

SENATE*Thursday, June 14, 2018*

The Senate met at 2.00 p.m.

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

1. Annual Audited Financial Statements of Rural Development Company of Trinidad and Tobago Limited (RDC) for the financial year ended September 30, 2017. [*The Minister in the Ministry of Finance (Sen. The Hon. Allyson West)*]
2. Report of the Central Bank of Trinidad and Tobago (CBTT) with respect to the Progress of the Proposals to Restructure CLICO, BAT and CIB for the quarter ended March 31, 2018. [*Sen. The Hon. A. West*]
3. Annual Report of the Trinidad and Tobago Mortgage Finance Company Limited (TTMF) for the financial year ended December 31, 2017. [*Sen. The Hon. A. West*]
4. Annual Report of the Children's Authority of Trinidad and Tobago for the year ended September 30, 2017. [*The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)*]
5. Annual Report of the Strategic Services Agency for the year 2016. [*Sen. The Hon. F. Khan*]

URGENT QUESTIONS

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, I crave your indulgence. We are in a position to answer question No. 1 now and I ask for a deferral to later in the proceedings of questions 2 and 3. I seek your indulgence.

Questions, by leave, deferred.

PTSC Bus Service

(Couva and Port of Spain Routes)

Sen. Wade Mark: To the Minister of Works and Transport: In light of reports that commuters between Couva and Port of Spain are being severely affected as a result of having only one PTSC bus servicing that route, what is being done to address this issue?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): [*Desk thumping*] Madam President, my information is that the Public Transport Service Corporation provides the following bus service to the residents of Couva on a daily basis: Couva to Port of Spain service, this service departs from Couva at 5.30 a.m. and 6.30 a.m. and returns at 4.30 p.m. and 5.00 p.m. These buses travel directly into Couva via the Couva Main Road.

Additionally, during the course of the day, there are bus services along the Solomon Hochoy Highway, which stops at the Preysal Flyover; Deluxe Coach Service, this has an average of 15 return trips per day; the San Fernando to Port of Spain ECS service, this service also has average of 15 trips per day; the San Fernando to UWI service, this also has an average of 15 trips per day. As I said, these stop at the Preysal Flyover.

Madam President, the PTSC remains committed to improving the quality of service provided to its commuters on a daily basis. Thank you.

Sen. Mark: Madam President, could the hon. Minister indicate how many buses commute between Couva and Port of Spain on a daily basis? Five, seven, two or one? Could you tell the Senate?

Sen. The Hon. R. Sinanan: Madam President, PTSC will not give me a report by buses. They will give me a report by trips, because what is the amount of

Urgent Questions (cont'd)

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commuters they actually transport per trip. So it is not by buses. It is by the trip. I do not have a report on how many buses will be working the route.

Sen. Mark: Madam President, is the Minister aware that the commuters using PTSC service between Couva and Port of Spain are unhappy with the number of buses that are servicing that route on a daily basis? Are you aware, and what are you going to do about it?

Madam President: One question.

Sen. Mark: Sorry, Ma'am.

Madam President: Are you aware, Minister?

Sen. The Hon. R. Sinanan: Madam President, just about a one month ago, the PTSC put 35 new buses into service. Fifteen of those went to Tobago, 20 remained in Trinidad. I also announced the intentions of 200—the Ministry of Works and Transport will be taking a Note to Cabinet for an additional 200 buses to increase the fleet of buses in the Public Transport Service Corporation. The PTSC is fully aware that there is need for improvement in the service and as I said before, PTSC is committed to improving the service as they go along. Thank you.

ORAL ANSWERS TO QUESTIONS

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, the Government is pleased to announce it will be answering questions 132 and 149. We ask for a deferral of two weeks for questions 147 and 148.

The following questions stood on the Order Paper in the name of Sen. Wade Mark:

Venezuelans in Trinidad and Tobago (Established Formal Structures)

147. Having regard to the increased number of Venezuelans arriving in Trinidad and Tobago, can the hon. Minister of National Security advise on the following:

- i. does the Government intend to introduce legislation to establish formal structures to address refugee and migrant labour issues; and
- ii. if so, how soon?

Coast Guard helicopters

(Details of Grounding)

148. Given reports that since June 2017, four Coast Guard helicopters, AW 139, have been grounded at a hanger in Piarco, can the hon. Minister of National Security indicate the following:

- i. the reason(s) for the helicopters being so grounded;
- ii. the impact, if any, this has had on National Security; and
- iii. when will the helicopters be returned to service?

Questions, by leave, deferred.

Sen. Mark: Madam President, I just need your guidance on this matter. When you approve, as the President, these questions, are they given a 21-day period?

Madam President: Sen. Mark, I would not answer that question. Please take your seat. You know very well the time frame and with the Standing Orders there is nothing untoward in allowing a two-week deferral for the questions 147 and 148. Question 132, Sen. Mark.

Sen. Mark: I will address that at another level, Madam.

T&T Objection to Dominica's Fee Waiver

(Action Taken)

132. Sen. Wade Mark asked the hon. Prime Minister: In view of this country's objection to Dominica's request for an OAS fee waiver, can the hon. Prime

Minister indicate what actions he intends to pursue against the persons deemed responsible for the embarrassment caused to this country?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I answer this question on behalf of the Prime Minister. Madam President, there is a process and procedure to deal with investigations, complaints, allegations, et cetera, in the public service. The normal process and procedure is being used to deal with this matter. Thank you.

Sen. Mark: Madam President, we are conscious of a process. But is the Minister aware that Ambassador Thomas was appointed by the Prime Minister to enquire into this matter? Is the Minister aware of this?

Madam President: Sen. Mark, that question does not arise. Next supplementary question.

Sen. Mark: Could I ask the Minister what is the process involved in this exercise, Madam President?

Sen. The Hon. C. Rambharat: Madam President, the process involves the appointment of Ambassador Christopher Thomas to conduct an investigation.

Sen. Mark: I am glad that he has answered my question. Now that we know that Ambassador Christopher Thomas has been appointed, can I ask, Madam President, through you, whether Ambassador Thomas has tendered his report to the hon. Prime Minister on this fiasco?

Sen. The Hon. C. Rambharat: I am not aware that the Ambassador has tendered a report.

Sen. Mark: Madam President, can the hon. Minister provide to this Senate an undertaking that he will in fact provide us with an understanding as to whether that report has been submitted to the Prime Minister?

Sen. The Hon. C. Rambharat: Madam President, I am not in a position to provide that undertaking.

Sen. Mark: Is the Minister aware—

Madam President: No. You have no more questions, Senator.

TT Post Business Model

(Details of Intended Change)

149. Sen. Wade Mark asked the hon. Minister of Public Utilities:

Given the stated intention of the Government to change the TT Post business model, can the Minister indicate whether this involves privatization?

The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte): Madam President, the current business model used by the Trinidad and Tobago Postal Corporation (TTPost), is under threat, as the postal sector worldwide has been greatly affected by a rapidly changing business environment, driven by significant advances and innovations with information and communications technology.

In the wake of these developments, the demand for postal services worldwide has been transformed, resulting in postal operations losing significant market share in parcels, express and letter mail items.

These developments have negatively impacted on the operations of TTPost, with the corporation's mail volume falling by 33 per cent from 72 million pieces to 48 million pieces and its revenue declining by 11.7 per cent from 82 million to 70.8 million over the period 2010 to 2017.

The board of TTPost, recognizing the serious threat posed to the financial viability of the corporation by the changing environment, has decided to procure the services of a consultant to help in the development of a new business paradigm. The primary objective of this initiative is to explore opportunities created by new

business technological advances and to develop new complementary lines of business in order to generate new revenue streams.

A second objective of the consultancy is to review the existing businesses and identify the scope for promoting greater operational efficiency. There have been no discussions on privatization of the existing business related to its universal service obligations.

Sen. Mark: Can the Minister indicate whether the procurement of the consultant or the consultancy has taken place?

Sen. The Hon. R. Le Hunte: Madam President, at this point, the process commenced with the expressions of interest. Eleven local firms and six foreign firms have expressed an interest and we are about the process of sending out requests for proposals from the people who have expressed interest.

Sen. Mark: In light of the urgency of this particular matter, as outlined by the hon. Minister, can the Minister indicate what time frame, as the line Minister, he anticipates for the submission of this report once the consultant is on board?

Sen. The Hon. R. Le Hunte: I expect that the award of contracts should be finished by September, based on the expressions of interest, and the report when it is expected to be completed will be hopefully by the end of the year.

Sen. Mark: Madam President, can the Minister indicate whether the Government has even, prior to the consultancy, determined a policy perspective on the future of this particular important institution, the postal services of T&T? Has the Government outlined a policy on the future of this institution?

Sen. The Hon. R. Le Hunte: Madam President, a policy position on the postal service is presently being developed. However, by contractual services, we are committed to a certain degree of international commitments under our present postal service arrangements. But a present policy is being put in place at present.

Sen. Mark: Can I ask the hon. Minister whether the Postal Workers Union, which represents the postal workers, has that union been engaged or advised of this particular decision on the part of the Government to engage this consultancy?

Sen. The Hon. R. Le Hunte: Yes, they have been.

**CRIMINAL DIVISION AND DISTRICT CRIMINAL
AND TRAFFIC COURTS BILL, 2018**

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam President. I am very pleased to be back with the hon. Members of the Senate and with you, Madam President, for the continuation of the Government's programme.

Madam President, I beg to move:

That a Bill to make jurisdiction for criminal matters exercisable in a division of the High Court to be known as “the Criminal Division” and to make jurisdiction for criminal and traffic matters exercisable in a division of Summary Courts to be known as “the District Criminal and Traffic Courts” and to make provision for matters connected therewith, be now read a second time.

[Sen. Saddam Hosein enters Chamber]

[Arabic spoken by AG]

I welcome the Sheik to this House.

Madam President, I wish to bring to the fore the very excellent work that we have today. Before us, Madam President, is the Government’s continuation of the exercise of the reform of the criminal justice system, the civil system, the probate system. Justice for all is perhaps the most important issue in our society. Justice is the filter which manages society’s peace, order and good governance. It is the

justice system which manages the observance of due process, the emboldening and development of our democracy and good and peaceful order of our society.

In Trinidad and Tobago, we have been in a situation for many years, through successive Governments, where the allegation is that a consequence is not met upon an individual in a quick order, and that is individuals who are accused of committing crimes. After all, the process of vindication, being as equal as the process of conviction, and justice for the victims of crimes, stand in the balance.

Statistically, the Government has come forward and demonstrated statistics to show that our criminal system is at a grinding halt. We have come to the honourable Senate. We have detailed the preliminary enquiries in backlog. We have detailed the number of motor vehicle and traffic offences. We have detailed the management of our system from the officers, plant and machinery, et cetera, and then the articulating laws.

And what we have observed, Madam President, is that there has been a significant amount of analysis paralysis. Trinidad and Tobago, recognizing that the preliminary enquiry system and pre-trial detention in remand can be as long as 17 to 26 years in our country, where people are not brought before a court of law to either have themselves vindicated from an allegation or convicted on a charge. These people agree that the system is going nowhere. And that constitutes an abuse to our society. Victims are left in the lurch of having to relive the trauma of the crime over and over. Persons who are accused as having committed a crime and who are innocent, find themselves lost in a system and cycle where they are forgotten, where their families move on. Families find themselves unable to be supported by persons who are incarcerated.

So where do we stand, Madam President? We have come to the Parliament over the course of the last two years. We have focused upon who we are, what we are, what we look like, how much it costs for us to continue in the state of analysis paralysis, and we have moved our way forward.

What have we done, Madam President? This Bill says to us that we wish to cause the creation of a division of our courts. Now, it is true to say the supreme law of Trinidad and Tobago is the Constitution. When we look to the Constitution, we start off at Chapter 7 of the Constitution. We look there. We find that the Judicature is set out. Part I treats with the Supreme Court. We then have the Court of Appeal. We deal with the manner of appointment of judges. We go through their security of tenure. We manage the appeals to the Judicial Committee of the Privy Council and we put in the constitutional matrix for making sure that there is an exclusion of the Judiciary and a preservation of the separation of powers by having the backing of the Judicial and Legal Service Commission at Part III of the Constitution, where we looked at sections 110 straight through to 111, inclusive.

The Constitution sets up our High Court and Court of Appeal, preserves the route to the Privy Council. Where do we go after the Constitution? We have the Supreme Court of Judicature Act which, of course, treats with the management at one end and then we have the Summary Courts Act, which treats with it at another end.

We came to the honourable Houses of Parliament and we said that if after throwing as much money as our country has thrown at the equation, we find ourselves moving nowhere, what can we do differently? How do we avoid the definition of "insanity", which is doing the same thing the same way and expecting a different result, notwithstanding that process?

Permit me to put this in the context of how much we spend. Madam President, the expenditure of the Judiciary for the period 2000 to 2018 forms for useful analysis. In the financial year 2001 to 2002, our fiscal year saw \$103,813,947. Let us jump to 2009/2010. That figure rose from \$103 million to \$275-odd million. Let us fast forward to 2016/2017. That figure rose again to \$386,776,110. That represents in the period 2001 to 2002, a fourfold increase.

Look at the expenditure across these years, as it relates, Madam President, to employment. In 2001 to 2002, we were spending \$10,378,000-odd on employment in the Judiciary. In 2009/2010, that figure rose to \$29.7 million. We jump to 2016/2017, the figure for employment alone has risen to \$76.6 million. This represents, if you look at the figure between 2001, you compare against 2016/2017, that is nearly a sevenfold increase on expenditure.

So too, if we look to services in the period 2001 to 2002, compared against 2016 to 2017, you are looking at nearly a fivefold increase. If you look at equipment, we are looking at a threefold increase between 2001/2002, compared against 2016/2017.

What does that money purchase? We have three Courts of Appeal. We have, of course, that in Port of Spain, that in San Fernando, that in Tobago. The Supreme Court sits from six locations at present: Hall of Justice, Port of Spain; San Fernando; Tobago Supreme Court; Family Court; and then, of course, the Children Court north and the Children Court south. We have 12 Magisterial Districts. We have, in terms of judges allocated, 48 judges at present. I remind that we as a Parliament, in our Family and Children Division 2016 Bill, which became law in 2016, we raised the figure from 36 judges to 48 judges, and in the

miscellaneous provisions, which is before this Senate for another debate, we seek to raise the figure again.

Masters; we currently have 13 masters, two of whom are in the Family Court. Masters are broken down three at the Supreme Court, four at the Family Court, six at the Children Courts. Judicial officers by divisions is an important figure for us to put on the record. In terms of judges at the Family and Children Division, we have seven. Judges in the High Court, Civil Division, 17; judges at the High Court, Criminal Division, 11; judges at the Court of Appeal, 13. Masters, we have 10 at the family and children end; three at the Civil Division; none at the Criminal Division yet. Magistrates, of course, we have 46 magistrates sitting across.

But, Madam President, what do the numbers look like in terms of offences? The number of pending criminal matters at the Magistracy—and I am using the most recent figures, that is at July 31, 2017. These are the published figures, the total number of 94,034 matters stand at the Magistracy as at July 31, 2017. Listen to this. Fifty per cent of that comprising almost 50,136, are driving offences. So of 94-odd thousand, 50,000 are just driving offences.

Let us drill further, arms and ammunition, 6,503; sexual offences, 3,394; narcotics, 5,921; fraud, 5,594; robbery, 2,887; larceny, 2,880; wounding, 1,147; offences against the person, 7,321. That, of course, includes a range and collection of offences.

Let us look to the Criminal High Court end the equation. Murder, we have 301 murders at the High Court outstanding; sexual offences, 463; offences against the person, 418; dangerous drugs, 100; manslaughter, 11; attempted murder, 14; others, which includes larceny, forgery, kidnapping, perjury, malicious damage,

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conspiracy to defraud, corruption, motor vehicle and road traffic, we have 575; a total of 1,941 as at March 31, 2018.

So, Madam President, clearly we are seeing a situation where we have high numbers. I have demonstrated that we have thrown up to sevenfold more money at the situation. Year after year, Parliament after Parliament, Fifth Parliament, Sixth Parliament, Seventh Parliament, Eighth Parliament. We are now in the Eleventh Republican Parliament. We have raised offences, increased jail time, dealt with kidnapping, dealt with firearm, et cetera, and what have we seen? We did not see the pace of justice quicken.

So this Government took the step to create and bring to life, bring to life, the divisioning of our courts. And where did this come from? This came from the Lord Wolfe reforms, which saw the amendments to our civil justice system, where we introduced the Civil Proceeding Rules, where we ensured that computer systems were working in the Judiciary, where we saw the appointment of judicial support officers to judges; where we saw the courts becoming smaller; where we saw appointment times being managed; where we saw upfront case loading and case management. And what happened in civil justice arena is that the pace of justice quickened such that the arrears dropped from 17 years of wait time, down to one year maximum, two years maximum from the start of a case to determination. That is on the civil end.

In recognizing that, we have come to the Parliament. We came in 2016, to the Parliament. We brought the Family and Children Division as a single Bill to the Parliament. In treating with that Family and Children Division, Madam President, we amended 18 pieces of law. We birthed and operationalized and put into gear, for the first time in many, many years, the Family and Children Division

north building; the Family and Children Division representing the Children Courts in both instances, south building.

2.30 p.m.

What did that result in, Madam President? I can tell you that that resulted in us seeing as at today's date, I can tell you, we have had 804 matters already in the children's court. We have created that division, and on the children's side we have 804 matters already. Seventy-six per cent of the north building, 24 per cent of the south building.

What do we do further? In creating the Family and Children Division, we brought to life Judges Rules for children, the Children Court Rules, the multiagency protocols, interagency protocols, the child defence standards, Trinidad and Tobago table of equivalences for United Nations Office on Drugs and Crime, International Crime and Classification of Crime. For statistical purposes we brought into gear the peer resolution framework and rules, the children community residences Regulations, the child rehabilitation centre Regulations, the children's homes Regulations, the designation orders to create the juvenile centres—now child rehabilitation centres, miscellaneous provisions Bill which we have on the Order Paper, the Child Rehabilitation Centre (Designation) Orders, all of this demonstrating that the divisioning approach that we took resulted in a significant quickening of justice as it related to our children, Madam President.

This Bill before us now carries forward the Government's stated objective of creating another division of the court. Marrying the type of reform that we did for children, we say now in respect of the criminal end of the equation that we want a criminal division.

Next on deck, Madam President, is a civil division; next on deck is a probate

division. Now, why do we want these divisions? What does this Bill contemplate? This Bill is five Parts, 25 clauses long. This Bill really seeks to do about six things in precise terms. One, we seek to make sure that we, of course, formalize the structure of the courts; two, we are, of course, as I said, modeling after the Family and Children Division; three, we are flattening the judicial administration structure; four, we are merging the jurisdictions between the High Court and the Summary Court; five, we intend to quicken justice; six, we intend to operationalize specialist courts.

Now, let me explain why. One, may ask, why be so prescriptive about administrative structures? What is the need in light of the wonderful language in the Supreme Court of Judicature Act and in the supreme law, the Constitution of the Republic of Trinidad and Tobago beginning at section 99? Why would one need to legislate the formal structures? I will tell you why. The history of the public administration management has demonstrated that the broad brush classification of positions and terms and conditions of the Judiciary, against that which is done at the Public Service does not make sense, number one. Number two, it is essentially an attempt to fit a square peg into a round hole because terms and conditions just do not apply.

We saw a very interesting thing. We saw court managerial positions converted into “Business Operations Assistant II”, just because the Public Service had it, they applied it into the judicial system and court management went right out the window.

We saw plant and machinery—we saw a decision in 2013, under my learned predecessors the previous government, to remove the judicial maintenance systems and as a result of that, we went from 100 per cent up-time to fighting to keep off of

100 per cent downtime. Look at what we have to do in the San Fernando court where we are replacing the roof or we are fighting with air conditioning issues in the Hall of Justice, Port of Spain, things which we now have to administratively fix because we were fitting square pegs and round holes side by side.

And so this Bill proposes a system of formalizing the structure for management. And that, Madam President, is to be found at Part IV of the Bill beginning at clause 18 going straight through and including up to clause 22 where we deal with the administrative structure.

Madam President, when we talk about flattening the structure of the Judiciary, and merging jurisdictions, and tabbing that onto quickening justice and specialized courts, permit me for a moment now to explain what I mean. When we looked to why the criminal justice system takes as long as 17 years, it is a multi-pronged answer that you get. What takes so long for a trial to happen in the Criminal Division? Number one, we have preliminary enquiries. We have a system of deciding on a prima facie basis whether there is a case to answer, at the Magistrates' Court there is a process, if there is a case to answer you go to the High Court process which is the Assizes, you can then appeal to the Court of Appeal and then to the Privy Council.

What happens in the progress there? You have, and I am speaking in that routing of the indictable procedure on the Summary Court basis, the matter is treated with at the Magistrates' Court and is disposed of. Physically, what exists at the Magistrates' Court? What exists at the Magistrates' Court prior to this Government coming in was: no criminal proceedings rules, no computerization system in the entire Magistracy, manual lists, manual logging, no sit and rise time analysis, no management of the court resources, no judicial support officers, no

transcription technology on a real-time basis.

What happens is 95 per cent of our prosecution is dealt with by the Trinidad and Tobago Police Service prosecutors, 5 per cent by the DPP, but who runs the Magistrates' Court? Who runs the administrative end of the Magistrates' Court when the magisterial officers are in court? It is the Clerk of the Peace. Who or what is a Clerk of the Peace? A Clerk of the Peace is the person most senior in the management system who is not an attorney-at-law, who is in fact breaching the Legal Profession Act by giving legal advice, by hearing bail applications, by managing the court process. So we have 95,000 matters in the Magistrates' Court being administratively run by somebody who is breaching the Legal Profession Act, managing the judicial system with no technology inside of there.

So what do we propose to do in this Bill? In Part IV of this Bill, we are saying, let us put in an administrative structure such that we remove the concept of the Clerk of the Peace, we create a registrar, we create a clerk of the court, we create subordinates in rank. We link it to the reporting to the Chief Magistrate, and then what do we do? We say in the structuring of this Bill—may I ask what time precisely I must end?

Madam President: You end at one minute past three.

Hon. F. Al-Rawi: Thank you, Madam President. We say in this structure that we should have a unified registry. Because, we say in the Magistracy, let us borrow a better structure. We take the Family and Children Division structure, but we are not only taking the structure, we take the computer system which we purchased, by way of effort, gifted to us by the Nigerian Government—thanks to the advocacy of the hon. Chief Justice, Mr. Justice Ivor Archie—bettered by the Government of Spain in the software implementation improvements. We computerized the system

in the Family and Children Division, we are replicating it now in the Magistracy, so for the first time in the history of Trinidad and Tobago's Magistracy we will actually know where cases are.

Before the Finance and General Purposes Committee right now, we are dealing with the modeling to include judicial support officers to magistrates. We are dealing with transcription of evidence by way of mask technology, where you speak into it and voice recording systems go on.

Because, Madam President, in the Magistracy, and as a contributor to delay, is the fact that the paperwork is stored in one particular location, the transcriptions take two to three years to happen, and then if you are moving a matter from the Magistracy to the High Court, you have to transfer the documentation to the High Court Registry, passing through certain aspects of involvement with the DPP's Office, and that takes one, two, three, up to five years transmission time.

So, what this Bill proposes, is we take the High Court jurisdiction, we take the Magistrates' Court jurisdiction, we are taking the Supreme Court of Judicature Act, we are taking the Summary Courts Act. We put them together in a criminal division, we create High Court end, Summary Court end, we create under this structure of the Bill in Part II, with respect to the High Court, in clauses 4—11 inclusive. We are creating the Criminal Division of the High Court, we are creating in Part III, the District Criminal and Traffic Courts Division, which is intended to be the label for the Summary Courts and that is in clauses 12 through 17 inclusive. We merge the jurisdictions. So that a criminal judge, sitting alongside a criminal master, can case manage, can deal with both the Supreme Court end, the High Court end and the Summary Court end.

Why are we doing that? Is it not true that we as a Parliament, particularly in

the period 2010 to 2015—and when we look to the securities industries laws, we have looked at a number of laws passed then. We took the vast majority of our complex crimes on the financial end in particular and we made them all summary.

Summary means a magistrate has to deal with it. What we are proposing here in this particular structure, is that the jurisdiction of the High Court, the Criminal Division of the High Court, that the jurisdiction would allow for the criminal court judge or criminal court master to have powers confirmed under the Supreme Court of Judicature Act, and have all powers exercisable by a magistrate in criminal matters under the Summary Courts Act, and to hear indictable offenses summarily, and any other jurisdiction by any other written law and that is in clause 9.

That allows a judge or a master in the High Court Division to hear summary matters. What did we do further? We allow for that excellent feature of case management by the masters, and that is where in clause 10, we have introduced a criminal court master exercising all the authority and jurisdiction of a judge which are conferred on masters under the Supreme Court of Judicature Act.

And, Madam President, the rationale behind this is to allow for case management to feed into trials, to allow a High Court judge to deal with Summary Court matters and preliminary enquiries, and we intend to abolish preliminary enquiries but that does not mean that they just disappear. Obviously those which have been started have to be managed until there is no more left in the pot.

So, what did we do on the Magistracy end? Let us start connecting legislative dots. We came to this honourable Senate, Madam President, and we amended the Motor Vehicle and Road Traffic Act, Chap 48:60. What did we do? In section 20 of that law, we said use of the roads is a condition, it is not a

privilege, it is not an absolute right, and it is a condition. You can be charged with violations and then we went through an exercise where we converted the vast majority of matters away from offences which require a magistrate to sit, a policeman to attend, and we converted that into traffic violations. We preserved the fact that you could have offences, obviously they are still offences. But in treating with that look at the way legislation and common sense now unite.

I have just given the statistics, nearly 51,000 matters, of the 94,000 matters in the Magistracy are motor vehicle offences. We have shunted that into violations, we have now freed up 50 per cent of the caseload, allowing magistrates to do more magisterial work that relates to quality of life and crime issues.

And that is why this departure by this Government is so profound, Madam President, because we are not just multiplying expenditure times seven as happened between 2001—if you look to the figures—coming up to date. We are actually changing the system. We are formulating what goes in, what stays in and how it is managed. And what we do in Part III of the Bill in treating with the Summary Court side of this legislation, we are treating with a Summary Court now going to be called a district criminal and traffic court. Why? Because I can now have so few traffic courts matters coming to it. Because remember, you only come when you raise an objection, you actually file the notice, you get there to court if you want to come to court, not automatically.

And, Madam President, we are saying in this district criminal and traffic court that we are going to call the magistrates a district court judge. And we have borrowed from the Jamaican experience in their system of management of their Magistracy, albeit that that system has lay magistrates associated with it. We have borrowed from that position here, because we now want to streamline the

Magistracy.

Madam President, very importantly, we have added both in the High Court and in the Summary Court—listen to what we have added, at clause 14, and that is for the Summary Court, and at clause 6, we have added the provisions to treat with alternate attendances. We say that we can actually have—and clause 6(2) is where I was looking for in the High Court end—married with clause 14 in the Summary Court's end, that the:

“...Court may conduct hearings by telephone, video conference or any other appropriate electronic means.”

Marry that up now with the most important provision in the Bill, and what is that? Clause 24:

“(1) The Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules of Court—
(a) establishing a special criminal court procedure for the management of case types and offences referred to in subsection (2); and
(b) generally for carrying this Act into effect.”

And subsection (2) says:

“The Chief Justice may, by Practice Direction, determine the case types and offences which are appropriate for the special criminal court procedure provided for in...subsection(1)...”

What does that mean? It means we get out of “analysis paralysis”, and let me explain to you what that means.

Madam President, while I was looking to the concept of further divisioning the courts and advancing this reform at systemic level—cause clearly that is what

is required—I came across the reports of the special criminal court committee. I came across the fulminations under the Firearms Act of Trinidad and Tobago, the anti-kidnapping considerations, we had in the Kidnapping Act, et cetera. I saw research done on special criminal courts in Ireland. I saw the research done on special criminal courts in St. Lucia. And very importantly, listen to our own trajectory. Trinidad and Tobago in 1996 sought to flirt with the drugs and firearms Bill, 1996. That is a small 22 years ago, no big deal. Twenty-two years ago, Mr. Justice, now the late and hon. Mr. Justice Gayapersad, as the Chairman of the Law Reform Commission, dealt with a proposed special court. That court was going to be the drugs and firearms Bill, because then, “drugs” under the Dangerous Drugs Act, “firearms” under the Firearms Act, were seen as the offences of major concern and they wanted it to be a specialist court environment there.

What happened to that Bill after all of that planning, and work, and development, and money, and expenditure?—never laid in Parliament.

Fast forward 2004, a small 14 years ago. The concept of treating with the Magistracy Registrar and the Clerk of the Court, as is a feature of this Bill here now, that was actually brought to life by a Cabinet decision, the Supreme Court of Judicature Act was amended and what happened? From 2004 to today’s date, we still have a Clerk of the Peace running the Magistracy, in breach, in direct contradiction of the Legal Profession Act.

Now, do not get me wrong, let me state this clearly. I have ultimate respect for the hard-working Clerks of the Peace in our system that have held our justice system together by their sheer dint of effort. Do not get me wrong. But really in 2018 the question for us is: Must we continue with that system?

Let us go again, 2005. We had the firearm and kidnapping court, gun court

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2005. Again, Law Reform Commission special committee: Michael Theodore; Seenath Jairam, Senior Counsel; Israel Khan, Senior Counsel. What happened with the Bill? Never laid. That is a small 11 years ago—13 years ago, forgive me.

What happened next? 2006, special criminal court, firearms, drug trafficking and kidnapping. Let us not do two, let us do all three. Cabinet Minute established, ad hoc committee established: Stephanie Daly, now Senior Counsel; Cheryl Blackman; Jeffrey Henderson; Trevor Paul; Arlette Lewis; Sherman Mc Nichols—the late Sherman Mc Nicholls; Evelyn Ann Petersen; Gary Kelly; Jerome Mark; Gilbert Peterson, Senior Counsel; Christie Anne Morris-Alleyne, Master Morris-Alleyne; Charles Sabga. New legislation, operational procedure, capital, human resource, buildings, swift justice to be had. What happened? No Bill; never laid.

2007, we went again, Jamaican gun court model the local gun court, the firearm and kidnapping court Bill, law reform product under the hand of the hon. Madam Justice Jean Permanand. What happened there? Never laid.

2010, under the previous government, firearm and kidnapping court Bill, 2010, which is just a reformulation by way of the name only of the 2007 Bill, again an upper and lower division, penalties, judge and magistrate sitting in camera. What happened there? Never laid.

I can tell you, we came to the Parliament, laid the division creation for the Family and Children Division. We did that under the Family and Children Division Act, 2016, which in fact by Legal Notice 38 of 2017, Legal Notice 23 of 2018, we made certain of the Regulations done but it became an Act of Parliament as Act No. 6 of 2016. I have already identified all of the articulating pieces that we have done. I have told the hon. Members of the Senate that we established not

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only the courts, the physical structures, not only the rules, the placement of masters to operationalize the system, a single registry, a computerized system, we interviewed 13,000 people and put them to work. We put in the specialist division of the Trinidad and Tobago Police Service. We have dealt with the Solicitor General's Department the Children's Authority. But you know what? We can stand here today and say that we are no longer in "analysis paralysis", we got it done. [*Desk thumping*]

And in taking that model of successful operationalization, it is the first time in the history of this country that a government will have passed law and created courts and put them into gear with 800-odd matters in gear right now, ever in a two-year period, ever, Madam President. And that is no small feat, so borne on the back of the success and the experience of the Family and Children Division, we come now to talk about this Criminal Division.

I am sure Members opposite will have bits to say, materially important contributions to make, the Government will listen to it all. But, what I can tell you—you know what my motto has been, what this Government's motto is? Just start. Enough talk, just start, Madam President. The Parliament is here to work. On the Order Paper, without running afoul of the rules of anticipation, there is another Bill, a miscellaneous provisions Bill to treat with children, and the children package. We are amending 13 more laws. Why? We started with 18, we back-filled, we did the cross references, we are coming with another 13 and if we have to come with 90 more, we will come with 90 more. [*Desk thumping*] Because the key is to get out of "analysis paralysis", because you know who is suffering, Madam President? Victims, society—hopelessness prevails when there can be no certainty in justice.

Madam President, the actual provisions of the Bill—short title, commencement, interpretation, clauses 1 to 3 inclusive. In the interpretation section take note of the creation of the criminal court judge, criminal court master, the department of court administration. We have very importantly defined:

“‘children matter’ has the meaning assigned to it under section 3 of the Family and Children Division Act;”

And we have dealt with traffic violations, and we are going to be amending in another piece of law before this Parliament, the fact that you could not get legal aid and representation for traffic violations or offences for children.

We are making sure that the High Court Division, court of summary jurisdiction, judge, master, that those are interpreted in the light in which this is supposed to be done, that is in clause 3. Part II in clause 4, we create the Criminal Court:

“There shall be a Criminal Division of the High Court which shall comprise a court known as ‘the Criminal Court’.”

And this is the creation of the Criminal Division of the High Court. We vest jurisdiction—

Madam President: Attorney General, you have five more minutes.

Hon. F. Al-Rawi: Much obliged, Ma’am. We vest jurisdiction in clause 5:

On the commencement of this Act...all criminal matters exercisable by the High Court or a Court of summary jurisdiction shall be exercisable by the Criminal Court.”

That is an important point. Both High Court and summary. We deal with the sittings, we allow for use of technology in clause 6, we deal with the fluidity of assignment by the Chief Justice in clause 7. We deal with the judge to be known

as a criminal court judge in clause 8. We deal with the criminal court judge—a criminal court master having concurrent jurisdiction. We allow them to treat with preliminary enquiries and any other matter which may be treated with them in clause 9. In clause 10 we exercise the jurisdiction of the master being that with the judge specifically to avoid any interpretation which could challenge a decision made by master. We are not reinventing the wheel; we did it in the Family and Children Division.

Part III, we are treating with the district, criminal and traffic courts. That is the version of the Magistracy now relabeled. Clause 12, we treat with the District Criminal and Traffic Courts, what it is to be known as in its Summary Court Division. A magistrate when sitting, we now call a district court judge in clause 13. In clause 14, a district court may conduct hearings by telephone, video conference, and electronic means. In clause 15, we establish that there shall be in the Judicial and Legal Service, a senior magistracy registrar and clerk of the court. That means that they must be legally qualified.

We then create the magistracy registrar and clerk of the court. Both of them being ex officio Justice of the Peace and Commissioners of Oath. We then deal with the reporting structures. Clause 17 is what treats with what the Clerks of the Peace did and that is where we set out the functions and duties of the senior magistracy registrar and clerk and a magistracy registrar and clerk of the court. And we set out through subparagraphs (a) to (k) inclusive, the functions.

Part IV treats with the administration of the Criminal Division of the High Court and the District Criminal Division. We allow for the IT structures and units to be done. Clause 18 sets out in detail the types of units we are specifically—I ask you to note clause 18(2)(h) the criminal court information communications

technology unit. You know why? It did not exist before. And having that management is so critical to making sure that cases move on time.

In clause 19, we are treating with the deputy court executive administrator, and I ask you to note, Madam President, clause 19, in the chausse route to subclause (1), says that that person shall be:

“on terms and conditions equal to those of a Deputy Permanent Secretary...”
And why have we done that?—because there is this ridiculous public administration position which does not treat the terms and conditions on the level that should be done, because the court executive administrator and the deputy court executive administrator are the equivalent of the PS and Deputy PS and they ought to be treated that way from a remuneration and terms and conditions point so you can attract people of quality and keep them.

3.00 p.m.

Madam President, we are treating in the miscellaneous provisions in clause 23 with the oath of secrecy, and I have already gone to 24 and 25 which allow, 24, for the use of specialist courts, because we intend to come with specialist courts. I ask you to take note that it is not by mistake that the Judiciary has been able to announce that the courts will be sitting in the August vacation. It is not by mistake that you will hear shortly, the details of the exercise conducted in the prisons in relation to this matter of maximum sentence indication.

We are now beginning to see the dots connected. We are making good sense of the approach. This is to treat with the application of a remedy to the definition of “insanity”. That definition of “insanity” is that you continue to do the same thing the same way getting a particular result, but yet expecting a different one. We are now changing systemic modelling, and we are moving into the right

direction and, in those circumstances, Madam President, I beg to move. [*Desk thumping*]

Question proposed.

Sen. Anita Haynes: Thank you, Madam President, for recognizing me as I make my contribution to a Bill to make jurisdiction for criminal matters exercisable in a division of the High Court to be known as “the Criminal Division” and to make jurisdiction for criminal and traffic matters exercisable in a division of Summary Courts to be known as “the District Criminal and Traffic Courts” and to make provision for matters connected therewith.

And, Madam President, I would just like to begin by—let us think about what we are asked to do here today. As I enter the debate, the Attorney General said quite a number of things that I had in my notes prior to the Attorney General piloting the Motion, and that was that there is in this nation right now a sense of hopelessness that prevails, and that persons feel as if the system is not designed to work for them. And I enter this debate, Madam President, as we look at our Judiciary from the perspective of a lay person, as someone who looks at the system from the outside. I am not an active participant in the judicial system and I can tell you from my perspective and the perspective of many citizens, the system is broken, and we looking on at the system feel as if there really is little to no justice for the citizens of Trinidad and Tobago.

And the Attorney General said that we do have to move out of this analysis paralysis, which is the terminology that we have heard a lot, and let us get something done and let us start somewhere. And, Madam President, I, and indeed the entire Opposition Bench, have absolutely no problem with doing the work and getting things done properly once—and we have said this time and time again—it

redounds to the benefit of the people of Trinidad and Tobago. [*Desk thumping*]
And we have no problem doing the hard work necessary to fix our nation, because
as we look at our nation now there is clearly a problem, and we intend to work
with anyone—Government, NGO, anyone—in order to fix the problems that we
face. However, Madam President, there is also a sense that what we do here—as
sensed by the population—that what we do here in Parliament really has no impact
on daily life.

And as we came here to debate this Bill that would create a Criminal
Division, this again is within the essence that we live in a society with high levels
of crime and criminality where citizens are—well people are burying their
children. The ages of the victims—we see many more victims on a daily basis and
the ages are getting lower and lower, and so we are losing a generation, as I have
had cause to say here before. And my question is—as the Attorney General noted,
we have spent a lot of time putting square pegs in round holes. Is this the solution
that we are looking for? Is this, Madam President, will what we do here today
positively impact the citizens of Trinidad and Tobago?

And so, in my preparation for today, I had cause to speak to a number of
persons who work within the system, and the analogy that I was given, Madam
President, is, if you have a car and the gas light in the car is blinking, blinking red,
screaming at you to put gas in the car, and you decide that you will check the tyres,
you change the tyres—you do everything else, but you never put gas in the car and
the car shuts down, and you are still wondering why, because you have done all
this work. And the Attorney General has listed a lot of work that he has done. But
has he put gas in the car? And that is question that we asking. [*Desk thumping*]
Are you treating the problems that have arisen?

And so I, Madam President, would go now to the Chief Justice who at the opening of the law term—and I chose this speech in particular because it was delivered in September 2015, the beginning of this Government's term in office—and the Attorney General, I am sorry—and the Chief Justice started that speech by saying:

“In Trinidad and Tobago everyone has a prescription for”—the problems but—“they have not properly investigated and”—that they—“do not understand.”

And this is an issue facing the Judiciary. And I bring this into the debate because if we are saying that what we are doing here today is intended to fix the problems and to create a more efficient justice system, the question is: Are we tackling it from the right approach? Have we analyzed the problems? Have we spoken to the right people? Are we doing something for the benefit of the people of Trinidad and Tobago or are we just doing things, just anything?

So, the Chief Justice said:

“I come here year and year, give the same speech and nothing happens.”

And that is important, Madam President, because the Chief Justice has noted that time and time again the problems within the judicial system have been articulated and for some reason our approaches have not solved the problem. And similar to the Attorney General, the Chief Justice noted the amount of money that has gone into the system. So the money has been spent, but has it been spent effectively? And it goes on to say—this is the Chief Justice speaking:

“What can I do about low crime detection rates or inadequate evidence or no proper detention facilities or slow forensic analysis or a shortage of attorneys at the Criminal Bar or prisoners arriving late?”—for the court, despite

abominations.

Now, Madam President, is the Bill that we are asked to pass today going to address any of these issues that the Chief Justice raised? The Chief Justice noted that:

“We have some real systemic problems that will not be solved by old talk but which require moving beyond conventional wisdom and applying”—a little—“common sense on the basis of the evidence and information that we already have or are able to gather.”

And, Madam President, the application of common sense here I think is essential.

When we are talking about what are the issues facing our judicial system, you have to start at the beginning. So we are starting here at the end of the process. We are looking at the court system. But have we thought about taking a systemic approach, moving from the beginning of the system to the end? And so, for all the legislation that we pass and everything that we do here, are we solving our crime problem? Are we solving our judicial problems? And I would have to say the answer is no.

When we look at what are the weaknesses of the judicial system—you start at the beginning and you look at the forensic being overworked and backlogged—the support systems, Madam President, are not catered for. So you are looking at long wait for the service of summons, and we note that there have been allegations that the police service have not been serving summons for parties to attend court. Probation reports where necessary have been taking inordinately long and that there are delays in the process. Again, what we are doing here today will fix these things?

We have also noted that there have been reports about police officers not attending court without any consequence and matters being adjourned repeatedly.

You can hear horrors stories from any number of persons who have had what I would consider the misfortune, Madam President, of participating in the system. Note that matters are adjourned repeatedly and take years to go through. And I know, Madam President, that the Attorney General has painted a very, very lovely picture for us here today, and if it all works out, I for one would be overjoyed.

But, Madam President, even in listening, the system, and noting that we are looking to enact the Family Court model, et cetera, I thought that that equation was rather unrealistic, because you said there have been 804, 807 matters in the Family Court. But if you take how many Family Court matters—and, again, I am an outsider to the system. I would put my head on a block, Madam President, that it in no way compares to the criminal matters facing the court, and the numbers and the process required to go through those matters.

So, the analogy that we have this system in the Family Court and it is working, and if we put it in the Criminal Court system it will solve our problems, again, I am a little sceptical. If it works yes, but I am of the belief that what we are being asked here today is to just add another legislative check that will not in any way help the citizens.

We even look at—there have been reports out of Tobago about magistrates not attending court, and that the cause for the backlog within the court system—and I am sure persons who work within that system can elaborate—that what you have or what we would need to work towards is a change in the thought process and our philosophy and our attitudes, rather than just changing a system. Because if you change the system, as the Attorney General said, and you are creating these sweeping changes with all the same people with the same attitudes and the same idea of justice delivery, we would not have solved anything. And so, again, people

will feel as if we come here, time and time again, and talk about a number of issues and they are still suffering, and that sense of hopelessness that the Attorney General spoke of will continue to prevail. So we would have, at the end of the day, accomplished nothing.

When you look at proper infrastructure within the system, Madam President—and I would like to just put on the record here some articles because I am from south Trinidad, and so the attorneys that I spoke are also from south Trinidad, and they raised quite a number of issues with what can only be considered chaos in the system in the south Magistrates' Court. Madam President, I would just like to read into the record some of the issues that they have highlighted in the south Magistrates' Court.

So we are looking at a system, a court system that is operating on a shift system basis as in—I think it is from 9.00 in the morning to 1.00 p.m.—and I am subject to correction—and then you come back in the afternoon. And this is why people feel that the system is not working for them, because can you tell me, when they go to court, they have to, I think grab up all their documents and move from one building to another. It is a real kind of shoddy arrangement that the citizens of south Trinidad who are accessing the judicial system have to go through.

You are talking about people being housed temporarily and there are so many problems within the system, Madam President. So many problems that these people face and then yet still, we are coming here to treat with what we are calling a prescription, and they simply do not agree that this is what we need at this material time. And so, I say that to say, Madam President, if the Attorney General will tell us in his wind-up, who was consulted and what the consultation process looked like before bringing this Bill before the Parliament? And tell us, well who

asked for this, and who within the system said that this will cure the ills that we face?

I think that would be instructive, Madam President, it will help us, I guess, as a Parliament, as we look on at what we are doing and the work that we are putting into these things. We say okay, well these persons have been consulted. They have listed these issues and that from that we have made an informed decision to proceed along this path, because I am very uncomfortable, Madam President, with the idea that I am participating in just a legislative checking of boxes kind of system. I would like to do something that is meaningful and useful to the people of Trinidad and Tobago. [*Desk thumping*]

I would just like to go into the clauses of the Bill, Madam President, because if you look at clause 18, which provides for the establishment of the Criminal and Traffic Court, it speaks to, well like I said, the establishment of the court. This deals with the composition of a unit that will undertake the administrative work of the courts. I think instrumental in the piloting of any legislation that will deal with setting things up, we should start including timelines, because as a nation we can move, I think, to a more responsible mode of putting things forward to the nation, and say, okay, we intend to do this, this is our timeline, so that we have some kind of accountability in the system.

Again, speaking as someone from the outside looking in, I would like to know, okay, Parliament has done this, the Attorney General office has said this, and they promised it is by this time so that way we can hold you accountable, and it is not something that is just in the air we have done this. And we can come here and list out legislation after legislation that we have passed, and no word on when things would be operationalized, and then we can get words like “soon” and in

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“good time”. I think we can move away from that. So, I would like to know when these units will be set up and operationalized, and definite timeline. We could be flexible but “soon” is not a timeline.

And the Attorney General, in his piloting of the Bill, raised the cost increase over time of running the Judiciary, using the time period from 2001 to 2017, I believe, and I think he said that the costs had gone up fourfold. And so, given that we have been told that the price of justice has increased, the reality is that under this Government, we have seen—if we look at pages 13 and 17 in the *Estimates of Recurrent Expenditure*—that the Judiciary’s allocation has been decreased, and with decreases for contract employment, decreases under rent and lease accommodation, decreases under the repairs and maintenance of buildings, Madam President. And I thought that was instructive, because if you are telling us you are doing these things and setting up, explain to me—because I too would like to follow the money here—so that, are you setting these things up without any allocation or can we expect the allocation in fiscal 2019? Just tell us how it is going to work, so we could be a little more comfortable when we pass the Bill.

So if the Government, I think, intends to treat this Bill in a similar fashion as the Family Court, I think we can, again, look at what the cost was to set up that court and they can give us an estimate of what we would be looking at in terms of spending as we, Madam President, look at setting up new court systems while decreasing the money for the refurbishment and fixing what we already have. So you have, again, the Magistrates’ Court in San Fernando where no work is being done really to fix their system, but we are creating a whole new system.

Madam President, I would also like to raise the idea of the opportunity cost in terms of what would be spent. So we are spending money here to set up a new

Criminal Division of the court system, but what is the opportunity cost? Are we now taking money that could have been used on the front end in the fight against crime where we could spent money to improve the education system, so that you do not have the kind of inputs into the—or you do not have persons turning to a life of crime? We could have spent money in the detection arm of the fight against crime. So when you are looking at where you are allocating money, you do have to think about things in terms of opportunity cost. And are we taking money from somewhere that it may have been more useful?

I would just like to look at—the Attorney General raised the idea that we would be moving towards a specialized court system and part of this is looking at a specialized traffic court system. And the judicial specialization can take a variety of forms, and I think that the model that we should choose should reflect the weight of the underlying problem that we aim to address, and which should really take into consideration our local circumstances, especially the number of cases and what our demand is. And so, the Attorney General noted the number of cases for traffic management. And so, when we look at that, and I think there is a sense that our police service and our system as a whole have been very trafficked obsessed.

So the population is looking on and saying, okay, we can have all these cases for the speed trap and so many people getting caught within the speed trap, and yet still we cannot catch any murderers or any serious offenders. Our detection rate on that end is lower. And so, again, that leads to the sense, Madam President, that the system is just not working for the most vulnerable people in our country.

If you look at best practices, I think if you look at the Singapore model, they have a mixed specialization within the special courts. So you are looking at the

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Criminal Justice Division of Singapore Subordinate Courts and the plan to improve efficiency in Singapore's Criminal Division, which handles more than 59,000 criminal charges and over 60,000 traffic cases and over 128,000 statutory charges and summons in 2012, they created seven specialized groups of courts, and these groups focus on concentrated processes such as centralized pre-trial conference courts and four groups on specific crimes. So the result is that the chief district judge and his management team have excelled in leading the subordinate court. So the notable achievement is of clearing 80 per cent of the criminal cases within six months, Madam President. What I am asking is: When we do this today, can we guarantee that we will see these kinds of results or are we simply, again, checking legislative boxes?

When you look at the New Zealand mixed model approach, they have also seen similar benefits or that their system has worked for them. So in setting definite timelines, I think we can also move towards saying, Madam President, that we can look towards this being the effect of what we have done, so that we can say to the population, that the speed of legislative delivery or the speed of your justice will increase by 10 per cent or by 15 per cent. And I understand the difficulty with setting these timelines, but I personally, as a citizen, would like to move towards more accountability within the system; all of our systems.

Has a cost benefit analysis been done? So when you look at the approximate figures per month by the Salaries Review Commission, so you have a puisne judge of \$30,000, a Senior Magistrate of \$23,000, a Court Executive Administrator \$22,700, the Magistrate, \$21,000, the Magistracy and so on and so forth and the cost of the support staff. When we took into consideration what we are doing here today and part of what we have been asked to do, have we said the money that will

be spent is equal to the benefit that we will receive? In terms of thinking about the way things are done, we can give thought to whether or not what we are doing will have the kind of impact for the kind of money that we are spending.

And, Madam President, the granddaughter of Mahatma Ghandi said:

“A law alone cannot solve the problems of society.”

The attitude of the people needs to change. And I say that, Madam President, because if we continue to take—and the Attorney General spoke about the definition of “insanity”—and that is doing the thing over and over and expecting different results—but I would like to propose that the same thing that we are doing is taking a legislative approach to problems that a legislative solution is not required, and it is really that we need to operationalize the laws that we already have and we need to make changes within the system and we need to make changes within our attitudes as citizens for the system to work.

And so, again, as the Chief Justice noted, in 2015, it really may take a more common sense approach rather than these new sweeping changes to fix the problems that we face. Maybe we need to go back to basics and take a step back and say, okay, these are the problems facing us and let us take a step-by-step approach. So if we look at the legislation that we already have on books and say, are they working for us? We have a Litter Act, Madam President—

Madam President: Sen. Haynes, I have been following you and you have given your context. You need to be a little more focused now, because you are running into the danger of repeating yourself. You might be using different words, but the idea is the same and, therefore, you need to move on and be a little more specific about the Bill. Okay?

3.30 p.m.

Sen. A. Haynes: Thank you, Madam President. I think it is because my—as the Attorney General noted what we have here in this Bill, when we look through the clauses there is nothing, I think, inherently difficult, or anything that—and, again, my colleagues who work within the system would look at how it is intended to work. So my issue and my approach to the debate was really to look at—while simple, will it be effective? So I understand what you are saying, Madam President. I had one other point to make here and it was to deal with clause 7 of the Bill and the assignment of judges and masters to the Criminal Court, and when we look at what clause 7 of the Bill says:

“The Chief Justice may assign to the Criminal Court such Puisne Judges and Masters as he thinks fit.”

And my questions, I think: Is it that we are saying that this prescription would treat with the backlog of cases, and how many from the same basket of judges would be reassigned? Or, you know, how what is proposed in the Bill going to fix the problem of the backlog of cases that we have seen? Madam President, I think when looking at the piece of legislation before us, I wanted to just note how the Attorney General proposes that this legislation would fix the problems that we are facing in the system.

As I conclude my contribution here today, Madam President, I just want to go again to say that in piloting the presentation the Attorney General raised that the criminal justice system is in disarray, and that persons had to relive the trauma of what has happened to them in terms of being victims of crime, and that we have been throwing money at the equation, and that all of these things put together constitute doing the same thing over and over again and hoping for a different result.

And I would like to propose that, Madam President, what we are doing here today is the same thing over and over again that will not produce a different result, and I would really like for us to put our minds together and find solutions to the problem. But it is not simply saying we will pass this Bill and that Bill because that is the easiest step. Let us try to get things done and get the system working and address the issues as they have been articulated, and that they have been faced. I thank you, Madam President. [*Desk thumping*]

ARRANGEMENT OF BUSINESS

Madam President: Hon. Senators, before I call on the next speaker we will be reverting to Item 8 on the Order Paper. Sen. Mark.

URGENT QUESTIONS

Terror Threat During Carnival 2018

(Government Action)

Sen. Wade Mark: Thank you, Madam President. To the hon. Minister of National Security: In light of a claim by a citizen who was detained and later released by the Jordanian authorities that he was forced to report on an impending terror threat during Carnival 2018, has the Government launched an investigation into such claim?

Madam President: Minister of National Security. [*Desk thumping*]

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Madam President. Madam President, the subject of the report referred to in this question is at present subject to an active investigation by the Terrorism Interdiction Unit of the Trinidad and Tobago Police Service. In these circumstances, Madam President, I am unable to provide any further information.

Madam President: Sen. Mark.

Sen. Mark: Madam President, through you, in light of the conflicting statements coming out from the Government, and now this particular citizen, would not the Minister agree that the population is somewhat confused as to who to believe, and it is incumbent upon the Government to make a clear and categorical statement? So I am asking the hon. Minister—

Madam President: No, you asked. You asked, Sen. Mark. Minister.

Sen. Mark: Okay.

Hon. Maj. Gen. E. Dillon: Madam President, the matter is subject to an active investigation, and I would say no more on the matter.

Sen. Mark: Madam President, could the hon. Minister indicate whether citizens are to conclude, as a result of the conflicting statements, that either the citizen who is now claiming this thing was a hoax, or the Government claiming it was a carnival terror plot? What conclusion would citizens draw from this development if the Government does not give a clear and categorical position on the matter?

Madam President: Sen. Mark, I would not allow that question because it was just asked and the Minister gave a response. Next question, Sen. Mark.

Per Diem Owed to Soldiers

(Update on)

Sen. Wade Mark: To the hon. Minister of National Security, who seems to be silent today, in light of reports that some 86 soldiers who provided relief services to hurricane-ravaged islands are yet to receive their per diem, when can they expect to receive said moneys, Mr. Minister?

Madam President: Minister of National Security. [*Desk thumping*]

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Madam President. Madam President, the processing of the per diem for the soldiers who represented Trinidad and Tobago in the relief operations in Dominica

will be paid to them within the next two months.

Madam President: Sen. Mark.

Sen. Mark: Can the Minister explain why, since this development took place a few months ago, it has taken so long for these soldiers to be paid their per diem? Could you explain to this honourable House?

Madam President: Minister.

Hon. Maj. Gen. E. Dillon: Madam President, the process takes place at the defence force and to date the defence force is still ensuring that they do all that is required to submit the necessary proposal to the Ministry of National Security.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the Minister indicate whether this is a normal practice or a normal period of time that it takes when soldiers from the defence force are enlisted to provide services to other countries? Is it a normal practice for months to pass by before soldiers are remunerated for their services abroad, Minister?

Madam President: Minister.

Hon. Maj. Gen. E. Dillon: Madam President, it is not a normal practice, but each situation is treated on its own merit.

**CRIMINAL DIVISION AND DISTRICT CRIMINAL
AND TRAFFIC COURTS BILL, 2018**

Madam President: Hon. Senators, we will now resume the debate. Who is next to speak? Sen. Roach. [*Desk thumping*]

Sen. H. R. Ian Roach: Thank you, Madam President. Madam President, I am kind of hesitating to say what I want to say, but I promised two citizens of Trinidad that had approached me two days ago, while I was filling gas, to express their gratitude to you in the way in which you have been conducting, controlling the

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proceedings in these Chambers, so, I mean, I smiled. [*Desk thumping*] All I will say, one is named Raffique and the other one was Lisa. I told them I would convey it, so I am doing so. Thank you. [*Interruption*] Yeah.

Sen. Mark: Well, I must tell the President that I have received opposite. [*Laughter*]

Madam President: And I must tell everyone that the Presiding Officer is not the subject of the debate here. [*Laughter*] Continue, Sen. Roach.

Sen. H. R. Ian Roach: Thank you, Madam President. Madam President, I have listened to the hon. Attorney General eloquently give a discourse on the Bill, the genesis of this Bill, which, by and large, to me, having gone through it, seems very much more in line of an administrative type of Bill as opposed to one dealing with any significant introduction of offences or anything like that. It is an administrative Bill basically, and I have had the benefit—I mean, what is behind this attempt by the Government in its continuing effort to bring some sort of level of greater efficiency in our judicial system has to do certainly with the scourge of crime in our society, the runaway, galloping, out-of-control criminal situation in the society.

And immediately, I mean, I will say what—I will take off where Sen. Haynes did make some mention of Gandhi's daughter, but without Gandhi's daughter, I mean, it is quite obvious to me as well that notwithstanding whatever amount of legislation we pass with good intentions in these Chambers, in this Parliament, by itself would not necessarily address the situation as we are facing today in our society.

And, therefore, I am always looking at a more comprehensive approach to bring about a change, a curtailment, or certainly some sort of a slowing-down at

the rapid decay in our society where crime is concerned. And when we are here dealing with the legislation that seeks to address the criminal situation, be it in terms of laws being passed to curtail gang activities, or any other type of criminal offences, and in this instance this is dealing with the administration of the criminal justice system, to me we are dealing with the problem at the end of it and not at the beginning of it.

I am more of an advocate, Madam President, with due respect, to prevention. I have always tried to guide my life on the basis of prevention is better than cure, and when you look at what is facing us and the type of resources that the hon. Attorney General told this Parliament that is spent, and has been spent on the criminal justice system is quite significant; it is not insignificant. And if one is to do a comparison with what has been spent and what has been gained in terms of benefit, I think it would be a woeful disparity in terms of expenditure as opposed to benefits being realized. We must therefore approach our continuing efforts in trying to bring about a change in our direction, a change in what is going on with the blood on our streets by not just dealing with the passing of laws and legislation and look at it in a more holistic way.

To me, as I have said before, time and time again, I will also like to see as rapidly as the Attorney General has been bringing pieces of legislation towards tightening the judicial system, helping to make the dispensation of justice more efficient, more transparent and more affordable, I think I will also like to see the Government, and the very said Attorney General bring other pieces of legislation that will assist in the social interventions in a more aggressive way in our society, as well as the sporting aspect of our community. I mean, sports has a very significant role to play, and certainly it has been demonstrated, not only in

Trinidad, the world over, what value sports can bring to society, how sports can rescue young minds from going astray. And in that regard, Madam President, assist in disciplining and giving them focus and direction.

Therefore, I hope to see, if not before, certainly not by the end of this term, but before the end of this Parliament that the Attorney General will be bringing as well significant legislation to assist in ramping up social intervention across the board, and other things that will assist persons in getting involved in the non-legal aspect of life in changing, in helping to turn this corner.

Now, in my research I had the opportunity of coming across a very significant document, a report; a study that was done in the Legal Vice Presidency of the World Bank. And, as you know, the World Bank has a legal department that engages significantly as part of its mandate in assisting the administration of justice around and world, and this research entitled, a Justice and Development Working Paper Series, 24/2013. It was my intention to have brought copies for the Leader of Government Business, as well as the Leader of the Opposition, as well as to my Coordinator to have it shared around, because I think what the Attorney General was discussing as the basis for informing the Government, informing his initiative to pilot such a Bill before us was all captured in this document.

And if I were able to be permitted to read this document in its entirety—it is 25 pages—one will capture exactly what the whole basis of having specialized courts means in a democratic society. And the authors, two authors working with the World Bank, Dr. Heike P. Gramckow and Barry Walsh, and what they had to say—which I will certainly, at the end of this, I will like to probably give a copy of it to the Attorney General, it certainly makes for good reading and good reflection, notwithstanding that we have a Bill here. Some of the things he said:

“The Justice and Development Working Paper Series serves as a platform for innovative thinking on justice and development that features work from World Bank and external authors. It is a product of the World Bank’s Justice Reform Practice Group, which generates knowledge and provides advice and assistance to Bank staff and Bank client countries on improving state and nonstate justice system institutions and mechanisms.”

The Table of Contents, Madam President, it deals with “Why Specialize?”—and I will just quote some of the Abstract. It said:

“Court specialization...”

—which this is what this is about—

“Court specialization is commonly considered to be an important reform initiative to advance the development of a successful judicial system. Court specialization is thought useful even to address broader development constraints, such as the need for more effective access to contract enforcement, improvements in the investment climate, or more adequate protection of the environment. Studies from the United States, Australia, and other countries have shown that specialization can be helpful in improving the processing of court cases that are more complex or require special expertise beyond the law, such as in bankruptcy, the environmental, or mental health issues, or cases that must be handled differently to better reflect the needs of a particular court user group, such as business cases or family matters.”

It also said:

“These studies have also pointed to some”—of the backdrops of specialization—“For example, special attention to, and the allocation of

additional resources for, handling business cases can lead to the perception that a court provides preferential services to the business community but not the average person. In some instances, special courts have been created when the caseload did not actually justify the additional investment, raising questions as to whether the resources could have been better spent on improving overall court operations.”

The Attorney General in his presentation did give some stats about the large volume of cases being, in some instances, I think, he said something like 9,000 cases in the Summary Court, and how much of it was divided between—50 per cent of it or more was that of traffic offences. So, basically making a case that from the sheer volume of cases there is a need for having courts of this nature to deal with it, and one can see the logic of having a traffic court to take this out of the mainstream things. But it is important in making these determinations that you are not taking away resources that could have been better used on the whole court system and focusing on a limited sector of the court by having these specialized courts. So it is something that says that one ought to bear in mind.

It also said, Madam President, that:

“This report outlines the international experiences and good practices related to establishing specialized courts and creating the associated judicial expertise. It specifically highlights the information that is needed to determine if specialization is required in particular areas, as well as the specialization model that may be most appropriate, the requirements of the different models”—

Madam President: Sen. Roach, just excuse me for one second.

Sen. H. R. Ian Roach: Sure.

Madam President: Will the person or Senator with that device that just went off please leave the Chamber for 10 minutes. Continue, Sen. Roach.

Sen. H. R. Ian Roach: Thank you, Madam President.

“...the requirements of the different models and the approaches to training and selecting judges for special assignments. The paper also outlines the next steps a jurisdiction might take to examine the potential need and demand for further specialized judicial services and to consider what would be needed to meet those which...”—will justify the need for specialization.

And in their analysis, Madam President, they asked the question, “Why Specialize?” They said:

“Judicial specialization generally means that judges have special knowledge of and expertise in a particular area of the law. More specifically, it also means that certain types of cases are handled somewhat differently, possibly even separately from the rest. While specialization in this sense is a growing trend, it is not new and there are many examples of judicial specialization all over the world and in all types of legal systems.

...and courts specializing on maritime law in England reach back to the 14th century...”

—and it went on, and furthermore, right. They said:

“The degree of specialization in either”—the civil cases or the criminal cases, common law cases as we are—“tends to increase as economic development and the legal framework evolve. The more complex and specific the legal framework becomes and the more sophisticated the economic environment, the greater the calls for specialization. Although specialization can also be a result of constitutional requirements, most often

it results from particular needs or demands, frequently stemming from sources external to the courts that have to be considered carefully to determine if specialization would be helpful and if so, which form or model of specialization would be best.”

Madam President, let me hasten to look to some of the statements when they were talking about the advantages. They said some of the advantages identified for specialization is that first that “there is greater efficiency”. They said, secondly, “a judiciary of specialists leads to higher-quality decisions”. And, thirdly, they said:

“the creation of specialized courts with exclusive jurisdiction over particular areas of the law would enhance uniformity of decisions in those areas, thereby contributing to greater predictability and confidence in the courts and possibly reduced appeal rates.”

But, however, the disadvantages are also mentioned and they identified that the Consultative Council of European Judges of the European Community said in their report of March 2012—the report outlined the limits and dangers of specialization, and some of which were identified, and I will just read them quickly, he said:

- “Risks to the independence and impartiality of the judge (as a result of being too familiar with the parties or their lawyers);
- Risk of exposure to interference by the executive and the administration who may disagree with the decisions in general courts and therefore aim for different outcomes via special courts;
- Risk to the unity of the judiciary;
- Potential inequalities in access to justice in some locations, stemming from the impossibility of having a specialist in every subject matter

needed;

- Concern that, due to the complexity of a particular subject matter and to the continuous development of the law, specialized judges will no longer have knowledge of different areas beyond their own specialty, an important link that will be lost if all of their work and education is detached from the general courts;
- Risk that the compartmentalization of a judge's activity and knowledge of the law may actually lead to lower quality decisions in the long run;
- Risk of a loss of flexibility in the development of the law if judgments are always delivered by the same limited number of persons.

In deciding for or against specialization in different forms, these issues should be carefully reviewed and reflected in the choice of specialization approach, model, and strategy.”

So, in other words, Madam President, and the hon. Attorney General, I will want to believe that even though he had mentioned the report of Lord Woolf that would have informed the development bringing us to here, this seems to be quite a comprehensive piece of research that was done by the World Bank and can only assist us in appreciating, if at this point we have reached to set up this separate Criminal Court and Traffic Court Division, that it is something that is required given our situation. It is something that has been thought out. It is something that is cost-effective. It is something that is not going to make the situation more bureaucratic, because in his explanation he did indicate—and the Bill itself outlines that there is going to be a new set of staffing of this Criminal Division,

which seems to be a replication of what is already in the Supreme Court.

But these are things—these are costs analysis that I am certain, or I would want to believe that the Attorney General in his research and his assistance from those who have helped to pilot this and to bring this to focus, to bring this here will have considered, and, certainly, that analysis probably would have been determined that, yes, it is something that is required for us at this point in time.

Going through the Bill, Madam President, one of the two things that jumped out when he spoke about the naming of the judges as criminal judges, criminal masters and magistrates being called judges when they are sitting in district courts. I mean, even though it may have been borrowed from Jamaica, in some instances, I always found, as a practitioner, you know, too much different labelling of judicial officers sometimes creates a little bit about of confusion. It may be more “optive” than anything else, but, you know, you have a magistrate in the Magistrates’ Court dealing with criminal matters, it is a magistrate; you know, I mean, sometimes it confuses the non-lawyer, not knowing exactly what are the powers of this individual. You know, you go in the Industrial Court you have “Your Honour”, you go in another tribunal and you have “Your Worship”, and different things like that, and it confuses the thing, because the magistrate in the Criminal Magistrates’ Court is not going to be exercising the authority of a judge. If I am wrong, Mr. Attorney General, you can intervene and stop me; it is not right. To me there is no need to complicate it by saying that.

One of the things that I think that jumped out at me immediately, given the experience, a current experience that is taking place in our judicial system is that I think if this might be an appropriate time—the legislation that you are setting up, the criminal justice, the Criminal Court, and the District Courts, and you are

making provisions for the judges, masters and magistrates, and that the Rules will be allowed to be done by the Chief Justice, by the Law Review Committee and brought before us by negative resolution, as the case may be—would it be an opportune time to cater for the position where either the judge, the master, or the magistrate, for whatever reason, either administratively, or whatever incapacities are unable to complete a matter that the matter could be continued by any other person as identified or assigned by the Chief Justice? So we will take care of something that we know is currently an issue here.

So would this be a good opportunity to insert this, if possible, to bring about that, to take in front, or to really, you know, address something that may very well happen again? It is something that is quite current, it has happened before, and there were different means, and this may be a good opportunity to finally put it in a context legally that we will obviate on and certainly prevent any confusion moving forward when these situations arise, right?

So these were really the two questions, two concerns I had about it. Other than that, as I said, the Bill is very much more of an administrative Bill that is setting up and it is not one that seems to violate any right. The question is whether or not we need this type of specialization at this point in time. The Attorney General is making a case that because of the proliferation of and the sheer volume of cases that this will help to make the situation more efficient. Now, he also listed, and I was very much appreciative of the number of judicial officers that is dispersed in our judicial system, right, that we only had three Court of Appeal, and I think we have about 12 judges in the Court of Appeal, Appellate Judges?

Hon. Senator: More.

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Sen. H. R. Ian Roach: More. Right, more. But what also that I am dealing with in the Court of Appeal, in him setting up the district, as well as the Criminal Division, and he was marrying, in some instances, the Summary Court with the High Court jurisdiction under this division, what is missing is the Court of Appeal aspect of it.

4.00 p.m.

So if you are going to have the Summary Court and the High Court there, one needs to have, I think as well, the Court of Appeal Criminal Division being part of it. So you complete the process. I have seen it done in Germany and I have seen in done, I think, in Australia and in some other places where they have these specialized models. So it is something to probably to reflect upon and think about in completing it. Right?

Madam President, so as I say, you know, this basically is an administrative call, it is one that I want to believe as he said it was informed by their consideration of the report from Lord Woolf which I have not had the benefit of seeing, but I have had the benefit of reading this piece of literature which I have shared with my colleague, eminent Senior Counsel Sophia Chote and I will like to commend it to you after that you may look at it, and there is a lot of analysis of— one is a world perspective from different jurisdictions, Commonwealth, as well as civil embracing the Caribbean, African different things, where best practices we were able to gleaned and learnt from scrutinizing the pluses and the minus, the pros and the cons. And so instead of going through and reading it which obviously will be quite boring to the listening public and to you, and given the time that we are allotted, I think it will be best left to the Attorney General if you are so inclined to have a look at it at the end of the day.

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Madam President, so I am quite supportive of this initiative from the Government, subject to the little concerns that I have raised, that I think anything that can go into making our system more efficient—our judicial system—I am for it. But having said that, I am still going to lament that I think we need to look at the other areas to prevent these situations from being here, because our judicial system is overburdened; we know that it is overburdened and it is moving at a slow pace, especially the criminal aspect.

So what we need to do is to stem the tide, stem the incidents of creating these number of cases, and we can do so by also paying significant attention to social intervention in family life, the education. Probably we have reached a stage now, Madam President, where we have to rethink our educational approach, you know, that people do not feel left out; education is becoming quite more expensive. So it is more comprehensive. We are dealing with this, I know the debate is about the divisional court, but I am also saying, in assisting our system to be more efficient, we can also assist it by stemming the volume of cases that go into the system to begin with. And with those few words, Madam President, I thank you very much. [*Desk thumping*]

ADJOURNMENT

Madam President: The Leader of Government Business.

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): [*Desk thumping*] I did not stand to join the debate. I just want to remind this honourable House that my name is Franklin Ibrahim Khan, [*Laughter*] so I will now move the Adjournment.

Madam President, I beg to move that this Senate do now adjourn to Thursday 21 June, 2018, at 2.00 p.m. And just to remind this honourable Senate

Adjournment (cont'd)

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that Thursday 21st June is the summer solstice, which is the longest day in the northern hemisphere, and I say no more on that. [*Laughter*]

On that day we plan to complete this Bill, start Bill No. 2 under Government Business which is “An Act to make provision for payments into and out of court to be made electronically and into and out of a Custodial Bank Account in the name of the Judiciary of Trinidad and Tobago and for related matters”, and hopefully to continue on to the third Bill, a Bill entitled “An Act to amend the Interpretation Act...”, et cetera, et cetera. I thank you, Madam President.

Madam President: Hon. Senators, before I put the question, I now invite Senators to bring greetings on the occasion of Eid-ul-Fitr celebrations to be held on Friday, June 15, 2018. Minister of Rural Development and Local Government.

[*Desk thumping*]

Greetings

Eid-ul-Fitr

The Minister of Rural Development and Local Government (Sen. The Hon. Kazim Hosein): Madam President, I thank you for allowing me some time this afternoon to offer Ramadan greetings in this honourable House to the Islamic community of our nation. I want to greet in the Islamic greeting *Assalaamu Alaikum*, may the peace and blessings of Almighty God be with us all.

Bismillah-ir-Rahmanir-Rahim, I begin in the name of Allah most gracious, most merciful. Here in Trinidad and Tobago we are blessed with the Muslim community that represents our plural society and continues to deepen our unity as a people. Muslims have made an indelible contribution to building the fabric of our nation through their religious, cultural, community, commercial and political activities. They are doctors, lawyers, business people, artists, teachers, scientists, community organizers, public servants and local government practitioners who

Eid ul-Fitr Greetings (cont'd)
 Sen. The Hon. K. Hosein (cont'd)

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have dedicated their lives to the betterment of our country, and will collectively be engaging in the month of fasting, reverence and reflection.

Madam President, Almighty Allah (*Subhanahu Wa Ta'ala*) said in the *Holy Qur'an*:

Oh believers fast is prescribed for you as it was prescribed for those before you;

Holy Qur'an chapter 2:182 to 183.

On the last day of *shaban* the month that precedes Ramadan, Prophet Muhammed upon whom be peace gave a *khutbah* about the upcoming month of Ramadan. It is very important, *khutbah* that we should carefully understand before every Ramadan to prepare ourselves mentally for the sacred month as it begins and it says:

Oh people! A great month is coming to you; a blessed month; a month in which there is one night that is better than a thousand months. A month in which Allah has made it compulsory upon you to fast day by day, and voluntary to pray by night. Whoever draws nearer to Allah by performing any of the voluntary good deeds in this month shall receive the same reward as there is for performing an obligatory deed at any other time. And whoever discharges an obligatory deed in this month shall receive the reward of performing 70 obligations at any other time. It is the month of *sabir* which is patience, and the reward of *sabir* is heaven. It is the month of kindness and charity. It is the month in which a believer's sustenance is increased. Whoever gives food to a fasting person to breakfast shall have his sins forgiven, and he will be saved from the fire of hell and he shall have the same reward as the fasting person without the latter's reward being

Eid ul-Fitr Greetings (cont'd)
 Sen. The Hon. K. Hosein (cont'd)

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diminished at all.

The month of Ramadan is the month of *Qur'an*, patience, charity and forgiveness. This is the month which teaches us to help and assist others. It is the month in which we rekindle our connection with Almighty Allah (*Subhanahu Wa Ta'ala*) and his people, we need to continue this throughout the year.

Madam President, in closing I would like to express to my gratitude to my colleagues in this House whether it is on the Government side or the Opposition side or the Independent side for having patience with me and my colleague during this Holy month of Ramadan. You all were very kind to me when I had to leave the Chamber to go and break my fast and I appreciate it. [*Desk thumping*]

On behalf of the Government of the Republic Trinidad and Tobago and on behalf of the People's National Movement, I want to take this opportunity to say Ramadan Mubarak to all members of the Muslim community across Trinidad and Tobago, and may you all be rewarded with the highest blessings of the Almighty Allah in this life and in the year after. *Ameen. Assalaamu Alaikum.* [*Desk thumping*]

Madam President: Sen. Hosein.

Sen. Saddam Hosein: [*Desk thumping*] Bismillah-ir-Rahmanir-Rahim. I begin in the name of Allah the most gracious, the most merciful. Madam President, thank you for the opportunity to rise in this honourable Senate to proudly stand here as a Muslim and bring Eid-ul-Fitr greetings on behalf of the Opposition Bench.

Islam is grounded in five fundamental pillars. One, belief in the oneness of Allah; two, the establishment of *sullah* five times daily; three, *zakat* which is charity; four, the performance of Hajj, the holy pilgrimage to the holy land Mecca; and five, *sawm* which is fasting. Fasting was commanded by Allah in the *Holy*

Qur'an chapter 2:183 which states:

Oh ye who believes, fasting is prescribed to you as it was prescribed to those before you so that ye may learn self-restraint.

Muslims all over the world engage in fasting during the month of Ramadan where we stay away from food and drink from dawn to dusk. But fasting is not limited to just food and drink, it serves as the spiritual purpose in which Muslims also stay away from committing sins or bad deeds. It serves as a reminder that the hunger and thirst a fasting person experiences during the day is the same hunger and thirst that the poor and needy in society experience on a daily basis. It makes us aware that food and drink is a blessing which we should appreciate more. Ramadan is the most auspicious and sacred month in the Islamic year.

The month of Ramadan is divided into three parts. The first 10 days of Ramadan, Muslims seek the mercy of Allah. The other 10 days, Muslims seek the forgiveness of Allah, and the last 10 days, Muslims seek salvation from the fire of hell. It was the month in which the *Qur'an* was revealed to Prophet Muhammad peace be upon him.

In addition to fasting, it increases discipline by straightening our *iman* which is our faith. It is a month of extra prayer, charity and intense reading of the *Qur'an*. Muslims engage in *tiwari*—prayer—which is extra prayer every night in the month of Ramadan and observe a special night called *laylatul qadr*, the night of power where Muslims spend the entire night in worship.

The last 10 days of Ramadan some Muslims engage in *i'tikāf* where they spend the entire time in the mosque. It is a period of confinement, solitude, meditation and reflection. This evening as we breakfast it is a bitter-sweet moment as we bid this glorious month of Ramadan farewell, but ushers in the celebration of

Eid ul-Fitr Greetings (cont'd)
Sen. S. Hosein (cont'd)

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Eid. Eid marks the end of holy month of fasting. If the moon is sighted this evening, Muslims gather for a special Eid prayer.

I must note, Madam President, that this year we are even more blessed that Eid is being celebrated on a Friday which is believed to be the holiest day of the week, the day of *Jummah*. Madam President, we do not know how much—if we will be blessed enough to observe another Ramadan in our lives.

Madam President, in summary, Ramadan is a month of patience, discipline and reflection. We currently live in a society where life is fragile and there is a lack of humanity. At this time it is my wish that the teachings of Ramadan be inculcated in society so that we as a people become our brother's keeper and sister's keeper so that we can be more compassionate to each other, and that we coexist in a peaceful society. There are many of our citizens who are homeless and have no food, so we must do our best to provide for them. We must do our duty to shelter, clothe and feed them.

I urge everyone to join in national unity so that we could restore our society to peace and prosperity. Let us do our part to make a difference to uplift our communities and our fellow citizens. I beg that we all lead righteous lives by taking from the fundamental teachings of Islam and the discipline of Ramadan. Tomorrow is a day of celebration, so I wish my brothers and sisters in Trinidad and Tobago Eid Mubarak. Thank you very much, Madam President. [*Desk thumping*]

Madam President: Sen. Mahabir.

Sen. Dr. Dhanayshar Mahabir: [*Desk thumping*] Thank you very much, Madam President, for giving me this opportunity on behalf of the Independent Bench. I bring greetings to our Muslim citizens in our Republic on the occasion of Edi-ul-Fitr.

We all know that Eid-ul-Fitr commemorates the end of the period of fasting during the holy month of Ramadan. This period of fasting is one the five enshrined pillars of Islam as indicated by my colleague Sen. Hosein, the others, of course, being prayer, we have the faith, the Hajj and one that I would want to spend a little bit of time on, the zakat.

Madam President, fasting which is one of essential pillars, does something for the individual, the person who is undertaking the fast. It demonstrates to us that we can do without a lot of things in life, in particular luxuries, because if we could for a period of maybe 12 hours in the day surrender the basic necessities which is food and ration ourselves on a small amount of water, then it means that we can easily surrender some of the luxuries in life and we come to appreciate that which is truly necessary and that which is truly essential.

And what is essential and necessary, in my mind, is encapsulated in the fifth pillar, the zakat principle, this obligation of practitioners of the faith to distribute a portion of their wealth and their savings to those who are less needy. When we have fasted, when we have denied ourselves the basic necessities, in my mind, it is not too difficult of us to allocate a portion of our wealth that the Almighty has given us an ability to create so that we could contribute to the welfare and the well-being of those in our society who are less needy.

And so the fasting and this charity, in my mind, go hand in hand, and what they do is that they create for us a self-reliant community—the Muslim community would have to be very self-reliant, would have to be independent and would have developed over centuries what we are rediscovering today, that is, we are discovering today the need for corporate social responsibility in looking after the needs and welfare of people in the society who are in the less fortunate capsule.

And, Madam President, when a community, based upon its five pillars can take it upon itself to look after the less fortunate as part of their moral responsibility, and as part of the pact that they have with the conscience and the Almighty, we know that we are very fortunate in Trinidad and Tobago to have such a community coexisting in this multi-religious environment.

And so to our Muslim brothers and sisters, to all of our Muslim citizens as they joyously celebrate the end of the month of fasting, and as they undertake this concept of zakat during the course, that is the sharing of their surplus with the less fortunate throughout the year, I say to all of our Muslim citizens *Assalaamu Alaikum*.

And, Madam President, we are in a multi-religious situation—environment—in Trinidad, to all of our citizens who are celebrating the holiday tomorrow, and who are able to embrace the practices of members of the Muslim faith and who are able to inculcate some of those very beneficial practices, the discipline and also the ability to distribute a portion of their surplus to the less fortunate, and as the Muslim community members are also influenced by the rest of the community, to the citizens of Trinidad and Tobago I also say *Assalaamu Alaikum*, peace be on to all of us. Thank you. [*Desk thumping*]

Madam President: Hon. Senators, I too join with my colleagues in bringing greetings to our Muslim brothers and sisters. After the solemnity and discipline of Ramadan comes the joy and the celebration of Eid, a time for charity and for gratitude for all with which we are blessed. May the rhythm of this wonderful religious observation of steadfast devotion and of thankfulness for life and all its gifts be a model to us all. I wish all Muslims and indeed all of Trinidad and Tobago, Eid Mubarak. [*Desk thumping*]

Labour Day

Madam President: I now invite contributions on the celebration of Labour Day. The Minister of Labour and Small and Micro Enterprise Development. [*Desk thumping*]

The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus): Thank you, Madam President. On behalf of the Government of Trinidad and Tobago I extend heartfelt best wishes to all the leaders of the trade union movement and related organizations and institutions on the occasion of the 45th year of the declaration of June 19th as Labour Day which will be celebrated next week Tuesday, June 19th.

Madam President, the significance of this special celebration of June 19th as Labour Day in Trinidad and Tobago cannot be de-linked from the origins of International Workers' Day traditionally referred to as May Day which is celebrated annually on May 1st in over 60 countries worldwide. There are so many similarities in respect of the rationale which led to the origins of International Workers' Day in the USA and the labour unrest which in the mid-1930s gripped the oil belt and sugarcane plantations south of Trinidad and Tobago.

June 19, 1937, records the most crucial point of an era during which working-class people of Trinidad and Tobago led by Tubal Uriah "Buzz" Butler agitated relentlessly and vociferously to press their demands to the socially acceptable terms and conditions of employment and the right to work under environmentally friendly, humane conditions among which included the demand for a shorter workday without loss of pay; that is the eight-hour workday. Madam President, to say the least, it was a period when working conditions were clearly unfit for human habitation, and just as insensitive as to what constituted fair and

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liveable wages.

Internationally, Labour Day is known to have begun in the USA in the 1860s. It was a day set aside by trade union leaders to mark the height of the struggle of the working class against the capitalist overlords especially in protest against the sight of men, women, children dying due to extremely poor terms and conditions in the workplace in some sectors as early as their mid-20s.

Madam President, June 19, 1937, was reminiscent of the heights of that period in Chicago, USA, when May 01, 1986, police and soldiers gunned down hundreds of striking workers agitating for an eight-hour workday. We in Trinidad and Tobago have chosen to celebrate our workers day on a day which is of great nation-building significance to us all. June 19, 1937, represented the critical point of the period when the labour movement in Trinidad and Tobago, still in its infancy stage, began to stamp its mark and create its impact upon the socioeconomic transformation and development of our beloved country. A period of industrial relations conscientious and awareness which ushered in growth, development and expansion of the trade union movement, as we said and my comrades continue to say in the trade union movement, "Forward ever, backward never".

Today, thanks to a Government, a People's National Movement Government working in close collaboration with the leadership of the trade union movement from as far back as 1956, we have, to our credit, the only labour college in the Caribbean region established since 1966, the Cipriani College of Labour and Co-operative Studies, our highly respected Industrial Court established in 1965 which consistently sets precedence in case law for nations worldwide to follow.

We also have our Registration, Recognition and Certification Board also

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popularly known as the RRCB. Madam President, our nation is endowed with the most widespread range of progressive labour legislation guaranteeing the preservation and protection of workers' rights and freedom. Currently, work is moving apace on amendment to various pieces of legislation designed to build upon the level of protection to both employers and employees as alongside the Government, both sectors work together in the spirit of tripartism to enhance the quality of life for all citizens.

And, Madam President, if you would permit me, I just want to briefly mention that those pieces of legislation, the Workmen's Compensation Act, the Cipriani College of Labour and Co-operative Studies, as well as the Industrial Relations Act and the Retrenchment and Severance Benefits Act, the last two are now before the National Tripartite Advisory Council for its consideration.

So that as we celebrate Labour Day on June 19, 2018, let us be mindful of those who gave of their lives and made unparalleled sacrifices to bring us to this pivotal juncture. Let us pay tribute to those who were unjustifiably abused, accused and imprisoned so that today we can all enjoy vastly improved working conditions. Let us reflect upon those who suffered dire consequences so that we all can enjoy a five-day workweek. Those who trekked painstakingly from La Brea to Port of Spain in sun and rain protesting against atrocious working conditions, only to be antagonized by the colonial forces upon their arrival into the city, or those who in the 1940s, were sprayed with tear gas and inhumanely dispersed from around the precincts of the Red House amidst the deafening sound of firepower as they fought valiantly for a decent day's pay for a decent day's work.

Let us, Madam President, join in paying tribute to the most impressive cadre of early trade union pioneers of the 1930s, the 1940s, 1950s who masterfully and

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heroically paved the way for all of us sitting in this Chamber and all of those outside of this Chamber. I speak of persons in the likes, Madam President, the distinguished worker representative stalwarts of the calibre of Tubal Uriah “Buzz” Butler, Arthur Andrew Cipriani, Adrian Cola Rienzi, John Rojas, George Weekes, John Hackshaw, Nuevo Diaz, Winston Leonard, Albert Gomes, Quintin O’Connor, Bhadase Sagan Maraj, W.W. Sutton, Nathaniel Critchlow, C.P. Alexander, Simeon Alexander, Stephen Maharaj, Macdonald Stanley, Sam Worrell, Sydney Didier, St. Elmo Gopaul, Vas Stanford, Donald Granado, Ulrich Lee, Joseph Grannum, C.T.W.E. Worrell, Joe Young, James Isaac Alexander Manswell, my former President of the PSA, Carl Tull, MacDonald Moses, Clyde Spencer, Clive Nunez, and many, many more, Madam President.

Hon. Senator: Wade Mark. [*Laughter*]

Sen. The Hon. J. Baptiste-Primus: I will have to leave that for somebody else to say that about us; not so, comrade? It is perhaps no coincidence that the colour red chosen by the founding fathers of the People’s National Movement to reflect the party’s unshakable commitment to enhancing the quality of life of all the people of Trinidad and Tobago is the same colour as that so eminently immortalized in the rallying sound of the early pioneers of the trade union movement whose proud and indelible record of progress and achievements we joyfully celebrate next week Tuesday.

In closing, Madam President, on behalf of the Government of Trinidad and Tobago we bid all workers in Trinidad and Tobago, long live the trade union movement of Trinidad and Tobago, and a happy and reflective Labour Day to all workers. I thank you, Madam President. [*Desk thumping*]

Madam President: Sen. Mark.

Sen. Wade Mark: [*Desk thumping*] Thank you very much, Madam President. Madam President, on behalf of the United National Congress, the alternative Government of the Republic of Trinidad and Tobago, [*Desk thumping*] I would like to join with my hon. colleague in celebrating this momentous occasion which will be done on Tuesday, June 19th known as Labour Day or Butler day.

We celebrate not only the right to free collective bargaining, but also the right to join and form trade unions which the “Butlerites” and other patriots fought and was—and won rather—back then that so many of us take for granted today. Today, we celebrate constitutional change and social advancement on behalf of the working people of our beloved Republic.

4.30 p.m.

Madam President, on Tuesday, June 19, 2018, we mark some 81 years of the founding of the modern trade union movement and we also mark major social and political advances in the labour movement since its founding in 1937. Workers’ rights were fought for and defended by the heroes of the labour struggle, and the founding fathers of the modern trade union movement, such as Tubal Uriah “Buzz” Butler, Adrian Cola Rienzi, Captain Arthur Cipriani, Elma Francois, and many others, past and present patriots who, through struggles, represented in a significant way the advancement of the ordinary people’s living and working conditions.

While the struggle to advance the interest of the working class continued by the patriots succeeding those of the ’30s, such as my colleague said: George Weekes; Basdeo Panday, who is still alive with us; Nathaniel Crichlow; Michael Als, who has passed on; Selwyn John, who is still alive; Lyle Townsend, who has passed on; Kenrick Rennie, who has also passed on; Albert Gomes, who has gone; Sister Clothilde Walcott, may her soul rest in peace; Daisy Crick, Madam President. These are just a few that we can mention from the distance in their

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quest—and those of us who are left—for the creation of a more just and a more even and a more equitable society.

But, Madam President, we have to be conscious of the fact that in our society today, many ordinary working people are still faced with high and rising levels of unemployment and growing under-employment and rising cost of living. Madam President, as we speak today, we look forward to when the Retrenchment and Severance Benefits Act will be reformed and that workers will be given first preference and priority in the instance of closure or liquidation of companies. The working people look forward to meaningful labour reform in terms of the Industrial Relations Act, trade union recognition, basic conditions of work and sexual harassment legislation.

So, Madam President, Labour Day 2018, is being celebrated also against a background of a declining labour force participation rate, as well as a significant decline in the number of workers in the labour force who have become victims of crime. Madam President, you should know, or would like to know, that some 1 per cent of the labour force, since 2007, have perished as a result of murder or being murdered in this country, which represents close to 7,000 workers.

So as we celebrate on this occasion, 2018 Labour Day, may I extend, on behalf of the Opposition and on behalf of the United National Congress, militant solidarity greetings to all our comrades and brothers and sisters in the working class and the ordinary rank and file of the people of this great country, as we commemorate, celebrate, the 81st anniversary of the founding of the modern trade union movement in Trinidad and Tobago.

And I may say, Madam President, in closing, the trade union movement of today feels a sense of great betrayal on the part of the current Government [*Desk*

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thumping] that we have in power. So, Madam President, may I say to you and to your dear family, on this very auspicious occasion, as we celebrate Labour Day 2018—to you and to your family—happy Labour Day, and to all our brothers and sisters, comrades on all sides of the benches in this House, happy Labour Day, and to all of the citizens, leaders, brothers and sisters of this great country, happy Labour Day and, like my colleague would say, long live the labour movement, long live the people of T&T. Happy Labour Day. [*Desk thumping*]

Madam President: Sen. Mahabir.

Sen. Dr. Dhanayshar Mahabir: Thank you, Madam President. Madam President, I am happy to bring Labour Day greetings to the people of the Republic of Trinidad and Tobago on occasion of Labour Day. It is known that the foundation of Trinidad and Tobago's economy and society has been the plantation economy. A plantation economy cannot function efficiently without a large supply of labour. This was how it was constructed at the very beginning with respect to our sugar economy. But the problem for us has always been that we never controlled the international prices of the commodities that we sold, and so, that which was under our control was labour cost, and labour in Trinidad and Tobago has experienced, from the earliest days of colonization up to 1937, a period of exploitation.

The exploitation of labour, Madam President—[*Crosstalk*]

Madam President: Hon. Senators, may I remind you that our labour here is not over and could we please listen to Sen. Mahabir as he brings his greetings? [*Desk thumping*]

Sen. Mark: I agree.

Sen. Dr. D. Mahabir: Thank you very much, Madam President. I agree with you

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and Sen. Mark that they should listen to me. [*Laughter*]

Madam President, the exploitation of labour has been a feature of the Trinidad and Tobago economy up to 1937. We have had strikes post the First World War when the workers at the Port of Spain port had to strike and there was violence involved on account of being underpaid and experiencing unsafe working conditions on the port.

In 1937 we saw the birth of the trade union movement in our Republic. We saw the creation of the first trade union movement recorded, the OWTU, followed by the creation of the sugar union, the All Trinidad Sugar Workers Union. What the trade union movement did for workers in Trinidad and Tobago was that it provided countervailing power to the power exercised by capital. Capital alone can be extremely powerful and exploitative because the quest of capital is to maximize profits, and in the maximization of profits, labour conditions can deteriorate.

The trade union movement, via its intervention from 1937 to today, has been responsible for certain conditions that we take for granted now. And I think Labour Day will be a cause for us to reflect that the workweek was not always 40 hours, that the health and welfare of workers in Trinidad and Tobago was not always considered to be of paramount importance, that the equality of pay amongst the genders in the workplace was not always guaranteed, that maternity benefits were frequently non-existent, that the pension benefits are relatively recent. All of these benefits that we come now today to accept as part of the package of compensation in a civil and civilized society were denied for a number of years, and for many years in our history to the entire working class of the population.

And so, Madam President, today, as we celebrate Labour Day, it is

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important to reflect upon the contribution of collective labour, the contribution of the countervailing power of the trade union movement to the improved conditions of all workers in Trinidad and Tobago, and ensure that we always make sure that labour rights are protected, that the health and welfare of workers are given importance, that we look after their pension plans with care so that as we go forward the conditions of labour and the conditions under which we work will continue to improve.

So while we recognize that there is always a need for capital and labour to combine to create output, we know that that output, once created, must be distributed equitably and for the labour movement and for the trade union movement, we must owe much gratitude for ensuring that the distribution of income in Trinidad and Tobago will improve over time and with it, the quality of life of all of our people.

So to the people of Trinidad and Tobago, I say a most reflective Labour Day. Thank you, Madam President. [*Desk thumping*]

Madam President: Hon. Senators, as we celebrate Labour Day, we remember the trailblazers who committed their lives to the struggle for the workers of our country and we acknowledge the continuing efforts of those in the trade union movement who advocate for the rights of those in the workforce. We are grateful to them all.

Happy Labour Day to all of Trinidad and Tobago. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.42 p.m.