergency numbers that you can call for various forms of COVID relief, for instance, when the food cards were being given out, for salary grants, for various things. But when you call those numbers, they do not always—nobody answers on the other side. So you can set up a system and there is no assurance that the system actually works. And the other issue I want to raise is the issue of electronic payments. The AG has said on several occasions in this House that the electronic payment system works in the Ministry of Legal Affairs, et cetera. But I want to raise the question of whether in fact this will be a system in which you can have electronic payments and, will there be a guarantee that this system will be faceless and able to work?

On page 3 in my version of the Bill, in clause 4(3)(c), which addresses section 12 of the Act, where that section 12 is amended, it mentions that the individual will enter particulars of the vehicle in the register. Now, I wonder if that is an electronic register, because this is important. And again the issue of the security and the back-up system for such a register, if in fact, that is going to be the registry on which a million vehicles are going to be contained. So, I am assuming that we are speaking of an electronic register here, and I want to ask the question, how many of the existing millions or so vehicles are on that register now, and if they are not in that register, or if there is no such register yet, and you have that on paper, how much information previously on paper have been entered into that system? And thirdly, what will this Bill do to add value, security and integrity to the electronic system that will come in place? So, these are some questions I want to raise because it is going to be a new system for the society and the economy and

for the Government, and it will be a new system for the citizen. And I think it is important to answer some of those questions.

On pages 3 and 4, clause 4 again, (3)(e), it talks about publishing in the *Gazette* and two newspapers. I mean to say, “we going” through all this thing for an electronic system, and to have this system work without personal intervention. Can an owner be contacted personally by phone or by email, by text or by WhatsApp? And could not an efficient system be put in to make sure that you make this communication actually work? Because the whole purpose of systems is to serve those who are meant to be served. And the whole purpose of reform is convenience for the people who are being served by a system.

So for instance, in another part of the Bill in page 4, clause,—yeah, page 4,19 79AB, it talks about service of a citation notice and we find out that this is served to each owner at his residence. Now, if you have an electronic system, I do not expect that you would go to every house for every issue. This is a citation you have to serve so that is a special situation, but we could use reasonably the electronic system to get communication to people rather than ask them to read a newspaper and find that out. As my colleague mentioned, you may not be in the country, you may be outside, you may not pay attention.

On page 5 clause 4(5)(3)(f), it talks about a notice requiring an owner of a vehicle to attend a designated location to reregister a vehicle. Now, why do we want to do that? I mean, if you have a set of reregistration institutions across the country, and I think this is the concept behind the Bill, I mean, could a person not go wherever it is most convenient? Do you have to really designate a particular one, to a driver—to the owner of a vehicle to go there? And the reason, the reason I am raising these things is that if you are trying to create an efficient, paperless

system, and you are trying to create conditions of convenience for the citizen, why are we encumbering it with a number of old notions on the new system? Now, the reregistration is taking place every five years. And does that mean therefore that the reregistration and the requirement for inspection of vehicles every five years will coincide? Or will we have a situation where you will have to go and register a vehicle and then you would also have to deal with the business of inspections separately, and so on, because if they coincide it, it would make a lot more sense.

On page 7(11)(b) of the Bill 20(e), it talks about an electronic tag. I want to ask the question: Can the electronic tag be tampered with? Now I know that there are penalties for tampering, but I am asking the question if they can be tampered with because as the AG pointed out, as I know from personal experience, I had a car stolen once, and when the police were tracking it, they found out that somebody had changed a number and was actually plying PH taxi in another more remote part of the country. And they had simply changed the number. Now that is the ordinary numbers that we have now, but I want to ask for electronic numbers and those that are secured in the way that it is intended here, can it be tampered with?

On pages 8, 9, 10 and 11 of the Bill, it deals with the issue of obtaining information by a camera or an electronic reading device. Now, how much information is going to be stored on the basis of these devices that are putting your registration number, I imagine your name, address, telephone number and other things? The second thing is who has access to this information? And the third thing is what the constraints to abuse? Are there reasons for concern? I am just asking about privacy rights, about the abuse of personal information or abuse of

other kinds. And I wish the AG would simply give me some reasonable answer or comfort on these matters.

**5.35 p.m.**

What are the systems that are being put in place for any assurance that are being given about the security and sanctity of this information and about the fact that it will not be subject to abuse? What are the limitations, the restrictions? What are the controls that are going to be in place? We have a small society and detection of criminality and penalties for breaking the law is one thing, but you do not want to create the conditions for blackmail and robbery and assaults.

The AG, in his presentation, talked about the fact that if you are going on a highway in the United States and you pass under one of the intersection bridges, the electronic system will just pick you up and so on, but how many times will you pass there? You will pass there maybe once a year, you might pass there twice a year or if you have to use the highway to go home, you will pass there once or twice a day, okay? And it will pick up that information. And there have been instances, internationally, in small town situations, in which information like this has been abused and in which communities have objected. And I think you do not want to use a system that is really meant for dealing with the issue of traffic management and management of the laws that govern traffic in the country in order to encourage spying on people or interfering in their business and so on, and I think that we need to understand what safeguards are involved in here. Because the critical question is: Is the level of surveillance that we are supporting here, the data that is being stored and the people who have access to it, are these things proportionate to the—**Mr. Deputy Speaker:** Member, you have two more minutes.

**Dr. B. Tewarie:** Yeah—to the intended purpose which is to solve a traffic violation problem and road safety issues and which is what I think the Government is trying to address? I would not deal with the two issues of the tint and the persons with disabilities, except to say that I think that the movement to look after people with disabilities and to have an orderly system that is not as subject to violation as it is now, is something that we want to support. But I do want to say a couple of quick things.

I would say that if we are dealing with traffic and you are talking about approximately—the AG says 1.1 million vehicles—let us say you are collecting the registration fees of \$350 from 800 vehicles, you are talking about a revenue base of about \$280 million annually, and I think that that is quite substantial and would really make a difference in terms of revenue, and I would think that you want to deal with the road system as well to protect life and to protect people from accidents and to keep people safe as well. And I think over the last five years, we have seen a tremendous deterioration in the road system in Trinidad and Tobago. So it is not just the vehicles, it is also the road system. There are planning issues too, having to do with the management of traffic and the road systems and to keep the place safe and reasonable that we could do—we do not have to have all these cars on the road at once. We could do it by thoughtful planning, decentralization, regional economic development, effective public transportation—

**Mr. Deputy Speaker:** Hon. Member?

**Dr. B. Tewarie:**—et cetera, but—

**Mr. Deputy Speaker:** Hon. Member?

**Dr. B. Tewarie:** Yes? My time is up?

**Mr. Deputy Speaker:** Yes.



**Dr. B. Tewarie:** Okay. I thank you very much for the opportunity, Mr. Deputy Speaker. [*Desk thumping*]

**Dr. Surujrattan Rambachan** (*Tabaquite*): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, let me just start by saying that I support this legislation because the intent of the legislation is very clear to me and, in particular, I am very supportive of the fact that it is the kind of legislation that will have an impact upon crime in the country, and dealing especially with matters of fraud and car stealing that is taking place. I think, you know, the amount of cars that are being reported stolen might not be a reflection of really the informal “thieving” that takes place with respect to vehicles. Mr. Deputy Speaker—

**Mr. Deputy Speaker:** Member, I know you said “thieving”.

**Dr. S. Rambachan:** Yes.

**Mr. Deputy Speaker:** I think—

**Dr. S. Rambachan:**—stealing.

**Mr. Deputy Speaker:**—the persons would not have heard that you are saying it in inverted commas. You did the action.

**Dr. S. Rambachan:** Thanks for the correction, Mr. Deputy Speaker, in inverted commas. Mr. Deputy Speaker, a lot of what we are hearing here today is based upon a functioning electronic system. But, you know, we have a history in this country of having some of the best ideas and some of the best vision for the country, but somehow we fail at not only implementation, but even when we implement, maintenance. So, for example, we had the very nice idea of the new parking ticket system and payments at the airport, and that fell into disarray and we have had problems with it. We have the cameras that have been placed on the highways. We really do not know how many of those cameras are fully

operational.

[MADAM SPEAKER *in the Chair*]

We know there has always been a dispute about the cost of running the cameras. But really if, in fact, we had a proper maintenance system, I think that those cameras would have provided much more information that could have been used by the police service in terms of the fight against crime and, in particular, the detection of crime. So it remains a point in my mind that while we have this lofted vision of this sophisticated electronic system that we want to implement in terms of this legislation we are talking, I think we really have to be very careful that we have the ability to maintain the system, and that brings into question something that I feel can stymie the implementation of this Bill, which is, I would like to ask the Attorney General this: How much training has been done in preparation for implementing this legislation? What kind of persons are being trained? What is the level of training that is taking place at this point in time?

In addition to that, Mr. Attorney General, Madam Speaker, this legislation requires, in my view, a complete culture change in how we operate at the licensing division, a complete culture change. Who are we going to train? Is it going to be the regular policemen that we are going to train? Who are the people going to be called “Inspection Officers” preparing the citations and so on? I say that for a reason and I say it, Madam Speaker, not to be insulting to anyone, but the qualifications that a policeman now requires to get into the police service is rather minimal, and we have had many situations at the Magistrates’ Courts where traffic matters are thrown out because policemen have not been able to write up the tickets or write up the material in a manner that met the requirements of law. So that I have an issue here asking: Who is going to be trained and what kind of

training is going to be done? But perhaps, more than that, what level of preparation, if the Attorney General can let us know, has already been put in place in order to implement this legislation, which as I said, I support the legislation because I think the legislation can have a very great impact?

Now, Madam Speaker, there are citizens who follow, very scrupulously, tenets of the law but equally, there are miscreants who take some kind of pleasure by behaving badly on the roads. And, in this regard, I think it is important to have the cameras, the speed control enforcement or spot speed cameras—I think that is very, very important—and combined with the electronic registration system and the RFI system, you are going to have quite a combination there in order to fight crime—the radio frequency identification as we call it. But, Madam Speaker, I am appalled at the number of vehicles without valid insurance on the roads. Madam Speaker, 20 per cent have been averaged by the insurance industry. And if we use the one million figure, in terms of registered vehicles, that is 200,000 vehicles. Now, I make that point for a reason because clause 4, amending section 12, which provides for the registration of motor vehicles, now requires, in order to register or renew registration, owners must provide proof that an insurance policy is enforced under the Motor Vehicles Insurance (Third-Party Risks) Act, Chap. 48:51.

Now, Madam Speaker, as I understand it, a person can go to the licensing office to register a new vehicle and they will go with what is called a cover note. So you can go with a cover note and you have insurance coverage maybe for 24 hours, but it does not necessarily mean that you will have insurance coverage once you leave the licensing office and go away. Now, I find that to be problematic and I am suggesting that you should have a system where people are not allowed to take cover notes to the licensing office, but they must take a proper insurance, at

least, an insurance that covers them for a year, so that you do not have people—a lot of people, I would probably think, going there, buy a vehicle and go to have it transferred, and they carry a cover note, and then they do not care about the insurance afterwards.

Madam Speaker, there is another issue that arises here. A lot of fleet owners in this country are doing something that I consider to be very irregular and very illegal and very dangerous. A number of fleet owners—and I had discovered this, Mr. Attorney General, when I was the Mayor of Chaguanas, where you will have a fleet owner in, let us say, doing garbage collection with four or five vehicles, and a vehicle would breakdown and simply what they will do, they will take the number plate from the broken down vehicle and put it on another vehicle and they will go out there, and that continues to be done. So that if this system is meant to track that kind of thing also, I think that is going to be very valuable in terms of what is happening.

I think also that while the legislation deals with the fact that the owners of vehicles would be prosecuted for violations, I think that we have a situation where a lot of people buy vehicles from each other or sell vehicles to each other, and they do not go and do the transfer at the licensing office. So years after you find somebody has a vehicle but the transfer has not be done. Now, there is a danger, as the legislation suggests, of having a vehicle in your name, which is supposedly owned by another and being used on the road. Because if something happens, the owner of the vehicle can be sued, and I do not think the owner of the vehicle will be exonerated even if he says that, “I sold the vehicle to X, Y or Z.” I think that, you know, there is a responsibility that is attached to if you sell a property to properly transfer the property. So I would like to think that, you know, as we

amend legislation, we look at the mandatory legal transfer of vehicles. If you sell a vehicle, it is mandatory and there should be a fine for it for people who do not properly transfer their vehicles.

Now, under clause 4, subsections (5A) and (5B), which have been added to section 12 of the Act, you talk about the cancellation of registration of a vehicle to which plates have been issued. Mr. Attorney General, we know about the tampering of chassis numbers in this country and what I think—and this is why I am talking about the level of preparation for this legislation. Do you intend to have an audit of vehicles to see which vehicles on the road have chassis numbers that have not be tampered with as you go through this legislation? I think that is very, very important. The problem for me is: How are you going to achieve this audit of a million vehicles in such a short time? Because if you do not get this legislation going quickly, then the whole purpose of the legislation will be defeated.

So I think that the Licensing Authority, they need to set a time limit for the reregistration of vehicles. And my colleague, the Member for Chaguanas East was calculating how many vehicles are to be registered and how long it will take. I do not want to think that this whole process will take five years. If it takes two years to just get the system going, I think that will be a failure. I think that, you know, there has to be a clearly mapped out plan, almost like a strategic plan, as to what is going to happen on a timely basis in order not to defeat the very purpose of this legislation. If the exercise is not done speedily, I think the law will become ineffective. So, again, I ask the question: What is the level of organization for this reregistration exercise so that is going to be done with efficiency? Are you going to use the inspection garages? Are you just going to use licensing offices? You

know, I see good, but I see immense problems and a challenge to the legislation if this is not properly executed.

Now, while the registration is a period of five years, during that five years, vehicles can come off the road, and I think that the legislation should have dealt with the duty of an owner to inform the Licensing Authority if the vehicle is no longer in use, or if the vehicle has been scrapped, or if the vehicle has been laid up, because there are implications, again, for the way the plates might, in fact, be utilized or, you know, attempts at fraud could be developed.

The Inspection Officer that is something that concerns me because:

“An Inspection Officer shall not prepare”—this is page 18 of the legislation section 79Z(3)—“a Citation Notice unless he is certified by the Commissioner of Police as trained to analyse and certify the authenticity of photographic images or video recordings obtained with a spot speed camera.”

I do not know, Mr. Attorney General, if you have calculated how many Inspection Officers you are going to need or whether every police officer, for example, is going to be trained as an Inspection Officer or every licensing officer is also going to be trained as an Inspection Officer.

Now, 79AA on page 18, again, of the legislation talks in detail about a Citation Notice that is prepared under section 79Z in a form approved by the Licensing Authority and published in the *Gazette*. And there are some really important details in that Citation Notice that has to be prepared and served on the owner of a vehicle involved in a traffic violation. And what I notice is that the person has—the Inspection Officer or whoever has 30 days in which to prepare this and to have it served.

Now, we know—and this is when I talk about a culture change—what happened in the police service even now, that you go to court and the police are not ready, the prosecutors are not ready, the files are not ready and so on. Mr. Attorney General, how are you going to get this culture change, the instantaneous leap, as I like to call it, that you require in order to make this legislation effective? How are you going to do it?

So those are some of the points I wanted to make with respect to this legislation. I think that there is a lot of good in it in terms of what is intended but I do believe that we need to talk more about the preparation to get it done, in order to ensure that it is effective. I thank you, Madam Speaker. [*Desk thumping*]

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. Madam Speaker, I am tempted to simply say a few words and sit down, but I would just quickly answer the contributions coming from my colleagues opposite, because we have been providing with some answers. Madam Speaker, I thank the Member for Tabaquite for recognizing the serious impact that this law can have on crime fighting, as is one of the main objectives to this particular law. That so, because it sort of runs against the grain of what my friend, my dear friend, hon. colleague for Chaguanas East, had to say because the hon. Member made a reflection that the UNC Government had brought down crime after 35 years to its lowest level. And what I can say is that that may statistically appear to be true, but only because you had restrictions against bail and anti-gang, et cetera, all matters that you will not support in Opposition. So it just does not make sense, Madam Speaker, to go down that road.

Madam Speaker, my learned friends asked about improving—and I thank the hon. Member for Chaguanas East—how it is we can get against fraud, et cetera, and the

barcodes as it relates to RFIDs and the other positions, the tags, and I can say that those can easily be taken care of in the regulations under section 100 of the Motor Vehicles and Road Traffic Act. I can definitely say that the issuance of cards for disability parking is something that we are looking at because then it would be all too easy for the user of the car, with just the sign up, to be abusing the privileges afforded to persons who are differently-abled. And, again, that is pursuant to the regulations.

I can say with respect to the enquiry as to when will the tint regulations be ready, they are ready already. We drafted them. They are ready to be laid, they are ready to be implemented. The reason that we did not bring it before is that the technology was not quite there and therefore, we had to make sure that we had it ready. Whilst the hon. Member for Chaguanas East does not want to hear of COVID as an excuse, COVID is an excuse. We are ready to calibrate the spot speed cameras but the technician has to come from Germany and therefore, it is a reality that we have been encumbered in some of our work by the closure of our borders and the global pandemic that has hit the world.

That notwithstanding, we, this Government, have managed to operationalized something that others only dare to dream about and I mean, in particular, my friends opposite. Whilst I hear the kudos and compliment going out to the hon. Member for Siparia, who is the Leader of the Opposition, what I can say is that that Member presided over absolutely nothing being implemented in relation to removing the backlog in the criminal justice system, which this Bill obviously causes. That Member did not preside over the introduction of technology as this Bill brings into effect. That Member did not preside over the introduction of electronic filing and electronic delivery. That Member did not



preside over the training of officers because the Member for Tabaquite asked: Who is going to be trained? How are they going to be trained? I could say they have all been trained already, and the Minister of Works and Transport, to his credit, has produced an excellent piece of communication, such to the point that my own children—and I am sure all of us who have children who are of driving age, come home and say, “Are those cameras working? Are the spot speeds in gear?” And the Member for Tabaquite says it is about changing culture. He is right.

But when you have umpteen persons in society, as the Minister of Works and Transport can testify, surely the Minister of National Security and I myself, we can testify that people call us almost on a daily basis to know: “Ay, are those cameras operational?” Because people want to know if they are going to run afoul of the law, in the same way, six speed guns made people think that the driving limit had been—reduced the speed limit to 80. No, it was always 80. It was the third round of legislation that we caused amendments to the law to raise the speed limit to 100. So, there can be a change of culture by the implementation of law and that is certainly something that we are very pleased to treat with.

The hon. Member for Caroni Central asked about the issue of three-fifths and privacy rights, and I would just like to say that because this law does not operate under the old structures, we are in good ground. Why? What we are doing is built upon—which is why in my piloting I said it—upon section 20A as in “Alpha”, section 20B as in “Bravo” and section 20C as in “Charlie”. It is section 20A of the Motor Vehicles and Road Traffic Act, as we amended it in 2017, that makes road user in a motor vehicle, a condition. And because it is a condition of on motor vehicle on a public road where there is a public purpose with a public interest, there can be no derogation of a right to private life or family life because

you are on a public road. And very importantly, because the technology is designed to enforce a public purpose for the public benefit.

What is the public purpose? You shall not speed beyond the speed limit. You should obey the regulations. Your motor vehicle tag and your ID should be up-to-date. It should be renewed. Your motor vehicle should be in a roadworthy condition. You should not breach all of the provisions set out in Schedule 7 of the Motor Vehicles and Road Traffic Act as we amend it in clause 27 of this Bill. Those are all public interest positions.

And if you ask advocates in this arena, like Sharon Inglefield of Arrive Alive, what is the benefit of this law? This law brings a saving of lives by reducing speed, by having roadworthy vehicles on road and driving, by ensuring that people are licensed to drive, by ensuring that their insurances are up-to-date. So there is, in terms of a proportionality, no difficulty in any three-fifths rights, any three-fifths requirements for enshrined rights because this is well within the constitutional parameter as having a legitimate aim, which a rational connection of the amendments to that legitimate aim, and there is a proportionality in the context of a public interest, a public purpose in a public environment because the roads are public roads. We cannot install spot speed on a private road or RF tag ID devices on a private road. A private road is different. That may be managed in a different regime.

**6.05 p.m.**

Madam Speaker, we certainly had the issue raised by the Member for Caroni Central as to the condition of our roads, I would just like to say, I offer the most profound compliment to the Minister of Works and Transport for doing so much development at almost one quarter of the budget of the last Government. The

installation of feeder roads in San Fernando, in my own constituency—Madam Speaker, I have three Members of Parliament opposite who are my constituents, the Member for Oropouche East, the Member for Oropouche West and the Member for Fyzabad. I know the Member for Pointe-a-Pierre is sometimes at a struggle to name three roads in Pointe-a-Pierre; he lives in Port of Spain, he does not live in San Fernando. [*Crosstalk*] He is in fact the constituent for the hon. Minister of National Security, but I have three Opposition Members who are my constituents who enjoy the luxury of the roundabout that we have installed just at the Gulf City intersection, who will enjoy the upgrade of the Dumfries Road, [*Desk thumping*] who have enjoyed the upgrade of our Cross Crossing facility, as we have done repairs to the bridge, who will enjoy the waterfront road widening, et cetera, all done by a development conducted under the sharp pencil of the Minister of Finance, the wisdom of the Prime Minister and the enterprise of the Minister of Works and Transport.

So dream on, I say to my friends opposite. You see, whilst you appear to hold on to a logo of working, the question is working for who? Because the evidence does not suggest that you were working for the people of the Republic of Trinidad and Tobago otherwise you would have implemented the laws that we have come— This is the fourth law on motor vehicle and road traffic that we are coming with. And whilst you talk about it, and talk in platitudes about crime, and have the temerity to say that crime was reduced under the Leader of the Opposition as Prime Minister, Madam Speaker, the Commissioner of Police is on record as saying he cannot, for the life of him, understand how the Opposition will not support restrictions on bail. And, Madam Speaker, if we look at clause—

**Mr. Lee:** Madam Speaker, 48(1). This is about a motor vehicle Bill.

**Madam Speaker:** Please continue.

**Hon. F. Al-Rawi:** Thank you. So in looking at the clause to introduce electronic tagging, in looking at the underwritings, how can Chaguanas East talk about crime the way he did? Because, Madam Speaker, we would need the same tools that this Bill provides in the tagging, in the electronic plates, in the facilities for measurement in devices; we would need the same tools that the last Government operated on. But, you see, different strokes for different folks. The Opposition's actions demonstrate a mark of insincerity when it comes to treating with the reality of fighting crime. They tell us, "Fight it", but we cannot get the same tools. They tell us, "Fight it", but in this position they now ask us about the conditions of RF tag IDs and implementation as we cause the—

**Mr. Lee:** [*Inaudible*]

**Hon. F. Al-Rawi:** Perhaps my friend does not know RFIDs are in this—

**Madam Speaker:** Please continue.

**Hon. F. Al-Rawi:** Pointe-a-Pierre, Madam Speaker, really ought to pay attention.

So, Madam Speaker, if I explain it correctly to my learned friend for Pointe-a-Pierre, whom I welcome to the southland to come and learn the names of the streets in Pointe-a-Pierre or to know where the rivers are, or to know the names of the people that live there. What I would like to tell the Member for Pointe-a-Pierre is that this law benefits them, the people in Pointe-a-Pierre who are nameless, the people in Pointe-a-Pierre who live on streets that are unknown to the Member for Pointe-a-Pierre; this Bill manages to create—

**Mr. Lee:** Madam Speaker, 48(1), this is not about Pointe-a-Pierre.

**Madam Speaker:** Please continue.

**Hon. F. Al-Rawi:** Oh, the art of debate is lost on some. But, Madam Speaker, the

point is that the people of Pointe-a-Pierre are crying out for relief that this Bill brings. This Bill brings structured measured relief. It improves crime fighting.

Madam Speaker, as the Member of Parliament for San Fernando West, where the Marabella constituencies, Marabella A, B and C are part of my constituency, bordering Pointe-a-Pierre, I often have to go and bring relief in terms of security and measurement for the people of Pointe-a-Pierre. I recall vividly, as we looked to installing spot speed cameras by this legislation, having to visit Pointe-a-Pierre when the rains were falling and my colleague for Pointe-a-Pierre was troubled to know the name of the river that was overflowing and if we could get relief for his constituents. So, Madam Speaker—

**Mr. Lee:** Madam Speaker, 48(1), the hon.Member is not telling the truth.

**Madam Speaker:** I will just take this as banter between colleagues. Please continue.

**Hon. F. Al-Rawi:** I think my friend doth protest too much, Madam Speaker, protest too much. Madam Speaker, it is good to bring good law. It is good to care for the citizens of your country. It is good to know the names of the streets in Pointe-a-Pierre and the names of the rivers. It is good for us to install spot speed cameras. It is good for us to install RF tag IDs. It is good for us to install a mechanism to measure tint. It is good for us to install a mechanism that can ease the lives and burdens upon people by having electronic filling, electronic registration, electronic ticketing, violations which are managed in a way such that we do not have to occupy the courts' attention. It is good for us to see the operationalization of the solutions in the Judiciary which we have brought into effect coming into the very law before us.

Madam Speaker, I think that there is nothing more to say than I beg to move.

*[Desk thumping]*

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

*[Off-mike discussion]*

**Dr. Tewarie:** On page 3, I wanted to ask about the vehicle register.

**Mr. Al-Rawi:** Which clause?

**Dr. Tewarie:** That is 4(3)(c). And I also wanted to ask a question on 4(e).

**Madam Chairman:** So, Member for Caroni Central, would this be by virtue of some sort of clarification or explanation you would want from the Attorney General?

**Dr. Tewarie:** Yes.

**Madam Chairman:** It is only clause 4?

**Dr. Tewarie:** Sorry?

**Madam Chairman:** It is only clause 4? Would it only be clause 4 that is causing you some concern?

**Dr. Tewarie:** No, I also wanted to ask a question. The AG—

**Madam Chairman:** If you can just identify the clauses so that we can decide and we would proceeding.

**Dr. Tewarie:** For instance, 20H, I would like to ask a question on that, clarification.

**Madam Chairman:** All right. So what I will do is, we will do 1 to 3 as a block and then we will do 4, and at the end of clause 4, Member for Caroni Central, if you will then indicate to me if there are any other specific clauses you would like

to get some clarification.

**Dr. Tewarie:** After clause 4.

**Madam Chairman:** After clause 4, so you will have an opportunity to look and find. Okay?

*Clauses 1 to 3 ordered to stand part of the Bill.*

*Clause 4.*

*Question proposed:* That clause 4 stand part of the Bill

**Madam Chairman:** Member for Caroni Central.

**Dr. Tewarie:** Yes. To the AG, Madam, through you, on subsection (3)(c) it talks about entering particulars of the vehicle in the register. I am assuming that is an electronic register.

**Mr. Al-Rawi:** Was that the question?

**Madam Chairman:** So this is a—

**Mr. Al-Rawi:** I understand the question but is that it? Is there more?

**Dr. Tewarie:** I am assuming it is an electronic register.

**Mr. Al-Rawi:** No, no, no, it is not. Madam Speaker, we are amending section 12 of the Act, the parent Act. Section 12 is where we create the obligation to create a register and to have vehicles registered. Section 12 therefore, in subsection (3)(b), where you are seeing (c):

“enter particulars of the vehicle in the register...”

The concept is “the register” as defined under section 12, which is a manual register. However, pursuant to the Electronic Transactions Act all documents can be done electronically, and there is also an electronic register which is available electronically from the outside, so it is both.

**Dr. Tewarie:** So while we are putting in this relatively sophisticated electronic system we still have these manual registers?

**Mr. Al-Rawi:** Madam Chairman, I do not know if my friend recalls that the Data Protection Act was passed by his Government requiring us to have manual records as well. So unless you are retreating from the Data Protection Act, which you passed, there is still an obligation to have manual and electronic records.

**Dr. Tewarie:** Okay. So this would become a backup system to the electronic system then?

**Mr. Al-Rawi:** Well, do you propose that we repeal the Data Protection Act?

**Dr. Tewarie:** No, I am not, AG. I know that you are much more aware of the law than I am, I am asking a question in relation to this Bill. Okay? So you are telling me that there will be a physical, handwritten or typewritten register and in addition there will be an electronic—

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

**Dr. Tewarie:** Okay.

*Question put and agreed to.*

*Clause 4 ordered to stand part of the Bill.*

**Madam Chairman:** Caroni Central, are you in a position now to identify just by number, the clauses?

**Dr. Tewarie:** Clause 5, (8), section 15(1), and I think (7)(b), (8)—no, no, sorry, it is (8).

**Madam Chairman:** So it is clause 5 or it is clause—

**Dr. Tewarie:** Yes, clause 5.

**Madam Chairman:** Just clause 5, okay.

**Dr. Tewarie:** The last item in the clause.

**Madam Chairman:** It is okay, we will call clause 5 and you will have your opportunity. All I want to know, other than clause 5, are there any other clauses?

**Dr. Tewarie:** Yes, there is one area I want to ask and that has to do with 20F—



20G actually.

**Madam Chairman:** Okay. So we will do 5 and then we will do 6 to 19.

**Dr. Tewarie:** Yes, that is fine.

**Madam Chairman:** Okay.

*Clause 5.*

*Question proposed:* That clause 5 stand part of the Bill.

**Madam Chairman:** Member for Caroni Central.

**Dr. Tewarie:** Yes. The last item in clause 5:

“Where the registration of a vehicle remains expired...”

I just wanted to ask if the re-registration and the inspection, since five years was mentioned, will be at the same time, will be due at the same time and can be done at the same time.

**Mr. Al-Rawi:** So, Madam Chairman, I thank the Member for his question. Inspection depending upon age or type of vehicle is in different cycles, but re-registration of your plate is at a five-year cycle. I understand the hon. Member’s question to be whether one can harmonize the approach for the ease of time; that is where I am taking it, right?

**Dr. Tewarie:** Yes.

**Mr. Al-Rawi:** And I am sure that the Licensing Authority would be looking at that to see how to make it, because I do take the point that the logistics of having a centralized authority, the Licensing Authority has the responsibility to do the registration and the tags, et cetera. The proposal that we have is that they will decentralize it into authorized persons who are strictly managed obviously. So I am sure that there will be some degree of harmony between inspections and re-registrations.

**Dr. Tewarie:** Okay.

*Question put and agreed to.*

*Clause 5 ordered to stand part of the Bill.*

*Clauses 6 to 19 ordered to stand part of the Bill.*

*Clause 20.*

*Question proposed:* That clause 20 stand part of the Bill.

**Madam Chairman:** Member for Caroni Central.

**Dr. Tewarie:** Yeah. Ma'am, I think I made an error and what I really want—

**Madam Chairman:** If it is not clause 20, I will go ahead with clause 20 and at the end of clause 20 I will ask you if there is anything between 21 and 28. Okay?

**Dr. Tewarie:** No. Ma'am, I think I mis-numbered the question and as a result you carried it over with 19, so I do not—unless you give me special permission I would not be able to—

**Madam Chairman:** Yeah. Well, we are now at clause 20.

*Question put and agreed to.*

*Clause 20 ordered to stand part of the Bill.*

**Madam Chairman:** Member for Caroni Central, I think I will go from 21 to 28 individually.

**Dr. Tewarie:** It is okay, Ma'am.

**Madam Chairman:** It is okay?

**Dr. Tewarie:** Yeah.

**Madam Chairman:** All right.

**Dr. Tewarie:** When you are finished, may I ask a question?

**Madam Chairman:** Well, once it is not on something that we have passed already.

**Dr. Tewarie:** Yeah, that is it. I wanted to ask if you would give me the permission to—it is simply to ask a question, because I think in his reply the AG

misinterpreted what I had asked, but we have passed it.

**Madam Chairman:** All right. Okay. So let us proceed.

*Clauses 21 to 28 ordered to stand part of the Bill.*

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

*House resumed.*

*Bill reported, without amendment, read the third time and passed.*

### ADJOURNMENT

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to Friday the 12<sup>th</sup> of June at 1.30 p.m. On that day, Madam Speaker, we will debate the report of the Standing Finance Committee on the supplement of appropriation Bill. I wish to also advise that the Finance Committee will meet on Wednesday the 10<sup>th</sup> of June at 2.00 p.m., and I am advised that we will be meeting virtually. So on that day the report would be generated which will be debated next week Friday. Thank you very much.

**Madam Speaker:** Hon.Members, three matters qualify, but I have been told that two are to be deferred and one will be proceeded with to be raised on the Motion of the Adjournment of this House. I now call upon the Member for Couva North.  
[Desk thumping]

### Unnecessary Spending by Government (Failed Tobago Projects)

**Ms. Ramona Ramdial (Couva North):** Thank you, Madam Speaker, and this afternoon's Motion on the Adjournment is the unnecessary and reckless misspending by the Government on failed and irrelevant tourism projects in Tobago. Madam Speaker, Dr. Winford James on April the 29<sup>th</sup>, 2020, in an *Express* article said:

The PNM party has made Tobago into a virtual basket case of economic failure and dependence on Trinidad. The private sector has been marginalized and under-resourced and Tobago is virtually a welfare state heavily dependent on Trinidad for its upkeep.

Madam Speaker, I want to go a bit further and say, from the year when the PNM-led THA took over in 2000 it has been a downhill slide to welfare status. The people in Tobago are fed up with the PNM management, especially so over the last five years.

Madam Speaker, last Thursday the *Business Guardian* identified the failed Tobago tourism projects, and I quote:

“In the last 10 years the THA has received from the Central Government more than \$27 billion in funding and this does not included billions more spent by ministries and statutory bodies...”

**Mr. Al-Rawi:** I rise on Standing Order—[*Crosstalk*] Madam Speaker, I rise on Standing Order 44(10), perhaps that is why the Member did not give way, I did not know we were permitted to read on these occasions.

**Ms. R. Ramdial:** Madam Speaker, I am not reading. I am quoting from an article, the AG should know better.

**Madam Speaker:** Member, Member, Member, I think every Member at this stage is quite aware that it is a debate and I expect that, Member for Couva North, you are seasoned, you understand how to proceed.

**Ms. R. Ramdial:** Thank you. The AG needs to be informed that I am seasoned.

**Madam Speaker:** Okay, so just let us get on with it.

**Ms. R. Ramdial:** Thank you, Madam Speaker.

So let me continue, Madam Speaker. So the unnecessary and reckless misspending of taxpayers' dollars on failed and irrelevant tourism projects in

Tobago looks like this; \$32 million spent by the THA to purchase two properties, Sanctuary Villa at Black Rock and Manta Lodge at Speyside. Nothing has been done—

**Mr. Al-Rawi:** Madam Speaker, I rise on 44(10).

**Ms. R. Ramdial:**—over the past five years, Madam Speaker. [*Crosstalk*]

**Madam Speaker:** Okay. So I know how we are configured it might be difficult to see people in the alcove and for people to see on the floor, I believe there is an objection, Attorney General?

**Mr. Al-Rawi:** Yes, please. Madam Speaker, I rise on 44(10).

**Madam Speaker:** All right. So, Member for Couva North, there appears, from the way you are looking, that there is a heavy reliance on your notes and I will ask you, please—so remember it is a debate and, please, as I say, you are seasoned, you know how to—

**Ms. R. Ramdial:** Thank you, Madam Speaker, and I know that you have seen differently. Madam Speaker, so, yes, millions of dollars, \$32 million spent on Sanctuary Villa at Black Rock and Manta Lodge at Speyside. Up to this date, Madam Speaker, those buildings are dilapidated. Bats and rodents have now made this their home. Madam Speaker, under the then Tourism Secretary, Tracy Davidson-Celestine, now the political leader of the Tobago PNM council, this took place.

Secondly, Madam Speaker, the Tobago Jazz, the Tobago Heritage and the Tobago goat and crab race, for over 10 years millions of dollars that has now amounted to over \$100million spent on these three festivals, to no avail in terms of revenues being generated by these festivals to assist Tobago's economy. So there has been little or no return over the past 10 years.

In 2017, Madam Speaker, and I quote again from a *Guardian* article:

In 2017 under the now political leader of the Tobago PNM, US \$430,000 was paid to a US artiste, D'Angelo, who failed to appear.

Up to this day neither the Minister of National Security nor the Attorney General, who likes to protest a lot, can give us an update with respect to these court proceedings against this artist who stood us up. [*Crosstalk*] Madam Speaker, and the Minister of National Security is very loud as I speak. I want to remind him, the missing \$10 million from the THA that was meant for Virgin Atlantic, what became of that? It is no longer missing, Madam Speaker, it is stolen. It has been stolen and up to date the FIU has staggered and delayed the investigation into this \$8 million, which can be found a central account in a central bank in Chaguanas of Trinidad and Tobago.

**Mr. Al-Rawi:** Madam Speaker, Standing Order—

**Ms. R. Ramdial:** Madam Speaker, I will not be disturbed by the AG again. Madam Speaker—

**Madam Speaker:** Okay. We all know a Member is entitled to raise a Standing Order. Yes, Attorney General.

**Mr. Al-Rawi:** Yes, Madam Speaker, I rise on Standing Order 49, sub judice.

**Madam Speaker:** Okay, so—

**Mr. Young:** “Dat mean it in de court.”

**Madam Speaker:** Member for Couva North, please, if it is that, please—again, you are seasoned—

**Ms. R. Ramdial:** Thank you, Madam Speaker.

**Madam Speaker:**—please leave that and move on.

**Ms. R. Ramdial:** Madam Speaker, they cannot take the truth, that is the whole point of this. [*Desk thumping*]

**Madam Speaker:** No, no, it is not just a question of the truth, and the truth is, the

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Attorney General has stood on the ground that is sub judice, so we accept that and therefore we know we cannot bring up those matters, please go on. That is in fact how our Standing Orders are.

**Ms. R. Ramdial:** Thank you, Madam Speaker.

I move on to my next point, Madam Speaker, which shows the misspending on irrelevant tourism projects. Madam Speaker, No Man's Land was valued at \$700 million and for the failed Sandal's project the land was undervalued and sold to Government for \$180million. Madam Speaker, how was this allowed to happen and who benefited from this?

I move on, Madam Speaker. A half a million dollars, an incomplete—  
[*Crosstalk*]

**Madam Speaker:** Member for Port of Spain North/St. Ann's West, while we might be a bit muffled, I do hear and I am being disturbed, please. Member for Couva North.

**6.35 p.m.**

**Ms. R. Ramdial:** I move on, Madam Speaker, half a million dollars for an incomplete zip-line project for Main Ridge Forest Reserve. Madam Speaker, \$4 million was approved to be completed in seven weeks. Money was wasted on constructing a conservation building to house artefacts from the seabed of the Scarborough Port. Money was spent and there has been no account for it to date.

Madam Speaker, wasted moneys on six heritage trails—Scarborough Trail and Church Trail, to name two out of those six trails. Again, money spent, taxpayers' dollars wasted and no account for this.

They completely destroyed the sea bridge to Tobago, starting in 2015, under this PNM-led Rowley's Government. Completely destroyed the sea bridge with the cancelling of the *Superfast Galicia*, to the *Galleons Passage*, to a barge, to the

*Jean de la Valette* and other vessels that have completely broken down transport between Trinidad and Tobago. And they want to talk, they want to disturb me and they want to muffle me, but this will not be allowed to happen.

Madam Speaker, the latest trick to date, with respect, is the \$50 million hotel upgrade. Up to this time, and we saw it playing out, the hoteliers in Tobago complained about ghost hotels. They said that there were 490 hotels in Tobago—

**Mr. Deyalsingh:** Madam Speaker, Standing Order 48(6), “trick”.

**Ms. R. Ramdial:** Again—

**Mr. Deyalsingh:** I take umbrage to the word “trick”.

**Madam Speaker:** Member for Couva North, I will ask you to withdraw that word and find another way to say what you want to say.

**Ms. R. Ramdial:** I withdraw, Madam, and I move on. Thank you.

To date, \$50 million in hotel upgrades offered by the Ministry of Finance for the COVID-19 funding exercise to Tobago. The Tobago hoteliers raised an issue with respect to ghost hotels. They stated that there were not 490 hotels in Tobago, but rather 270 ghost hotels were to benefit from a listing that was done by the Tobago Tourism Company Limited—270 ghost hotels. To this date I understand that the new Chief Secretary met and things were sorted out, and proposals were accepted from the Tobago hoteliers. But to this date there has been no payment to the legitimate hoteliers of Tobago, and I ask the question why. What is stalling and delaying the payment to the legitimate Tobago hoteliers?

Madam Speaker, I go on, and this is the history of the PNM in Tobago, that they have now destroyed Tobago to a welfare state. TAUP, Tourism Accommodation Upgrade Programme also gave funding for upgrade works. Works were incomplete and over budget, and in some instances those hotels went into bankruptcy. I also want to say that Tobago tourism does not drive its



economy. It is basically the budgetary support from central government that drives the Tobago economy and some form of domestic tourism.

The Auditor General in a Public Accounts Committee reported that from 2008 to 2014, there were no submissions of financial statements. In other words there were no audits done of spending under the THA or the Tobago House of Assembly. And the Auditor General said there were non-submissions, incomplete submissions of financial statements. The Auditor General reported and I quote:

“The number of bad loans taken by Assemblymen and Contracted Officers to the THA...”—poor management, late payment discrepancy—

**Madam Speaker:** Member for Couva North, your time is now spent. Before I call on him—Member for Couva South? Minister of Tourism.

**The Minister of Tourism (Hon. Randall Mitchell):** I thank you very much, Madam Speaker. Let me say, the Member for Couva North continues in her campaign of disdain for the people of Tobago. The Member for Couva North continues in her disdain for the economy of Tobago. I am not sure who the Member is campaigning on behalf of, whether it is the PDP and Watson Duke, and the Member must today stand and say whether it is the UNC has an alliance with the PDP in Tobago in the upcoming general election 2020.

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

**Madam Speaker:** Continue, Member.

**Hon. R. Mitchell:** Thank you, Madam Speaker. The Member for Couva North fancies herself as the chief architect in the withdrawal of the Sandals project in Tobago. The Sandals project in Tobago was a project to benefit the people and the economy of Tobago, and the Member claims victory. I ask the question again: If the Member and the Opposition United National Congress are the victors, who has lost out? It is the people of Tobago and the economy of Tobago who have lost out

with the withdrawal of the Sandals project because of your onslaught and attacks on the brand of Sandals. It is the people of Tobago who have lost out, and they claim they win. But, Madam Speaker, it seems as though the Opposition takes their greatest pleasure in attacking the people of Tobago and the economy of Tobago.

The Member stands here today and finds her voice about reckless spending, but I ask the question: Where was the Member's voice when over \$1 billion was spent on a failed Beetham Wastewater Plant? Where was the Member's voice? And Madam Speaker, it is failed—[*Interruption*]

**Mr. Lee:** Madam Speaker, 48(1), that has nothing to do with Tobago and the tourism matter.

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

**Hon. R. Mitchell:** It would cost over \$1 billion to complete the Beetham Wastewater Plant, but the Member was silent then. I will not speak about LifeSport. I will not speak about the Point Fortin Highway, and I will not speak about the Curepe interchange.

The Member speaks about ghost hotels. There are no ghost hotels. The Tobago Tourism Agency conducted an audit. They conducted an audit by looking at all the properties that are for sale. You see, previously and under the Opposition they would simply go to the registered organization and ask that organization how many properties there were, but the Tobago Tourism Association did not do that. They went on to Travelocity, they went on to Airbnb. They searched the entire online presence to see all the properties that were for sale. They called the properties, they contacted the property owners. So there are over 300, close to 400 properties.

But the Tobago Tourism Association claims that there are ghost properties,

and I will tell you why they claim that. Because as a part of Government's policy to provide grant funding to the hotels in Tobago, the Tobago Hotel Association wanted as part of the criteria that the recipients must be a part of their registered association. That in itself is unconstitutional. You have the constitutional right to associate with who you want to, but you also have the constitutional right to not associate with who you do not want to associate with. [*Desk thumping*]

So, Madam Speaker, there are over 400 accommodation properties in Tobago. But the matter has been settled, and the Tobago Hotel Association they have accepted Government's grant funding to assist them in this pandemic time.

The Member also spoke about TAUP, the Tourism Accommodation Upgrade Programme, and the Member clearly does not understand the programme, clearly does not understand the programme. Because to participate in that programme, a programme which reimburses grant funding, you must have approved scope of works and there must be an audit done by an external audit firm at the end of the process, before you can be refunded. So I mean, Madam Speaker, we have been in this Parliament, we have sat in joint select committees, we know the source of information should come from the reports on these, not from the *Guardian* newspaper.

**Ms. Ramdial:** Oh, please.

**Hon. R. Mitchell:** Madam Speaker, the Member speaks about the Jazz Festival, and this is not the first time I have had to tell the Member when you are looking at festival economics, when you are trying to measure the success of a festival, you cannot simply look at the direct expenditure approach. You have to look at the multiplier approach effect. You have to ask yourself the question: the value of all visitors who would not have been on the island if the Jazz Festival would not have been held. I have tried to explain this to the Member. I have even invited the

Member to visit Tobago, visit the Jazz Festival to see exactly for the first time, what festival economics bring to an island, a tourism destination. But the Member prefers the Carli Bay Fish Festival, which is something that Government does support. She prefers that, and it is based on the exact same model.

Manta Lodge and Sanctuary—\$32 million. Yes, Madam Speaker, \$32 million was spent on two distressed properties. The very same article that the Member refers to, the Chairman of the Tobago Business Chamber, one of the leading business figures in Tobago, Martin George, he claims it is a wastage and the THA should not get into the business of running hotels. But on the other end, the Chairman of the Tobago chapter of Industry of Commerce, Dianne Hadad, says the purchase demonstrated the commitment by the THA to tourism to the private sector. But the Tobago House of Assembly is not getting into the business of running hotels. That is simply misconstrued.

If the Member for Couva North does not know, the most successful hotels in Trinidad are Government-owned, the Trinidad Hilton and the Hyatt. These international brands, the model they now pursue is not to build the plant, it is simply to operate the plant. It is no secret that between 2015 and 2020 we went through some very, very dire economic circumstances. Apart from the shocks to the energy commodity prices, we had just come out of a UNC Government between 2010 and 2015, one of the most profligate governments in the history of Trinidad and Tobago.

Madam Speaker, I am advised that the THA will soon begin the refurbishment and the completion of these two distressed properties. The plan is to place these properties into a special purpose company, and look for the operators. In the same way that Government in Trinidad sourced the operator for the Magdalena Hotel, the Apple Leisure Group who was successful in that process.

Because the model now is to find an operator that is virtually integrated, an operator that can bring your guests from source. They have control of the airlift as well as bringing them and operating the hotel, and taking them back home.

Madam Speaker, I am very happy to announce that Government just granted some incentives to the construction of a hotel that will be branded under the Comfort Inn Suites in Tobago. So the Member clearly does not understand what she is talking about.

The Member quotes about trails that are left incomplete. When you look at the article you would get the sense—heritage trails that are left incomplete—you look at the article you would get the sense that there was a project announced for some man or team of men or some contractors to go with a big cutlass and cut down some forests and create a trail. Madam Speaker, that simply is not it. It is merely a walking tour.

**Madam Speaker:** Member for San Fernando East, your time is up.

**Hon. R. Mitchell:** I am grateful to you, Madam Speaker.

**Madam Speaker:** Hon. Members, Corpus Christi will be commemorated on Thursday, June the 11<sup>th</sup>. Before I put the question on the adjournment of the House,

I will now invite Members to bring greetings. **Corpus Christi Greetings**

**The Minister of Education (Hon. Anthony Garcia):** Thank you very much, Madam Speaker. On behalf of the Government of Trinidad and Tobago, it is indeed a pleasure for me to bring greetings on the occasion of Corpus Christi. As all of us should be aware by now, Corpus Christi is a Latin term that simply means the body of Christ, and to us Christians and in particular to us Catholics it heralds the end of Pentecost, and that means to a lot of us the end of the Easter season.

Pentecost is the occasion when Christ appeared to his disciples and he made some very important pronouncements. Among those pronouncements that Christ

made was that whoever sins I forgive—whoever sins you forgive, those sins are forgiven, and whosoever sins I retain, those sins are retained. That is the history of the establishment of the Catholic priesthood.

Corpus Christi therefore is celebrated among our Christian community and in particular among our Catholics. In Trinidad and Tobago we associate Corpus Christi with processions, we associate Corpus Christi with church services. And to those of us who believe we have green fingers we feel that on the occasion of Corpus Christi it gives us the opportunity to do some planting, because whatever we plant at Corpus Christi will bear fruit in abundance.

The Catholic community offers its greetings to all of us, Trinidad and Tobago, as we celebrate this important religious holiday. I urge all of us to remember the significance of Corpus Christi, the body of Christ, as we go along our merry way on Thursday. Thank you very much.

**Mr. David Lee** (*Pointe-a-Pierre*): Thank you, Madam Speaker. On behalf of the Member for Siparia, the hon. Kamla Persad-Bissessar, and the Opposition team we would like to wish the Christian community a holy and blessed Corpus Christi. As I listened to my colleague on the other side, Corpus Christi is one that is synonymous with planting. Normally on that day citizens of Trinidad and Tobago, from whatever faith you might belong, traditionally will go out and plant on that day to bring a new hope and life to the Christian community.

So, Madam Speaker, on behalf of the Opposition again we would like to wish the Christian community, especially my faith the Roman Catholic, a blessed Corpus Christi on behalf of the Opposition. I thank you.

**Madam Speaker:** Hon. Members, I too wish to extend warm greetings to our Roman Catholic community and to all citizens of our nation on the occasion of the feast of Corpus Christi.

Corpus Christi recognizes the love and ultimate sacrifice of Christ for mankind in his death and resurrection, and personified in the form of the holy Eucharist. The themes of sacrifice, self-searching, love and gratitude are central to Corpus Christi. Regardless of one's religious persuasion, we can all agree that many citizens have made sacrifices during this pandemic, and their actions are indeed an embodiment of the theme of Corpus Christi.

I urge all citizens to continue to plant the seeds of these positive values in their hearts, to the betterment of not only themselves but also of their fellowmen. I join with the Members before me, and on behalf of my family and the Parliament, may I wish all citizens of Trinidad and Tobago a holy and blessed feast of Corpus Christi 2020.

**Standing Finance Committee  
(Virtual Meeting)**

**Madam Speaker:** Hon. Members, on Thursday, June04, 2020, you received notice of a meeting of the Standing Finance Committee to be held on Wednesday, June10, 2020. I wish to advise that this meeting will be held virtually due to the number of persons likely to gather, and will commence at 2.00p.m.

The meeting of the Standing Finance Committee will be broadcast live on the Parliament channel and on our YouTube channel *ParlView* as is customary. The holding of virtual committee meetings has become a practice of this Parliament during this COVID-19 pandemic. You will receive from the Secretariat shortly the guidelines for the meeting, including the link for your convenient access and participation.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.55p.m.*