

**SENATE***Tuesday, May 07, 2019*

The Senate met at 1.30 p.m.

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

1. Ministerial Response of the Ministry of Housing and Urban Development to the Fourteenth Report of the Public Administration and Appropriations Committee, Fourth Session (2018/2019), Eleventh Parliament on an Examination into the Construction, Maintenance and Refurbishment of State-Owned or State-Funded Housing Projects and Units. [*The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)*]
2. Ministerial Response of the Ministry of Sport and Youth Affairs to the Sixteenth Report of the Public Administration and Appropriations Committee, Fourth Session (2018/2019), Eleventh Parliament on an Examination into the Implementation of the Public Sector Investment Programme. [*Sen. The Hon. F. Khan*]
3. Annual Report of the Strategic Services Agency, Ministry of National Security for the year 2017. [*Sen. The Hon. F. Khan*]

**JOINT SELECT COMMITTEE REPORT  
(Presentation)**

**Trinidad and Tobago Revenue Authority Bill, 2018**

**The Minister in the Ministry of Finance (Sen. The Hon. Allyson West):** Thank you, Madam President. Madam President, I have the honour to present the following report as listed on the Supplemental Order Paper in my name:

Interim Report of the Joint Select Committee, Fourth Session (2018/2019) Eleventh Parliament appointed to consider and report on the Trinidad and Tobago Revenue Authority Bill, 2018.

### **ANSWERS TO QUESTIONS**

**Madam President:** Leader of Government Business.

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Madam President, the Government is pleased to announce that we will be answering questions 118, 119, 120, 243, 244. We ask for a deferral of two weeks for question No. 226 and question No. 246. And on the Written Questions, we will be circulating the answer to question No. 213. The other questions are not due as yet.

**Madam President:** Question Nos. 226 and 246 are deferred for two weeks.

### **WRITTEN ANSWER TO QUESTION**

#### **Curepe Interchange (Details of)**

**213. Sen. Wade Mark** asked the hon. Minister of Works and Transport:

In respect of the Curepe Interchange and the acquisition of lands occupied by Prestige Holdings, Curepe/NP Gas Station (Southern Main Road and Churchill Roosevelt Highway) and the former Kay Donna Drive-In Cinema trading as Valsayn Resorts, can the Minister indicate the following:

- i. the full amount paid for each parcel of land;
- ii. the total acreage and amount paid per square foot for each;
- iii. the name(s) of the valuation companies which conducted the said valuations; and
- iv. whether the commercial entities referred to above were subject to private treaty arrangements governed by current market prices or whether they were subject to compulsory acquisition by the State?

*Vide end of sitting for written answer.*

### **ORAL ANSWERS TO QUESTIONS**

*The following questions stood on the Order Paper:*

#### **Government's Current Account (Dollar Value on Overdraft)**

**226.** Could the hon. Minister of Finance state:

In light of the response given to Senate Question 134, can the Minister provide the dollar value of the overdraft on the Government's current account at the Central Bank of Trinidad and Tobago in each month of fiscal year 2018 and the total to date? [*Sen. A. Deonarine*]

#### **Lack of Growth of the Economy (Measures to Address)**

**246.** Could the hon. Minister of Finance state:

In light of the projection by the International Monetary Fund (IMF) that in 2019 there will be 0% growth of the economy, can the Minister indicate what measures will be taken to mitigate this situation? [*Sen. T. Obika*]

*Questions, by leave, deferred.*

#### **Outstanding Monies to Steelband Members (Payment of)**

**118. Sen. Wade Mark** asked the hon. Minister of Community Development, Culture and the Arts:

In light of outstanding monies owed by Government to steelband members, can the Minister indicate when will payment be made?

**The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam President. Madam President, the records at the Ministry of Community Development, Culture and the Arts do not indicate that the Government owes any moneys to steel pan members. The

Government of Trinidad and Tobago, through the National Carnival Commission, underwrites the cost of the annual Panorama competition which is executed by Pan Trinbago, a private institution which sits on the board of the NCC. At this time all funds for Panorama 2018 have been disbursed and funding for Panorama 2019 is being released in tranches as is customary. [*Desk thumping*]

**National Infrastructure Development Company Limited  
(Rationale for Dismissal of Workers)**

**119. Sen. Wade Mark** asked the hon. Minister of Works and Transport:

Can the Minister provide the Senate with the rationale for the recent dismissal of thirteen (13) workers, who were employed by National Infrastructure Development Company Limited (NIDCO) through a contractor, to service passengers travelling on the *Galleons Passage*?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):**

Thank you, Madam President. Madam President, NIDCO has engaged the services of an independent contractor on an interim basis to provide concessionary service on board the *Galleons Passage*. As with the engagement of all independent contractors, the company, NIDCO, identifies the specific task or deliverables that the independent contractor is to achieve, but the independent contractor maintains a certain level of autonomy. It is noteworthy, Madam President, that the independent contractor in question is not an employee of NIDCO nor are the staff engaged by the independent contractor employees of NIDCO. As such, any decisions of the independent contractor regarding the employment or termination of its staff remains a matter between the independent contractor and its workers. It is expected, however, that good industrial relation practices will be followed by all such independent contractors. I thank you.

**Madam President:** Sen. Mark.

**Sen. Mark:** Madam President, through you, can the Minister advise this House

when was this independent contractor engaged by NIDCO?

**Sen. The Hon. R. Sinanan:** Madam President, my information is that the independent contractor was hired on an interim basis at the beginning of the services of the *Galleons Passage*. Thank you.

**Madam President:** Sen. Mark.

**Sen. Mark:** Can I ask the hon. Minister, through you, to give us the name of this independent contractor?

**Sen. The Hon. R. Sinanan:** Madam President, I do not have the name, but I am sure if the appropriate question is asked at a further time I will be able to furnish the name of the contractor. *[Interruption]* Well, the name of the contractor was not in the original question. *[Interruption]*

**Madam President:** No, no, Sen. Mark.

**Sen. The Hon. R. Sinanan:** I do not get into the day-to-day operations of the company. Thank you.

**Madam President:** Next question, Sen. Hosein. *[Desk thumping]*

**Sen. S. Hosein:** Thank you very much, Madam President. Can the Minister indicate whether or not this independent contractor was part of the contractual arrangements for the acquisition of the *Galleons Passage*?

**Madam President:** That question does not arise.

**Sen. Mark:** Madam President, can the Minister advise this House whether this contract and its terms and conditions can be made available to this Senate?

**Madam President:** I would not allow that question, Sen. Mark, but you can ask another.

**Sen. Mark:** Can I ask the hon. Minister whether the contractor, in keeping with good industrial relations practice, is guided by the laws of Trinidad and Tobago in dealing with the workers employed by him as an independent contractor?

**Sen. The Hon. R. Sinanan:** Madam President, as indicated, NIDCO would expect that all contractors will recognize good industrial relation practices. And, again, I cannot guarantee that all contractors will do it but it is a requirement by NIDCO, that all subcontractors should practice good industrial relations. Thank you.

**Madam President:** That is it Sen. Mark. Next question.

**Golden Grove Prison Officers  
(Details of)**

**120. Sen. Wade Mark** asked the hon. Attorney General:

In light of reports in January 2019, that several prison officers had to seek medical attention after they were violently confronted by approximately two hundred and seventeen (217) inmates at the Golden Grove Prison, Arouca, can the Minister indicate the following:

- (i) whether there is an appropriate ratio of prison officers to inmates at the nation's prisons; and
- (ii) if the answer to (i) is in the negative, can the Minister outline the measures being taken to address same?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Thank you, Madam President. Madam President, I respond to this question on behalf of the Government. Madam President, according to information provided by the Commissioner of Prisons, the ratio of prison officers to inmate depends on the threat and risk factors of inmates, as well as the different circumstances at the nation's prisons. For example, while an inmate is within the confines of his or her cell or lockdown, the ratio of prison officers to inmates is not applicable. During this lockdown period routine patrols are conducted every 15 minutes throughout the day and night by one to two officers at all prison institutions. Madam President, when an inmate is not within the confines of a cell the ratio of prison officers to inmates is as follows: one prison officer to seven

inmates when inmates are allowed to leave the institution to do work externally, such as cutting trees for different communities or planting the gardens, and the other activities to supplement food for the prisons.

Madam President, 12 to 15 officers to an average of 150 inmates to 200 inmates during the outdoor recreation time allotted to inmates, inmates are allowed one hour outdoor recreation time between the hours of 9.00 a.m. to 3.00 p.m., weather permitting, Monday to Friday. This ratio is within acceptable standards as the recreation area is enclosed and fenced with toilet facility and washing area. Madam President, there is also an emergency response unit in place at all prisons to quell cases of disturbances. Additionally, there is also the presence of main shift officers at the nation's prisons. These officers are assigned to various departments and work from 8.00 a.m. to 4.00 p.m., Monday to Friday.

In closing, Madam President, the Government is satisfied that the current arrangements in relation to the ratio of officers to prisoners or inmates meet the applicable standards, and that ratio varies from time to time depending on the particular circumstances. Thank you.

**Madam President:** Sen. Mark.

**Sen. Mark:** Can the hon. Minister indicate how many officers, prison officers, would have suffered injuries as a result of this confrontation between inmates and prison officers at that material time? Can you share with us?

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

**Sen. Mark:** It does not arise. Can I ask, through you, Madam President, on the day in question when this incident occurred, what was the required strength needed at that material time as it relates to prison officers versus prisoners at that time, Madam President?

**Sen. The Hon. C. Rambharat:** Madam President, as I indicated before, there are

two scenarios; one scenario is where prisoners or inmates have to leave the institution and that ratio is one prison officer to seven inmates. Madam President, there is a second ratio of 12 to 15 officers to an average of 150 to 200 inmates during the outdoor recreation period, and on that particular day and on all occasions the ratio was the ratio which is applicable at the time.

**Madam President:** Sen. Mark.

**Sen. Mark:** In terms of international standards, would the Minister indicate, Madam President, whether that is in keeping with international standards?—the ratio per—

**Sen. The Hon. C. Rambharat:** Madam President, as I indicated in the original response, the ratio is within the applicable standards for our prisons. Madam President, as you would know, international standards are applicable to the extent that it is applicable to local circumstances, resource allocations. And most important, Madam President, in the question I said the allocation of prison officers to inmates is dependent on the particular circumstances, and we are satisfied that in the particular circumstances the ratio was the one that is applicable, according to our local circumstances.

**Sen. Mark:** Madam President, if I may, can the Minister explain if it was appropriate—that is the ratio—what explains, Madam President, the serious injuries that were sustained by prison officers during this confrontation between prisoners and prison officers on that particular day in question if the ratio was, as you said, given objective conditions and circumstances appropriate? What was—

**Madam President:** I think the Minister understands the question. Minister.

**Sen. The Hon. C. Rambharat:** Madam President, I do not have before me—and in any event I am not in a position to even disclose the extent to which there were any injuries, if there were injuries. This is confidential medical information, and,

unfortunately, I am not equipped to offer an opinion or even a guess on the nature of the injuries and what may have led to any injury.

**African Continental Free Trade Area (AfCFTA)  
(Details of Trade Agreement)**

**243. Sen. Taharqa Obika** asked the hon. Minister of Trade and Industry:

Given the launch schedule for July 2019 of the operational phase of the African Continental Free Trade Area (AfCFTA) and the 2016 closure of the Trinidad and Tobago High Commission in Uganda, can the Minister advise as to the following:

- (i) the level of engagement with the African Union on the issue of trade agreements; and
- (ii) the impact that this new AfCFTA will have on trade with Africa?

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):**

Thank you, Madam President. To part (i) of the question, it is to be noted that there have not been recent attempts to engage the African Union on trade agreements as the composition of Trinidad and Tobago's exports to these countries is limited in scope and exports mainly comprise energy products. Trinidad and Tobago, however, is party to a number of energy cooperation agreements and other economic and cooperation agreements with selected countries of the African Union and these govern the relationship between them.

This is to part (ii) of the question, at this time it is difficult to predict, with any degree of certainty, what impact the new AfCFTA will have on trade with Africa as the liberalization schedules to be undertaken by the respective countries are still being finalized. Thank you.

**Madam President:** Sen. Obika.

**Sen. Obika:** Thank you very much, Madam President. Given the fact that the African continental-wide free trade area should start at the end of this month, May

30, 2019, and the fact that our largest bank is in Africa, can the Minister indicate whether or not the clients of that bank may have a negative impact by us not engaging the African Union?

**Sen. The Hon. P. Gopee-Scoon:** Well, it is difficult to assess whether or not there would be a negative impact when the tariff schedules have not even been completed. It is only going to be operational in the first instance and much of the underpinning work still is yet to be completed. If you do your research you would realize that much of the work is yet still to be done, even for the launch of the operational phase, and I am speaking about matters of Rules of Origin, schedules of tariff concessions on trade in goods, online non-tariff barriers, monitoring and elimination mechanism, digital payments, and so on. So it is really in its initial stage and it is very early to say that there would be any negative impact.

**Madam President:** Sen. Obika.

**Sen. Obika:** Thanks, Madam President. Can the hon. Minister indicate, given the research that the Government has done, when and how they would approach the African Union Commission regarding the continent-wide free trade area? When will they approach them and how will they approach them?

**Sen. The Hon. P. Gopee-Scoon:** I can tell you that we have two missions on the African continent, in South African and in Nigeria, and these two missions service, I think, 25 states on the continent and also the African Union. So that they are engaging and looking after the interest of Trinidad and Tobago's business persons, and of course the Government in Trinidad and Tobago as well.

**Madam President:** Sen. Obika.

**Sen. Obika:** I thank the hon. Minister for that reference to the foreign missions, but given that this Government has collapsed the mission in Uganda, which had observer status at the African Union in Addis Ababa, can the Minister indicate

what impact that has had and if really and truly the Nigerian mission can service the African Union from Abuja?

**Madam President:** So you have asked two questions there and both of them are not applicable.

**Sen. Obika:** I wish to put a question then. I would put a question.

**Madam President:** Well, no, you have exhausted your questions.

**Sen. Obika:** Yeah, but those questions were not allowed so I wish to put a question that would be allowed, given the Standing Orders, Madam President.

**Madam President:** So, Sen. Obika, you have asked four questions and whether they have or have not been allowed, you have posed four questions. Next question, Sen. Obika. [*Desk thumping*]

**Trinidad and Tobago High Commission (Uganda)  
(Details of Terminated Employment)**

**244. Sen. Taharqa Obika** asked the hon. Minister of Foreign and Caricom Affairs:

As regard the closure of the Trinidad and Tobago High Commission in Uganda, can the Minister inform the Senate:

- i. how many Ugandan nationals were terminated from the High Commission;
- ii. were said staff paid terminal benefits in accordance with their terms and conditions of employment?

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dennis Moses):**

Madam President, the records of the Ministry of Foreign and Caricom Affairs indicate eight Ugandan nationals were terminated from the High Commission. The members of the locally recruited staff were paid terminal benefits in accordance with the terms and conditions of employment. Thank you, Madam President.

[*Desk thumping*]

**Madam President:** Sen. Obika.

**Sen. Obika:** Thank you very much, Madam President. Can the hon. Minister indicate, given the response by the Government about terminal benefits being paid, if there have been any complaints from the Ministry of labour of Uganda to the Government of the Republic of Trinidad and Tobago?

**Sen. The Hon. D. Moses:** Madam President, complaints have not featured in our treatment of this matter. Thank you very much.

**Madam President:** Sen. Obika.

**Sen. Obika:** Thank you very much, Madam President. May I use a different way of asking a separate question? Has any individual who has been severed, the local staff in Uganda, has anyone of those persons communicated any issues to the Ministry regarding the quantum of their terminal benefits?

**Sen. The Hon. D. Moses:** Madam President, we are in the business of using best practices and as a responsible employer we have met, in full, our obligations to former employees. Thank you very much.

**Madam President:** Sen. Obika.

**Sen. Obika:** Thanks, Madam President. Can the hon. Minister indicate if any of the information coming to his Ministry can verify that within the diplomatic circles in Uganda this issue of non-settlement properly of the locally recruited staff has arisen and is causing some embarrassment to Trinidad and Tobago's reputation?

**Madam President:** Sen. Obika, I will not allow that question. [*Interruption*]  
Yes.

**Sen. Obika:** Thank you very much, Madam President. Can the hon. Minister indicate if any information from the foreign service officers who were attached to Uganda has reached his office regarding any negative fallout from the terminal benefits given to the Ugandan locally recruited staff?

**Madam President:** Sen. Obika, you keep raising the same issue using different words, so I would not allow that question.

**Sen. Obika:** Because the Minister has not answered the question. [*Crosstalk*]

**Madam President:** Sen. Obika, please try and control yourself. Okay? Try and control your emotions and try and act with propriety in the Chamber. Okay?

[*Crosstalk*] Sen. Obika, I heard that and I would ask you therefore to leave the Chamber. You can return at 2.30. You can leave the Chamber now. [*Desk thumping*]

**Sen. Obika:** I can or I shall? I am just asking for clarification. I can or I shall leave the Chamber? [*Crosstalk*] I am just verifying.

**Madam President:** You seem to think we are having a conversation here, Sen. Obika, so let me just put it very clearly to you. Please leave the Chamber at this stage, and let me just add, you can return at 3.00. Okay? Please leave the Chamber now.

**Sen. Obika:** I am thankful for the clarification.

### **WRITTEN ANSWER TO QUESTION**

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Madam President, just a clarification with regard to Written Questions, the Government has also submitted the answer to Question No. 247 even though it was not due as yet. So we have submitted answers for Question Nos. 213 and 247.

#### **Cruelty to Domesticated Animals (Measures Taken by Government)**

**247. Sen. Amrita Deonarine** asked the hon. Minister of Agriculture, Land and Fisheries:

In light of reports regarding the intention of a private animal rights group to seek judicial review over Government's failure to enact robust legislation to

prevent cruelty to domesticated animals, can the Minister advise as to the following:

- (i) what is the role of the Ministry with regard to protecting the health and welfare of domesticated animals;
- (ii) what legislative gaps, if any, has the Ministry identified pertaining to protecting the health and welfare of domesticated animals; and
- (iii) what immediate action is being taken by the Government to address the concerns of the said private animal rights group?

*Vide end of sitting for written answer.*

### **BAIL (AMDT.) BILL, 2019**

Bill to amend the Bail Act, Chap. 4:60 [*The Attorney General*]; read the first time.

### **JOINT SELECT COMMITTEE REPORT**

#### **(Extension of Time)**

#### **Trinidad and Tobago Revenue Authority Bill, 2018**

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Madam President. Madam President, having regard to the Interim Report of the Joint Select Committee to consider and report on the Trinidad and Tobago Revenue Authority Bill, 2018, I beg to move that the committee be granted an extension of time to May 13, 2019, to complete its work and submit a final report.

*Question put and agreed to.*

### **NATIONAL EMBLEMS OF TRINIDAD AND TOBAGO**

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

*Order for second reading read.*

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence**

**Rambharat):** Thank you, Madam President. Madam President, I beg to move:

That a Bill to amend the National Emblems of Trinidad and Tobago (Regulation) Act, Chap. 19:04, be now read a second time.

Madam President, today we are seeking to resolve an issue that is about 52 years old in terms of the statute but far older than that. It means, Madam President, that this issue arose before most of the Senators were born. I would love to say all, but most. [*Laughter*] And, Madam President, let me say it is one of the shortest Bills we may ever debate but it is a very important piece of legislation. It is rooted in our post-independence fervour to organize the business of a newly independent Trinidad and Tobago, and the Bill, Madam President, seeks to amend the parent Act which came into being in 1967. And that parent Act, Madam President, the National Emblems of Trinidad and Tobago (Regulation) Act, set out to do a few things; one is to establish a committee that will advise the Minister responsible for national emblems, currently the Minister of National Security, will advise the Minister on matters relating to the national emblems, and, secondly, Madam President, that piece of legislation established our initial national emblems, of course with the expectation that from time to time we may add to that list.

So, Madam President, the parent Act establishes firstly the Coat of Arms of Trinidad and Tobago, and, I dare say, when you go to the Schedule to the Act, Part I of the Schedule you will see the description of the Coat of Arms. And when you read the description of the Coat of Arms and when you look at our Coat of Arms two things would strike you. One is it is very distinct, but, more importantly, because much of what is in the Coat of Arms is unique to Trinidad and Tobago, we, like many other nations, can lay claim to having a very unique Coat of Arms. And, Madam President, I do not want to disturb you but we have the Coat of Arms

right over your chair.

The second national emblem, established in that 1967 piece of legislation, is the national flag, and if you go to Part II of the Schedule to the parent Act, you would see a description of the national flag.

Madam President, I do not wish to disturb you [*Laughter*] but if you look to your left or if you look to your right you would see our national flag, and it is distinct, Madam President, not because of its colour but because of its design, and on many occasions just the presence of the national flag has swelled the hearts of Trinidadians and Tobagonians. For example in 1976 when Hasely Crawford in Montreal brought us our first Olympic gold; in 2012 when Keshorn Walcott, the Toco resident, brought gold in the London Olympics, and many times in between that, particularly Trinidadians and Tobagonians who are outside of the country and have an opportunity to see this very distinct national flag and very unique national flag on account of its unique design.

**2.00 p.m.**

And the third national emblem, Madam President, has been our national flower, and no one who has seen and unfortunately, I cannot point it out in this place and maybe that is something we have to correct, but, Madam President, no one who has seen the chaconia flower can argue that amongst flowers, it is a very distinct flower, not because of its colour, but because of the nature of the flower.

And Part III of the parent Act, Part III of the Schedule describes what that national flower is in terms of a description of “The Chaconia”. Therein, Madam President, lies the debate.

Before the 1967 Act which established our national flower, even before that, amongst the experts and amongst those familiar with Trinidad and Tobago and our

flowers, there was the debate about whether we had properly characterized our national flower. And post-independence and after the passage of the legislation and a long time since then, there has been this debate about the national flower of Trinidad and Tobago.

And unlike the first two emblems which I have spoken about, described in Part I and Part II of the Schedule to the parent Act, the debate has been not on the distinctiveness on the chaconia flower, the national flower, but on the uniqueness of the flower. And you do not have to get a lot of expert advice or evidence, Madam President; both the academic literature emanating from the University of the West Indies and other sources, and those who are familiar with Trinidad and Tobago's flowers, have established that the chaconia, what we describe as the single chaconia, is not unique to Trinidad and Tobago, and it is found throughout Central America and it is found in other parts of the world where it originated or where it was carried.

But amongst the experts, Madam President, for several years now this issue of uniqueness has been resolved, and what we have been able to establish is that the double chaconia which was first sighted in north-east Trinidad is unique to Trinidad and Tobago, and the debate has always been to place the national flower alongside the Coat of Arms and the national flag on the basis, not only of distinctiveness, but on the basis of uniqueness.

So what did we have to do, Madam President? We had to go back through the academic literature, to go back through those persons who for more than six decades have had the knowledge and had advocated to speak to some of the established organizations like the Horticultural Society of Trinidad and Tobago, the Field Naturalists' Club, the Friends of the Botanic Gardens, the University of

the West Indies, florists across the country, regular citizens of Trinidad and Tobago particularly those in north-east Trinidad and those in areas where we have the chaconia predominating, and we have had to refresh our memories on this discussion and take the appropriate steps to finally fix what I call this long-lasting debate.

So this Bill, Madam President, as I said, is very short, and it seeks to amend a parent Act that is just a few sections longer; the parent Act is just nine sections. And what this Bill sets out to do—first, it proposes in clause 1, the citation which is the amendment to the existing legislation; 2, a definition of the word “Act”, which ties back into what I described as the parent legislation; and 3, Madam President, the operative part of the Bill which is simply to go to Part III of the Schedule of the Act, where the description of the national flower is recorded, and to remove the current description which is, “The Chaconia” and the biological name, also known as the wild poinsettia or “Pride of Trinidad and Tobago”, to remove that description, and to replace it with the words “The Double Chaconia”, the biological name, and the name of the person who is linked to the first identification of the uniqueness of the double chaconia, David Auyong.

So this Bill comprises three clauses, the most important one is clause 3 which seeks simply to take us to Part III of the Schedule to the National Emblems of Trinidad and Tobago (Regulation) Act, and to make a simple amendment which would allow us to place alongside our other two national emblems, which are distinct and unique, “The Double Chaconia” because of its distinctiveness and uniqueness to Trinidad and Tobago. And with that submission, Madam President, I beg to move. [*Desk thumping*]

*Question proposed.*

**Sen. Anita Haynes:** Thank you, Madam President. It is my pleasure to join in this debate, “An Act to Amend the National Emblems of Trinidad and Tobago (Regulation) Act”. National symbols like the flag, the Coat of Arms, all of which the Minister pointed us in the direction to look at, they all convey a very special meaning about our nation’s history and about who we are and what we stand for as a people. These meanings evoke emotional attachment to the nation and crystallize our identity, and help us as a people to feel more connected to something that is bigger than ourselves; that is our nation.

National symbols provide for us a focal point as a diverse society to express and navigate what unites us as a people. Unity at a time like this is critical to Trinidad and Tobago and, therefore, the move to go to “The Double Chaconia” which is native to Trinidad and Tobago is one that I think should be applauded because it is unique to us and it unites us as a people.

The *National Identity Guidelines of the Republic of Trinidad and Tobago*, which was a document published in 2014, spoke about the national flower, that it has witnessed our entire history and it can be said to represent our imperishability of the nation and the continuity of our nation. These are important words because as we grow as a country, and as we seek, as I said before, to find what unites us, focal points like our national emblems which, I think, we do not often spare passing thoughts to, unless it is Independence Day or Republic Day gives us a space to think about what we want to promote as a nation, and the values that we hope to reflect our society.

The history and circumstance has allowed the single chaconia to be our national flower, and I go to the *Bellbird Newsletter*, which is produced by the Asa Wright Centre, which speaks about the uniqueness about of the double chaconia

and why it ought to be our national flower.

And I note that the Minister, in piloting this legislation spoke about Mr. David Auyong, who was credited with spotting the double chaconia, but according to this publication in 1957, Ms. Grace Mulloon was also travelling with Mr. David Auyong and spotted the double chaconia in Arima/ Blanchisseuse, and I hope that—now, I know you have access to much more sources and history than I may have access to, but I hope that as we are moving forward, we are not revising history to exclude somebody who is equally as important or integral to this discovery, and even if it is just simple oversight. But critical in this piece of research, it was also noted that the parent tree was cut down by a road-widening exercise.

So as we speak, Madam President, about the pride of national symbols and what it means for us as a nation, and I know Minister has spoken about this in terms of conservation and now protection of our national symbols, but because the conversation is on our national emblems, I would just like to promote that, as we do this, we think about safeguards against exploitation and the abuse of the national flower.

Madam President, in recent times we have witnessed the extinction and exploitation of many protected species of both plants and animals. It is an unfortunate occurrence in Trinidad and Tobago that the Minister has had to speak to, which is the reckless poaching of our national bird, the scarlet ibis; well, one of our national birds. And the question arises as we make this move, are we also going to move for the protection of the double chaconia; this is the wild version of the plant species, but once you classify something as a “national symbol”, it gives to it a certain level of prestige. And as we talk about our symbols, our respect for

our emblems, I think, it is something that Trinidad and Tobago needs to focus on. Adding to the prestige of the double chaconia will then increase its rarity and open doors for lucrative exploitation, and we need to be aware of this as we go forward.

Madam President, I would also just like to make a point. The Minister in 2018, in a newspaper article published in the *Newsday* on Thursday 19 April, 2018, “More Ibis protection; Double Chaconia TT national flower”, the Minister of Agriculture, Land and Fisheries noted that Cabinet had agreed that the double chaconia will be our national flower, and stated that there would be a promotion in education and—

“that every school in Trinidad and Tobago”—will—“have the Double Chaconia planted on its grounds”.

I would just like to know the status of this.

But it got me thinking about the importance of civics and social studies in our education system. And I am not going into great detail, but once we are talking about national symbols and how we envision our emblems, I want us to just spend a passing thought on civic education, because civic education or social studies in our schools and an appreciation of who we are and what we represent as a people would empower us to create more well-informed, active citizens, and it gives us an opportunity to change our country, citizen by citizen.

And I hope that we take this opportunity to not just pay lip service to education and civic education, but actually implement in Trinidad and Tobago a robust civics curriculum that gets us in a space—even as the Minister spoke about planting double chaconias in schools, you get students involved and active in the system, so that they may do the planting themselves. And so you get this national pride, this sense of service, this sense of a kind of appreciation for nature. And I

think, as simple as the Bill may be, as short as the Bill may be, the wider conversation opens for us, I believe, an important sense of national pride, and what we can do as a nation to build and grow and go forward.

I did have one question which would be: If there is any financial implication to making this change? Are we going to, once the change has been made, is there a cost to the taxpayer? And I think the Minister can respond to that in the wind-up. I know that the single chaconia is on our birth certificates as it stands now, and so is it that we would have to make some correction or are we just not going to bother?

So, we—you know, like I said, it is a simple piece of legislation, but if we are going to do this and do anything, we ought to do it correctly, I would say. I would endorse any and all education campaigns which help us to build what it means to be a Trinidadian and instil a sense of actual patriotism and not pay lip service to the word “patriotism”, but create citizens that are invested in the growth of our nation and the growth of our population.

And, Madam President, I am grateful for the opportunity to contribute on a Bill today because, as I have said before, the national emblems and our symbols and our icons are uniting factors, and I am proud to be part of a political organization that speaks to unity and growing as a nation together and moving forward. And I for one take pride in all our national emblems and our national symbols, and I am glad to move to see a flower that is native to us and native to our country take the shining light as our national flower. And I thank you. [*Desk thumping*]

**Madam President:** Sen. Vieira, but before I call on Sen. Vieira, please, let me just inform Members that I have given leave under Standing Order 42(4) to Sen.

Vieira. Okay. Sen. Vieira. [*Desk thumping*]

**Sen. Anthony Vieira:** Thank you, Madam President. Before making my contribution, I understand that Sen. Ramdeen has tendered his resignation as a Senator. Whatever the circumstances are, I would just like to acknowledge Sen. Ramdeen's sterling contributions [*Desk thumping*] in both debate and at committee. Sen. Ramdeen was an important Member of the Opposition Bench and of this Chamber, and I for one shall certainly miss his voice. [*Desk thumping*] Turning now to the legislation.

May, named after Maia the Greek goddess of fertility, is the month of mothers and flowers. So there can be no better time for bringing this legislation. This flower—and I have permission to show it—[*Senator displays picture*] popularly known as the “Pride of Trinidad and Tobago” truly deserves to be our national flower. It has been described as a colourful mass of scarlet red sepals, and the double chaconia grew wild in our forests.

The single chaconia can be found in many other parts of the world—Peru, Brazil, Costa Rica and South America—but the double chaconia is unique to Trinidad; it is only found here and as such it is deserving to be our national flower. It is beautiful and unique to our country just like us as a people.

And interestingly, the flower blooms on the 31<sup>st</sup> of August, the same day of our independence. Sadly, and as Sen. Haynes pointed out, the original plant which was discovered by Grace Mulloon and David Auyong on the Arima Blanchisseuse Road in 1957, the year I was born, was cut down in a road-widening exercise, and so, all plants in existence are, in fact, clones of that parent plant.

Now, why do flowers matter? Flowers have always been a symbol of beauty and vitality. Flowers create pleasant feelings; they mark passion and important

milestones. Flowers are a universal symbol of love and friendship. When you see the array of colour and you smell the delightful bouquet of flowers, it affects you.

In fact, behavioural psychologists have discerned that when flowers are present, people get more relaxed and engaged, positive emotions are released. So that is why I use floral arrangements on tables when I do mediations, and I have often wondered what impact a beautiful floral arrangement placed in the centre of this Chamber might have. Regardless, without flowers and the full colours of nature, this world would be a far drabber place.

As Sen. Haynes pointed out, flowers remind us of who we are as a people and they can represent and brand us. The lotus flower, for example, is India's national flower, and that flower is considered sacred, and it occupies a unique position in that country's mythology and the country's art. In the Seychelles they are represented by an orchid. And who can forget Captain von Trapp in *The Sound of Music* singing about the Austrian edelweiss flower, about the happiness it brings and the poignant moment when in those dark days leading up to the Second World War, he calls on that small bright flower to bless his homeland forever.

So flowers are an important symbol, and symbols are important because they carry meaning and they can represent the history, culture, values and dreams of a nation. Symbols brand and they serve as positive images, symbols can foster pride, symbols can serve to unite a country.

So in this month of May, the month of mothers and flowers, at a time when things seem to be getting dark across the world, whether it is crime, whether it is the economy, whether it is amplified political noises, let this sacred national emblem remind us who we are as a people—unique, vibrant and beautiful.

As we legislate for “The Double Chaconia” to be our national emblem, let it

be more than just words on paper, let it serve to remind us that even when we argue and quarrel amongst ourselves, at the end of the day we all share the same space in this beautiful and blessed land. We are one family and we must be caring and respectful of each other. My hope is that our national flower will serve to unite us as a people, and that during difficult moments it will remind us also about what is good and that we are still blessed. I thank you. [*Desk thumping*]

**Madam President:** Sen. Ameen. [*Desk thumping*]

**Sen. Khadijah Ameen:** Thank you very much, Madam President. As I join in this debate on a Bill to amend the National Emblems of Trinidad and Tobago (Regulation) Act, in my contribution I plan to touch on symbolism, nationalism and patriotism in Trinidad and Tobago.

Madam President, the history of Trinidad and Tobago is filled with important symbols, not only people like Dr. Eric Williams and Sir Ellis Clarke, but things like the flag and the Constitution of Trinidad and Tobago. But, Madam President, what is more important than the thing, the actual person or the actual emblem or document is the spirit that it holds for the people of Trinidad and Tobago. What does it carry for us? Symbolism is the practice or the art of using an object or a word to represent an abstract idea, an action, a person, a place, a word; any object can have a symbolic meaning, to you personally, to a family, to an entity, and indeed in this case, to a nation.

When an author wants to create a certain mood or emotion, he can use symbolism to hint rather than just blatantly say it. And so it is the practice of nations to identify objects and items that carry or convey to the rest of the world the spirit of their nation. Human cultures use symbols to express specific ideologies and social structures and to represent aspects of their specific culture.

And so symbols carry meanings that depend upon one's cultural background, so that the symbol is not only inherent in the symbol itself, but in what is culturally attached, and then what we teach within our schools and our practice through our culture.

The national emblems in Trinidad and Tobago reflect who we are as a nation, Trinidad and Tobago, and what we stand for, it is how the world would recognize us and know us, and it is a symbol that speaks our language beyond words. It is a symbol that is unique to the people who live here in every corner of Trinidad and Tobago, one symbol, one voice, and as the Minister who piloted the Bill indicated, it is a reflection of something that is unique to this nation, to the place we call home, Trinidad and Tobago.

Madam President, allow me to reflect, allow me to endorse the mention by both Sen. Haynes and Sen. Vieira who spoke before me concerning the fact that upon discovery of that first double chaconia plant on the Blanchisseuse Road, subsequent construction and widening of the road led to the destruction of the plant.

And, Madam President, what is also noteworthy is that, I think, from what I saw in 1958, in February of 1958, before that plant was destroyed for the widening of the road, three plants from the rooted cuttings had been established at the Imperial College of Tropical Agriculture which is now known as the St. Augustine Nurseries. However, unfortunately, over the decades, this important plant propagation facility that has been established over the past few decades, very well-established is now being threatened. And, based on the policy or moves made by this Government in the recent past, you have inadvertently, even though you stand today and you talk about nationalism and the importance of preserving

what is indigenous to us, you are inadvertently contributing to the destruction of the preservation of our heritage, and what is stored at the Imperial College of Tropical Agriculture, that St. Augustine Nurseries. So while we—I just want to remind you, and maybe the Minister of Agriculture, Land and Fisheries could feel free to respond in terms of the germ plasm that is preserved that is representative of the nation's patrimony at that St. Augustine nursery; I know he may have some more information.

Madam President, I also want to just throw out, I do not know if the Minister of Agriculture, Land and Fisheries will be able to respond, but there was a controversy or I should say a difference of opinion with regard to the name "chaconia" and its origin and its spelling.

In Trinidad it was known as the "Pride of Trinidad" and Chaconia. The latter of two names, it was said, commemorated the last Spanish governor of Trinidad, General Chacon. However, Dennis Adams, as recorded by Kenny in 2004, argues that the name does not commemorate Chacon, and if it had, in fact, commemorated Chacon, it would not have been spelt Chaconia. He argued that the name was derived from Chacon, a dance in which dancers decorated themselves with little flags, and that the name of the flower should be spelt C-H-A-C-O-N-I-E-R after that dance. And it is instructive to note that the plant is referred to as the flag tree in Mano language and medicinal plants which is a book on medicinal plants.

In a later publication that same historian supported the use of the word "Chaconier" spelt with I-E-R, and drew attention to the fact that for more than a generation of settlement in Trinidad and Tobago, our culture was largely influenced by the French, and the French spoken language, and French Patois, and

hence there are many names that would have had their derivative from the French language; and for my colleagues opposite, even the flower, the balisier flower has its origins rooted in the French language.

So some historians, as far as 1928 recorded it as Chaconier, C-H-A-C-O-N-I-E-R. Unfortunately, the parent plant, as we indicated, had been cut down when the road was widened in Blanchisseuse, and I have expressed my concern for the preservation of that germ at the St. Augustine Nurseries.

**2.30 p.m.**

So, Madam President, while it is not every day in this Parliament that we have all three benches agreeing, and I join in this debate in support of the change from, the change of the national flower of Trinidad and Tobago from the single to the double Chaconia. I just want to, I am wondering aloud, if the Minister has considered or has received any advice with regard to the correct, preserving the correct patois spelling of the name “Chaconier”, I-E-R, from the French root as opposed to Chaconia, which is supposed to be named after Mr. Chacon.

So, Madam President, as previous speakers before me mentioned, national symbols tie in with—are symbols that we use to refer, and of course national pride and patriotism. And I just want to take this opportunity to sound a warning to, I have to say all political parties, but particularly to the PNM as a political party, not just as a Government, sometimes in your political banter you tend to attack persons on, and accuse persons of being unpatriotic. It is something, an accusation that I have heard many times, and it continues to come forward, and in the spirit of preserving what is right and good for Trinidad and Tobago as opposed to what is good for a political party’s—to a political party to continue in Government, we have to remember that even, and it is not something that has been happening today.

In the history of this country we have had CLR James, a founding member of the PNM, who was symbolic with intellectual thought, who was exiled from the PNM for having difference of opinions. But, Madam President, I am mentioning that because I am speaking about patriotism. And history has a number of examples of persons who because they would have had political disagreements, would have been labelled as unpatriotic, and we must guard against that, because it eliminates people who can contribute to the building of Trinidad and Tobago as a nation even if they have different political opinions, and I just want to put that on the table as a warning to the PNM that patriotism is not about loyalty to the PNM. It is about loyalty to Trinidad and Tobago and what is good and right for our nation. [*Desk thumping*]

So, Madam President, with these words I add my support, and I trust that the concerns I raised that the Minister would be able to address them. I do endorse the naming of “The Double Chaconia” as the national flower of Trinidad and Tobago to replace the single Chaconia. I thank you, Madam President.

**Sen. Paul Richards:** Thank you, Madam President, for the opportunity to join this debate, which I would not be long. I did not plan to speak. I see Minister Rambharat is smiling. But I thought it would be remiss of me not to add a few words of endorsement to this debate. And I too support the move to make “The Double Chaconia” the national flower of Trinidad and Tobago. But I could not help but start to think about the issues of patriotism and national pride where we are talking about emblems and symbols, and I guarantee I am not going to over seven minutes, so do not worry. Because I kind—many people think it is a simple Bill, and it is simple in some ways in words, but the sentiment behind it is there is nothing simple about it otherwise we would not even be debating this today. It

would mean nothing. So, it is not, it is simple in words but it means a lot to Trinidad and Tobago and to any country.

So, I just wanted to add the simple idea of patriotism and while symbols, flowers, songs, are all great to endure a sense of patriotism and national pride, our behaviours also must do that. And, I say that in the context not to go down the road, one of the roads I heard before. But, this past weekend I had the pleasure of being a part of a clean-up hike to Maracas, St. Joseph, the company I work with and a state agency that did very well. I would call them out because it is SWMCOL, because when state agencies do not do well we bash them, so let us call them out when they do well. [*Desk thumping*] And they accompanied and partnered with us on this clean-up hike, and we went to Maracas, St. Joseph Waterfalls, and from 10.00 a.m. to 12.00 noon we pulled out 13 bags of rubbish. Thirteen bags of rubbish along the trail, next to garbage bins, and the like. So, while we are talking about national pride and patriotism and national flowers, it must be supported by our behaviours that show that we are true patriots in Trinidad and Tobago. [*Desk thumping*] And, we plan to continue every month to various locations in Trinidad and Tobago, like Gasparee Island which in some parts has become a dumping ground.

So while we talk about this we also need to talk about educating and having campaigns about behaviours that display national pride in Trinidad and Tobago, and that is across the political floor. That is apolitical. That is national. Because if we do not protect our environment, the flowers cannot bloom. There were two toddlers along with us with their parents for the hike, and for first time in their lives—one was six and one was four—they saw a butterfly. They had never seen a butterfly before. You know why? Because butterflies do not exist in the urban

areas or in the cities, or maybe the spraying, and that is also important. And now we are talking about the environmental protection and conservation. We need to talk about protecting the edifices, and it comes to mind that we have started. Congratulations to the Government on a programme that seeks to maintain and rehabilitate the Magnificent Seven wonders, but we have lost Greyfriar's church. So we need to also look at that and how we are documenting and archiving our history in Trinidad and Tobago for generations to come.

So, I want us to be very supportive of this in spirit but also in action in Trinidad and Tobago, because you cannot talk about national pride and emblems and flowers, and not talk about protecting the environment and behaviours that support conservation, heritage, and as Sen. Haynes indicated, education of the next few generations to come about who we are as a people so that we can encourage a sense of national pride in our words, deeds and actions. And with those few words, Madam President, I thank you. [*Desk thumping*]

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam President, thank you very much, and I thank my colleague for their contributions in support. Let me say, Madam President, in winding up, that when the Cabinet approved the change last year, subject to, of course, the legislation being laid here, Cabinet also took a decision that the chaconia should be planted on the grounds of every school in Trinidad and Tobago. And that is not by accident.

For those of us who could reflect on our childhood, I, for example, remember myself at Rio Claro Hindu School, lining the roadside for the then Governor General as the Governor General made his passage through the country, and it is not something, I do not expect school children to line the roadways

nowadays waving flags for any one of our leaders, but those were periods of intense patriotism. And I still in my interaction with school children around the country, I still believe that they are a vital source of patriotism and love of country, and it is for that reason the Cabinet took the decision that the Horticultural Society of Trinidad and Tobago, the Four H Club and the Ministry will work together to plant the chaconia, the double chaconia on the grounds of every school in the country. And this is a very difficult, I would tell you, this is a very difficult, I am not an expert, but this is a very difficult plant to propagate, and it takes about a year to propagate the plant, and the work to get that going has already started.

There is also another element which involves something that as a country we have not been very good at, and that is to take steps to protect the intellectual property as far as we can do that, given the uniqueness of this particular plant to us. I thank Sen. Haynes for stressing the promotion of education. As you know, one of the things we did very early on as a Government, was to commission a publication on the history of Trinidad and Tobago, an authoritative publication that really records some of the truths which are sometimes glossed over in other publications, and that is a work, that is a piece of work that has been substantially completed. And, of course, as I said before, the best place to propagate and promote patriotism and love of national emblems and so on is in the schools.

On the issue of the cost to the taxpayers, Madam President, to the—the Chaconia finds its way on the coins of Trinidad and Tobago and some of the notes. The \$20 bill, I am sure about, and of course on the birth certificate and so on, and given the similarity of the two I am not sure if that anybody would rush off to make the changes, but over time I expect that the changes would be made as there are redesigns being done. On that issue of the St. Augustine Nurseries, I have been

at pains on several occasions to explain the difference between the former government farm in St. Joseph and the St Augustine Nurseries. The government farm in St. Joseph is a 200-acre site south of WASA, north of the HDC housing development known as East Grove. On the eastern side we have the Southern Main Road, and on the western side we have the St. Joseph River.

St. Augustine Nurseries occupy a portion of that land. It does not occupy the entire 200 acres, so that there is a lot of wasted space under-utilized and unutilized space on that site. It is not a pristine site in the sense that it a sanctuary or anything like that. With the government farm there were employees/workers on the government farm which is traditional for agricultural estates. There were houses, small wooden houses where the persons who worked and some of the watchmen and so on lived. And out of that we have about 65 families living on that 200-acre site. When you pass you would not notice it, but they are there on the area which is close to the Mount Hope Medical Complex. In fact, they share a fence with the Mount Hope Medical Complex. And for once the Government has taken a decision once and for all to move towards regularizing those persons who live there. So, the St. Augustine Nurseries, there is a listing, and when the decision was taken to place housing along the Southern Main Road in a 17-acre strip along the Southern Main Road, I made it very clear to the country.

In fact, my father was employed in this Ministry in Forestry. I grew up around the nurseries and around the facilities of this nursery, and I know that the pride that we have held as a country in terms of the preservation of local species, the propagation of local species, and there are about 400 different plants or different things planted in the St. Augustine Nurseries, 90 per cent of which we have already determined is not unique. It is not a source of germ plasm, so you

have a wide variety of “chataigne”, mango, pommecythere, hog plum, which it is not the only source. But I have also said that in developing the entire government farm area where there are unique germ plasm, we will protect the unique germ plasm.

I will tell you this, Madam President, we are currently in discussions, for example, with UWI and one of the largest to chocolate makers in the world to make a significant investment on that site on a 20-acre block as a new effort to take our existing germ plasm in cocoa, and one, to preserve it, but also to use the technology currently available in other parts of the world to be able to replicate it. Because you can have germ plasm. You can have things which are unique and nice and so on, but you also have to make use of it. And what we have found in cocoa, for example, we have not been able to access the technology which allows us to replicate our local cocoa. And I will say this, Madam President, for those who do not know, we went through a very intensive two-year exercise, the last two years in order to preserve our status as a fine flavour cocoa producer in the world. It is a status that has come under attack by several countries, and I will tell you this, the national cocoa organization last week finalized its decision, and Trinidad and Tobago is now one of eight countries in the world that will continue to enjoy this fine flavour cocoa status.

Now, we are not a major cocoa producer, but we have to preserve our germ plasm in cocoa. We have to develop it, and we have to also be able to continuously replicate it, because we are not a mainstream cocoa producer. And that project is cited on that government farm area just west of St. Augustine Nurseries. And what is it displacing? It is displacing mounds of garbage, coconut shell, burn, people bring rubbish from all over and dump it. And anybody who

believes that the Government is doing some damage to government farm or St. Augustine Nurseries, they are welcome to come with me at any time and see it. I have posted on social media some photos about two years ago. And the Government has absolutely no intention of doing that.

I want to just address the David Auyong issue. And in all the publications you would see the name Grace Mulloon accompanied by two persons, and in some cases you would see Grace Mulloon accompanied by David Auyong. The point is that the follow up exercises, the follow up work, my understanding through the ICT College of Tropical Agriculture, the follow up work in defining what is known as the cultivar, the thing that will give rise to the plant, was work that David Auyong did, and it is in that world of botany that the decision was made to name the cultivar in that manner, and we are just simply taking the name and putting it into the legislation. But I will say about Grace Mulloon, my recollection is that in 1987 Grace Mulloon was recognized in our national awards programme, and I am going on my memory, Madam President, in saying I believe she was awarded the Chaconia Medal in 1987.

And as I close I just want to tie it into another piece of history. Grace Mulloon is actually her married name. Her maiden name is Grace Atteck, and I strongly believe that she is part of the family that produced Sybil Atteck. Sybil Atteck is one of our most famous painters in Trinidad. I would not say female painters, I will say most famous painters whose art work is very difficult to come by, very precious art work. But I will tell you this, I was invited by the art society, I believe in 2016, to launch an exhibition. I think they just invited me to launch one, and when I went there, I am a Minister of Agriculture would have looked out of place at the launch of an art exhibition. But I stunned the crowd when I went up

to speak by asking, can you tell me two reasons why I am the most fitting person to be here? And the entire art world gathered there could not answer, and I said to them, you have to read your history, Sybil Atteck is from the same community as myself and Sen. Chote. She is from our community. [*Desk thumping*] But not only that, Madam President, Sybil Atteck was employed in our Ministry in the days when young high school students or recent graduates of high school will come into the Ministry and do the illustration of all the flora and fauna that we had available, and Sybil Atteck, one of our most prized painters was actually employed in our Ministry doing illustrations, and I strongly believe that Sybil and Grace Mulloon come from the same family, and that is an important part of history.

So, thank you very much, Madam President. I thank my colleagues. And, Madam President, as I close I want to tell you this, when I was about 10 years old I was listening to the parliamentary debates long before they were televised, and reading the *Hansard* and so on, and when it became televised I continued to follow, and when it was on the website I continued to follow, and since I was about 10 years old, I have waiting to utter these words: Madam President, I beg to move. [*Laughter and desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*Senate in committee.*

**Madam Chairman:** Hon. Senators, I remind Senators that there are three clauses in this Bill.

*Clauses 1 to 3.*

*Question proposed:* That clauses 1 to 3 stand part of the Bill.

**Sen. Ameen:** Madam Chairman, after the contribution of the Minister of Agriculture, Land and Fisheries, I think I had raised a point with regard to the spelling, using the French derivative of the word “Chaconier” ending in I-E-R as opposed to the one ending in I-A. I do not know if the Minister could, the spelling is C-H-A-C-O-N-I-E-R.

**Madam Chairman:** Minister.

**Sen. Rambharat:** Madam Chairman, the Senator is right and wrong. So, as I explained before, this is the botanical name of the flower and so we would like it to be preserved, but I would also say the Senator's recollection of the history is also accurate. In primary school we were taught it was named after Chacon, but the history that my colleague has recited is actually the history that is accepted. But the name correctly reflects the botanical name of the flower.

*Question put and agreed to.*

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

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

*Senate resumed.*

**Sen. The Hon. C. Rambharat:** Madam President, I wish to report that a Bill entitled an Act to amend the National Emblems of Trinidad and Tobago Regulation Act, Chap. 19:04, was considered in Committee of the whole and approved without amendments. I now beg to move that the Senate agrees with the committee's report.

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

### **LICENSING COMMITTEE (VALIDATION) BILL, 2018**

*Order for second reading read.*

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

That a Bill to validate the constitution of licensing committees established under section 5 of the Liquor Licences Act, Chap. 84:10 as well as the grant, transfer and renewal of licences and all other acts of omissions by licensing committees and for related matters, be now read a second time.

Madam President, if you would permit me to be very bold by deviating very slightly for a second in congratulating Sen. Rambharat on his maiden Bill piloted. [*Desk thumping*] The Parliament is perhaps not aware that Sen. Rambharat is the chairman of the Law Revision Committee, and functions in that capacity, because it is with some degree of odium that the drafter of law approaches law, and yet some degree of joy as well. As Sen. Vieira would recognize, when you have the paternity of legislation you can be blinded. Your own child is beautiful no matter what, and Sen. Rambharat provides that perspective to the Government in sitting as the chair of the LRC in working day and night together with the Office of the Attorney General and other members of the LRC in helping us scrub laws that are apposite to our best interest for peace, order and good governance. So, congratulations to the hon. Senator. [*Desk thumping*]

Madam President, it gives me pleasure to pilot this legislation before us now. It has been some time in the making that we observed a material omission on the part of Government to operationalize laws correctly. The Liquor Licences Act, which is an act of Parliament, Chap. 84:10, born, birth into law by Act No. 27 of 1955, amended 25 times and lastly in 2015, caused really a reengineering of how a government and how a country ought to look at the Magistracy. Under the Liquor Licences Act and under several other laws, there is an obligation brought over from our pre-independence time frame for the magistrate sitting in magisterial districts, 12 of them, add Tobago, 13, for the magistrate, the senior magistrate to comprise what is referred to as a licensing committee. Under the law prior to its

amendment in 2015, section 5 of the Liquor Licences Act, Chap. 84:10 provided, that:

“There shall be a licensing committee for each licensing district which shall consist of—

- (a) the Magistrate from time to time assigned for duty as such in the magisterial district coterminous with the licensing district; or where more than one Magistrate so assigned, any such Magistrate;
- (b) the authorised officer designated for that licensing district; and
- (c) one person nominated by the Minister.”

The Magistrate had the power under section 5 of the law prior to amendment in 2014 to sit on his or her own, and the secretary of that committee pursuant to the legislation, section 7, is the Clerk of the Peace.

Back in 2011, then Minister of Legal Affairs, the hon. Prakash Ramadhar as he stood then, brought forward a policy paper identifying that magisterial time was critical, and that the method by which licences were managed really was effectively until one gets to the consequence of objections and how they are dealt with, that it was effectively an administrative management structure.

Secondly, the fact is that many of the licences to be considered really found themselves without the direct involvement of members of a community. And back then in 2011 policy paper being birthed, the then United National Congress Government recognized that there could be a better purpose for the structure of the Magistracy.

**3.00 p.m.**

That 2011 exercise identified that in considering the many types of licences, one could perhaps consider the other laws that articulate with the licensing committee. You see, this Liquor Licences Act, Chap. 84:10, articulates with

several other laws. In particular, they articulate with the Excise (General Provisions) Act, Chap. 78:50; the Moneylenders Act, Chap. 84:04; the Pawnbrokers Act, Chap. 84:05; the Licensing of Dealers (Precious Metals and Stones) Act, Chap. 84:06; the Old Metal and Marine Stores Act, Chap. 84:07; the Cinematograph Act, 20:10; the Registration of Clubs Act, 21:01; and the Theatres and Dance Halls Act, 21:03; nine pieces of law articulating together, grounded in section 5 of the Liquor Licences Act, Chap. 84:10, where a magistrate and two others constitute a licensing committee, supported by the secretary to the committee being the Clerk of the Peace.

Now, in the methodology and policy leading to legislation which came about in 2014, and that is Act No. 6 of 2014, in that methodology, the philosophy which this Government subscribes to is that there really ought to be a focused approach to criminal justice: magistrates who carry out significant functions; magistrates who provide for the administration of summary justice within the many laws that articulate that, magistrates really ought to be focusing on serious matters. It is for that reason that this Government brought to this Parliament and enacted and proclaimed the Criminal Division and District Criminal and Traffic Court Act, and that is Act. No. 12 of 2019—2018, forgive me. In bringing forward that Act, this Government's purpose was to say, bring forward a new division approach for the criminal justice arena; take all of the roadblocks to criminal justice out of the system; remove the 120,000 traffic cases per year which magistrates have to sit on, and mind you, they only sit on roughly 30 per cent of traffic offences. The other 70 per cent is never dealt with, but you use 100 per cent of the resources to not deal with it. What do I mean by that? The policeman must be there, the complainant must be there, the licensing officer who issued a ticket must be there, the clerk must be there, the defendant must be served and brought to court by summons or

by warrant. The entire system operated, but only 30 per cent of the people actually came to court.

And what we said to the country was, let us take motor vehicle and road traffic offences and move that out. That was what the Criminal Division effectively did, apart from merging the jurisdiction of the Summary Court and the High Court in the fashion that we have done, to take into account the fact that there are many summary offences that are quite serious which Masters or Judges ought to be able to deal with in case management or in case disposition.

This liquor licensing amendment which came in 2014 recognized that all of these laws that I have just mentioned, to deal with cinemas, dance halls, pawnbrokers, precious metals, et cetera, the licensing, the renewal of licences, the transfer of licences by these several laws, really can be dealt with from an administrative point of view by a Clerk of the Peace and other persons sitting at a committee, save for where one gets into the circumstance of an objection. And when an objection happens, someone says, "I do not want that licence renewed. I, a resident, have an objection. I, a constituent in the magisterial district, have an objection", take it then to a dispute resolution mechanism and then if there is an actual dispute, then, and only then, bring the magistrate in.

So as this Bill recognizes that law was brought to Parliament. I remember sitting on the Opposition Benches then. I remember supporting the legislation brought by then Minister of Legal Affairs, the hon. Prakash Ramadhar, as he sat in that post. And that law, so reconstituted to repeal and replace section 5 of the parent Act, the Liquor Licences Act, that law was, in fact, brought under the law entitled Miscellaneous Provisions (Licensing Committee) Act, 2014. Why? Because we are amending all of those many laws by one fell swoop. And that law was then brought into operation on the 21<sup>st</sup> of July, 2014. So as one can see from

the Preamble to this Bill, there being a Preamble—because this Bill requires a three-fifths majority support, and I will explain why in a moment—the Preamble sets out at page 2 of the Bill, that the commencement of the Miscellaneous Provisions Act happened on the 21<sup>st</sup> of July, 2014. Unfortunately, the Act was proclaimed and came into operation, but the then government did not constitute the committees. None of the committees were comprised; none of the members were populated and none of the bugs were sorted out in the system.

It was not until, actually 2016, early part, that it came to my attention, as Attorney General, that the old law was not really in effect. Because what happened in the period 21 July, 2014, straight until early 2016, the magistrates were sitting, conducting the methodology of licensing renewals under the nine laws that fall for consideration. The magistrates were sitting as if section 5 of the Liquor Licences Act, Chap. 84:10, had not been repealed and replaced. In other words, they were acting ultra vires the law. They were acting without lawful purpose and that became a very serious issue.

The obvious question is: Why wait until 2019 to deal with this law? And if you would permit me to explain why, it was important to do two things. One, to immediately get about the appointment of the committees under the existing law, as amended in 2014. That required going through an exercise with the Judiciary, the Chambers of Commerce, the line Minister with responsibility for local government, populating committees with principal and secondary figures, ensuring that the terms and conditions, and emoluments and benefits for committee members were put into place, identifying the source of payment for those emoluments and benefits and stipends that flow to the committee, then causing amendments in the circumstance that I will explain as the second limb as to why wait till now.

The second limb is that, as this Senate is now intimately aware, we went about an exercise of reform in relation to the Magistracy which was a very important measure. And that is, of course, the establishment of Act No. 12 of 2018, which is the Criminal Division and District Criminal and Traffic Courts Act, 2018. Obviously, that Act itself, in creating the criminal divisions, has at section 3(2) a very important provision. Section 3(2)(f) and (g) provide for the Clerk of the Court and the Clerk of the Peace, as they have existed since pre-independence, to instead be identified as legally qualified persons now known as Senior Magistracy Registrar and Clerk of the Court.

That could not happen until we had perfected the Family and Children Division by which we created those posts, and the merger of jurisdictions, and then that could not happen until we had supported the build-out from an industrial relations point of view, a CPO point of view, a public admin point of view, of all of the terms and conditions and functionality of the officers to comprise the Criminal Division. And what I can say is that the only part of the Criminal Division Act, No. 120 of 2018 which is not yet proclaimed, but which will be shortly proclaimed is the Clerk of the Peace and Clerk of the Court becoming the Magistracy Registrar. Those will come into effect very shortly because we are now harmonizing that.

So let me put it into a very simple nutshell. Law was proclaimed in 2014. None of the systems were put into place. I pour no scorn on that. Secondly, the fact is, to cause the reform of this particular law, this Government took a different approach in creating the Family and Children Division, in creating the Criminal Division, in building out the structures, in the hiring and reorganization of structures via the Service Commissions which we have no control over. That process is, of course, well in train and has been the subject of some commentary

from time to time in this in particular Chamber.

The next issue is that we were keeping a very careful watch over the numbers of licences that were managed to make sure that we had the data in relation to these. Now, there are nine laws which I have identified: the Liquor Licences Act, cinematograph legislation, dance hall, et cetera, et cetera, the customs excise, et cetera. Those things are there. If we look to liquor licences alone, we needed to make sure from a date perspective that we got that right. And I can tell you, if I look to the period for the years 2014, 2015, '16, '17, coming straight to date, I can say this. Types of liquor licences issued or granted—that is liquor licences alone, not pawnbroker, not money lenders, not precious metals; liquor licences alone. Occasional licence, special event, special restaurant, restaurant, special hotel, hotel dealers, retailers, grocers, recreational private members' clubs, proprietor, proprietress, retailer, merchant. Those particular categories—and you will note that private members' clubs are there because they were included in the parent law, that Liquor Licences Act.

In the period for 2018 to 2019, to date, across that category there were 1,243 licences granted. In the period 2016 to 2017, there were 3,563 licences granted. In the period 2015 to 2016, there were 3,518 licences granted and in the period 2014 to 2015, there were 3,226 licences granted, giving a total of 14,596 licences granted under the Liquor Licences Act alone. It was very important, as the Government did, that we alerted the FIU and the FIB—the Financial Intelligence Unit, the Financial Investigation Branch—because the FIU supervises under the Proceeds of Crime Act, listed businesses, which include moneylenders, pawnbrokers, precious metal dealers, et cetera.

So whilst this Bill appears to be quite simple, marshalling the data, managing the suspicious activity transactions reports, the suspicious activity

reports, making sure that that was all uninterrupted, understanding what was required by validation, was critical. So the Bill itself really, in its simple clauses set out, clauses 1 to 8—1 is, of course, the Short Title; 2 is that the Act is an Act inconsistent with the Constitution, meaning that there is an interruption of a three-fifths majority right set out in the Constitution; 3, we give an interpretation which I will come to in a second. Four, we deal with the validation of Constitution of the Licensing Committee; 5, the validation of acts, decisions, omissions and proceedings; 6, the validation of order or determination of a court; 7, we give an indemnity from suit and 8, the continuation of proceedings.

And it is clause 7 which interrupts the three-fifths majority right. It is clause 7 that effectively denies someone the opportunity to sue on the basis that the committee was ultra vires. So clause 7 of the Bill, in providing immunity from suit under the Liquor Licences Act, effectively interrupts section 5(2)(e) of the Constitution which, if put into a very simple point, that is the clause that allows you the access to your right, if I can call it that—and I am paraphrasing—of your right to approach the court. So the three-fifths majority that we are interrupting is section 5(2)(e) of the Constitution and it is to be found in the immunity clause, and that is where we are going.

So in terms of the logic of the legislation, the logic is, first of all, in the Preamble we note how the law came into operation. We note its intersection with the seven laws listed there, as licensing authorities: Cinematograph Act; registration of clubs; theatres and dance hall, moneylenders, pawnbrokers, licensing of dealers, precious metals, and the Old Metal and Marine Stores Act. We then also, of course, factor one more piece of law, which is the Liquor Licensing Act, the parent Act, and very importantly, the Excise (General Provisions) Act, Chap. 78:50, is not referred to there because it does not need to be

referred to, but I am putting it on the record as something that interacts with in the term of the type of licence provided for under the Second Schedule to the parent law, the Liquor Licences Act.

What we do next, Madam President, is we say, this Act is the Licences Committee (Validation) Act. A Validation Act is not a usual piece of law. It is where Parliament is invited to consider authorizing something which happened which ought not to have happened. What is it that we are being asked to authorize? We are being asked to authorize the operation of the Liquor Licences Act on what was effectively repealed law. The law was repealed in 2014 by virtue of the Cabinet decision of the UNC Government without putting the strictures of the law into operation. There was a lot required to be done to put it into operation, and I have described it in the context of what this Government has done.

The second bit is in clause 2, where we say it is inconsistent with the Constitution, specifically section 5(2)(e), as I have provided. Clause 3, important to note, the Act that we are referring to is the law which repeals section 5, that is the Miscellaneous Provisions (Licensing Committee) Act, 2014. The licensing committee we have defined as: it means the licensing committee constituted pursuant to the Liquor Licences Act prior to the coming into force of the 2014 Act. In other words then, we are establishing a law which existed prior to proclamation and one which exists after proclamation, of the 2014 amending Act. The specified period is in reference to the operational clauses defined as that period ensuing between, and including date of proclamation which is 21 July, 2014, up to when this Act becomes law.

And, therefore, it is in that context that we capture the 14,596 matters-plus that I have referred you a little while ago. We say in clause 4 that a licensing committee constituted during the specified period is deemed to be lawful and valid,

to the extent that it would have been lawful and valid had that Act not come into place. In other words, we are providing for a reinstatement of the law by way of validation for the Act in section 5 as it stood repealed. We are reviving and validating that law for the specified period between 2014, and when we proclaim this law, now that we have all systems in place, everything that happened under that law, as if the law was not repealed, is deemed to be valid provided it was in accordance with the law. In other words then, we are not validating things that were unlawful. We are only operating as if the licensing committee was never repealed.

Clause 5 says that:

“An act, decision, omission or proceeding of a licensing committee done, taken, made...conducted during the specified period is deemed to be lawful...”

Again, it is qualified by saying:

“...to the extent that the act, decision, omission...would have been lawful”—in the circumstances.

So again, it is a revival of the old law.

Clause 6, we say:

“An order or determination made by a Court...is deemed to be...valid...”

Again with the proviso, we must do these things because otherwise someone affected, whether beneficiary or rejected in some circumstance by the court, would have the right to go and say, “Listen, the Government”—a UNC government albeit, but it is a continuance. The Government—we take the blame. This Government takes blame because we must accept what our predecessors did as part of the law. The Government should not have proclaimed the law, took no steps to operationalize it. Yes, it may be exculpatory and reasonable, the steps that were

taken upon understanding it, but the Government ought to stand the bounce, the proverbial bounce, for law being ultra vires.

So what we are doing is, we are clothing the courts and the magistrates that exercise judicial function pursuant to the nine laws that I have referred to. We are providing them with the legitimate clothing to avoid an attack under the law. We are providing them with immunity, and that immunity comes alive in clause 7 of the Bill:

“Notwithstanding any law to the contrary, no legal proceedings or other action of any kind shall be commenced or continued against a person in respect of...”—et cetera.

That would have been lawful or valid had the Act not come into force. So it is clause 7 that gives the immunity in the circumstances that it must, because there are several actors, lawful players, who require immunity and coverage and hence the need for validation and immunity of the law in the circumstances that we provide.

Clause 8 is the last clause that says:

“Any proceedings commenced during the specified period pursuant to the Liquor Licences Act, which would have been lawfully and validly commenced if the Act not come into force, may be continued and dealt with under the Liquor Licences Act as if the Act had come into force.”

It is effectively the transitional provision. Because we could not invite the participants in court process who were acting upon the understanding, upon the legitimate expectation that the law was being properly applied, we cannot invite them to throw away costs—

**Sen. Vieira:** AG, thank you. Because that is exactly what I am wondering about. What about *omnia praesumuntur*?

**Hon. F. Al-Rawi:** *Rite rite esse acta*, just to complete it. So I agree with you, the *omnia praesumuntur* does not apply in the circumstance of basic ultra vires. So because there has been lawful attack on matters such as this and the jurisprudence stands as such, the necessity for a validation was required. It is not unusual. We did it in the repeal of section 34. We did it in the Tobago validation for the date going wrong for the holding of the THA elections. So this has been well settled in terms of litigation. And, therefore, consequent upon advice received, we did not want to rely upon the *omnia praesumuntur* doctrine, in particular, because there was an alternate remedy that Parliament ought really to have considered. It happens in the validation of commissions of enquiry, as have happened before: the Uff Commission of Enquiry, the Coleman Commission of Enquiry. I may be mistaken on the latter, but certainly the Uff Commission of Enquiry.

So we have example of the law telling us that we really ought to take the step. Because the only way to cure the effects of a premature proclamation, which is what happened under the last government's proclamation in July 2014, is by way of Act of Parliament in the widest sense. Otherwise we are going to have to have the doctrine tested on a litigation basis, and it is more sensible, from our perspective, to avoid the litigation. Obviously, you are not exculpated from things which were outside the law. In other words, then, if it was unlawful under the legislation prior to 2014 proclamation, it would still be unlawful. But if it is to be in a prudent sense, a useful employment of time, we consider the validation the correct approach.

So, hon. Senators, I have attempted to give a very simple, albeit somewhat involved legal explanation of what we are doing today. There is a legitimate aim in this law. It is rationally connected to the Bill. It is certainly no more intrusive than it ought to be. There is a proviso and facility to ensure that only lawful acts are

covered. There is nothing to provide immunity in clause 7 for things which were unlawful in the deeming provisions that we have done. I think it appropriate, in the circumstances, to offer support for this law. I am certainly wide open, and the Government is, to hearing the concerns that hon. Senators may have, and I beg to move. [*Desk thumping*]

*Question proposed.*

**Madam President:** Sen. Mark.

**Sen. Wade Mark:** Thank you, Madam President. Madam President, we are called upon today to validate:

“An Act”—or a Bill—“to validate the constitution of licensing committees established under section 5 of the Liquor Licences Act...as well as the grant, transfer and renewal of licences and all other acts and omissions by licensing committees and for related matters”

Madam President, when this legislation was assented to, that is the 2014 Act, No. 6, this was done sometime in July of 2014. It was debated in the both Houses earlier in that year and it was subsequently passed in the both Houses and assented to. There was no provision for proclamation in the legislation. It was simply for the President to assent to the legislation, and that was done sometime the 21<sup>st</sup> of July, 2014. So the whole of—from July 2014 to December, and then up to the point when Parliament was prorogued in June or thereabouts, in 2015, the operationalization of the provisions contained in the legislation were not effected by the last administration in question.

But subsequently, Madam President, a new administration came into office and they, too, did not operationalize the legislation. And I dare say I do not agree with the hon. Attorney General that this package that he made reference to, of the Family Court Division and the Criminal Court Division, has any links or

connection to the Liquor Licences Act. This was a measure that was supposed to be effected. It was not done in 2014/2015; it was not done in 2015/2016; '16/'17;'17/'18'; '18 and we are now in the month of May 2019.

So I think that we have to get this thing very clear from the outset, and that is why I am going to make a recommendation for inclusion in this amendment, to avoid this catastrophe occurring in the future. Madam President, we have had to validate a number of pieces of legislation in the past.

**3.30 p.m.**

I remember the census that was being conducted on the household survey back in 2011. There was need for additional time and therefore, they had to validate that piece of legislation or law. I remember the infamous Tobago House of Assembly Election (Validation) Act, when the people who were responsible for counting could not have properly counted and as you recall, there was a mishap in the date when the election was supposed to be held. That was under the PNM and I was called out, as you recall, on a Saturday, in this very hall, to deal with the lack of counting, an accounting error. [*Desk thumping*]

Now, we are dealing with this matter of validation involving, Madam President, the Liquor Licences Act which has a number of pieces of legislation under its purview, Madam President. We have about eight pieces of legislation that would be falling under this Liquor Licences Act. Now, if I were to just remind you and this honourable Senate that the purpose of the legislation in 2014 came on the heels of recommendations made some 26 years ago by the Gurley Commission and then later on by the McKay Commission. One, 26 years ago and the other one maybe about 19 years ago, and they were trying to address the issue of the saving of vital judicial time, particularly as it relates to the magistrates who were

responsible for chairing those licensing committees because, as you know, Madam President, when you go to the Magistrates' Courts, they deal with all kinds of matters, criminal matters as well as the matters that they are called upon to deal with in this Liquor Licences Act.

So there was a lot of discussion around the saving of critical time, judicial time for the magistrates and what was seen by the Gurley Commission and the McKay Commission was a need for us, Madam President, to put this body, this licensing committee into the hands of another personality because they saw it, more or less, as an administrative function and an administrative act that could be executed efficiently and swiftly by another officeholder, namely the Clerk of the Peace. So the legislation sought to reconstitute the committee removing the officeholder, magistrate, and replacing that officeholder with a new officeholder called the Clerk of the Peace, and we have about 13, I think, magisterial districts in Trinidad and Tobago. And when that committee sat in Tobago, that is the licensing committee, the Tobago House of Assembly will have its representative on that committee and when it sits in Trinidad, in the municipalities and in the regional corporations, you will have, Madam President, representatives of the municipal corporations as well as the regional corporations.

So it would have been the Clerk of the Peace, it would be a representative of the regional corporation or municipal corporation, a member of the Tobago House of Assembly and a business representative appointed by the Minister. So that would constitute the actual committee. And then, Madam President, a public officer would serve as a secretary to this committee. So that is the little background that led to this law of 2014 and now because of the oversight—I can only assume that it was on oversight on the part of the People's Partnership administration and maybe what took place between 2015 and the present time is

another oversight. So I do not buy the argument, as I said, proffered by the Attorney General.

One of the areas that I would like to seek some guidance on and clarification and maybe could come in the form of a legal opinion, we have the concept of the separation of powers and when judicial officers, like a magistrate, take a decision or make decisions, even though we are coming to validate those decisions made by a magistrate, it is the Parliament of Trinidad and Tobago, given the separation of powers, has the power to validate decisions taken by judicial officers? And would that not be a collision as it relates to the separation of powers? This is not no ordinary validation Bill. I have been in Parliament for several years and I have never witnessed or been party to a validation Bill that seeks to validate decisions taken by magistrates.

Here you have judicial officers from July of 2014, right up—I have done some enquiries. I know in the San Fernando court in particular, they were taking decisions under the chairmanship of a magistrate up to March/April of 2017. So the magistrate was taking decisions even though the law was assented to, Madam President, in July of 2014. So magistrates were taking decisions in '14/'15; '15/'16; '16/'17 and then, as we speak today, we understand that in the San Fernando court, from around April, May, the Clerk of the Peace took over and therefore, the Clerk of the Peace begun to take decisions as would have been valid and would have been consistent with the law that was assented to by the President in July of 2014. So I would like for us to get an opinion, a proper independent opinion, legal opinion, on this matter. Whether this Parliament has the authority and the power to validate judicial decisions? [*Desk thumping*] This is a very serious matter.

I do not think that our Parliament should take this thing lightly because we understand that there is a separation of powers and the Judiciary. When they take a

decision, we cannot overturn their decision, we cannot validate their decision. It is enshrined in our Constitution. I believe this might have been a matter that the Attorney General may have overlooked but I believe it is important for us to pay attention to this particular matter because I would not like our Parliament to be involved in any action or take any decision that would be on a collision course with the Judiciary of Trinidad and Tobago.

Because if this matter is passed with the relevant majority and somebody still appeals through a judicial review or a constitutional motion for some unlawful action taken by those licensing committees and it goes before the courts, what would be the outcome? We do not know and that is why, Madam President, I would like to ask the Attorney General to deal with this matter by offering us here in this Parliament a period to pause. Let us pause and not take any decision on this Bill that is before us until we are being treated or provided with a proper legal opinion on this matter. It is not, as I said, a very straightforward and/or simple one. So that is the first thing that jumped out at me, Madam President, when I looked at this thing because it was the magistrates that were taking decisions. They were granting licences, they were granting liquor bars licences, moneylenders' licences, pawnshop brokers' licences, members' club, dance hall, theatre, as the case may be. All of these things are being done by the magistrate who is in charge of the licensing committees in the various magisterial districts of our country, both in Trinidad as well as in Tobago. That is a constitutional point of interest that the Senate needs to pay attention to very closely.

Madam President, I also would like to bring to your attention some of the, what I call challenges that this matter that we have before us—we are being asked to validate decisions that have been taken and, Madam President, when I look at the Act carefully, I understand, you know, what we are being asked to do. Now,

we understand, Madam President, that once we pass this law, taking into account what I have said initially, it would be a bar against any citizen from suing or taking legal action against any decision or act by the licensing committees. So what we are being asked to validate is any act, any decision, any omission or proceedings of a licensing committee done, taken, made, or conducted during the specified period under examination and if such act, decision, omission or proceeding would have been lawful and valid had the Act not come into force.

So we are being called upon, as a Senate, to simply rely on what we have been advised by the Attorney General because we have no information as a Parliament, as a Senate, on these matters. What we have is what the Attorney General has just provided to us and he said in accordance to with what information he has been provided with, that is the hon. Attorney General, the types of licences that were granted between 2014 to 2015, and 2015, up to the period that we are speaking, 2018 up to 2019, amounted to 14,596 licences. That is what we are being told. So we have to take the Attorney General's word. But, Madam President, there are many other things or areas that I am sure we would like to have clarification on.

Madam President, you would know, you are a "San Fernandian". You will know the state—and I do not want to bring you into this debate, Madam President, so let me withdraw your name from this completely as you would advise me. Madam President, you would know that in San Fernando, the court in San Fernando is in such a dilapidated state, right?—the whole question about inadequate resources. Now, Madam President, remember these committees, the licensing committees, they meet in the Magistrates' Courts in order to take decisions, in order to hear matters. But if those courts are in a dilapidated state, how can these magistrates and these licensing committees function efficiently and

effectively? So, Madam President, in the case of the San Fernando court, what I understand, you have certain days set aside for these matters to be heard so as you would realize, in the legislation, an effort has been made, through these amendments, that were made in 2014 to avoid persons from crowding the corridors of our inadequate spaces at the magistrate's level. I understand in Couva today, there is only one court, one court, and it is only when the magistrate leaves the court, in the evening time, after getting convened in the morning, that the committee can meet.

So one of the areas I would like the Attorney General to pay attention to, as we deal with this validation matter, is the provision of more spaces for the liquor licences or the licensing committee as a whole. They need more resources. That is limitation that we need to pay some attention to. We understand, Madam President, and when the Attorney General was here like where I am and where I will be where he is very shortly, I remember when I looked at his contribution and I looked at other contributions, I want to remind my colleagues, I am a Christian and I know a number of us here are Christians. I know the cross, Madam President, comes before the crown. You will agree with me as a Christian. The cross comes before the crown.

**Madam President:** Sen. Mark. I have given you a little leeway in your contribution. I want to remind you that the Bill focuses on the validation of Acts that have already taken place. Okay? I just want to bring you back to the matter at hand.

**Sen. W. Mark:** And humiliation comes before glory.

**Madam President:** Oh, you continue?

**Sen. W. Mark:** No, no, no, I am dealing with the Bill. So, Madam President, I hear you very clearly. Madam President, remember what we are seeking to do is to

correct a situation that has occurred and we are being called upon as Senators to validate acts, decisions, omissions that were taken by committees that were illegally constituted and they were carrying out unlawful actions when they were not entitled to do so and, Madam President, we are being called upon, as I said to you, to validate these matters without proper information before this committee. And as you know, information constitutes knowledge and knowledge constitutes power. So how can we execute our responsibilities in a manner that is consistent with our duty and our responsibility?

Madam President, I would like to suggest and I have always advocated this particular matter I am about to raise. You would be aware and if you are not, I want to bring it to your attention, that in civilized Parliaments, many civilized Parliaments, there is something called, Madam President, a post-legislative scrutiny committee. I want to repeat, a post-legislative scrutiny committee. Had we been able to have in our legislation and in our Standing Orders, a post-legislative scrutiny committee, which really says simply, when Bills are approved and they become Acts and laws, we must have the power as a Parliament, through a committee such as that, in order to really scrutinize and monitor the implementation, the operation, the outcomes of what decisions we have taken.

Madam President, you know, if that was in effect in our Parliament, this error that we have committed and after five years, almost to the date of its commitment, we are now being asked to validate actions and decisions that were taken five years ago. A proper functioning Parliament with such a committee would have ensured that that error would never have been committed. So I would want to ask the Government and I would like to propose an amendment, through you, that we put in this legislation that we are debating this evening, a provision calling for a review of legislation within a period of two years or a maximum of

three years upon passage. So, Madam President, we would be able, as a Parliament, we will be able to monitor legislation that we have passed. We want to know how the legislation is functioning, how it is working, how it is benefiting the country. I want to ask you, Madam President, to consider this particular proposal and suggestion.

And, Madam President, the second proposal I would make and I cannot amend the law for this, I, as a member of the Standing Orders Committee, will be taking the necessary measures to ensure that I communicate with the authorities in order to ensure that we meet with the support of Government. I am going to ask the Leader of Government Business to support this measure. I am going to ask the Attorney General to support this measure. I am going to ask my colleagues on the Independent Bench to support this measure so that we can have, in our Standing Order, a permanent standing committee called the post-legislative scrutiny committee.

So, Madam President, this piece of legislation that we are called upon to treat with today is very important. I would have thought, Madam President, in bringing this legislation today, we would have had some amendments from the Government because when I looked at some of their fulminations during the debates, one of the points that was being made strenuously by the then Opposition, now in Government, was the rights of the residents. So we are validating a Bill and one of the things that we are seeking to of course validate would be, as you said and it is in the legislation, decisions taken by this licensing committee.

This licensing committee, when an application is made to this licensing committee, Madam President, this matter of licensing committee, would you know there are several pieces of legislation that impinge on the validation Act or Bill that we are dealing with today? And, Madam President, I want to name them for you

and for the honourable Senate so we will understand that when we talk about the Liquor Licences Act, Chap. 84:10, we are just not talking about bar licences or licences for hotels, as examples, or members' clubs only. We are talking about a series of pieces of legislation, eight of them, that I have been able to extract as a result of reading the legislation and seeking to validate.

Madam President, every piece of legislation I am about to identify to this honourable Senate is governed by the licensing committee, by a licensing committee which is chaired for purposes of our discussion and the reason why we are seeking to validate the legislation is purportedly chaired by a magistrate. The Theatres and Dance Halls Act, that legislation and decisions taken by the Theatres and Dance Halls Act, which is—governs the authority for granting licences for dance halls and theatres is under the jurisdiction of the Licensing Authority. That Licensing Authority is headed by the magistrate as we speak in some areas, but in other areas, they have removed themselves. But they were there, taking decisions. That is the Theatres and Dance Halls Act, Chap. 21:03.

The other Act that the licensing committee sits and grants licences to citizens of this country and we do not know, because the Attorney General has not shared with us how many moneylenders' licences were granted between 2014, 2015 to 2018, 2019, during that period. We do not know. What we got is a blanket number but we would have liked the Attorney General to indicate to this honourable Senate how many moneylenders' licences were granted by the licensing committees headed by magistrates who were taking decisions that were unlawful. We would have liked to know these things so that we, as a Senate, would be better informed.

Madam President, I do not know if you are aware. I looked at the moneylenders' law that is part of the Liquor Licences Act in terms of the

committees that are responsible for granting licences and I saw and I think the Attorney General should, in fact, seek to update the legislation. I saw in the Schedule of this Act, page 24, a number of organizations, a number of banks, a number of financial institutions.

And one that caught my attention, Madam President—

**4.00 p.m.**

**Madam President:** Sen. Mark, you have five more minutes.

**Sen. W. Mark:**—yeah; one that caught my attention was International Trust Limited. Madam President, you recall International Trust? That collapsed in 1981, but it is still part of the legislation. Trade Confirmers Limited, that collapsed in 1982. It is still here. The Bank of Credit and Commerce International, Trinidad and Tobago Merchants Bank Limited, that went bankrupt 25 years ago.

**Madam President:** Sen. Mark, in the few minutes that you have left, are you dealing with the Bill that is before us or the parent Act? Because you know there is a distinction. Okay?

**Sen. W. Mark:** Yes.

**Madam President:** All right.

**Sen. W. Mark:** But if you can guide me, Madam President, the licensing committees that we are dealing with, would have been able to sit during the period under question, under the jurisdiction of the magistrate, and grant licences under all of these pieces of legislation that we are dealing with. So, what I am saying is that I am trying to clarify, as we go along, the importance of ensuring that under each piece of legislation in which the licensing committee operated during the period under review, we as Senators would be able to get adequate information, so that we can make informed decisions, Madam President.

So, I think that these pieces of legislation that I am making reference to are

all in the context of section 5 of the Liquor Licences Act, and that section 5 talks about the liquor licensing committees, and all of these committees are governed by—they are the authority for these pieces of legislation that I am making reference to.

But, Madam President, you know time is rushing and passing, so I want to just deal quickly with the others, which is the Registration of Clubs Act, Licensing of Dealers (Precious Metals and Stones) Act and, of course, the “cinematagraph”, nah, “cinematafgraph” The “cinematafgraph”. [*Crosstalk and laughter*] Okay, “cinema-tograph”; cinematograph, cinematograph, cinematograph, cinematograph. [*Desk thumping*] I repeat, cinematograph. I think I get it clear now; cinematograph. That is it, Madam President. It even gave the AG some trouble. So I got it, cinematograph.

So, Madam President, I think I am coming to the end of my contribution. I just want to say that, as I started, Madam President, with all the fun, let us not lose the essence of what the contribution is. Can the Parliament validate judicial decisions? Can the Parliament validate judicial decisions? That is an issue that we need to clear, clarify and make a final determination on. And, Madam President, in those circumstances, I would call on the Attorney General to delay this debate until we are able to get a proper legal opinion on this matter.

I do not want the Legislature to be on a collision course with the Judiciary on matters like what we have before us. So, Madam President, with those few words, I want to thank you very much for correcting me and helping me as I went along and I hope that my colleagues, and so on, would in fact be able to appreciate the importance, sensitivity and critical importance and significance of ensuring that we do not cross the line, and we maintain the separation of powers between the various arms or organs of the State. I thank you very much, Madam President.

[*Desk thumping*]

**Sen. Anthony Vieira:** Madam President, let me start off by saying I am uncomfortable with this legislation, and my concerns arise not just from a constitutional legal point of view, but from hands-on practical experience before licensing committees.

Before going into the actual legislation, I would support Sen. Mark's call for a post-scrutiny committee. We have talked about that in the past, one that would comprise jurists, and perhaps, retired ex-judges and constitutional experts. But the fact is that Parliament does have a responsibility to monitor that the laws it has passed have been implemented as intended, and that they have the expected effects. So such a committee, I think, would be a very important tool for increasing government accountability.

Now, the purpose of this legislation, as you have heard, is to validate the constitution of committees who continued sitting since July 2014. Under the original Act, a licensing committee consisted of a magistrate from time to time assigned for duty, as such in a magisterial district coterminous with the licensing district, or where more than one magistrate is so assigned, any such magistrate; the authorized officer designated for that licensing district; and one person nominated by the Minister.

The legislation that came about in 2014 changed that, so that a licensing committee would now consist of:

- “(a) the Clerk of the Peace or, where more than one Clerk of the Peace is assigned to a Magisterial District, a Clerk of the Peace designated by the Chief Magistrate;
- (b) one person or his alternate, nominated...”—firstly—“by—  
the Tobago House of Assembly, in the case of Tobago; or

- (c) the Municipal Corporation of the municipality in which the magistrate's court is located; and one person nominated by the Minister in consultation with the local business associations or his alternate.”

So, the first thing that leaps at me is, apart from the fact that the magistrate is no longer sitting under the 2014 legislation, you basically still have the committee that you would have had ordinarily.

Now, I do not know if am not completely satisfied with the explanation that has been given as to why this law was not properly operationalized. But that aside, we are being asked to validate the constitution of the committees. We are being asked to validate acts, decisions, omissions and proceedings of technically-defective committees over the last four years, and on top of that, to grant them immunities. Well, unfortunately, I cannot turn a blind eye to certain irregularities that I observed first-hand and to a disconnect between what is written in the law and to what obtains in practice.

Let us look, for example, at section 21(3A). Section 21(3A), and the Attorney General referred to this in his opening remarks. Right, yes, so this reads:

“Where an objection to the grant, transfer or renewal of a licence is made in accordance with this section, the licensing committee shall meet with the applicant and the objector to assist them in reaching a mutually acceptable resolution.”

So, previously you had a magistrate sitting. We have taken the magistrate out of the equation. So you basically have laypersons comprising this committee. And when an objection arises, they come down and they meet with the objector and the applicant to try to effect a resolution.

What I want to tell you, I had a situation where I cited this law and the

licensing committee looked at me like I was from Mars. They did not have a clue about—mutually acceptable resolution? They are not trained in mediation. Where are we going to have this meeting? We are sitting in a court; space is a problem. There is no venue. So I want to tell you, and this is also in the Registration of Clubs Act. It is totally disconnected with the reality. If we are going to be implementing this kind of provision, then there has to be training for these licensing committees. There has to be a designated space and this thing must make sense. But right now this is just decoration.

An aggrieved person can appeal to a magistrate to review a decision. This is section 22. So now let us look at that.

**Madam President:** Sen. Vieira, if I may. You are focusing right now on the parent Act. Correct? The parent Act, which was not implemented the way it should have been and consequently we have this Bill seeking to validate the actions that were taken.

**Sen. A. Vieira:** Yes.

**Madam President:** So, I am just asking, as we proceed with the debate, that we focus on what is before us and not debate the parent Act. Yeah? Because the parent Act has been passed. Debate took place and has been passed. Okay?

**Sen. A. Vieira:** Madam President, I totally understand what you are saying. But this validation does not operate in a vacuum. This validation occurs because acts, omissions and things that were dealt with by defective committees, we are now asked to say: “Well, we giving you a blessing. We giving you a bligh.” And so we cannot just deal with this on these words alone. We need to look at what those committees do, did not do and that they are saying: “Okay, we are going to give you the immunity. We are going to validate.”

**Madam President:** Sen. Vieira, I completely understand what you are saying.

What I am trying to impress on Members is that we cannot re-debate the parent Act. So whatever is in the parent Act is in the parent Act. Okay?

**Sen. A. Vieira:** Understood, and I thank you for your direction. I will not debate what is in the Act. I would debate an experience with respect to actions and omissions.

Now, in section 22, where it says that a person who is—

“aggrieved by any decision of a licensing committee granting or refusing a certificate for any new licence or any renewal or transfer may apply in writing to a Magistrate for a review of the decision and for the purposes of this section ‘any person aggrieved’ means the applicant, or any person”—entitled to object.

Well, I can report that I had a situation where there was a grievance. The section was invoked and the Chief Magistrate said point blank: “I am not comfortable reviewing any magistrate. If you want to deal with this, you have to have to go to the Court of Appeal.” So, again, yes, passing law, but the law is not being implemented. Now, so when Sen. Mark asks: “Can Parliament validate?” I think that is a valid question, and I would also add even if we could validate, should we?

Another area of real confusion that has been arising in practice over the past few years, Madam President, has to do with licensing committees when people are applying for music licences and liquor licences and it has to deal with the CMOs, the Collective Management Organizations. Now, we have three fiercely competing CMOs. But it is very clear that the licensing committees have had no training, no guidance. They have little or no understanding about the difference between copyright and neighbouring rights. They are treating all the CMOs as though they are all equally similarly situated, without understanding that each one

has its own repertoires and a licence is only required in respect of whether your particular works in your repertoire are going to be used, and even people demanding licences in the belief that works might be played.

These are serious issues that are affecting people because they have to put out money for these licences. And so, I would like to suggest, for example, on this one, that besides training and guidance, that event promoters should provide a playlist of the songs that they intend to use, so that an informed decision can be made as to which CMO needs to grant or issue a licence.

But the fact is, because of the confusion, over these past few years, since 2014—[*Interruption*]

### ADJOURNMENT

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Madam President, I beg to move that the Senate do now adjourn to Wednesday, May 15, 2019 at 10.00 a.m. Madam President, may I advise that on that day, the Government intends to take through all its stages the Finance Supplementary Appropriation (Financial Year 2019) Bill, 2019, provided that it is passed in the other place.

**Madam President:** Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised. Sen. Mark.

### Price of Natural Gas (Contract Negotiations)

**Sen. Wade Mark:** Thank you very much, Madam President. Madam President, the price of natural gas for downstreamers has been a major problem in Trinidad and Tobago since the Prime Minister and the Minister of National Security, then Minister in the Office of the Prime Minister, journeyed to Houston, Texas, and negotiated directly with EOG, bpTT, new gas prices for the Republic of Trinidad

and Tobago.

Madam President, try as we may to get from the Government—especially the Minister of Energy and Energy Industries—what were the terms and conditions of this new gas price, what was the new gas price arranged or arrived at, we could not get from the Government. All we are getting: “It is a secret and confidential document. We cannot reveal it. It will be a breach of confidentiality between the Government and NGC, in this instance, and the particular company.”

“Well, yuh know, dey say God does not sleep.” He may wear pajamas, and eventually he woke and he revealed to the people of Trinidad and Tobago, through EOG in an annual report, Madam President, the sell-out by this Government of the patrimony of the people of T&T. [*Desk thumping*]

Madam President, I am alarmed to read in the newspaper, in the *Guardian* in particular, and there is a date here, which I got from the library but it is not printed properly, but it is here, Madam President, right? The headline is: Gas price revealed. So all along the Government was not denying us the right to know how much they actually agreed with NGC and EOG, but we have EOG telling us here, Madam President, what was the real situation.

Madam President, before the negotiations between EOG and the NGC, they were paying \$1.88 per cubic feet of natural gas. That is what they were paying. Our Government, led by the Prime Minister and the Minister of National Security, went into negotiations with the EOG in Houston, Texas, without any technocrats, by themselves. And Madam President, do you know what is the end result? In the EGO annual report, Madam President, we are seeing, Madam President, where the price of natural gas, they were able to realize a 64 per cent increase in the price of natural gas and that is only for one year.

Madam President, I have from the EOG annual report of 2017, where in

2016, they were paying NGC or NGC was paying them US \$1.88 per cubic feet of gas. After those negotiations, Madam President, we went to \$2.38 in 2017. Negotiations took place, we understand, sometime in March or April of 2017, Madam President. This price of \$2.38, the Government must tell us if this was the new price that they agreed, in terms of the first phase from \$1.88 to \$2.38, Madam President. That is only one side of the story.

Madam President, do you know that in 2018, which is the report I have for the three months ending March 2019, EOG, they moved from \$2.88 to \$2.91? So what we are being told is that in 2016/2017, the price that NGC was paying for one cubic foot of gas was \$1.88. Today, Madam President, the NGC is paying for 1,000 cubic feet of gas \$2.91, Madam President. And we understand that it is rising to over US \$3.00. Madam President, do you know what is the end result of that? Mr. Loquan, Mark Loquan of the NGC is now predicting that the NGC should revisit those prices that the Government of Trinidad and Tobago, who sat with NGC, the Government who sat rather with EOG to negotiate these prices for NGC should revisit those prices.

Madam President, do you know what they are saying?—that the downstream industry will collapse if those prices are not renegotiated. And they are saying that the economy of Trinidad and Tobago will also be impacted upon if we do not revisit those prices. And Madam President, that comes in the wake of a tsunami of shale gas in the United States, and petrochemical plants in the United States are buying gas in the United States at prices lower than the NGC is selling to our petrochemical downstreamers.

Madam President, that is a recipe for total disaster. And when we hear this Government boasting about the Prime Minister saved this country, and the Prime Minister was able to sit—and the Minister of Energy and Energy Industries is

particularly warm in his heart whenever he speaks about that issue. It warms his heart that the Prime Minister was able to sit and negotiate and rescue. Mr. Mark Loquan is saying that they would have preferred a lower gas price. So what is he telling us, Madam President? He is telling us that the Government of Trinidad and Tobago, who took over negotiations for these matters, they did not do a good job on behalf of the people.

This Government, Madam President, they will—Madam President, you know what is going on right now, Madam President? The NGC is so starved for cash in many respects that they cannot take the amount of gas that they are supposed to take from bpTT. They are telling bpTT do not supply me with the gas. You could imagine that? NGC, who needs gas to supply to downstreamers, are saying to bpTT do not supply me. They cannot pay. The prices that the Prime Minister and Stuart Young, the hon. Minister of National Security, Madam President, that they both negotiated in Houston, Texas, on behalf of this country is a no-dealer. It is a no-dealer.

And I want the Government to understand that transparency, in terms of contract prices, must become open on the table. Let the country see what you have negotiated. Why must I have to go? Why must I have to go to the EOG annual report to see that this Government negotiated this kind of price from \$1.88 to \$2.91, the first quarter of March and rising, I am understanding, Madam President, to over \$3.00. This cannot be fair. We want the Government to account to the Parliament this evening. Sorry, we want the Government, Madam President, to account to us this evening. Thank you very much, Madam President.

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Madam President. Madam President, when you are ignorant of a matter, it is better you say quiet and protect yourself than open

your mouth and embarrass yourself.

Madam President, the gas industry international has been evolving. Trinidad's whole gas profile has changed. When I was growing up as a boy in Mayaro "is only gas flares you used to see off the east coast". Some of you who grew in the '70s and '80s will know that. Something has evolved in the gas market now called the gas value chain. No sector is independent of each sector. Upstreamers search for, explore, drill for and produce gas. The midstreamer, which is NGC, transports the gas, processes the gas and sells it to the downstreamers, which are the petrochemical plants at Point Lisas. And then there is a new industry that has evolved, which is the LNG industry. Because gas is not exportable, except as you converted it into ammonia and methanol and urea or liquefied and exported via tanker.

Trinidad and Tobago gas reserves by international standards are very small. We have .06 per cent of the world reserves. The upstreamers had a valid claim that said we have to get a better price for us to remain alive, because it is more and more expensive to explore for and produce, especially small fields, which is what we are finding now. The large fields have been found already.

The midstreamer, who is NGC now, cannot buy gas at X and sell it at X minus. So possibly, in the old days where they could sell it at X plus five, they have to now scan the value chain and see X plus two or three. And then the downstreamers will say: "I cannot pay X plus, because I will go out of business." So that is where the value chain comes in. What used to happen in the past is that every sector of the value chain negotiated independent of each other's sector. Now, you have to take into consideration the entire value chain. Because if the upstreamers do not search for and produce gas, the downstreamers have no gas to buy.

And NGC, if they do not transport and be the aggregator of gas on behalf of the State, the State cannot extract economic rent from the industry. So, for the first time, we are faced with a scenario where you have to integrate the whole value chain in a negotiation. And that was the reason why the same UNC left all the gas contracts suspended. You do not negotiate a gas contract today for tomorrow. Renewal of gas contracts takes three and four years before the actual expiration of the contract.

When we came into office there were \$4 billion in claims against the NGC by the downstreamers and there was no gas price structure and BP had virtually closed shop and said: "We cannot drill another well in Trinidad and Tobago again until we talk about a gas price."

So if you have no gas upstream, there is no industry downstream.

**4.30 p.m.**

Luckily, without going into the figures, we have taken this as a balanced approach. We have settled gas prices with EOG, with BP, with BHP and with DYNNO. Those are the major gas suppliers, the final term sheet has already been agreed to with Shell, and Shell is the last operator. So, on the gas supply side, we are certain. Gas production for the first time in February this year, hit 4 billion cubic feet per day. So the supply is assured. So, now we talk what is happening with the downstreamers.

The downstreamers do face some challenges, they claim this it is cheap gas, gas giving away in the Permian basin with shale gas in the United States, not giving away, but it is fairly cheap. But to mothball a plant, take it up and take an old plant and build it in Louisiana is not an easy exercise. Most of the plants in Point Lisas have already been amortized.

With all the old talk, the NGC has already concluded new gas supply contracts

with new prices, for the largest petrochemical customer, Nutrien, which was formerly PCS Nitrogen. We have already concluded new gas prices arrangement with CNC, Caribbean Nitrogen Corporation, and they have also concluded gas price arrangements with N2000, there are a couple other companies that still have to negotiate. One of the companies that will continue to have a fairly cheap gas price, is a company called PNLL, Point Lisas Nitrogen Limited, which was the old Panday deal that took the plant from La Brea, and took it to Point Lisas at concessionary gas price.

So it is a balancing act, everybody had to cut their margins to keep the industry alive. I could say without fear of contradiction, that the NGC's profitability under this new gas price arrangement will not be as lucrative as it was before. Because everybody has to take a hit; up-streamers would be taking a hit, the mid-streamer which is the NGC would be taking a hit, and by paying a higher gas price downstream we will be taking a hit. Gas price to the down-streamers are linked to product prices. Right now, methanol and ammonia prices are fairly depressed, but in case it picks up, the whole gas chain picks up.

So, this crisis talk, and everything that happens, where they hear something, that could possibly be telegraphed as a negative in this country, they take it lock, stock and barrel. They will swallow it hook, line and sinker, and come to this Parliament, with motion after motion, question after question, urgent question, question on notice, question for written, matter on the adjournment, private members' motion, only to show up certain little issues that they feel is a crisis. But it is because we are faced with crises in the world economy every day, that is why this Government must be commended for how it has controlled and maintained this economy over the last three and a half years. [*Desk thumping*] Under major crises and we are turning around and you will hear more about that in the mid-year review next week

Monday in the Parliament. I thank you. [*Desk thumping*]

**Telecommunications Services of Trinidad and Tobago Limited (TSTT)  
(Contracted Janitorial Services)**

**Sen. Wade Mark:** Madam President, I turn now to the Minister of Public Utilities. [*Interruption*] Yeah, we want to move you.

**Madam President:** Sen. Mark.

**Sen. W. Mark:** You think we want to keep you there? Madam President, I want to address this matter to the Minister of Public Utilities. Madam President, we wish on this side to express our grave concern over reports that we have received regarding allegations, I say allegations, we want to get answers of bid rigging favouritism, nepotism, corruption in the award of janitorial contracts at the State owned enterprise, 51 per cent, Telecommunications Services of Trinidad and Tobago Limited. Madam President, we have been advised that one firm, maybe they have about two or three playing footsie, with that one firm, Trinidad and Tobago Carpet Installation is being given, or has been given favourable consideration for all of the over 300 sites that are maintained by TSTT.

The Minister must clear the air for the people on this matter. Madam President, this development of monopolizing janitorial services for this one major entity is leading, or has led to the demise of several small contracting firms who have given years of dedicated service to TSTT over the past years, Madam President. Our information reveals that they employ, that is these small contractors, between 200 to 300 employees.

Madam President, the company in question we understand is linked to a PNM executive member who is a former senator. It is said, Madam President, that based on research and due diligence on this particular company called T&T Carpet Installation, this former People's National Movement executive member who was also a former senior executive member of TSTT is intricately involved with the

operations of T&T Carpet Installation which we understand is the blue-eyed boy of TSTT. Madam President, this senior executive has been seen or alleged seen to be frequenting the executive floors trotting, hopping, and running up and down TSTT whilst allegedly signing in the visitor's book, as an employee, purportedly to hold meetings with senior executives of TSTT.

Madam President, it has also been alleged that as a result of this relationship, the company in question might have been, as we speak, selected among two others as the sole provider of janitorial contracting services to TSTT at the expense of several small contracting firms, which as I said employ hundreds of nationals.

Madam President, this situation calls for an immediate forensic investigation and for that report to be made public at the end of the process. Madam President, from all indications the corrupt exercises at TSTT through this particular arrangement is leading to a feeding frenzy whilst ordinary workers have been placed on the breadline.

The United National Congress, based on the information that we have before us if that information turns out to be true, calls on the Government to take action and to launch an enquiry into this particular matter. We know that the Minister of Public Utilities has a hands-off approach. He has already made it public, he is not a micro-manager. He follows whatever is given to him by the utilities under his watch. I hope this is not the case, Madam President, I hope, Madam President, that the Minister of Public Utilities would probe this janitorial contract procurement process at TSTT. If it has not been closed, as we speak, we ask the Minister to look into it swiftly, and if it has been closed we ask him to reopen. Open the gates and investigate this transaction.

Madam President, there are many other things that I have in my armory on

Telecommunications Services of T&T  
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Sen. The Hon. R Le Hunte (cont'd)

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this scandal but as usual I give the Government the benefit of the doubt. I give the Minister the opportunity to come clean, to tell this Parliament what has happened at TSTT with the janitorial contracts. As I gave him an opportunity some time ago to level with this Parliament on what happened with the CEO. And, Madam President, I would want to bring to your attention, at the appropriate time, a matter of grave importance as it relates to the information that was revealed to the Minister when in truth it was a little different from what he purportedly told this Parliament. But that is not for today. I simply want to put the Minister on notice that this information that we have received, we have bundles of documents on this matter. I am giving the hon. Minister, as I did some time ago, the opportunity to tell this Parliament what is the state of play with the janitorial contracts.

**Madam President:** Sen. Mark, your time is up.

**Sen. W. Mark:** Thank you very much, Madam President.

**Madam President:** Minister of Public Utilities.

**The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte):** [*Desk thumping*] Madam President, let me start by apologizing on behalf of the people of Trinidad and Tobago and Members of this House to the owners of that company, Trinidad and Tobago Carpet Installation, whoever they may be, you seem to be more aware of who they are. But here it is again another hard-working, I am sure, company that is out there doing what they need to do and their name, because of privileges and private privileges that we have here, their name is being dragged through the mud in this Senate.

Again, I do not know where you get your facts, Sen. Mark. But your facts again, always seem to be geared towards creating drama, looking for mischief where there is no mischief to be had. We do not operate like that in this particular

Government. I want to clear up before I get into the fee, you talked about hands-on and hands-off. Everyone knows me as the Minister to be a very hands-on person. However, there are times where I believe that you have to have confidence in your board of directors in what they do and we at this level, the role of a Minister is not to be directing what happens within the operations of a company that is not how we operate.

As per this particular conversation, I have in detail what it was, and I want to share with this Senate why we have to be careful of what we do. Madam President, this issue relating to the procurement of janitorial services by the Telecommunications Services of Trinidad and Tobago goes back to July 2015 when at the expiration of the existing contracts, take note, the existing contracts expired for janitorial services of its major classes of building. The board of TSTT, in order to facilitate business continuity, extended the contracts that were existing, came and met contracts, extended the 12 contractors for an additional two years so that business continued. Nobody went in and changed anybody, left them as they were.

Following which in October 2017, we now in 2017, two years in office. TSTT issued a request for proposals for the provisions of these services, new contract services. However, the RFP in 2017, in October 2017, did not yield the required results, as it was felt that it would have contributed to increased concentration risk with higher costs and the provision of those services than existed. So, that was the RFP that went out in 2017 which is the RFP that my colleague is speaking about. As a result, the executive management took a review of the entire RFP process as well as the proposed tendered awards.

Based on the lessons learnt a new RFP was issued in July 18, 2018, closing

on the 9<sup>th</sup> of August, 2018, which included a more robust performance based management system with established key performance indicators and service levels agreement. As a result of that new RFP, and I take note in July 2018, 33 vendors report responded to the RFP, of which 10 were selected. Eight comprising new contractors and two were from the previous contractors, transparency—two of the previous contractors, eight new contractors, 10 people. These awards—these contractors are now in place, they started from January 01, 2019, and they have been engaged for a two-year period.

Those are the facts, as a result of this process the janitorial services that were being provided even now under new contracts are being done at a savings of \$652,134.60. It is interesting that here it is in 2017 we are doing and providing janitorial services cheaper than when the contracts were done way back in 2012, janitorial services that actually come down. And there is no one person who got any contracts, there were 10 contractors. And the person that you are speaking about, Trinidad Carpet, when I looked the list—again. So I want to say that there is no one person, Trinidad Carpet that got all the contracts, that is a fabrication, that is fake news, that is false information.

And if you get your records correct you will see that the process that you are speaking about, that that whole tendering process was cancelled and a new one was put in place that led to this new awards. So, please, again as I started I will end. I want to apologize for that piece, for dragging the name of a good company, I am sure, and the name and the directors of that good company through this Senate with false information. I thank you very much.

*Question put and agreed to.*

*Senate adjourned accordingly.*

Telecommunications Services of T&T  
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*Adjourned at 4.50 p.m.*