

**SENATE**

*Friday, March 20, 2020*

The Senate met at 1.30 p.m.

**PRAYERS**

[MADAM PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Madam President:** Hon. Senators, I have granted leave of absence to Sen. Avinash Singh who is ill.

**SENATOR'S APPOINTMENT**

**Madam President:** Hon. Senators, I have received the following correspondence from Her Excellency The President, Paula-Mae Weekes ORTT.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND  
TOBAGO

By Her Excellency PAULA-MAE WEEKES,  
O.R.T.T., President of the Republic of  
Trinidad and Tobago and Commander-in-  
Chief of the Armed Forces.

/s/ Paula-Mae Weekes

President.

TO: MR. HARVEY BORRIS

WHEREAS Senator Avinash Singh is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby

**UNREVISED**

appoint you, HARVEY BORRIS to be a member of the Senate temporarily, with effect from 20<sup>th</sup> March, 2020 and continuing during the absence of Senator Avinash Singh by reason of illness.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 20<sup>th</sup> day of March, 2020."

#### **OATH OF ALLEGIANCE**

*Sen. Harvey Borris took and subscribed the Oath of Allegiance as required by law.*

#### **ARRANGEMENT OF BUSINESS**

**Madam President:** Hon. Senators, I am advised that we are awaiting receipt of the amended Bill which is coming from the other place. So in light of that I am going to suspend the sitting for 20 minutes to allow for the receipt of the amended Bill and for circulation of same. This sitting is suspended for 20 minutes.

**1.35 p.m.** *Sitting suspended.*

**1.55 p.m.:** *Sitting resumed.*

#### **MISCELLANEOUS PROVISIONS**

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

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

**UNREVISED**

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020 (cont'd)

2020.03.20

2020.03.20

2020.03.20

brought from the House of Representatives [*The Attorney General*]; read the first time.

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

*Question put and agreed to.*

### **CORONAVIRUS SPREAD**

#### **(PARLIAMENT'S EFFORTS TO CURB)**

**Madam President:** Hon. Senators, it was remiss of me when last we met on the 17 March, 2020, to not advise that in our collective resolve to curb the spread of the coronavirus COVID-19, the Parliament had taken steps to provide Members and staff with a safe environment to conduct its parliamentary business. Among the steps taken, you would have observed at our last sitting, in accordance with the guidelines provided by the World Health Organization, our seating had been reconfigured to facilitate social distancing.

Above and beyond our adjusted seating arrangements, I had discussed with the leaders and the coordinator other measures that we have taken, such as the requirement to sanitize one's hands on entry into the Red House and Cabildo Building, and that we have in the Parliament instituted daily sanitizing and steaming of work spaces and other areas within this building.

The COVID-19 virus has on the administrative side been engaging the attention of the Presiding Officers and the Clerks of the House and Senate for quite some time. On the business of the Senate side, it is to be noted that since the 28<sup>th</sup> of January, 2020, while there were two Matters of Urgent Public Importance raised and not allowed because of the high threshold required, some 14 Urgent Questions with the attendant two supplemental questions have been allowed and discussed.

As we begin this extraordinary sitting I give you fellow Senators and the

**UNREVISED**

Coronavirus Spread (Parliament's  
Efforts to Curb)  
Madam President (cont'd)

2020.03.20

2020.03.20

2020.03.20

national community the assurance that this Senate is, has been and remains committed to playing its part in the collective national effort to meet the challenges of and ultimately to triumph over Covid-19. [*Desk thumping*]

#### ARRANGEMENT OF BUSINESS

**Madam President:** Before I call on the hon. Attorney General, may I ask the Leader of Government Business whether there has been agreement between the Benches according to Standing Order 117?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam President, there has been no agreement.

#### MISCELLANEOUS PROVISIONS

##### [2019 NOVEL CORONAVIRUS (2019-NCOV)] BILL, 2020

**The Attorney General (Hon. Faris Al-Rawi):** Much obliged, Madam President. Before I begin, in the House just a short while ago the Speaker had announced that we would have a limit on time. Is it that the question passed a moment ago was that there is regular speaking time in existence and not the truncated time that the House agreed to?

**Madam President:** That is correct, Attorney General. In the House there was a different scenario, and while it is an extraordinary sitting in extraordinary circumstances perhaps the Standing Orders could have been utilized. That is what they are there for. From what the Leader of Government Business has told me there is no such agreement. So you can continue and you have your normal speaking time.

**Hon. F. Al-Rawi:** Madam President, I do not propose to use my full speaking time hopefully because I thought that it was a sensible move in the House that we had engaged.

UNREVISED

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Hon. F. Al-Rawi (cont'd)

2020.03.20

2020.03.20

2020.03.20

Madam President, I beg to move:

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

Madam President, I stand in an extraordinary sitting of this honourable Senate having just completed an extraordinary sitting of the House of Representatives. Certainly in my near 10 years in this Parliament as a legislator it is the first time I have had the pleasure of sitting in both Houses of Parliament on the same day, on the same issue. I think that the parliamentary staff and that hon. Members are to be commended collectively for seeing such efficient work of the Parliament come for the benefit of the people of Trinidad and Tobago.

Madam President, as a matter of fact and record, I wish to premise this debate in the context of the following milestones that this country has witnessed.

The situation of the development of what was then known as the “coronavirus” in the outbreak which started in Wuhan Province in China, began at the early part of this year, the latter part of last year. Indeed, the world was put upon caution of the need to treat with infectious circumstances coming from the virus. We in Trinidad and Tobago paid very careful attention to these developments. We looked at the situation in China and we took note as a Cabinet and as a government of the need to exercise care and caution.

**UNREVISED**

Indeed, we were approaching the Carnival period at that point, and the Government, notwithstanding our excellent historical relationship with the Government of China and the People's Republic of China, we having been one of the first countries in the world to recognize China in that way. Trinidad and Tobago under Dr. Eric Williams was one of the first countries in the world to establish relationships with China in a One-China policy arrangement. We took a deliberate position, evidenced by a Cabinet Note and Minute of January 28, 2020, which dealt with proposed travel restrictions to minimize the risk of the importation of the 2019 Novel Coronavirus into Trinidad and Tobago.

By virtue of the Cabinet's function under its prerogative and powers, certainly under the Constitution—section 79 of the Constitution vests the executive authority in the Cabinet—we had the Minister of Health agree, and the Cabinet took the decision, with immediate effect, to treat with persons who are at present living in or visiting China to be prohibited entry into Trinidad and Tobago where they have departed China within a 14-day period. That fortunately for us left us in a situation where we managed to look at what the WHO's period for infection looked like, which is 14 days, look to see if flu-like symptoms developed in that time and therefore we could screen better the entry of persons into Trinidad and Tobago.

Madam President, by virtue of Legal Supplement Part B, Volume 59 No. 11 on the 31 January, 2020, Her Excellency Paula-Mae Weekes, the President of the Republic of Trinidad and Tobago, by virtue of Cabinet request and decision, issued a proclamation declaring 2019 Novel Coronavirus to be a dangerous, infectious disease.

**2.05 p.m.**

**UNREVISED**

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Hon. F. Al-Rawi (cont'd)

2020.03.20

2020.03.20

2020.03.20

That was issued pursuant to the existing laws of Trinidad and Tobago, and that is, in particular, the provisions of the Public Health Ordinance, Ch. 12 No. 4. Madam President, that step of declaring the coronavirus, as we have, and that is as a dangerous infectious disease, triggered the ability in Trinidad and Tobago which we published in legal notice also dated 31<sup>st</sup> of January, 2020, under the Quarantine Act, Chap. 28:05. By that order, we allowed for the novel coronavirus to be treated under the quarantine provisions.

Madam President, Carnival was upon us. Fortunately, now we are able to say insofar as there have been very few cases— nine as at today's date, COVID confirmation cases— we know for sure that those steps resulted in Carnival coming and going without any recorded infection of the COVID virus.

Madam President, on the 27<sup>th</sup> of February, 2020, by Cabinet decision we put further measures for restriction for the COVID virus into place and, in particular, we further limited a number of jurisdictions in the same quarantine aspect and prevention of travel aspect. Those jurisdictions included much of the APG, the Asia/Pacific Group, as we now know, Korea, et cetera, we introduced those restrictions and very importantly, we established a multi-sectoral committee comprising the Chief Medical Officer as Chair. And I would like to stick a pin and pay a huge public compliment to the Chief Medical Officer, Dr. Roshan Parasram [*Desk thumping*] who has stepped up to the plate of Trinidad and Tobago's performance as a public servant but who has done so with a measure of calm, a measure of precision, ably assisted by someone who has risen as a star in this country, Dr. Michelle Trotman, [*Desk thumping*] who has also, through a very measured communication, joined the Minister of Health who has been leading the communication effort on behalf of the Government, together with the Minister of

**UNREVISED**

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Hon. F. Al-Rawi (cont'd)

2020.03.20

2020.03.20

2020.03.20

National Security, then joined by the Prime Minister and the Minister of Labour and Small Enterprise Development, and several of our colleagues, social development, finance, et cetera, in speaking to this issue.

These members were added to that special committee, the following members: Chief of Defence Staff, Immigration Office of CIO, the Commissioner of Police, representatives from the Office of the Prime Minister, Ministry of Finance, Ministry of Works and Transport, Education, Rural Development and Local Government, Tourism, Trade and Industry, Foreign and Caricom Affairs, National Security, Communications, Social Development and Family Services, Airports Authority, Civil Aviation Authority, Port Authority, Office of Disaster Preparedness and Management, the Commissioner of Police, the Tobago House of Assembly, the Tobago Emergency Management Agency, and they were mandated to translate and operationalize the WHO strategy.

Madam President, on the basis of the multi-sectoral work, the Minister of Health has been able to create a parallel health care system, adding hundreds of beds with technical capacity, having masks, testing kits, a protocol of procedure for dissemination of information, and what we are looking at, which has now become quite common in terms of reference, is the flattening of the curve. The flattening of the curve refers to avoiding a peak spike in infections in your community in Trinidad and Tobago, which peak spike in the number of people infected, could inundate your health care system.

If your health care system is inundated, it means that the people most in need of medical attention in our health care institutions will be struggling for space and medical attention and therefore, there is a direct risk to mortality, the death rate can potentially climb. We have seen that in a number of countries: in Italy, in Europe

**UNREVISED**

as we are seeing it unfold, in the United States of America. That spike is what you refer to as in need of flattening and what “flattening” means is, controlling your infection and management of infectious disease over a longer space of time within the capacity of your health care system. Obviously, not being a doctor, but understanding that which has been communicated by others so far, it is intended that the population will, over time, recover in a measured way from infection and therefore, have a form of immunity in the population of Trinidad and Tobago.

We are blessed to have a medical practitioner of distinction with us in the Senate today and I am sure that we will hear from the hon. Senator as to the technicalities of this.

Madam President, permit me to say before I get to the next milestone, we are in unprecedented times. The last time that Trinidad and Tobago experienced an event like this of significant measure was in 1920 with the Spanish flu. Forty to 50 million people died in the Spanish flu in 1920. I was regaled with stories from my grandfather, Lionel Seukeran, of the typhoid experience in Trinidad and Tobago. We have had infectious diseases before, but our population in terms of size, our economy in terms of structure, has not been certainly under the experience that we are experiencing now. The phrase is that, “We must expect the unexpected”. We are not in the position of responsibility for the management of this situation, this pandemic, lying in one quarter alone. The Prime Minister, the hon. Dr. Keith Rowley correctly surmised and put out that this is a four-pronged obligation: the State, the private sector, labour and the individual. There are four elements in this equation, four parts in this equation. I want to draw a very important distinction as it will arise in the context of this Bill.

The Bill before us is intended to treat by way of statute, effectively, a hold

**UNREVISED**

on matters which would expire: your driver's licence, your motor vehicle registration, your inspection certificate, the need to file your company's returns across the Companies Registry landscape, the ability to treat with your licences which will expire: liquor licence, cinematograph, pawnbrokers, precious metals, money lenders. All of those events require you to attend at a public place, have reports from public officers, for instance, public health officers, inspectors, et cetera, pay in a public space in a confined environment. And the measures before us today are intended to effectively have a validation of all existing licences, provisions, et cetera, under the various 10 pieces of law that we have touched, have them valid and kept in valid state notwithstanding their expiry, notwithstanding the need to come to the public institutions to extend them. We come now with as many as we can find to preserve the validity. We allow a formula which says that this shall be in respect of anything which expires prior to the 27<sup>th</sup> of March, 2020, and including the period 27<sup>th</sup> of March, 2020 to the 31<sup>st</sup> of July, 2020.

Then we take a further point, we say that the validity shall prevail up until August 31<sup>st</sup>, meaning if July 31<sup>st</sup> is upon you, you can engage in the renewable process in the period July 31<sup>st</sup> to August 31<sup>st</sup>. We have put a very careful caveat, we allow across the 10 laws the ability of the Minister with responsibility for management of those laws to extend the time frame, the deadline dates by order, meaning by a stroke of a pen, depending upon the circumstances that Trinidad and Tobago is in, the stroke of a pen can extend the date and therefore continue in validity.

In this environment, Madam President, I was about to say, this is not your typical position as we have experienced with states of emergency. We can treat with infectious diseases and dangerous infectious diseases in law, in a few

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Hon. F. Al-Rawi (cont'd)

2020.03.20

2020.03.20

2020.03.20

formulae. Number one, by virtue of section 8 of the Constitution where you have the emergency powers under a state of emergency.

Number two, under the disaster management Act, where you can declare parts of Trinidad and Tobago, arguably the whole of Trinidad and Tobago as a disaster area and therefore, go into measures similar to a state of emergency.

Number three, you can amend miscellaneous provisions of the law. Number four, you can take Public Health Ordinance, which is an ordinance when we were a Crown Colony birth in 1917, and invoke the powers of the Minister, described in that old law as “a board”, where you can take public health measures for and in respect of an infectious disease or a dangerous infectious disease. So let us tie it up now.

COVID-19 is a dangerous infectious disease. January 31, 2020, Her Excellency the President made that proclamation at the Cabinet’s request.

Step two, we are under the public health arrangements, under the Public Health Ordinance. We are not under a state of emergency, section 8 provision. Under the state of emergency section 8 provision, we would have the ability to manage certain regulations but what we are accustomed to, from those of us old enough to remember our experiences under state of emergency, in the traditional state of emergency context where you have had a curfew, people still went to work, production still happened, jobs were still preserved, money could be made, taxes could be paid, the Government could run. So point number one in “expect the unexpected” is, this is not a normal situation.

Point number two, we are looking in the context of this Bill as to our revenue. We are not the United States of America whose currency is pegged on a fiat, meaning there is no backing to the US dollar. They do not have gold bullion,

**UNREVISED**

they do not have reserves of certain currencies, they can print money. An act of their respective cycle says, “Print \$5 billion and spend it.” In Trinidad and Tobago, we must back our currency, we must have reserves for our currency and therefore, preserving our reserves require us to earn money. To earn money—the last point to not forget is the most important. We earn money by the sale of our oil and gas, in large measure, supplemental petroleum taxes, corporation taxes, pay as you earn taxes, that is what allows the Government to pay the bills and keep the lights on.

Now, I have said that because no doubt, the population listening in to this debate is concerned about relief measures, how we will manage our situation. I want to put onto the record, this is a dynamic situation which is flowing day by day. The Cabinet, through the hon. Prime Minister, has demonstrated pursuant to the provisions of section 79 of the Constitution that we ask for the population to self-regulate. We gave guidelines, we gave parameters, we asked for people to socially distance, we are doing here in this Parliament.

The next step that we are taking today is preservation of liability but yesterday, we issued a legal notice invoking regulations under section 105 of the Public Health Ordinance, and we put in regulations to say: number one, “bars”—and I put that in inverted commas because it is not a defined concept— which are licensed should not open for the sale of their liquor licensing. Two, that restaurants should not have in-house dining. Three, that there would be an offence of six months, that is the maximum exposure that you have if you are found in those circumstances.

It is important to note that we here today in the Bill amending the Public Health Ordinance because section 105(3) currently has a dollar fine of \$480 and six months. In the law you must say in your regulations, what the offence includes

which is why in the regulations gazetted yesterday, we had those regulations. Those regulations have been amended already because the period that we are offering is one month. It expires on the 20<sup>th</sup> of April. Those regulations have involved, in terms of something which was circulated, the view that in-house hotels had to temporarily be managed because we are aware that people are still at the hotels. But I want to caution that today we will issue a replaceable to these regulations because obviously, if this Senate approves the amendments, we need to include the penalty by way of fine which is currently not in the law, more than \$480.

Also, we will be adding in a prohibition against cinemas operating, the Cinematograph Act, the hon. Prime Minister gave that instruction. So I am warning the population, be on the alert in the, “expect the unexpected” regime that we are in right now that there will be constant adjustment as we move. Why is this happening? This is happening because despite the attempts at moral suasion, some of our citizens are insistent on congregating in manners that they ought not to.

Madam President, please also expect in this scenario that we are going to have a situation where we have to have administrative relief happen. We as a Parliament are doing the Bills before us now, the Acts us, but the administrative management has gone into cycle as well. The Judiciary, by way of Practice Direction, has issued the closure other than order on urgent matters, the Industrial Court, the Equal Opportunity Tribunal, the Tax Appeal Court, all of which fall under the coordination of the Attorney General, we harmonized that.

At the Attorney General’s Office, I would have loved to have had the fanfare of some very hard work applied to something which happened yesterday. Yesterday, as Attorney General, I had the pleasure of launching the first ever

online payment system for a government division. [*Desk thumping*] At the Attorney General's Office, Legal Affairs, we see 15,000 people every three days.

Today, on our new website, which we are copying and pasting to all other divisions of government as a result of the financials instructions, which I drafted together with my team, as a result of procurement which we put into place, as a result of Cabinet decisions taken over a year ago, and with the digitizing of millions of records and documents, Licensing Division, Intellectual Property Office, Registrar General, births, deaths, company's deeds, we had 1,000 visitors to that website already this morning, and we have had transactions flowing. So you order your birth certificate online, you pay for it online and we will deliver it to you via TTPost, Madam President. This is something this country has spoken about for decades but nobody did the work to operationalize it. You have heard me time and time again, talk about plant and machinery, people, processes and then law.

So, Madam President, I would love to underline and stress right now the benefit of what we at AG's Office have accomplished. Works and Transport is next, licensing will be cutting and pasting that on the 2<sup>nd</sup> of April, and we move across every government division because this is an opportunity for innovation. Amazon today hired 100,000 people to deliver. Businesses in Trinidad and Tobago can engage, not in congregation, but in delivery in a manner that is appropriate to the protocols; social distancing, careful contact, sanitization. I would actually believe that, out of this crisis, we have the ability to reinvent ourselves so that persons who are affected in their temporary loss of employment—and let me stress, this is temporary, this will come to an end. The question is: Do we have the resolve and the measure to encourage orderly compliance as a nation? I believe

**UNREVISED**

2020.03.20

that the approach is really best achieved if we take this in a careful way.

The risk that is upon us is community infection. Community infection is the 3:1 ratio, where one infects three, and three becomes nine, and nine goes as you treat with the multiples of exponential growth. We have to manage this in extraordinary measure in an extraordinary way but the way that must be achieved is, firstly, together, with a special resolve for calmness, with an insistence that we agree to comply.

Madam President, it is not that we all do not immediately feel the impact to thousands. Obviously, the closure of bars and casinos affect thousands. The Minister of Finance will be approaching the Parliament next week to carry out further economic measures to deal, as a Government, with the fallout that we are having. But remember the four-part formula: labour, individual, public sector and private sector. No one sector can absorb all of this.

Many businessmen have already, landlords have already started to defer rental or skip rental entirely. Banks, credit unions, all of these are being communicated as we speak. The Ministry of Social Development and Family Services has given a wholesome package of reliefs and benefits. The Ministry of Finance— I do not think Members would ever have thought that we would have seen credit card interest fall from 24 per cent to 14 per cent, and for limits under 25,000 to 10 per cent. We have seen a 3 per cent drop in prime. All of this happened by the Government engaging the banking sector.

Right now, as the data comes into us as a country and we see the effect upon the very most vulnerable aspects of our community, our elderly, our single mothers, our “small man” and “small woman”, that is where the Government, in data, will be able to provide the solutions that we offer.

**UNREVISED**

So my message to Trinidad and Tobago is to have hope and faith, be calm, exercise sensibility, exercise patience and very importantly, be assured that the measures that we have before us, Madam President, are important measures.

At the Solicitor General's Office we have introduced e-filing. You can serve your claims by virtue of email or drop off. We have established hotlines across divisions. In this Bill, you will see we are amending the Bills of Sale Act. Some people may not be familiar with that. Bills of sale statically rank second in volume to deeds. We register roughly about 27,000 deeds per year. In terms of numbers, bills of sale are at 22,000, but you only have a seven-day period after it which it is void, and then you must approach the court, by way of an application to the court, by fixed date claim form to get a court order to extend it or to re-register it.

This Bill before us now keeps the validity of the instrument alive, allows for the extension of time by way of the statute deeming it to be valid and therefore, removes the need to approach the court, approach the Registry, you can take your time.

As our e-payment cycle and our e-filing cycle gets into more spread across the Government— and I wish to genuinely say this, I am grateful that we did this years ago because the exercise of e-filing and e-payment started in 2015 but to do that, you had to digitize the data. You cannot just e-pay if everything is on paper. Millions of records had to be digitized and that is what we have been doing for the time that we have been engaged in this process.

Madam President, the Bill itself is straightforward. Clause 1 is the short title. Clause 2, we treat with the amendments to the Motor Vehicles and Road Traffic Act. We are courtesy a recommendation coming from the House which was not in the Bill we had originally contemplated. We have introduced the validity of

**UNREVISED**

transfers of motor vehicles so that we are preserving the opportunity to not have to go into, effect your transfer and be in an offence circumstance so you do not need to register your transfers until after we have passed this thing. We have also extended the validity of all documents including motor vehicle inspections. Motor vehicle inspections by a combination of section 4 of the Motor Vehicles and Road Traffic Act, together with section 26 of that Act, you do not need to inspect your vehicles in this pandemic period.

Companies Act, we are giving an amnesty. There will be no penalty for non-filings for all documents in the formula that we have prescribed, and that is until the 31<sup>st</sup> of July or such period as may be extended.

Bills of sale that I have just referred to, we are making sure that you do not have the obligation to act within the seven days for registration and reregistration. We are preserving what we would call loosely the “pandemic period” as a validity period.

We are, in the Public Health Ordinance, we are going to amend the \$480 fine up to a maximum of \$50,000. It is not that you are going automatically be exposed to that. The Interpretation Act and the case law says that the judicial discretion is the one that says how much you are going to pay and what your liability to an offence is. So the upper limit is \$50,000. The law since 1917 said six months, and we are going to leave that the way it is.

The Cinematograph Act, the Registration of Clubs Act, Theatres and Dance Halls Act, the Money Lenders Act, the Pawnbrokers Act, the Licensing of Dealers (Precious Metals and Stones) Act, the Old Metal and Marine Stores Act, all of those clauses 6 to clauses 12 inclusive, that is the validation period being kept open, again, with the caveat that we can extend by way of order.

**UNREVISED**

Madam President, we believe certainly that we do not know everything, that there will be need to adjust. We are well familiar in this Senate with my maxim of “just start”. The Parliament is here to work. I wish to pay a public compliment to the hard-working essential services in Trinidad and Tobago who, by the way, include the supermarket attendants. I want to pay tribute to the innovation of Trinidad and Tobago, that innovation includes Tru Valu saying, “Put your order by WhatsApp, we will fill your bag and you can collect it”. We are innovating our way out of this circumstance. I look forward to contributions from hon. Members in this debate, and I beg to move. [*Desk thumping*]

*Question proposed.*

**Sen. Wade Mark:** [*Desk thumping*] Thank you very much, Madam President. Madam President, we on this side are committed to doing everything in our power to ensure that the health, safety and security of the people of T&T is given number one priority in this very uncertain and unpredictable period that our country is currently experiencing.

Madam President, whatever we do, we have to ensure that there is equity, there is transparency, there is accountability in rolling out the various measures that we are participating in debating today and in the coming days.

Madam President, there is no doubt that the global pandemic, brought about by this new enemy of the global community called the “coronavirus”, requires unity, solidarity and a common purpose in achieving a particular objective which would be, Madam President, the complete elimination of this threat to our humanity.

**2.35 p.m.**

Madam President, today as we speak, the number of cases near 250,000. In

Italy alone 612 persons have died, only in one day. Madam President, in that country alone, you have a record of over 4,000 deaths, after China, the largest in the global community. In the global community, overall we have had 10,000 deaths. So we know it is serious business that we are facing. In our own country we have been advised by bulletins that are released by the Minister of Health and the Ministry of Health, that thus far we have nine confirmed cases. Luckily, fortunately, and I hope it stays that way, we have had no deaths; thus far. That is extremely good. The Attorney General, like so many others, have been talking about flattening of the curve. The situation is unprecedented and very abnormal. That is a fact. So, Madam President, we have to ensure that as we have been advised that from one level to another, and we have to do everything to protect that next level which is community infection. We have to do everything in our power to avoid that, and in the war you must have ammunition otherwise you cannot fight. And therefore we have to ensure that there is capacity, the relevant and necessary resources for those who are in the frontline, particularly our health care professionals and workers, nurses and the rest, technicians who are involved in the health care business.

Madam President, I just want to indicate before I get into the Bill itself, I want to commend an article which I read in *The Guardian* of London, dated Wednesday the 18<sup>th</sup> of March, 2020, and this article, to deal with the very issue of community infection and avoiding that, indicated in an article entitled, “Scientists say mass test in Italian town have halted COVID-19”. Mass tests have halted COVID-19. And, Madam President, I just want to share with you and this honourable Senate what this article said in part, I am not going to bore you. This small town called Vo, in northern Italy, had experienced a coronavirus death, and,

Madam President, scientists went into that town and they conducted a major exercise where the inhabitants of that town totalled 3,300 inhabitants in that area, and they tested, they conducted tests on every inhabitant, asymptomatic, symptomatic. Everyone was tested twice, not once, twice. And, Madam President, because of this approach that they took in this place called Vo, Italy, they were able to eliminate the submerged infections and they isolated them.

Madam President, that research in that country called Vo, in northern Italy, revealed that at least six asymptomatic people were tested positive. Those are people, Madam President, like you and me, were walking about in Vo, and nobody knew that they were infected, but because of the mass tests that they conducted in that part of northern Italy, six normal human beings, asymptomatic, were tested positive for COVID-19. The story is, if these people had not been discovered and had not been tested they would have been spreading COVID-19, the coronavirus, unknowingly to other persons in the community.

I raise this point, Madam President, and I want to commend this article to the Attorney General and to the Minister of Health to see what lessons we can draw, because this now is supported by the World Health Organization. That is why its Director General indicated to all of us in a news conference, if it is one message we want to leave with all these countries that are fighting this global, invisible and deadly enemy, is test, test and test. So I want to tell the Government of this country, test, test and test, and if you have to get resources to do that as they did in Korea, as they are doing in America, we do it, because our first responsibility is to save the lives of citizens in our country. [*Desk thumping*] So I wanted to tell you, Madam President, this is a matter of grave importance and we have to avoid, get the resources, test people, whether they are asymptomatic or not.

**UNREVISED**

Test them.

Madam President, as we go to the actual Bill itself, I would like the Attorney General to tell us whether the legal notice that reference was made to in the presentation of the Attorney General, whether Legal Notice No. 54 has been revoked or does it still stand? Because we know that there are two legal notices, one without a number and one with a number, one that says five months to close your bars and your casinos, and serve meals via delivery as it relates to restaurants, and now, Madam President, the Bill that we have before us today has included a number of other bodies. But as it relates to the legal notice, I would like the Attorney General, when he is winding up, to indicate to this honourable Senate which one is legal. Is it 54 or the one that came out yesterday evening, moving the date for the regulations to go into force from the 21<sup>st</sup> of March, 2020, and expire on the 31<sup>st</sup> of July, 2020, or is it the one that came out without a legal notice number that says the regulation comes into force on the 21<sup>st</sup> of March, 2020, and expires on the 20<sup>th</sup> of April, 2020? Clear the air, clarify for the population.

Madam President, as we move on, the area that I am going to try to clarify, and let me indicate from the outset, whatever we are doing on this side of the House is designed to strengthen the legislation. We are in this thing, as the Prime Minister said, together, so we want to strengthen the legislation that is before us, Madam President. And this is why this clause that we have on, what is called, I think, section 5, no, clause 5 I should say, dealing with the Public Health Ordinance, is the one that I want to deal with, and I want to relate it to the legal notice which I have a copy of, and this is the only legal one I can deal with, because it is the only one that is legally available and I can refer to properly before this honourable Senate. And in this legal notice, Madam President, we are advised

**UNREVISED**

of the issuing of regulations, new regulations, under section 105 of the Public Health Ordinance, and in section 2 of that particular legal notice, it states that an offence is committed under regulation 3 if any person was:

- “(a) to conduct the business of a bar, whether or not the person is a licensed person under the Liquor Licences Act;
- (b) to operate a club as defined in section 2 of the Registration of Clubs Act;”—casinos.
- “(c) to provide the amenity of seated dining at a restaurant to any customer.”

I guess that deals with Rituals, KFC, restaurants throughout our country, just to name a few.

Madam President, I did not see in the amendments before us the inclusion of churches. I know—

**Sen. Ameen:** Places of worship.

**Sen. W. Mark:** Places of worship I am talking about here. Thank you. Places of worship. The mainstream churches have from my perspective adhered and complied, and they are doing what they can to keep their congregation alive and not congregate. They must be complimented.

But, Madam President, other places of worship, how are we, how is the State, how is the Government seeking to address that? Only, I think, a couple hours ago there was a big service somewhere in the country, it was in the newspapers, and people were congregated, gathered together. So, that is an area we would like the Attorney General to clear and clarify where in the law are we going to address this? Madam President, the other area I would like to have clarified is malls. What are we doing with malls where you have mass gatherings of people? The

Government must have a policy as it relates to malls? What is going to happen? Now we know it have all kinds of things in a mall, including supermarkets, but we are talking about a legal notice that is calling on bars to shut their doors. That is why I made the point, Madam President, whatever we do we must always exercise equity, transparency in all that we do, so that no one comes to the conclusion that there is some subtle “discrimination” being exercised by lawmakers against them. So we have, Madam President, to be extremely careful. So churches and the malls, or worship—places of worship I should say—and the malls. We want to get some clarification, or we would like to have clarification.

Madam President, the Attorney General may want to tell us as well, how do we deal with Certificate of Good Character?—what is called CoC. We understand that the police, TTPS, has suspended the issuance of CoCs. Some statement, I understand, was issued by the Commissioner of Police office to that effect. If that is so, Madam President, you would know that there are many people who need to get CoCs or Certificates of Character from the police to take to the Immigration merely for them to have an extension of their work permit in Trinidad and Tobago; persons who are non-nationals, as an example. So, transactions that have to be conducted with a CoC, how do we address those matters? Are we also going to have an amendment to the law that would give people up to the 31<sup>st</sup> of July or the 31<sup>st</sup> of August, if it is being suspended by the Commissioner of Police or by the TTPS? These are matters we would like to have clarified.

Madam President, let us go to this clause 5 of the Public Health Ordinance and look at exactly what is being proposed. The Public Health Ordinance, as you are aware, Madam President, from my basic Arithmetic, is 103 years old. It came into existence in 1970 under the colonialists, or the colonial regime. So this is the

law under clause 5, or the Ordinance, that is being amended in what is called section 105, and what 105 says, Madam President, is that there may be attached by way of penalty to any breach of any regulation made under this section a fine not exceeding fifty thousand dollars and a term of imprisonment not exceeding six months.

Madam President, I would say that when it comes to this provision in the legislation we have to be very mindful of what is contained in the parent Act as we seek to amend it in this miscellaneous provision Bill that is before us. Madam President, there appears to be a clash or a collision between what is called primary legislation and subsidiary legislation. In the United Kingdom it is referred to as delegation or delegated legislation. Madam President, I want to make it very clear and I want the Attorney General to ponder on this submission very carefully, and that has to do with the fact that when you go to the legislation, which I would show to this honourable House in a short while, there is no provision dealing with the regulations and the power of the Minister to make regulations that gives the Minister of Health or give us as parliamentarians the power to curtail commercial or business activities in Trinidad and Tobago. The regulations under 105 do not give us in this Parliament the power to curtail people's commercial or business activities.

Madam President, may I remind you, every citizen has the right to enjoyment of property, every person. And every person has a right to assembly and association, and therefore I am submitting to this honourable Senate that regulations cannot exceed the authority of the enabling statute. Regulations, Madam President, must not be ultra vires of the primary law or Act, and if you go to 105 of the parent Act, which is the Public Health Act or Ordinance, Ch. 12 No.

**UNREVISED**

4. Go to 105 subsection (1), you would see, Madam President, where the statute, the law, provides the types of matters for which regulations are being made, and they are listed, Madam President, if you go to the Public Health Ordinance, from (a) to (i).

And, Madam President, (a) to (i) says that the Minister can make regulations if it is, one, to restrain, according to the law. According to the Public Health Act, this is the section that we are amending, you can bring regulations for the following purposes only; only.

The restraint, segregation, and isolation of persons suffering from any dangerous, infectious disease or likely from exposure to infection, to suffer from any such disease.

Madam President, as you go, it deals with the removal to hospital and curative treatment. It deals with the removal, disinfection and destruction of personal effects. It deals with the speedy burial or cremation of the dead. It deals with house-to-house visitation. It deals with the provision of medical aid and accommodation. It deals with the promotion of cleanliness, ventilation, disinfection. It deals with the prevention of the spread of dangerous infectious diseases, and there is an omnibus provision, (i), the doing of any such matter or thing as may appear advisable for preventing or checking such diseases.

Madam President, I bring these provisions to your attention, because we in this honourable Senate have to ensure that these regulations that are being made must fall within one of these headings, and I have not seen any heading that says we have the authority to curtail commercial or business activity of any citizen in the Republic of Trinidad and Tobago. If the Government wishes to do that they must amend the primary legislation in order to give effect to new provisions in the

area or headings that would allow us to do what we are about to do. And, Madam President, I will tell you as I proceed, we have the opportunity to fix this today in this honourable Senate; might have been an oversight on the part of the framers or drafters.

So, Madam President, the power to curb commercial activity and to run one's business as one sees fit involves, as you know, an intrusion of one's constitutional right to enjoyment of property, which is entrenched and protected under sections 4 and 5 of our Constitution. Therefore, none of the provisions that I have read out to this Senate, specifically or intently give the power to a Minister to make regulations to curb commercial activities of businesses and citizens. I have not seen any thus far, and therefore, Madam President, the Attorney General may wish to argue that the omnibus that I read in (i), which is drafted very broadly, may, one may argue, give the Minister the power to do anything, and therefore he can make any regulation as he sees fit. But that would be a flawed argument, an erroneous argument, Madam President.

Madam President, from my research which I did in the last few hours, under extensive pressure, the research has shown me that this (i) under 105(1)(i) tells me, Madam President, that this type of power is confined to the express wording of the statute, and therefore the regulations must fall plainly and squarely within one of the subsections. There is a concept called the "principle of legality", I am advised by attorneys, which is a trite canon of statutory construction. I think Sen. Vieira might be able to guide me on that. I am not getting into your arena, Sir, I am far from that. But it states that broad and vague provisions will be construed narrowly and in any event not in a manner to cut down anyone's constitutional rights, and this is where the principle of legality has come up.

**UNREVISED**

**3.05 p.m.**

Madam President, I looked at a case, in the limited time I had, not being a lawyer, although I am interested in the profession. In a matter entitled or titled:

“Secretary of State for the Home Department, Ex Parte Simms Secretary of State...1999.”

Lord Hoffman, a great jurist, on page 10 of this judgment summarized the principle of legality and its interplay with the freedom of expression in the following way. I would not be too long on this part of my contribution. Madam President, I quote Lord Hoffman:

“I add only a few words of my own about the importance of the principle of legality in a Constitution which, like ours, acknowledges the sovereignty of Parliament.”

And it goes on to talk about what parliamentary sovereignty means.

“Parliamentary sovereignty means that Parliament can, if it chooses, legislate contrary to fundamental principles of human rights.”

But, Madam President, whatever is done, it cannot be done at the risk that can bring about a disadvantage to the citizens.

So, what is very important in this provision here is that there are constraints upon its exercise by Parliament and therefore, Madam President, it is important that in this matter we look very, very carefully at the implications of this provision that we are about to address. The language in that section as I said, Madam President, is very ambiguous and vague, and Lord Hoffman went on to say in the absence of expressed language—

**Madam President:** Sen. Mark. Sen. Mark—

**Sen. W. Mark:**—or necessary implications—

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

**Sen. W. Mark:** Yes. It is important that we pay attention to this question.

So, Madam President, what this therefore means, is that if these regulations, and if I may close on this, what this case said or decides, is that the principle of legality applies to subordinate legislation as much as to Acts of Parliament. And what I would like the Attorney General to consider, is that it says here there is no provision under the various headings under 105 which we are amending, that deals with the curtailment of commercial and business activity, this could constitute a grave situation for us as lawmakers.

It means, Madam President, that if these regulations are passed in their current form without making the relevant changes, these can be challenged and the principle of legality can be applied in determining whether these broad provisions are enough to curtail the constitutional rights of citizens. So, Madam President, we believe that there is need for some consideration of this matter and some rethinking of this matter to avoid any collision that may result in the citizens and the taxpayers paying large fines for damages if we proceed without making the necessary changes.

Madam President, I would like to ask the Government, just as how if I want to go and buy a box of KFC, I can go in my community, line up outside, make my order, collect my chicken and chips, return home. KFC, restaurants, they make their money. Why are we seeking to shut down tens of thousands of bars in the country? Why can we not have the same provision as we have for restaurants being extended to bars, the liquor licence people, where, if I want to buy a bottle of Puncheon, because Puncheon and lime does wonders as you know. I want to go and buy a bottle of Puncheon, Madam President, there is a bar in my community,

why I cannot go and knock on that bar and they give me my Puncheon and I pay them their money? Why must you shut down the bar? And, Madam President, when you shut down the bar it is scores and hundreds of workers who are going to be unemployed.

Is the Government going to pay those workers who are going to be unemployed for that period? Is the Government going to pay me? I happen to be hypothetically the owner of a bar. You shut me down, are you going to pay me for the period of time that you have shut me down, Madam President? These are serious matters. I have a right to enjoyment of my property and if you are taking away my property, you better compensate me, and if you do not compensate me, I might take you to court.

So, Madam President, all I am saying, we have to do everything to protect our citizens' health. I am for that and the party is for that. But we must ensure that we do not infringe on people's constitutional rights unless you are bringing the relevant amendments to the legislation for approval. So, that is the point I want to leave with this honourable Senate today. We are for some of the measures—I mean to say, all of the measures that are being put forward, but what we are saying, Madam President, we need to tighten them up because we do not want the taxpayers to end up in the wrong corner on this particular matter or on the wrong end of this particular matter.

So, Madam President, in closing, I would like the Attorney General to consider some of the submissions that we have made on this side and I hope that, for instance, in his winding up he will be able to deal with some of these issues. I thank you very much, Madam President.

**Madam President:** Before I call on Sen. Seepersad to speak, I just want to remind

Senators that the seating was adjusted in the Chamber to facilitate social distancing. Some Members are now pulling up the seats to chat with their colleagues and therefore the distance is not being maintained. I am not naming and shaming at this stage, but I would ask you please to remember, if you want to chat, maybe leave the Chamber and maintain your respective distances, but not under my eye, please, in the Chamber. So, can I see some chairs moving back to where they should be? Sen. Seepersad.

**Sen. Charrise Seepersad:** [*Desk thumping*] Madam President, thank you for the opportunity to contribute to the debate on the Bill before us. I am in support of the measures taken by the Government to restrict travel and social interaction so as to reduce or halt the widespread rate of infection by the coronavirus. These measures are necessary to minimize the number of persons requiring medical attention and or intensive care so that the health facilities are not overwhelmed.

The prevailing jargon is to “flatten the curve” as it pertains to the spread of the virus. Consequences on a personal and national level are already dire. Mitigating the financial effects at the personal level in the short term is vital. Similarly, the national economic nightmare requires a new approach to economic management and leadership. The recovery horizon is still indeterminable and thinking out of the box towards a different normal may be the way forward. Times like these require courage, intelligence and compassion. If the Wuhan experience is the benchmark then the resumption of normal activity is three to six months from now, but fear and uncertainty are the order of the day.

Madam President, I am very concerned that Trinidad’s maritime borders with Venezuela continue to be breached with impunity. According to the World Health Organization, as of March 17, 2020, there were 33 confirmed cases of the coronavirus in Venezuela. It is uncertain that the same degree of medical testing

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Sen. Seepersad (cont'd)

2020.03.20

2020.03.20

2020.03.20

and accurate reporting is done in Venezuela as we do in Trinidad and Tobago. An unknown number of undocumented Venezuelan nationals continue to be smuggled into the country through illegal ports along the Columbus Channel.

As recently as March 10, 2020, it was reported that 37 Venezuelans were held in convoy vehicles in Cedros, and on March 16, 2020, 29 Venezuelans were held in the same area. According to a report in a *Newsday* article entitled “Quarantine in Venezuela stops travel to TT”, dated today, March 20, 2020, and I quote:

“The TT arrival of Venezuelan refugees has been slowed by measures imposed by the governments of both nations and by transportation companies.”

This may reduce the number of Venezuelan migrants. However the exposure and risk must be reviewed with the same vigilance now in effect in the legal/official ports of entry. While I understand the difficulty and constraints in policing this area more must be done to contain the illegal Venezuelan migrants entering the country.

Madam President, personnel with requisite equipment and resources must be deployed for more effective border control. This is a significant crack in the fabric of our efforts in the containment of this world debilitating virus. Thank you, Madam President. [*Desk thumping*]

**Sen. Dr. Maria Dillon-Remy:** [*Desk thumping*] Madam President, I would like to thank you to join this debate on this Bill that, the name has already been said and it is very long, so I would not bother to call it out again. It was in January that the WHO reported that there was this pneumonia of an unknown cause that was detected in Wuhan, China and it was reported in WHO country office in China

**UNREVISED**

actually on 31<sup>st</sup> of December. And we are almost at the end of March and we have had more than 200,000 reported cases with over 8,000 deaths worldwide. It is in 168 countries or territories. The WHO declared this outbreak a public health emergency of international concern on the 30<sup>th</sup> of January, 2020.

Madam President, I would like to thank the Government for their proactive approach to this crisis. I remember when I heard the early measures with travel bans, that was in January about banning travel to China, I wondered if this was not too drastic because after all, at that point in time we were hearing it was a flu-like illness and I understand that we have flu all the time, including now, this flu season and we have been handling it over the years without declaring a public health emergency.

However, the fact that this is something new and what has emerged over only two months tells me that the action taken by the Government at that point in time was the right one. When I see what is happening, as we see in Italy, where the outbreak is now worse than in China, and what is going on right now in the UK and parts of the United States of America and these are places with excellent health care systems and yet they are being overwhelmed by this outbreak, I do appreciate the measures taken by the Government and I applaud them.

Madam President, permit me to wonder a little as to why we were not as proactive in postponing Carnival. And I would say this because Carnival was only three weeks ago and I just wonder. We have just seen the cases that we have in Trinidad now and the fact that the Government is taking the measures that they are taking now in closing places, closing bars, closing schools, restricting travel, et cetera, I just wonder what may have happened if we had decided to proactively postpone Carnival. I would also like to commend the Prime Minister and the

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Sen. Dr. Dillon Remy (cont'd)

2020.03.20

2020.03.20

2020.03.20

Minister of Health and their team for the openness in treating with the public in having regular updates and letting people know what is happening. For me that is one area where we can say that when you put the information out there first, it means that you have less opportunity for the fake news to go around and I do applaud them for this.

We have an issue though with trust and I am just encouraging our leaders to make sure that whatever is said in the public is something that they know they are going to do and it is not just being said for the sake of being said, but it is being actioned in the Ministries and areas that they are doing it. So that people can say, yes, I believe them and as a result I will do, because we know that we have issues with trust.

I have a couple of questions for the Minister of Health and it is specifically related to the—what is happening on the front line with the medical fraternity. And medical means, medical and nursing and all the persons who are at the front line in this outbreak. Right now there are strict measures for testing and I know that there are issues related to capacity and there are issues related to the—it is something new and they probably have a limited number of kits, et cetera. But I would like the Minister to consider, at least put this in the planning, that as soon as it is possible that there is an opportunity to increase testing. I am saying that because currently you are tested, if you have been to a—if you have travelled, if you have been in contact with a person who is known to be COVID positive or if you have specific symptoms, and that includes things like fever, difficulty breathing, cough, et cetera. We are telling people that only about 20 per cent of those people may have all those symptoms. In other words, we have another 80 per cent of people who are mild and they may not have fever in other words, they may not have

**UNREVISED**

respiratory problems and they may still be carrying the virus and they would not be tested now.

So I am saying we have made a good start and I am happy about that but we should seriously look at expanding testing as soon as it is possible to make sure that we are capturing persons who are not included at this point in time. Let me just say there was a case as of two days ago in one of the health care facilities where a front line worker, not a health care worker but another front line worker, and we have front line workers like: Immigration, customs, emergency response people. This person came to the health care facility and had a cough and some difficulty breathing and it was something new for that person. But the person did not have a fever, the person did not travel, neither did the person come in contact with a known COVID case and therefore did not fit that strict criteria for testing. And at this point in time that person has not been tested. The Ministry is doing what it can and in relation to the guidelines by WHO. But I am just asking for consideration that the expansion of testing as soon as it is possible so that persons like this could be addressed. [*Desk thumping*]

Sen. Mark talked about what had gone on in South Korea. Those people they had to make extraordinary changes with what they were doing in terms of their testing protocol. They had to get the kits, they had to do—let us say, things to make sure that they had all the material, they extended the sites for testing, et cetera, et cetera. In other words, they had something on their hands that they were dealing with and they had to have an unprecedented response. And they did and we are seeing the results of that now. I am just asking, we are in the early stage, I am just asking that that be considered.

We also look at the front line staff, in terms of testing again, front line staff.

**UNREVISED**

Currently our front line medical and nursing are exposed. They may be exposed to people right now who are not showing symptoms and therefore we would need to look at that in terms of testing in the future. We are confidently saying that there is no community spread right now, but how confident can we be when we are not yet testing persons who are in contact with the persons.

Madam President, in relation to again the health response, do we have any idea as to what kind of numbers we will be looking at in terms of the persons who are in the 5 to 10 per cent who will need emergency hospital care? Do we have any idea of what kind of numbers there are at this point in time? Because I think we need to be looking at that. The reason being, again, when we look at what is happening in a very developed country with very excellent health care facilities and how they have been overwhelmed. If we plan for that kind of thing while we make sure that we do our preventive measures we may be ready if it comes, even though we are praying that it does not come. What is the epidemiological modelling to estimate the number of persons who may be in that group?

Another question coming from the health care professionals is the Ministry has started to try to put two parallel systems in place, but again the emergency rooms right now are filled with cases that may or may not be COVID, as well as persons who are like the other emergencies. The screening out has not yet happened in all the cases, and again I appreciate what has happened. We are saying that our services at the level of each region, each hospital, each regional health authority has to come up to scratch in terms of trying to make sure that we indeed run two parallel systems where the persons who may be COVID are separated from those who are not. This is coming from the persons who are on the ground.

Currently employers are asking people to go to a medical practitioner to let

them know whether they are fit to come into hospital. In other words, a person with a respiratory symptom and the employer is saying, go to the doctor, make sure they tell you whether you have COVID or not and we know that that cannot happen. You cannot just go to a doctor and let them tell you whether you have COVID or not. You have to be tested and you have to go through a screening process. It means therefore that that right now is not very practical and we would like to make sure that employers are—as they get involved in this whole response they are not putting undue amount of pressure on persons who cannot give the kind of response that they want. If a person has respiratory symptoms keep them in isolation. That is what the Government says. Do not go and send to a doctor to ask if the person can say whether they are COVID or not, they would not be able to tell you.

Madam President, the Ministry has said and the modelling that has come from the Government has said that in every area you should have social distancing if you have to be in the public. I must say that we should ensure that when this is said at the level of the Government it is actioned at every level down below. Specifically as it relates to our airlines right now, we are travelling between Trinidad and Tobago on airlines and right now that social distancing is not being practised. I am not sure why but it is true it is a short flight and they are probably doing sanitizing and stuff like that in between, but the social distancing is not being practised there, whatever the reason is I am not too sure.

The airport screening right now is also not as it should be. The people are coming into the country, for instance, from UK and the US, where there is a lot of COVID and they are not necessarily being told at the level of entry that they need to isolate. That is something I think needs to, the Government is saying it, Ministry is saying it, but at the level of point of entry of persons into the community that is

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Sen. Dr. Dillon Remy (cont'd)

2020.03.20

2020.03.20

not yet happening and it is dangerous. Madam President, there is an issue of contact tracing. When we put the persons who are considered possibly COVID, in other words, suspected or positive, we then go through contact tracing, and that is a very detailed process. And the medical professionals are asking whether we are going to use something as rigorous as was used in Singapore where they used not just the talking and asking for people, but mapping, so that a person could be isolated and known on a map as to where they are.

The other thing is that they included large numbers of persons—

**Madam President:** Sen. Dillon-Remy, if I may, while the Bill is treating with coronavirus and it has specific responses in the Bill to that, I have given you a lot of latitude to treat with the issues that you have discussed, but I am going to have to ask you to as you continue to move to the matters at hand in the Bill, the specific measures, yeah? Thank you.

**Sen. Dr. M. Dillon-Remy:** Thank you. In relation to the quarantine as it relates to the Public Health Ordinance, repealing section 105, clause 5 in the Bill, I must say that I appreciate that happening and I understand where Sen. Mark was going in terms of looking at the parent Bill and indicating that the measures that are being put, at least the regulations that were put may not specifically relate to this section of the Bill. But I am saying that as far as I see it this is something that is required. Because if you had a very small, short—a very low fine as there was before there is a need and hopefully this is going to prevent people from—the thing about that though is that we know fines do not necessarily cause people to not do something as we know, and particularly given where we are at this epidemic telling persons that they get to a court or some such thing as a result of breaking a law would not necessarily make them do what they supposed to do. What we are saying is that we

2020.03.20

**UNREVISED**

have to be socially responsible and make sure that they are not breaking the law, not because of a law outside but because of their conscience within.

Madam President, the section—and by the way there are many new things that have come in here since we looked at the Bill, but I would ask the Minister, clause 3 of the Bill that talks about filing, the Companies Act is amended and would allow:

“...the documents are delivered”—and—“filed with the Registrar prior to...during the period 27<sup>th</sup> March...to 31<sup>st</sup> July...”

Is there any such area that is being looked at in terms of personal income tax which is due on the 30<sup>th</sup> of April for ordinary taxpayers? Is there any consideration for amendments as far as the personal income tax is concerned?

The other thing the Minister mentioned in clause 4 of the Bill, the Bills of Sale Act is amended and it says why it was amended, there is a concern that has been expressed by an attorney as to whether deeds of gift was going to be a part of this—considered for extension too. And the reason for that is that, yes, they have a year in which to do the registration but there are people who right now may be near the end and have not done it, is this going to be a part of the amendments also.

Madam President, as we have said, we are in unprecedented times and in unprecedented territory and the Attorney General talked about the Prime Minister’s concern about four-pronged attack with personnel—

**Hon. Al-Rawi:** Labour—public and private.

**Sen. Dr. M. Dillon-Remy:** Labour

**Hon. Al-Rawi:** Public and private.

**Sen. Dr. M. Dillon-Remy:** Public and private. I would just like to add to that. There was need for tremendous personal leadership in terms of people taking

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Sen. Dr. Dillon Remy (cont'd)

2020.03.20

2020.03.20

personal responsibility, not just for themselves in terms of preventing the spread of the disease, but also thinking of what they must do to prevent the spread to our elderly for instance.

2020.03.20

**3.35 p.m.**

We saw that in Italy people did not take on the restrictions early and right now they cannot hold. In the same place, we are also asking for corporate leadership where our companies and our businesses are not going to seek to gouge out the eyes of the public because of a crisis and as a result, we have all these excessive costs of goods, et cetera. We are hoping here that there is indeed corporate leadership. The Government has shown that it is taking leadership for what is happening and I am happy about that. My prayer is that it is not just the Government but everybody, and not just Government but Government and Opposition, and we have to make sure that after COVID, it is not going to be that we are seeing red and yellow but we will be seeing red, white and black in terms of our national response. Madam President, I thank you. [*Desk thumping*]

**Madam President:** Sen. Vieira.

**Sen. Anthony Vieira:** We are here today, a Friday, summoned by the President of the Senate to deal with the emergency legislation in the wake of the coronavirus, a dangerous, infectious disease as declared by the President. This is an extraordinary sitting in an extraordinary moment. These nights the streets are eerily quiet and deserted. Many countries have closed their borders. We sit here unusually spaced in keeping with the oxymoron, “social distancing”. Court dates have been adjourned to the 20<sup>th</sup> of April for the time being, and the Chief Justice has directed that time, at least for matters in court, shall cease to run. The moment is surreal. One almost feels as though we are in a zombie apocalypse movie. These

**UNREVISED**

circumstances have triggered a call for polarized politics to be put aside momentarily so that we may tackle the crisis on a united front. I agree.

We have oversight, whether by asking questions, through the filing of Motions, at committee level, and in debate. When the Executive and state agencies do wrong or fall short, our duty is to call them out, and we do so speaking truth to power without fear or favour. By the same token, however, when the Executive and state agencies do well, we must also recognize it. In some countries, citizens have been ordered to stay at home. Here, a balance has been sought, one that promotes public safety and well-being but without shutting down and crippling the country. In some countries the death toll is in the thousands. Fear and panic is the order of the day, but not here.

Today I want to recognize and commend the Executive for an excellent job thus far, not just in terms of handling the crisis at the public health level, but holistically and in particular, with regard to the social and financial measures designed to support cash flow, inject liquidity into the system, and to manage the impact on the workforce. Among other things, by providing extra resources to support public services and small business, by supporting people affected by COVID-19 and those people caring for them in what the AG calls a “parallel health care facility”, by effectively prioritizing and managing potentially conflicting imperatives, and for having the courage to recognize what needs to be done and doing it. The way this has been handled is nothing short of world class. A grateful nation says thanks.

This legislation develops or implements Government’s contingency plans taking into account relevant legal and regulatory obligations, in particular, by extending the time for persons to file documents at the Companies Registry and

allowing for an amnesty. This will avoid citizens having to congregate at the Companies Registry as we were seeing earlier this week. Similarly, the legislation offers comfort to those whose driving permits are about to expire. Again, this will avoid citizens having to congregate outside licensing offices. Bills of sale must be registered within seven days of execution and similar matters which are time sensitive and carry penalties for non-compliance are now being given a reprieve. The legislation allows such documents to remain valid during this period of extended force measure. Licences for cinemas, clubs, theatres and dance halls about to expire shall be extended to maintain validity. Last but not least, the legislation amplifies the consequences and penalties for those who, in defiance of the Minister of Health's coronavirus regulations, continue to operate bars, clubs, cinemas and restaurants.

Now, I listened with great interest to Sen. Mark's points, and his points were good, but I personally do not see any constitutional issues. When you look at the Interpretation Act, section 75 makes clear that the old Public Health Ordinance is still valid and when you look at what section 105 says:

The board—and the board under that Public Health Ordinance now means the Minister of Health—The Minister of Health shall have the direction of all measures dealing with dangerous infectious diseases and may make regulations with regard to the control of any dangerous infectious disease for any or all of the following purposes:

- (a) the restraint, segregation and isolation of persons suffering from any dangerous infectious disease, or likely from exposure to infection to suffer from any such disease.

And now we talk about the constitutional rights of bar owners and persons going to

bars, let me just remind this honourable House that bars and restaurants, and cinemas, they operate under licences. Licences mean you have permission. Permissions can be varied, they can be modified, they can be revoked. So I do not have any difficulty with the measures being proposed. I think that they are necessary and proportionate. But who could have imagined this turn of events barely three months ago when we ushered in the New Year? This upheaval is even more profound than 9/11. The world will never be the same. I do not know how this will end. No doubt the economy would suffer serious setbacks but I am confident that we will come out a better people.

A crisis is a moment of truth, a turning point, an opportunity. Let us not be like that unnamed jurisdiction where a man was beaten up and thrown out of a taxi because he sneezed. Rather, let us make use of the insights and the opportunities offered by this crisis. Many of us, caught up with the hassles and pressures of daily existence, have sometimes been indifferent to those around us. This is an opportunity to focus on what really matters: the value of a job, the importance of cleanliness, the joy of community and being able to socialize, that good health is a gift which should never be taken for granted. Let us appreciate the often invisible but fundamentally important people who we rely on to help us get by in life. My father was fond of saying, “You don’t miss the water until the well runs dry”, but let us not wait for that to happen. Let us recognize that we cannot only live by ourselves. We are connected to our fellowman by thousands of fibres. Let us relish and make full use of the chance to spend precious time with those who are important in our lives. We are a people who like to hug, kiss and touch. I hope this will not change when normalcy returns.

I always maintain that our twin-island Republic is blessed. We are a special

**UNREVISED**

place. We are blessed in so many ways as demonstrated by the Judiciary, our banks, the business community and civil society, all of whom have acted promptly, decisively and responsibly. We are not just talented and resourceful, but a compassionate and caring people. I have heard some describe this situation as a war and I can understand the sentiment, but I would rather characterize it as an opportunity for humanity to recalibrate. There is hope. China, Vietnam, South Korea have shown us that this virus can be contained. Every day we are learning more about the virus and how to defeat it. I am confident that a vaccine is probably not too long in the offering. So let us not take counsel of our fears and the naysayers. Rather, let us recognize that when we help each other, everybody wins. Do not let what you cannot do interfere with what you can do. I find the legislation clear, straightforward and proportionate. It is necessary and it has my support. It buys time for compliance and time for our health care system. Let us use that time for reflection, self-improvement, and reconnection. I thank you. [*Desk thumping*]

**Sen. Khadijah Ameen:** Thank you very much, Madam President. Please permit to read a few lines from poet Kitty O'Meara which has gone viral worldwide during this COVID-19 pandemic, and it goes like this:

“And the peoples stayed home. And read books, and listened, and rested, and exercised, and made art, and played games, and learned new ways of being, and were still. And listened more deeply. Some meditated, some prayed, some danced. Some met their shadows. And the people began to think differently.”

This previously unknown poet has been deemed the poet laureate of this pandemic and I think it is because this poem sort of inserts the idea back into us as individuals that this pandemic, which is something out of control, that we will get

through it, and it imagines that a time after will not only exist but that it will be better.

Today, the Parliament of Trinidad and Tobago, both the House of Representatives and the Senate, meet for an extraordinary sitting to approve measures for the special period of the COVID-19 pandemic. The Opposition, United National Congress, is committed to the protection, safety and well-being of all our citizens and we remain committed to supporting good law. The purpose of the measures before us is to prevent congregating and to lessen social contact to reduce the possible spread of COVID-19 in this country which we are in support of.

Madam President, a legal notice has been published under the Public Health Ordinance which deals with clubs, restaurants and bars. And, Madam President, as primary places of congregation and in addition to the issue which was raised by Sen. Mark, places of worship, churches, mosques, temples, whatever religion, and malls, I think it is very important for us, after the Government has attempted to use moral suasion and we have seen that citizens are by and large not adhering to this lack of congregation, there is technology that can be used in customer intensive businesses in order to prevent congregating which would allow commercial activities to continue. And so, many supermarkets, restaurants are announcing takeaway and curbside services, and as far as possible, in all businesses, supermarkets, restaurants, bars, pharmacies, there is the need to discontinue large groups of people coming into their establishment but, Madam President, we also must reduce the need to terminate employees and preserve jobs.

Even within the confines of the law, some speakers before me would have mentioned the Government may have limited authority to restrict certain

commercial activities on private premises but when it comes to operating, even if the Government cannot put laws in place, I think it will be useful to provide some clear guidelines in certain areas. So, for example, I know announcements were made previously, the banks— which are more organized than many businesses which I go to shortly—the banks have made a decision, a policy decision which guides all of them with regard to deferral of loan payments, with regard to credit card interest rates, with regard to increasing overdraft facility, and this will be very useful for small businesses in particular. But, Madam President, those same types of guidelines would be useful in other areas such as the clarity with regard to pandemic leave, and leave and temporary unemployment; guidelines for landlords of private properties. Businesses—there are two categories of businesses. There will be those who will be forced to close based on the measures in this, not only the measures that would come today but the measures that would come in this period.

There are some businesses that will be forced to close and so, if they have to pay any rent, it will come out of whatever savings they have, if they have any but there will be businesses that continue to operate, but are not going to generate the revenue that they usually do. So a landlord may be mindful—because that is all we could ask them to do now, be mindful—and defer the payment of rent for a business that is forced to close but it also means that they are giving up their income as landlords but there will be businesses who will continue to operate, would those landlords be mindful to not collect a rent or to collect a reduced rent? So, there is so much space and room because is it only suggestions that are coming forward, and I think it would be very useful for guidelines to come forward. I do not know if the Minister of Labour and Small Enterprise Development intends to

**UNREVISED**

speaking in today's debate but I know that announcements were made with regard to leave and employees, and some guidelines for employers, and many employers are still awaiting further clarification which I myself look forward to.

Madam President, the Government has indicated—and I think the Attorney General repeated today—that the Government is not in a position to give what is essentially handouts. In some countries, small businesses are being given grants to pay employees, for example, just to cover the employees' salaries. Even where loans are provided, these loans still have to be repaid. So it is still a cost to the business and, of course, you always have to consider the small businesses, which is why it is imperative that this Government put measures in place that will not lead to job losses that will consider the preservation of jobs in every sector. We do not know how long this pandemic will last. We cannot prepare lightly, we cannot treat it as mild. The nature of this virus gives you a period of incubation in the body of two weeks and so, an infected person who may show no symptoms could walk around for two weeks and contaminate other persons, pass on the disease to other persons they come in contact with. So at any given time, in every country, the number of actual cases will be more than the number of confirmed cases and bearing that in mind, we cannot only count on the number of confirmed cases to tell ourselves whether we are at risk or whether this thing is over.

I saw— Madam President, you know there is so much news coverage internationally on this COVID-19 pandemic and I saw an interview on one of those stations—I cannot remember if it was BBC or CNN or one of them—where a representative of the World Health Organization in an interview was saying that the lethargic response by authorities and individuals was cited as being the number one cause of rapid increase of instances of COVID-19. And you know, in Trinidad

**UNREVISED**

and Tobago we have such a laid back culture. It is something that we are praised for in the tourism industry, for instance, but it can be both a blessing and a curse. This is a pandemic. This is not mild. This is serious business. Governments, businesses and individuals must be responsible and decisive.

The *Guardian* yesterday, Madam President, yesterday which was Thursday the 19<sup>th</sup>, the Chief Medical Officer of Health, the CMOH— let me commend Dr. Roshan Parasram for his service to Trinidad and Tobago in this pandemic. [*Desk thumping*] Dr. Parasram told the nation during a post-Cabinet meeting yesterday that contact tracing undertaken on one of this country's nine confirmed COVID-19 cases revealed that that individual had been in contact with 66 people while carrying the virus—one person. We must continue— while we reiterate the message of minimizing social contact, we must also lead by example.

I want to endorse the contribution from Sen. Dr. Dillon-Remy with regard to reviewing the protocol for qualification for testing of persons for COVID-19 virus. We must intensify the contact tracing and encourage self-isolation and further testing. That is the only way, Madam President. That is, to me, one of the key measures that countries that seem to be over the worse of it. Countries who are having less and less new cases every day, that is one of the common denominators in how they approach this fight against COVID-19, test, test, test, according to WHO.

So, Madam President, I know that will be further measures to be brought to this Parliament. There are some concerns I have with statutory payments. This Bill deals with the licensing—well, several licences and so on, bill of sales, cinemas, clubs, theatres and so on, licences. But there are still questions with regard to payments of VAT, personal income tax, national insurance that would be very

relevant to businesses, to employers and to employees, the issue of how employees can be covered during their time of absence, and maybe it is time for us as a nation to look at measures for the national insurance which every citizen who is employed is covered by to cater for situations like this. There are people who pay national insurance contributions religiously and have never had use of their service, and in a time after they have so many millions of dollars in profits, I believe that that might be an avenue for us to explore, to cover citizens who pay national insurance contributions in a time like this.

So, Madam President, may I close with the final verse of that poem by Kitty O'Meara which I love so much:

“And when the danger passed, the people joined together again, they grieved their losses, and made...choices, and dreamed new images, and created new ways to live and heal the earth fully, as they had been healed.”

This pandemic will pass. May God bless Trinidad and Tobago. I thank you. [*Desk thumping*]

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

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Thank you very much, Madam President. I want to open, Madam President, by thanking you for obliging us with this extraordinary sitting in circumstances which have been very well-articulated. I want to thank the hon. Attorney General and his staff. As you know, we already have a very heavy legislative agenda which has continued while the AG and his staff have had to deal with a number of legal issues, some existing and some likely to come up, and grapple with it, and this Bill tells us one thing. We are already dealing with some ancient legislation in this country. I want to thank the parliamentary staff for being

here to support us on what is an historic day when both Houses sit on the same day, on the same Bill.

Madam President, I listened to my colleague, Sen. Ameen. We are legislating and we are managing one thing and one thing only, and that is this thing called “uncertainty”. This is not an earthquake that has happened, or a tropical storm or a hurricane that has gone leaving debris and issues for us to deal with. We do not know whether this is to come or whether it has gone, and the legislation, one of many I am sure that we will have to deal with, deals with the uncertainty that this pandemic has brought, not to this to the country but to this world. Sen. Vieira used words that resonate with me: zombie, apocalypse, extraordinary, and surreal. I was on Ariapita Avenue last night at my favourite food outlet and it was surreal. This curbside dining is something that, even after going through 1990, going through all sorts of things in this country, is really unprecedented to me.

**4.05 p.m.**

Thankfully, I have children who introduced me to zombie books and apocalypse books and forced me to go back to Stephen King *The Stand* and *China Syndrome* and more recently, as Sen. Ameen knows, Rick Riordan, a favourite of her own son. So I think I myself was preparing for the zombies and the apocalypse but it could never really prepare for it and I think that is what we are really fighting, this issue of uncertainty.

And to put things in context, I appreciate Sen. Ameen's concern about jobs. The Government has articulated some principles and one principle that has come out very clear is that we do not wish as a Government to see anybody go under. We are in this together as a country. [*Desk thumping*] It has met us at a time when we really wish it did not happen. We are already in very, very difficult waters. But

**UNREVISED**

we have said to the country that together we have to work through this one. We have seen what happened with the airlines. In this country, we are talking about billions right now. United States, in one measure, is talking about a trillion dollars and the numbers from the airline companies, they are unprecedented. Very early on, in the first two or three days, WestJet, which is an employee-owned airline, very unique, good investors do not invest in airlines, and WestJet is employee-owned, and in the first two days, they announced that they will not survive this. They would start off with a 50 per cent staff cut; so it is unprecedented.

In California, I was astonished. Apart from 40 million persons being asked and ordered to stay home, the data shows that unless that is followed, in eight weeks, California could have about 25.5 million infections. The Governor in New York has just taken that step also, to ask New Yorkers in all non-essential businesses to stay home. And those two measures in those two States mean that one in every five Americans is asked to stay at home.

So we have brought this Bill in those circumstances. There are 10 pieces of legislation that will be affected by it but the Bill is driven, in my mind, by three simple principles and I have decided to make this contribution, not only in support of what the AG has brought to us, but also for the country to understand very clearly the context in which we have brought this Bill and we may likely bring other pieces of legislation.

And the first principle is to address the issue of crowding. You know, you cannot legislate common sense but the science has shown us that the further apart we are, the more likely it is we would survive this pandemic. So we are trying to keep people from forming themselves into crowds. That is the first principle. So anything that is likely to cause crowding and I will use the word “congregation”,

we have to address that.

And we also have to deal with unnecessary movement. I saw some photos this morning from Shark River for example. So, even as we took steps to address the Caura issue, we now have to deal with the Shark River issue. And I will tell you about the Caura issue. You see, if we go along the lines of Sen. Mark and he is entitled to do that and Sen. Ameen as she touched on it, on this, the authority in the law and whether the authority is crystal clear, well I will tell you. Caura is not a national park in law. It is designated as a national park. Forestry Division has authority over it but it is authority on paper. If we had to take the action that we wanted to take, I would have said it is state land under the Commissioner of State Lands and perhaps, the Commissioner of State Lands could prohibit entry into it.

But we are doing all of that because some people cannot act in accordance with common sense and we have had to go either in the absence of law or into ancient law to find something, some stick that we could beat sense into people whose lives we are trying to save collectively and that is why we are here essentially and that is why we may have to return. And it tells us that our laws have not really prepared itself for something called a pandemic and that is why we still have in the law, infectious diseases and malaria and yellow fever and typhoid and cholera and polio and chicken pox. We really did not prepare ourselves for coronavirus in the context of the law but this would leave us better prepared in the future.

Madam President, the Bill itself has, in my mind, six very clear objectives and the objectives arise from the circumstances in which we find ourselves and the six objectives are in relation to the issue of validity, preservation of validity or the creation of validity where none will exist. The issue of amnesty, something which

**UNREVISED**

we are familiar having dealt with amnesty in the context of the Companies Act and other pieces of legislation before. The issue of avoidance of penalties because in the Companies Act, for example, if you fail to meet a statutory deadline, penalties would accrue by day. Four, the context of revalidation because the bills of sale which expire and cannot be renewed as is required in that legislation requires revalidation. Abridgement of time. Bills of sale must be registered within seven days and if we do not register a bill of sale within seven days, an application to the court is necessary. So to avoid that, time has to be abridged. The running of the seven days will occur at a date in the future after the end of July 2020; and finally, the issue of penalties. Because, as the AG has articulated, the sort of behaviour we want to discourage will not be discouraged by \$480; \$50,000 may be a better fine that would cause some people to address their minds to common sense behaviour.

So, Madam President, in relation to the issue of validation, when the Attorney General started to discuss this particular Bill, the one that stuck out for me was this issue of the licensing regime for motor vehicles, because what we would find ourselves facing, we would find ourselves with families who need to move or who need to have mobility. We may find ourselves with somebody and somebody's driver's permit is going to expire next week and it would not be one person. Between Monday and Friday next week, hundreds of permits will expire and it is not just the risk of a permit expiring and somebody being stopped by the police. A police officer may waive such a breach but an insurance company will not honour a claim arising out of somebody driving with an expired driver's permit and that to me is the real risk that we must protect.

Because we have 800,000 vehicles on the road, many of them owned and operated by persons who are in families and families in circumstances like this

**UNREVISED**

need to be mobile or need at least to have the opportunity to be mobile. So in relation to clause 2 of the Bill and the introduction of the new 61B, we are allowing during this period and the period is set, 27 March, 2020, to 31 July, 2020, during that period, not only the driver's permits but other documents issued by the Licensing Office—certificate, badges, licences—the validity will be maintained during that period, notwithstanding that it has passed the expiration date and for insurance purposes, the person will remain covered. The second thing addressed by clause 2 is in relation to transfers and the transfers which are required. We do not always comply with it in law but the law strictly sets out a period of time within the transfer of vehicle must be completed and the registration of the new owner must be endorsed and that also is extended. That is in relation to validity, that the Bill preserves validity through clause 2 in relation to things that are controlled by the licensing of motor vehicles regime in the country.

In relation to the penalties and the avoidance of penalties, clause 3 deals with the Companies Act which I have referred to. So those documents and those things which are supposed to be filed, statutory documents in relation to the Companies Act that are supposed to be filed within a particular time, they may not be something that attracts criminal sanctions as not having a valid driver's permit or consequences in relation to insurance, but the penalties are set out in the statute in relation to failure to lodge a document or register something within a new prescribed time frame and clause 3 of the Bill introduces in relation to the Companies Act, the preservation of that position and the avoidance of penalties where you fail to do something that is required during the period 27 March, 2020, to 31 July, 2020.

The Bills of Sale Act, as I have said, what is proposed in clause 4 of this Bill

**UNREVISED**

does two things in particular. Historically, this seven-day requirement for registration of a bill of sale has posed a lot of problems to solicitors in particular, busy solicitors who have the work from the banks and the other lenders to execute bills of sale to preserve the security of the lender and very often, solicitors find themselves before the court having failed to register something within the seven-day time limit. And the seven days is really recognizing the need to strike the balance particularly in favour of the lender to have the loan that was given securitized in the form of chattel or something else of that nature, the registration.

So even in normal times, I am sure maybe 30 per cent of the bills of sale which are executed in normal time find themselves outside of the seven-day period and in these times where I have said before, we do not wish to have people crowding and congregating and moving unnecessarily, the Attorney General believes that this is a significant measure. And what it does, the seven-day period kicks in later down the road so time that seven-day period will run at a date in the future which is set out in the Bill. That, of course, works alongside the measure set out in the practice directions related to the closure of the court. So you have the seven-day limit, it passes because you cannot register it and then you do not have access to the court during this period where the court is providing limited services and functions.

The other part of the bills of sale has to do with the concept of renewal and revalidation and that is for an existing bill of sale. For an existing bill of sale which has expired for the registration to remain valid during a period where it may not be possible to re-register the bill of sale and again, the requirement for re-registration during a prescribed period kicks in at a later period which is prescribed which is after 31 July, 2020.

Clause 5 of the Bill is the one that introduces penalties and I have referred to that, to increase the fine from \$480 to \$50,000 and a term of imprisonment not exceeding six months.

From clauses 6 to 12, those clauses deal with seven different pieces of legislation some of them ancient to the point that I heard several persons in the other place this morning trying to pronounce—let me say the legislation that governs cinemas; [*Laughter*] the cinema legislation. Several people tripped up on it and it is an old piece of legislation and from 6 to 12, those seven pieces of legislation, seven Acts, what is prescribed is the same thing, that is, allowing licences granted under those pieces of legislation to maintain their validity during a period in which it will normally expire and to allow the persons who hold those licences to renew them at a later stage without facing any penalty.

And the Registration of Clubs Act is something that I must say I did not expect so much confusion to rain on this one. I myself have had to provide some pro bono advice. AG, maybe you will talk about it because people have asked me about gyms and about other things. I know specifically the one that comes to mind right away is, of course, members club, what we call in this country casinos and recreation clubs because people do not realize that when you go into a recreation club, also known as “ah rum shop” or “ah bar”, you are supposed to enter your name on a book and you are supposed to be brought there by a member of the club. So we have those things. And then we have things that may appear to be clubs because I asked, in being the devil’s advocate, what about PriceSmart and what about the grocery we know as Price Club, they are membership organizations but they remain open. Maybe, AG, you would tell us something about registration of clubs because I do not want to be answering the questions.

**UNREVISED**

The Theatres and Dance Halls Act, ancient legislation. The Money Lenders Act, Pawnbrokers Act, Licensing of Dealers (Precious Metals and Stones) Act, and the Old Metal and Marine Stores Act at clause 12. From 6 to 12, what is proposed is very similar. In fact, the hon. Opposition Leader asked that question in the other place this morning and the AG answered that it is the same provision.

Madam President, let me just refer to Sen Mark's concern. Sen. Mark talked about the malls and the churches and funerals. Of course, our Prime Minister in the press conference that is going on parallel to our sitting, my understanding is that over and over, the Prime Minister has been exhorting persons in this country to be responsible, to do the responsible thing. I myself saw the photo of the church in full swing. I think we should be more responsible than that.

But I will say, and Sen. Vieira made the point in relation to what Sen. Mark has said, that sometimes we forget that things like bars and restaurants and a lot of these business places really operate within a statutory regime. In fact, the bars and food outlets, bars in particular, the licensing committee in the Magistracy is structured recognizing you have so many things interfacing in a bar including health issues, local health issues and, first, the licensing regime is underpinned by health obligations in this case and that is the reason why local health has a role in signing off the forms, the plans, but also being part of the committee that decides on the application. So a lot of these businesses operate within a statutory regime and as we know, these fundamental rights to which a lot of people refer are not absolute rights and I do not think that it would be unreasonable and I do not think that it would be something that any court would find to be unconscionable and something to be unconstitutional when a Minister of Health, in response to a global pandemic which has taken thousands and thousands of lives, acts in accordance

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Sen. The Hon. C. Rambharat (cont'd)

2020.03.20

2020.03.20

with the statutory underpinning of licences which have been granted and makes an intervention in the interest of not only health but in the interest of common sense. I thank you very much, Madam President.

**Madam President:** Hon. Senators, at this juncture, the sitting will be suspended and we will return at 5.00 p.m. When we return, Sen. Hosein will make his contribution. So the sitting is suspended until 5.00 p.m.

**4.26 p.m.:** *Sitting suspended.*

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

[MR. VICE-PRESIDENT *in the Chair*]

**Sen. Saddam Hosein:** Thank you very much, Mr. Vice-President, for allowing me the opportunity to join in this debate, which is a critical debate, something that we would not have planned for, that may not have formed part of the Attorney General's legislative agenda, and that is a Bill which amends 10 pieces of parent legislation in response to the 2019 Novel Corona (2019-nCoV) and for related matters.

Mr. Vice-President, this debate comes upon this Parliament in extraordinary circumstances where we were summoned to this particular sitting of the Senate yesterday, to show the importance and the urgency of the matter before us, that we have to implement measures in order to take certain actions, decisive actions that is, in order to treat with this pandemic of COVID-19.

It was in December, Mr. Vice-President, we first heard of this COVID-19 problem, and I looked at the situation report No. 9 of the WHO and that report was issued yesterday, 19<sup>th</sup> of March, 2020. What is startling about that situation report Mr. Vice-President, is that they said that there are over 200,000 cases worldwide, and in three months there were 100,000 cases. But in 12 days there were 100,000

**UNREVISED**

2020.03.20

cases. So that is how fast this infectious disease is spreading across the globe and Trinidad and Tobago was not spared.

I remember when we met, that was the first day. The last time the Senate met I believe, was when the first case was confirmed in Trinidad and Tobago. We were all in this Chamber. And while I was sitting here preparing for today's debate, I saw that the Ministry of Health would have issued an update No. 38, which indicated that after 258 tests, there are still nine confirmed cases of COVID-19 in Trinidad and Tobago. And these releases from the Ministry of Health, Mr. Vice-President, has now become one of the hottest topics amongst the citizenry of Trinidad and Tobago because every day we wait anxiously so, on whether or not there are any new cases, because persons in this country would like to know what the situation is. I am thankful that we are getting the information now between 10.00 a.m. and 4.00 p.m. We used to wait very late in the night for this information to be released.

Now, Mr. Vice-President, what is troubling about this pandemic is that it is a deadly disease. There have been over 8,700 deaths so far, and this is statistics that have been provided by the WHO, World Health Organization. So this underscores the nature of the extraordinary circumstances that we are about to face.

What the Executive is asking this Parliament, the Legislature to do today, is to pass some particular pieces of law in terms of the validation of certain instruments, certificates, documents and licences that may have been issued by public authorities.

Mr. Vice-President, my focus today, and I intend to be very short, it will be on clause 5 of the Bill, and clause 5 of the Bill is what amends the Public Health Ordinance at section 105 by increasing the fines and imprisonment to \$50,000 and

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Sen. S. Hosein (cont'd)

2020.03.20

2020.03.20

2020.03.20

a term of imprisonment not exceeding six months for regulations that would have been made under section 105 of the Public Health Ordinance. The legislative aim I understand, because I had sight of the regulations that were issued yesterday, and the legislative aim is really to exercise restraint and exercise isolation from the population. And the Minister of Agriculture, Land and Fisheries in his contribution did in fact indicate that they had to take legislative action now, after calling for moral suasion, to now try to, you know, control the behaviour of the population.

Because ideally, the reason that we are passing legislation to isolate persons is so that it is a preventative measure so that the COVID-19 disease would not spread further, to contaminate it, to control it, because God forbid, if there is a large or enormous outbreak in Trinidad and Tobago, we do not know the capacity of our health care system. So that is why it is important to act urgently and responsibly from now. In this particular piece of law, I do commend the Government with respect to the legislative aim of this particular piece of legislation. I do so.

Now, we are amending—the Attorney General gave several options of how this could have been done. And it is the Executive's decision to amend the Public Health Ordinance, which is a colonial piece of law, a law that existed pre-Independence, in terms of how we treat with this public health crisis. Now, there is one issue that I would like to raise with respect to this particular mode or method used by the Executive. And many speakers did indicate or speak about it earlier, and Sen. Vieira touched on it and the Minister of Agriculture, Land and Fisheries also touched on it.

That is the constitutionality of this particular piece of law and the regulations that would be made, pursuant to section 105 of the Public Health Ordinance. And

**UNREVISED**

this is by no means criticizing the Government, but it is just expressing our opinion on this side because ultimately, we all want the best piece of law possible, protected from constitutional challenge so that this piece of law can be used to attain our legislative aim and our legislative goal, which is to encourage persons to isolate and to practice social distancing. That is what we intended to do in this Parliament today and we will support the Government when it comes to that measure, but let us look at whether or not we are meeting the cloak of constitutionality or the constitutional muster.

Because this Public Health Ordinance existed pre-1962, it is what we would deem in our law and pursuant to our Constitution as saved law or existing law. So, therefore, notwithstanding a particular piece of legislation may have been unconstitutional, prior to the passage of the '62 and '76 Constitution, it is considered to be saved law. That is why laws, for example, like the death penalty today, can be enforced in Trinidad and Tobago. Notwithstanding it is unconstitutional, it forms part of the existing or saved law of Trinidad and Tobago. And the Public Health Ordinance falls within that category.

Now, under the Public Health Ordinance at section 105, it gives the Minister of Health the power to make regulations, and I assume—this is my assumption—that the Government is going to make regulations pursuant to 105(1)(a), which talks about:

The restraint, segregation and isolation of persons suffering from any dangerous infectious disease or likely from exposure to infection to suffer from any such disease.

So the Government took a decision that it would be an offence if you conduct a bar, a club, and also for restaurants to limit their operations to that of takeout and

no dining.

Now, this touches and concerns two constitutional rights, Mr. Vice-President, and those constitutional rights are set out at section 4(a) of the Constitution, which deals with, one, the right to the enjoyment of property, and two, the right to freedom of association and assembly, which is found at section 4(j) of the Constitution. So we are dealing with two constitutional rights which the regulations will ultimately touch and infringe, in my opinion.

Now, the issue I would like the Attorney General to deal with when he is winding up this debate, is that I understand AG, that the Public Health Ordinance is saved law, immune from challenge. But if regulations come afterwards are unconstitutional, according to the learnings and the jurisprudence, that particular regulation that was made post will be challengeable in terms of it can be challenged by virtue of a constitutional Motion. And that is the mischief that I am trying to identify with this particular piece of legislation because the regulations will not be protected from challenge. If they are unlawful or unconstitutional, they will be susceptible to challenge. And there have been cases in this country, Mr. Vice-President, where subsidiary legislation has been challenged and has been struck down by the courts.

There is one particular case, and I will just give the citation of the case, and I believe the Leader of the Opposition and the Attorney General had some dialogue on this matter; that is [2009] UKPC 17. It is a Privy Council case, the SDMS, Satnarayan Maharaj, the Islamic Relief Centre Limited, Inshan Ishmael against the Attorney General of Trinidad and Tobago, when there was a constitutional challenge to the "Holy" Cross as being the highest National Award. And in that case, that was made through an order by Her Majesty at that time in 1968, I

**UNREVISED**

believe. Mr. Vice-President, that was actually struck down.

There is also the case of Harridath Maharaj, that we are familiar with, which is CV 2016-01218, where the order for the appointment of the Commissioner of Police, which is considered a subsidiary legislation, just like what we are dealing with right now, was in fact modified and parts of it struck down by the court as being unconstitutional and tripping certain fundamental provisions of section 4 and 5 rights in the Constitution. So that is one of the issues I would like to raise. And again I say it is no criticism of the Government, but we would like to ensure that we cloak what we are doing with ultimate protection.

I do not know if we could have considered bringing any particular piece of legislation, and maybe adding the three-fifths majority so that therefore, we would know that we have that level of constitutionality engrained in the legislation so that persons will not be able to challenge this because it will not be in our best interest for someone at this stage, especially during this pandemic, to run to court, file a constitutional motion and have this thing challenged. I know right now the system in the court, they are only dealing with urgent matters, and maybe that may deter persons from running to the courthouse to get this thing struck down.

Mr. Vice-President, the other section which deals with the registration of clubs, I just want the Attorney General, if he can also clear this up. The definition of “a club”, according to section 2 of the Registration of Clubs Act, is defined as:

“...any community or society consisting of not less than twenty-five members who assemble or meet together in pursuit of a common object...”

Now, I know the policy as outlined by the Prime Minister has been encouraging persons to limit gathering to a minimum of 10 persons. Now, I wonder whether or not this is inconsistent with the policy of the Cabinet, in terms of this particular

regulation.

The other issues were dealt with by Sen. Mark. But Mr. Vice-President, before I close, because I promise that I would not be very long, I congratulate all of my colleagues so far who have contributed in this debate. But I will especially like to thank and congratulate Sen. Dr. Dillon-Remy for a wonderful informative and sharp contribution. [*Desk thumping*] It was absolutely brilliant. She brought her experience and how her experience can affect policy with respect to how we deal with this COVID-19 pandemic in Trinidad and Tobago, Mr. Vice-President. And again I would like to congratulate you, Sen. Dr. Dillon-Remy.

Now, Mr. Vice-President, as a young person who holds public office in this country, I want to urge other young people like me that the science has shown that maybe we would not be the ones who would suffer the worst of this pandemic, but we are the ones who can carry that disease, Mr. Vice-President. And I call upon the young people of this country to act responsibly, to act responsibly, [*Desk thumping*] because you may know someone who is sick, who may not have an underlying condition that you do not even know about, or you may interact with elderly persons, Mr. Vice-President. You have to act responsibly, because in this thing we are in it together.

And, I also want to make a call to the authorities, the Ministry of Health, the Ministry of National Security, to please provide PPE for all of the medical staff and all other frontline workers. I also want to join with all the voices in this Senate, so that there will be increased testing of persons for the COVID-19.

[MADAM PRESIDENT *in the Chair*]

I was just a baby when this happened, in terms of the 1990 coup, Madam President, and there was one song that was played after that crisis in Trinidad and

**UNREVISED**

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Sen. S. Hosein (cont'd)

2020.03.20

2020.03.20

Tobago, “Let the Flowers Bloom Again”. And after this pandemic, Madam President, we hope that the flowers will bloom again in Trinidad and Tobago. I thank you very much. [*Desk thumping*]

**Sen. Zola Phillips:** Thank you, Madam President. I rise to join the debate on the aforementioned Bill. I would like to begin firstly by thanking or commending the Prime Minister and his administration for the timely and proactive, comprehensive action, as it relates to the coronavirus.

From the feedback I have gleaned, the people are generally pleased with the efforts being made by the Government, as it strives to grapple with this challenging situation. Protocols are being put in place, media briefings are being held and the people are being encouraged to practise social distancing and do everything possible to prevent the curve from peaking. Government is so far using moral suasion to achieve compliance with its guidelines for the preservation of good health and lowering the rate of transmission of the virus.

However, we cannot take it for granted that the information is reaching everybody. To the Government, I encourage you to continue on the path that you are on, but to also use varied measures to reach the population. In Tobago, we had this tradition of using village criers. That might be a bit outdated, but we can also consider using civil society groups to engage and spread the word.

Secondly, I would like to thank or commend the Attorney General for bringing this pertinent piece of legislation to the House. As a criminologist, it would be remiss of me not to take the opportunity to speak to the public, to the citizenry, and urge them to support and adhere to the guidelines given by the authorities. As with all laws, Madam President, the legislators and the justice system can do their part to create, instruct, and enforce laws, but without the public cooperation, where

2020.03.20

**UNREVISED**

individuals do their part to uphold and respect these laws, it is almost a futile effort.

I would not go into the consensus and conflict perspective that speaks about the hows and whys laws are created and for whom they are created and all that jargon. But I will say that the fight against the coronavirus, much like the war on crime, needs all persons on board working together. [*Desk thumping*] It requires every single citizen to take responsibility for their actions and also to remember that we have young ones, or children in our homes modelling what we say and what we do. So let us do what we need to do at home and on an individual basis.

Next, I would like to make an appeal briefly to a few groups in our society. Madam President, to our teachers, please call and check in on your students and the parents. They still need your support at this time. To persons who are trained in the mental health profession, reach out and lend your assistance where you can via social media or the phone. We know these changes and disruptions to our sense of security and control, to our jobs, our socialization norms, et cetera, can trigger panic. It may lead to anxiety, depression, and other such concerns.

To the vulnerable persons in our society; our elderly who may be isolated and unable to run errands or get the necessary supplies; to our children who may be locked up in a home where he or she is being neglected or abused physically, emotionally or sexually; to our parents who, on the economic front, depend on school feeding and other government-assistance programmes, whose jobs are now on the line or at an end; and to the couples who may be going through a rough patch and the last thing that they need is to be confined in a space together, I say to you there is assistance for you. Please note that the administration on a governmental institution level have put measures in place to support you. There are

hotlines and other services. Please reach out and use them.

One of the positive things about this coronavirus is that it forces us to remember that we cannot function without a community. We are not isolated. We are not an island. As a community, as a neighbour, as a friend, as a human being, I also ask you to be vigilant at this time, and if you know of or see or hear or are suspicious of a situation, please do what you can and assist by calling the relevant authorities. As Sen. Vieira said, do not let what you cannot do prevent you from doing what you can do. We need to be our neighbour's keeper at this time.

Madam President, our first responders and essential service providers are also vulnerable. The Government is making a concerted effort to get them the gear and training that they need. But it is also imperative that they have the time for rest and nourishment so that they can remain at their best, as their health and well-being are paramount to ensuring that we can run the marathon that this coronavirus might be.

To the persons who have the power to make these decisions, please examine the schedules of our doctors, nurses, police and other essential service providers. Stagger them where possible to allow for the rest that I mentioned before, so that these persons can be at their best on the job while also remaining COVID free.

Thirdly, as an educator, I again thank the Government for their timely intervention taken in the schools and universities to prevent the spread of the virus. To the University of the Southern Caribbean I say well done, as they have been communicating daily and working feverishly on plans and guidelines to ensure a safe and smooth transition to distance learning for both their faculty and students—and our students are now back at their respective homes internationally, regionally and locally—so to ensure that these students can access a high quality of education

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Sen. Phillips (cont'd)

2020.03.20

2020.03.20

even with the disruption the coronavirus has caused.

Finally, let us not look only at the negatives. Positives can also come out of these situations. Let those who are confined and have family time to spend make it not just quantity time but also quality time. Use the opportunity to rest and pray. Phone around your friends and family, exercise or read a book.

With these few words, Madam President, I thank you. [*Desk thumping*]

**Sen. Dr. Varma Deyalsingh:** Thank you Madam President, for allowing me to present today. Madam President, before I start, I just want to read one thing that came to my attention. It is a newspaper clipping on Thursday, November 07, 1918, Corporation of the City of Kelowna, which is BC. And on the 19<sup>th</sup> of October, 1918, the Mayor D.W. Sutherland gave a public notice.

“Notice is hereby given that, in order to prevent the spread of Spanish Influenza, all Schools, public and private, Churches, Theaters, Moving Picture Halls...”

—I do not know what that is—

“Pool rooms and other places of amusement, and Lodge meetings are to be closed until further notice.

All public gatherings consisting of ten or more are prohibited.”

So, Madam President, we see there since 1918, the world has been faced with certain challenges. Certain prohibitions came out. Certain restrictions came out. And, you know, we looked at it. It comes around again in these times, these trying times.

And Madam President, when I was about to come here this morning I was scared. I was scared because, you know, for my life, my family, my countrymen. I was scared that the virus could be all around. I suffer from an autoimmune disorder

**UNREVISED**

2020.03.20

and my wife actually wanted to ban me. And I said, “No, I want to come and do my civic duty. I am putting on my mask when I am walking amongst the public.” But when I reach here, looking at the environment, if I see it is a safe environment, I will take off my mask. I will come and see if I could do my public duty.

You see, Madam President, we still have a duty to do our jobs. And part of my job here is coming to try and pass these pieces of legislation, to help our Government to see somehow if they can curb this virus that is taking over not just Trinidad but the world.

You see, this whole virus has changed the way of life. Even in clinic, when I go clinic, dealing with our patients, or public patients, all these are ways that we have to know how to change. As Sen. Phillips mentioned, the essential service is there and we are definitely seeing more persons stressed out, people are coming in, people are calling in. We have to change. We have to actually make measures that we can adapt. So we have now adopted a call-in service. We have now adopted a patients’ one. They can come in and collect their medicines outside.

And again this virus has brought some challenges, but it has brought some improvements. Because the Attorney General mentioned they have now expedited the online payments. So certainly, there is some good coming out of this. It is not just all bad. It is making us think outside the box, making us put measures into place that should have been there all the time.

So, what I want to say, Madam President, the changes are there. The way of life is there. The world has changed. And I am saying that I have to congratulate the Government for putting measures in place, being, you know, having that parallel system in place. Because we realize that what—we can learn eh. We can learn from what happened in China, what happened in Italy. So we are fortunate

enough to learn from the experiences of others. And having that foresight could put things in place. Now, putting some things in place like the parallel system, sounds good in paper. But the real testing has to be seen when numbers start to increase, which we are hoping it would not have to increase.

Madam President, when you look at the fact that the Government is trying to flatten the curve, as they say, trying to—you know our health system really cannot take the burden of, you know, a sudden rush of persons. Because, when you look at the figures in China, 80 per cent of the persons will get the virus and they will still walk around healthy, strong. They will get immunity, herd immunity and they will be good. Fourteen per cent will need hospitalization, and this is the challenge for our system because our health system has already had challenges before, and now faced with this it is an additional challenge; that 14 per cent. And out of that 14 per cent, Madam President, 6 per cent to 8 per cent will need ICU management; our vulnerable population. And you see, the ICU—to keep someone in ICU is almost \$15,000 a day. I do not know where the Minister of Finance or the Minister of Health is going to get this money from. To me, it is mind-boggling. So, if it reaches that level, we have to put measures in place, \$15,000 a day. And who are most likely to go there?—our vulnerable population, people with autoimmune disorders, with diabetes, and 14.5 per cent of our population is diabetic.

The elderly population—you know if you look at the figures of the elderly population, Madam President, we are an ageing nation. We have that amount of persons out there, elderly persons, who we have to really be careful. You see there are 117,160 persons over 60. These are a lot of persons and we have to appreciate that those are the persons, if we could protect them, we would not be running into problems. But one ill person going into a geriatric home can cause that whole

2020.03.20

home to be wiped out. And this is why I am thinking, probably even though we are giving more powers to the Minister of Health, he should consider: Should we lockdown the geriatric homes? Because that is our chink in our armour.

**5.30 p.m.**

Commented [SD1]: Audio starts at 7:42.

When patients out there call—a patient called me two days ago needing medication from our clinic. I said, “No, no, you do not come for it. We will send it to you”. So our mental health officers are delivering to those individuals’ homes and we have to consider delivering food to those individuals.

One of our supermarket chains did a beautiful thing by having early morning openings for the senior citizens. Those are things that should be congratulated. But those persons could probably afford to go there and shop, what about the little lady who is depending on her pension to go in the little parlour? We do not want her go to the parlour again; we want her stay home; we will bring the grocery to you in a full sanitized condition, and this is where we need to go. We have to save that population. We have to deliver medicine to the diabetic population, we have their listing in clinics and this is what I am looking for.

So, Madam President, when I looked at this, I said, “What could we learn too?” We could learn from the experience, how to handle it. Now, UK has now sent a notification to 65,000 of their retired medics and their nurses to come on board to help in this battle—retired persons. Not everything the UK does I will agree with because I am looking—the retired persons may fall under the age where we do not want them exposed. So even though UK did that, we are fortunate in Trinidad and Tobago, we have a lot of young doctors, I think 400 young doctors who have qualified and are not able to get jobs. They are strong, they are young and if they get the virus, they will be able to fight it off. So I am saying this is the

**UNREVISED**

opportunity to bring them on board but we have to be careful, we have to train them well. Because you see, in Italy, 15 per cent of the health care workers died; in China, 8 per cent. So if our young doctors come on board, we have to train well, the proper procedure.

So, I am saying— so there are certain things we can put in place. This legislation here came about—you know, there are certain things we wanted to address, licensing of certain pieces of legislation, you know “it coming to a lapse”, so we had no choice to put things in place to continue that, and we are giving more powers to the Minister of Health to at least put measures in place.

Madam President, I asked why people would know that this virus— if you bring it home, you could kill your mother or your father or weak ones, why would people still go out? What is the psychology behind that? And we know some people are maybe just ignorant on how it is spread. Some people are not motivated to do so, and there is a philosopher called Peter Singer who said that if somebody does not really see the actual danger, if you are not going to see the danger, if it is too far from them, they would not really appreciate it and they go about their lives as usual.

So is it—you know, the Prime Minister actually made an appeal to persons, “Hey, stay inside, stay indoors”. But it is just not our culture that is like that, you know. In Italy, about 53,000 persons, they actually violated their legislation in eight days. So even the Italians went around the place having legislation in place and violating and going amongst the public.

So it is really a failure of personal responsibility. So if they are failing to do a personal responsibility, we have our duty here to ensure we can cap that to the individuals who are going to breach that. Because you breach that, you can now

put a strain on the economy, a strain on the health system and even spread among other people. So even though, I am saying that yes, the move to close down the bars—when I heard about that, we know people assemble in bars, we know a lot of guys, to deal with their stress, they go to the bars. Women and men handle stress differently. Men go the bars; women reach out and talk and socialize. So, in a sense, we are now missing out on that and even— I looked at the fact of the bars, you know, Sen. Mark mentioned that could the bars not have been left open to sell him his Puncheon for his throat, right, for his Puncheon which is a fact, could it— because you see, the same individuals who can go in the bars and buy something off the shelf, they now can go into a supermarket and buy alcohol off the shelf. So at least the supermarket chains now will probably benefit more from this than the actual bar and you know, bars have their own micro-economy because you find that they may hire a cleaner, somebody to deliver ice, they may hire the bartenders, they may have people to serve the alcohol in the bar, even delivery of services and some bars actually sell things to eat, “channa” and all these things they have— boiled “channa”. So therefore, we might be drying up that economy.

So let us say for argument sake, Madam President, we said okay, we see the bar as a point where people could assemble, they may have a weak point, they could spread their germs— because you might drink alcohol but if we put it as a level, you just buy and leave, that is one aspect that I think could solve that. But let us for argument sake say that we are going to close down the bars, what would happen to the individuals employed there? We have to be aware of that.

Now, the Minister in charge of the social affairs, she actually—there are programmes in place which reaches out to persons. There are persons who are on the food grant, people who are on social welfare, disability grant, they are getting

some additional money which is excellent. I think the money was too low before so I am glad they are getting that. But you see, Madam President, those individuals already were accustomed to that money they are getting, they are already accustomed in handling their way of life. Unless there is an increase in goods and services, they would still be able to survive. The catchment we have to look at is those individuals who are working, you know, getting tips in the bars, the taxi guy, the tout who gets money, those gardeners who come out and get paid. Those are the people who I am thinking, hey, they were not on any grant before, they will be left behind. So we have to look at how we are going to get moneys in their pockets.

And you see, I think today, I think the UK Government actually decided to pay 80 per cent of wages for people who are out of work— 80 per cent. That is the UK Government made that decision, they call it “tax grant”. So we may have to consider, could we afford that to those individuals out there? In lieu of that, if we cannot afford that, we have to find how we are going to reach out to these persons to give them food stuff, to give them some sort of services and these are things that I think we have to look at.

So, as I mentioned before, I want to congratulate the Chief Medical Officer of Health, Dr. Parasram, Dr. Maryam Richards, Dr. David D. Bellamy, those are hard-working individuals who formulated plans, who actually helped the Minister of Health. And I must say I am happy with the level of—the disbursement of information that came to us. We saw a whole set of—a ministerial team sitting, giving that disbursement, giving that information. So I am happy for the information. But I saw a press conference, Madam President, and I saw everybody huddled at one desk and I said no, this is—yes, we should as leaders, we should say— we should have a level of social distancing. So even if the Prime Minister

comes and makes his speech, Minister of Health should be there, somebody else should be there and give that social distancing.

So as leaders we should now adopt that measure because you see, the Prime Minister has to understand he falls within the age of a vulnerable individual. The Minister of Health, by going into the hospitals, may be someone who can catch that virus. Sitting huddled together, God forbid, the virus could spread to our Prime Minister, we can have problems. So again, we will have to look at probably— I did not see the press conference today but I am saying we have to take into account the proper social distancing.

And looking at the measures that were put in, I want to say, Madam President, you see, social distancing is really— it depends on my ability to be aware that I could catch it, I could bring it home, I am taking my precaution. What I am saying is, people going into public places, we should have security guards and we should probably legislate, again, for social distancing. You come in here, you have to say, “Well, you are in the line, you have to keep three feet, three feet, three feet.” So we may have to go that other stage where we may have to somehow put persons in position to ensure that if they are going into a grocery, they keep that three feet or six feet distance apart.

So again, mention was made of the gym and the cinemas, and I think the AG may actually look at those issues and address it. Will that fall under our present legislation or do they have to make any sort of recommendations?

And, Madam President, another area that I was a bit concerned about is public transport because you see, if I am going in a taxi and I am huddled together with others, it is very, very easy to get something if one person sneezes there. So we are looking at this legislation where we are looking at the road and traffic and

whatnot. So what I am saying is even this legislation, we should have said one person per taxi, we should have had public transport systems, how we are going to disperse people, not a full service again because this is an easy way where people running to get taxis, running to get public transport can transmit from one to the other. So this is something we will have to look into. And you know, yes, less persons are using public transport, less persons are going out there based on what is happening but those few that are using it, will still be all huddled in one taxi. So we have to look at that, Madam President.

And the other issue I wanted to just look at, Madam President, is the fact that you know, Sen. Seepersad mentioned that she is concerned about the Venezuelans coming into Trinidad, and is a valid concern. Because they may come in, they may bring certain—some of them may come in with coronavirus, we are always—the medical profession always had an alert for malaria before. So anybody coming in from the South American continent we always look—will they be bringing in malaria? And the Ministry has testing and availability in place for that. But you see, if someone comes in illegal we may be missing the boat, both with malaria and this.

But you see, my concern really is what about the Venezuelans who are working here? Some of them work as gardeners, they work, they get money and jobs, and if people are not going to their workplace to get ready cash to pay them, those persons would be disadvantaged. What will happen to them out there? Even though they are foreigners, even though they are here, we have to put something in place, some sort of net in place to say we can accommodate them in some sort of a food grant or something to let them survive this also.

So therefore, another area I looked at is the prisons, overcrowding in prisons

**UNREVISED**

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Sen. Dr. Deyalsingh (cont'd)

2020.03.20

2020.03.20

and other countries are looking at the prison situation, and I am hoping that the AG and the—

**Madam President:** Sen. Deyalsingh, I have given you some latitude as I tend to do with all speakers but I would ask you, at this stage, to not expand the discussion. We need to sort of go to the matter at hand which is the Bill that is before us with the provisions of this Bill.

**Sen. Dr. V. Deyalsingh:** Thank you, Madam President. As I am looking at this, I see the Bill has actually old laws, we see the relief that is needed, we say we need it to look at the licensing areas there, we are giving the powers to the Minister, we actually need these things. And even to the powers of the Minister— I just wanted to make one reference, Madam President, is that you see, right now in Mexico there is an article “Consumers in Tijuana take a chance on over-the-counter medicine as coronavirus spreads”. It is a San Diego Union Tribune by Wendy Fry, March 19<sup>th</sup> where she mentioned that there is the anti-malarial drugs that are out there that has gotten FDA approval and the shelves in that country is emptying out, people just ran in a panic and bought it.

And, Madam President, it is happening here. It is happening here because I had discussions with Dr. David D. Bellamy and we are looking at the fact that this drug, it is out there, people are buying it, doctors are prescribing it and they are prescribing it without even getting the actual testing. So it is like, you know, it is a panic mode, you just write this anti-malarial drug. And right now, I think recommendation should be there for the Government to buy out all the stocks that are in the private pharmacies, hold these stocks, keep it down for when we really need it for our population.

So this is a power, I think the Minister of Health, if he has it in this piece of

**UNREVISED**

2020.03.20

legislation, would have to address that because we would be into a shortage when we really need it. And, Madam President, as I conclude, I must say this virus does not discriminate. It will go to you, if you are UNC, PNM, whatever race, it does not discriminate.

And you know, there was an experiment done years ago where— Robbers Cave experiment— where there was a psychologist, Sherif, looked at a theory called “Realistic Conflict Theory”. And in this experiment there was a group of children in a camp and both ends of the camp, these kids actually started to compete with one another, they started to fight one another, and they were looking at putting kids in a camp and they were competing who could play on the baseball court, and those guys never knew each other before eh, it is total strangers, 11 on one end and 11 on the other end. And they realized that if people are going to fight over scarce resources, you will cause that conflict. And therefore, what is significant also in it is the experimenter, the psychologist, Dr. Sherif, actually— after those people who came and had that conflict, he made a common disaster happen in the camp, like a tree fell and blocked the roadway and he found that when there was a common problem, both sets of children came together, 11-year-old children came together to try and solve that problem.

So just as the 11-year-old children did that years ago, I am saying, once there are grants given out, there are payments given out, once people— one side would not say it only goes to certain party supporters and whatnot, once it is fair, it is there, I am thinking this virus can have some good where it will in fact—could in fact help our leaders to come together and actually be a benefit how to go in times of crisis, how to manage it. Thank you, Madam President.

**Sen. Sophia Chote SC:** Madam President, thank you for the opportunity to speak

on this piece of proposed legislation. Today over 600 people died in Italy which is not a very large country. And I am not saying the death toll went up to 600, I am saying that more than 600 people died from this particular disease within 24 hours. So things may turn out as it has turned out in Italy or it may turn out as it has turned in other countries depending on our management of the issues. So I support this legislation because it shows that by legislation, we have begun to address some of the issues, for example, we are addressing some of the practical issues that people may face because they cannot go out to public places, offices are shut and this sort of thing. And we are also addressing, to some extent, the problems which flow from people getting together to conduct their business or to do what they are required to do.

I suspect, however, that we will have to return to this august House on other occasions perhaps to deal with amendments to other pieces of legislation as this situation develops and arises. But may I just respectfully— I know, that I will probably get a “buff” if I go too far, but may I respectfully suggest that I be given the opportunity to point out that there are existing pieces of legislation which perhaps we could start using with some vigour because there are certain things which we need to protect, for example, our food supply chain. If we look at our legislation dealing with the markets and the regional corporations, we can take this opportunity to sanitize public spaces so that even when they have to be used by citizens who must buy food to survive that they would be less at risk.

It is not only about gathering, it is about having our food sold in an environment which is reasonably clean and having us go there with all the precautions that we take and so on, ensuring that we do not pick up a contagious disease when we go to the markets. I think that we need to consider the possible

registration of people from some professions to cater for the huge demand which is now going to be placed on our health services. Perhaps we consider temporary registration of pharmacists, temporary registration of final year medical students and other, I suppose, health-related critical services, people who do critical services. We can think about temporary registration of those persons so that they could come into the system and receive an amount of training before they may have otherwise done.

So I know of one person, one speaker has spoken about emergency volunteers and so on. But it is kind of difficult to ask retirees to come out unless it is in an absolutely safe space because they are at the highest risk. *[Interruption]* Well, in one country, final year medical students who were close to taking examinations, as they are— I suspect many are. So instead of taking the exams, they were trained to—I beg your pardon, they were taken into this system, they were temporarily registered as doctors to work on this pandemic. And the fact of the matter is the learning that they probably would receive having to deal with something like this might be more than they would have had to produce from their brains to pass an exam. *[Interruption]* Yes, yes. So it could happen. I mean, we have to consider that because there is a core of professional people and professional assistance that we could pull on if we need to and we really need to consider that fast. *[Interruption]* Of course, properly supervised.

With respect to public information, I am wondering if there is some way— it does not necessarily have to be legislation but a lot of information, official information is in the public sphere and not everybody has the mind to go and read everything that is gazetted. I myself find it difficult and I cannot keep up. So I was wondering if the public information, which govern the way in which we go about

our duties or the way in which we perform certain functions, if that could just be put together in one document or one piece of information that we could refer to in point form as guidelines. *[Interruption]* And Sen. Richards, has just reminded me that the Government has time on the media houses because of their concession licences, I am saying it as it is fed to me. So I think that is absolutely important because you see, speculation is the worst thing that we can possibly have to deal with. What he really need now is actual information and one way we could do that is to pull all of this together.

One of the things that I would like the Government to consider if we have to return to this honourable Senate is perhaps to change the law to allow judges and magistrates, if it is so required, to permit someone who comes before them to be detained at a hospital instead of a prison. The reason for that is the prisons are already overcrowded. The likelihood of the virus spreading within there may be high simply because of the proximity in which they work. I am of the respectful view, it is a high threat area for prisoners and more importantly, for prison officers who are also working in a high-risk and enclosed environment.

Now, I am not saying this to criticize the Government, please, do not get me wrong because in every country in the world there are overcrowded prisons. The English are currently dealing with that situation and trying to see how they could address it. So one of the things we can do, if a man comes from the prison or a woman comes from the prison and there seems to be an indication that he or she may have potentially contracted this virus, that instead of sending that person back to infect all the people who will be responsible for taking him or her back to the prison together with the persons with whom he or she shares a cell, perhaps the courts could be given the power to send that person to a hospital facility instead.

**UNREVISED**

I think we should make more vigorous use of our Quarantine Act, which I should remind people listening, the Quarantine Act provides penalties, there are certain offences which you can permit under that Act and you can be charged for those offences, for example, giving false information about the state of your health and this kind of thing. So people must be aware that it is not a case of simply filling out a form inaccurately so that you can achieve some purpose. It is not a joke, it is something that could make you the subject of a police enquiry and the subject of a police charge.

With respect to the banking sector, I simply wish to say that it would be wonderful if we could have— again, it is information. I commend those banks which have taken the decision to be sympathetic to persons like myself with mortgages and loans and so on, and to give us a break but that is not going to continue indefinitely, and I note with interest that not all banks have adopted this same approach. So I do not know if the Bankers Association of Trinidad and Tobago perhaps need to step up and be a little more vigorous in their suasion of their own members, or whether perhaps the Governor of the Central Bank needs to see if there is anything he can do in that regard.

In terms of making sure that the people are there to deal with the health issues which are going to arise, I think we need to be very concerned that we hire our emergency workers, we start training them, if we have not done so; forensic pathologists, for example, who are going to have to do so many more autopsies than before in a very high-risk environment. I hope that we are able to pull those things together very quickly by using the process of contracting emergency workers. I do not know if we need legislation for that within the RHA context, I have absolutely no idea. We were called to this Senate a such short notice that I

was not able to do the depth of research that I would have liked to have done.

Now, I think some emphasis should also be placed on educating people about our legislation pertaining to animals, diseases and this kind of thing because there is some research to suggest that animals can actually catch this disease, not regularly, but it appears to be the case and if they can catch, they may be able to pass it on. So in terms of animals coming into the country and so on, I think perhaps we need to look to see what our Act does and whether it needs amending.

**Sen. Baptiste-Primus:** Could you direct me to that research because I have not seen this.

**Sen. S. Chote SC:** Yes, there were two instances, domestic animals. I cannot recall it offhand. So perhaps I could provide it at another time.

Our OSH Agency— perhaps OSH could indicate to the hon. Attorney General whether the legislation needs to be amended, whether they need to be given special powers in light of the fact that they supervise or they are responsible for accrediting many work environments and, in particular, industrial work environments and there is a section in their Act, section 32, which deals in particular with OSH Regulations in relation to respiratory problems. So they have a statutory duty which they must perform and they now have to perform it in the face of a pandemic. So I do not know if they require some legislative support but perhaps if anybody from OSH is listening to this debate that that could be brought to the attention of the hon. Attorney General.

So, Madam President, there was one question I had. Again, a lot of the things that I am saying, as I indicated, probably do not have to do specifically with the legislation before us, which seems to be quite uncontentious but in a way, what I am saying has to do with it because we are addressing a particular problem. We

need some guidance, members of the public have been asking things, for example, if I am scheduled to have eye surgery, should I go ahead and do it? If I am scheduled to have my wisdom teeth removed by a dentist, should I go ahead and do it? The Medical Association perhaps also needs to give us some bulletins through the official—I do not know, website or something, to say this is what is a good idea now, if you can put it off, please do so.

**6.00 p.m.**

So, I think if we can, or if we are able to deal with our practical issues or think about our practical problems and how we can take steps to try to resolve them in a way that will be to the benefit of all of us, it will be of tremendous help to us in coping with the disease, not only in terms of keeping ourselves—

**Madam President:** Sen. Chote, I think Sen. Dillon-Remy, wishes—if you would give way to—

**Sen. S. Chote SC:** Sorry, I cannot see her all the way down there.

**Sen. Dr. Dillon-Remy:** Thank you, Sen. Chote for giving way. Just wanted to say that the Trinidad and Tobago Medical Association, their website, has quite a lot of information on COVID-19, they have been actually upfront in sharing information and they have been very involved in educating the public, et cetera. So their website has a lot of information on it, probably, if there is anything specific that you think should be there, a question could be put to them. Thanks.

**Sen. S. Chote SC:** Sure. Thank you very much to my colleague, and thank you, Madam President, for allowing me to get that information because it is now out here for members of the public as well. So, I was just thinking that while we have to be cautious, because this is a frightening thing, we have to remember not to let fear overwhelm us. And we also have to be in a sense, psychologically prepared to

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020  
Sen. Chote SC (cont'd)

2020.03.20

2020.03.20

2020.03.20

deal with this issue, to deal with the practical issues as they come along, and I think perhaps that this legislation is the first step that we took in dealing with that at a national level, in terms of the Legislature as a whole. Because I know that the Government has been doing an excellent job of trying to keep the public calm, informed and prepared. So, Madam President, these are my few words on this legislation. I thank you. [*Desk thumping*]

**Madam President:** Sen. Obika.

**Sen. Taharqa Obika:** [*Desk thumping*] Thank you, Madam President. I intend to be pointed in my contribution, because this Bill is simple in its aims but very important in what the outcome should be, which is to provide relief to citizens and economic actors, recognizing that without such relief, the system that we depend on for our sustenance and survival would be at risk, therefore delivering two blows to our society.

Clause 3 of the Bill, in particular, treats with somewhat of an extension, not to use the word “amnesty” for companies that have to file their documents with the Attorney General’s Office. And it is honourable that that is in place. What would be important would be for the Government to contemplate as we proceed given the indeterminate nature of the virus and the length of time the pandemic may be with us, whether or not there may be need to consider waiver of fees for companies that fail to pay their tax quarterlies on time because of cash flow issues. Again, the Minister of Finance made mention of the over \$5 billion in VAT refunds that businesses would also need to help them carry through this time, it would be good for the Government to come forward with some information on that, and to make sure the population does not confuse clause 3 of the Bill with any issues regarding tax obligations from companies.

**UNREVISED**

Now, on this specific clause, I had a conversation with the Minister of Agriculture, Land and Fisheries on the sidelines, Madam President, and I was asking him, what is the possibility of having a food bank in place? Because this Bill seeks to bring relief to persons, to companies, economic actors in the country, and a food bank would be a way for companies who may wish to provide relief to other workers who do not work with them—with their organizations—persons who are farmers who may wish to provide food sustenance to persons, and then persons who are unemployed because of the nature of their work, they may not be working, they may be self-employed or what have you, or they may be with an employer that may not be able to provide them with any financial support in this time, a food bank provides an avenue for citizens who cannot access ground provision, milk, sugar and rice and so on, to be able to get registered and get access to that. So that is one suggestion I told the Minister of Agriculture, Land and Fisheries I wanted to raise regarding what we are trying to do with the spirit of this Bill.

In that context, the Minister of Labour and Small Enterprise Development, may be well placed to assist because we have cooperatives. For example, I am from Point Fortin, there is a cooperative that is looking at back yard gardens and so on to provide such a support. So, I think we can look to that. Now, Madam President, there is a main issue, two last points I wanted to raise, because I intended to be pointed, is, one, that has to do with information is coming fast and furious from members of the public regarding the locale of cases, and it will be good for the Government to find a mechanism to allow persons to understand if they may be at risk depending on their location. Because many persons have asked me today, if in fact there were confirmed cases in particular towns in particular, in Point Fortin, and I told them that I would have to get that request to the Minister of

**UNREVISED**

Health for the Minister to determine what would be the appropriate response. But I am thinking, there is much rumour-mongering going on, on Facebook, on social media, it would be good for the Government to listen and see where it is necessary to provide clarity, so that citizens do not descend into panic.

And there is one last point I want to raise, and I will explain that I am not caught necessarily by it, but because of my particular situation, I understand the importance of it, in that, the Government has made a decree that non-nationals would be debarred from returning to this country over a 14-day period, all right. Now, I want to say that there is need for consideration for foreigners pending permanent residence. Foreigners who are in possession of a work permit, foreigners who are married to nationals, foreigners who have children who are nationals but they themselves are not nationals, to be considered. If not, to enter the country, to be considered in such a way so that the Government can allow these foreigners on their return, after the pandemic passes and this ban on non-nationals entering the country is lifted, to continue along the immigration process. Because a foreigner can wait five years and more, to even be considered a permanent resident, and then eight years thereafter to become a citizen—as much as eight years, if they are not a Commonwealth citizen.

So, the issue is, Madam President, if there is pending permanent residence, and they are out of the country for 12 months on a trot, when they return they may have to restart the immigration process from day one, which persons may say, “Well they are foreigners” but who that puts the most hardship on if they are married, is their relationship to their Trinidad and Tobago spouse. It can destroy the marriage, if they have children and maybe if that foreigner is a breadwinner, it can deprive those children of bread that they need to survive because the parent is

abroad, and they are debarred from entering.

I am just saying that the Government should consider this. Of course, I am not caught by it, because my spouse is not carded to return in 14 days, but I can identify with persons who are so caught by it. And I am saying that the Government may need to seriously rethink what is required there, and the Minister may need to make the appropriate announcement or adjustment to legislation, whatever is required. I am not going to say what is required; I am just saying what the problem is.

So, Madam President, to conclude, the Government needs to listen to the rumour mills, so that rumour-mongering does not fester, and they can nip rumours in the bud. The Government may want to consider a food bank, so that persons with large sources of food who may wish to share, or who may wish to be remunerated, the Government can act as an intermediary in that respect, and persons who may need food but do not have the money, not necessarily the Meals on Wheels, but they may wish to get ground provision, and rice and so on, and they can prepare their own meal as a much cheaper cost than having catered meals served to them. A food bank can be something they can contemplate and finally, the Government may want to look closely at the hardship that will be meted out to Trinidad and Tobago nationals, if not for the foreigners who are caught by the ban on foreigners entering Trinidad and Tobago, the hardship that will be meted out to Trinidad and Tobago nationals, because the foreigner who is part of their family cannot enter the country. I thank you, Madam President. [*Desk thumping*]

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam President. May I express my profound gratitude to all members who have contributed this afternoon, and equally to those who have not, because I know that you as hon.

Senators would have been itching to give your fair share of the conversation. I do not for one moment think that there was not a contribution to be made. I believe it more a matter of adopting the submissions made and allowing us the time to facilitate the Parliament's work. So, thank you, hon. Senators, each and every one of you, Members of the Opposition, Members of the Independent Bench and certainly on the Government Bench. Madam President, there are just a few issues just to tidy up. I think Sen. Rambharat could have literally said "I beg to move" on my behalf because he really did answer a significant number of the questions.

Madam President, may I say that the issue of testing, et cetera, has been raised by Sen. Mark and Sen. Dillon-Remy as well, who I wish to join in Sen. Hosein's view. I too thought that your contribution, particularly with your skill set, was a very excellent contribution. Thank you, it is not often that we get other skill sets beyond law to prevail in these conversations so we thank you on behalf of the citizens of this country to the hon. Senator.

There are the issues if you put in simple terms of testing, preparedness, alternative thinking, some constitutionality, the management of information, in particular fake news, and how we move about what we would call the next steps as Sen. Chote so elegantly considered what the alternatives to legislation looks like.

So, Madam President, permit me to address some of issues that have come out. I can tell you today that whilst we were sitting here, the hon. Prime Minister had a press conference, and we had the pleasure of further addressing the administrative assistance that runs alongside this legislation. And I wish to put some of this on to the record.

- Parents of children who attend schools and rely heavily on school feeding will be supplied with food cards immediately via a process. That is a

method of capturing those who we knew in the system, were recorded in the system to be vulnerable, that programme is to continue automatically and immediately.

- Existing food card holders will, on or before April 15<sup>th</sup> receive three months payments, and their usual April monthly payment. So that is an accelerated form of relief which ties into some of the questions hon. Senators asked for answers to.
- All Members of Parliament, let me repeat that, all Members of Parliament will initially be given 50 food cards for distribution in their constituencies. Why? Because it is these Members who know at least in terms of access through their legitimate constituency offices who are most in need. It is a system of devolution.
- T&TEC will defer immediately all disconnections to 87 per cent of residential customers who are in arrears and due for disconnection.
- Street dwellers will receive assistance through the various NGOs who usually provide support to them with a move along policy to be implemented. Part of what Sen. Dillon-Remy raised with us this afternoon.

Obviously, Government cannot do anything to bring its citizens home from where there have been international flights that have been grounded. And on that point permit me to join in Sen. Obika's observation. I declare my interest, my own father and many of my relatives are not nationals of Trinidad and Tobago. I, like Sen. Obika, would have direct relatives. In his case I understand his wife, in mine, my father and other members of family. But the roots to Trinidad are an option for consideration by the Minister of National Security. He will have exclusive

**UNREVISED**

authority. Under section 8 of the Immigration Act, and section 9 of the Immigration Act I am sure that the Minister will consider matters as the pandemic progresses, so that there is always that position to be considered.

I can say, Madam President, in terms of Sen. Mark's recommendation and observation the Government has announced today:

- 4,000 testing kits to arrive from China next week, along with arrival of 15 thermal scanners.

That is in addition to the thousands of testing kits that we have locally in the parallel system that we have prepared ourselves for.

- One hundred personnel to do contact tracing on the ground.

And this is aligned to what Sen. Chote was observing and Sen. Dillon-Remy where we spoke about having the manpower and essential man power to track this thing. You see, tracing is closely associated to dealing with what Sen. Dillon-Remy raised which is the epidemiological tracing and understanding of this.

How do we move from, for instance, two minutes ago we got a release from the Ministry of Health informing that we are still at nine COVID confirmed cases. The epidemiological tracing and understanding and dissemination of information is coming out. Two minutes ago, I received on my phone the Ministry of Health's update confirming that number still at nine, but now we are adding in 100 persons to deal with the contact tracing on the ground. And that is important to know when we get to the issue of—unless everyone be familiar with this—community spread. It is at community stage that the other options in the menu of laws and administrative functions kick into gear.

We are and we have announced this afternoon:

- An increase in the human resources capacity at Couva and Mount Hope

**UNREVISED**

### Hospitals.

I want to remind that we are at hundreds of beds dedicated exclusively for COVID-19 and that is in the parallel system construction. The Couva children's hospital as announced this afternoon is to be used for:

- Advance treatment of seriously ill patients with the virus, and senior medical staff will be physically housed there.

So we are dealing with the separation out. Again, Sen. Dillon-Remy raised these issues with us this afternoon in understanding how we manage the contagion issues in this pandemic. We can confirm that the—and Sen. Mark raised this—

- The Muslim community and Hindu communities have already been in conversation with us through the Office of the Prime Minister and the various other agencies, the Ecclesiastic or the community-based faith organizations, we are in direct conversation with them.

I can tell you that the Hindu community has already been advised to limit its number of persons who carry out shaving of head rituals et cetera to 10 people. The Islamic community has joined in in granting consideration. The Orishas are doing the same thing. We have made a plea to all religious leaders to avoid mass gathering at places of worship. So these are some of the things as we speak here, listed out in ten bulletin point forms taking Sen. Chote's point very seriously, the need to communicate simply.

I am very pleased that we all agree that fake news needs to stop. I will resist the urge to throw a few jabs this afternoon as I could but I think we all know where we could say whatever we wanted to say. Let us not go there. I agree that we are all on the same page, and I am very, very pleased as a member of this Senate to witness the camaraderie in effect this afternoon, and with us as a nation embracing

**UNREVISED**

what needs to be done.

Let us turn to a few of the other short points raised. The issue of constitutionality came up and I took it in the best form possible. Sen. Hosein and Sen. Mark raised the issue of constitutionality. Sen. Vieira, I thank you for addressing it from your perspective. I share your perspective, I understood the manner in which it was raised by Sen. Hosein, as a question mark and caution that we do not find ourselves in difficulty, and I take the caution that for the record I ought to address this position.

The Public Health Ordinance, and I know that this one I thank Hon. Members for bearing with—the country—for bearing with this. The Public Health Ordinance 1917, Ch. 12 No. 4, 1<sup>st</sup> of January, 1917. And in fact it was No. 15 of 1915 so it was two years prior. This law when you get a hard copy of it, we are about to put it up online. We had to spend days, and when I say “we”, let me pause for a moment. The Deputy Chief Parliamentary Counsel, Ms. Ida Eversley, and the team at the AG Ms. Solange De Souza, the Chief Parliamentary Counsel himself, Mr. Ian McIntyre, Ms. Nalini Salick, the entire team at the AG’s office, these poor souls, together with one Sen. Clarence Rambharat, and one Attorney General, Faris Al-Rawi, we spent days and nights crafting multiple options of multiple laws and remedies, because when you approach the Cabinet you have to go with five or six options in full perfection, and then you select one. Remember, a Cabinet is a place where you decide how heavy, how fast, how slow, how measured, you want to be. And as the legal advisor to the Government, you have to go prepared with all options.

Those officers named, and the many that I have not named, and Sen. Rambharat who is way too modest to admit the amount of work that he does on

**UNREVISED**

legislation as the Chairman of the Legislative Review Committee, I would like to say that I wish to express my profound gratitude to the 24-hour sessions, the lack of sleep, the research on laws. This Public Health Ordinance had to be scrubbed against all the legal notices for about 100 years, to see what was left out, what was repealed, what still stands. So let us get to the constitutionality now.

The Public Health Ordinance has a lot in it. Number one, it is a beautiful piece of our history. I confess to being—I think of it as a great privilege to have the chance to make law, to have practised law, still practise law as a professional. But when you read laws like this, you understand where we came from. Public Health Ordinance, the definition section alone is something I think everybody should read if you want to know what life was like. It applies to what Sen. Chote was recommending, in market sanitization, in making sure that we do preparation and administrative management to contain the disease. But listen to this, “barrack” is defined in the Ordinance:

‘barrack’ or ‘barracks’ includes any building or collection of buildings divided into rooms occupied singly or in sets by persons of the poorer class and to which there is a common yard and common conveniences.

‘Cesspit’ is defined.

“...a receptacle for night soil or offensive matter above or below the ground.

‘Common lodging house’ means that class of lodging house not being an hotel...

—long time I have not seen the word “an” before hotel—

...inn or public house in which persons of the poorer class are received for short periods and though strangers to one another are allowed to inhabit in one common room, and includes in any case in which only part of the house

is used as a common lodging house, the part so used for house.

That is a reminder of where we came from as children of indentured laborers, or liberated slaves, or immigrants to work in fields from the Portuguese community, from the Chinese community, we standing here now looking in the diversity that we stand as we do now. Vieira, a Portuguese descendent, Al-Rawi, an Iraqi descendent, Rambharat, an Indian descendent, call the names that we have here, and you see our history before us right here in this law. So, I agree with Sen. Chote. One of the options that we had to decide upon was you know which law do we trigger when moral suasion does not work? How do we progress this thing without panicking your society? Because you have to manage an issue like this, this is unprecedented for most of us, if not all of us. How you manage it with sobriety, how you manage it with poise, how you manage it with confidence, depends upon the options you trigger.

That is why the Minister of Health in my opinion, I genuinely mean this, I know it is partisan but I am extremely proud of the Minister of Health [*Desk thumping*] for the manner in which he has led this charge on behalf of the citizens of Trinidad and Tobago. And I say so because the Minister of Health has brought to the fore, together with him, the professionals, this country was introduced to Dr. Trotman, and the CMOH, Dr. Parasram. We have seen the public servants of this country step forward and be known, and really play their part. And I really wish to compliment them, the Hansard staff that is here with us, the orderlies, the clerks, [*Desk thumping*] the procedural clerks, the many professionals in this country who come here to do the service of the people for the people. Sen. Deyalsingh told us this afternoon of his own personal experience with his immune system, and the fact that he came here to do his job. And I really want to say, I mean, to have the

privilege to make law is a beautiful privilege and I really am expressing profound sense of pride at everyone's position in this particular structure and I am extremely grateful for the manner in which we have approached this point. But Minister Deyalsingh has really distinguished himself in this exercise.

Permit me to deal with section 103, and this has directly to deal with the constitutionality. Section 103, we declared the dangerous infectious disease. So we did that 31<sup>st</sup> of January, 2020, triggered this 1915/1917 law which still applies. Section 105 deals with the "Board", now "Minister":

...having the discretion in all measure dealing with dangerous infectious diseases, including doing any such matter or thing as may appear advisable for preventing or checking such diseases.

It is subsection (3) that says:

There may be attached to any breach of any regulation made under this section the fine and the term of imprisonment.

This is saved law. Sen. Hosein is correct. Subsidiary legislation i.e. Regulations can be challenged if produced after, they could be challenged even if they exist before. The parent law itself can be challenged. The parent law on the opening of challenge was most recently made a centerpiece of analysis by Mr. Justice Seepersad's decision in the case of the search warrant and the judicial review that occurred, and then the look at the Sedition Act as it then came into fore. And essentially, I acknowledge that it is open to the courts to consider whether this is existing law, because it is in that Justice Seepersad's decision as it embodied the CCJ's decision, that we looked at whether existing law is in fact existing law, before you even get to whether it is saved law under section 6 of the Constitution.

**UNREVISED**

I am quite confident and comfortable that this law is good law, and that the Regulations are safe and sound, and I say so because of the nature of what we are doing. The nature is public health dealing with an infectious disease, in this case a dangerous infectious disease in the circumstance of a pandemic. More so, the public health powers that are being exercised and that have been exercised in our Crown Colony, then in our independent country, and then in our republican country, these powers have been exercised for well over 100 years. And therefore, as Baroness Hale would say, paragraph 58 of the *Suratt* decision, not every right requires qualification support in a section 13 context as being one which is abrogated and therefore you need the position and authority for.

I say so even more so, because the law, albeit that it trips a 4(a) property right or 4(j) which is the freedom of association right, that law is a balanced perspective when you look at the whole of the Public Health Ordinance and in particular that quite surprisingly, the powers of entry and inspection in this Act are very limited. It is really quite a lovely piece of law when you read it from a constitutional perspective, and forgive me for being technical and legalistic this afternoon, but I want to address the constitutional point lest it is challenged.

**6.30 p.m.**

Obviously, we cannot stop people from approaching the courts. There is a freedom and democracy in this country, and we have the interpretive function of the courts to deal with constitutionality and we stand secure in that purpose. So that, in my opinion, treats with the constitutional aspects that have been raised. I thank the hon. Senators for raising the caution behind it.

One of the Senators asked us about the suspension of Certificates of Character and for work permits—it was Sen. Mark—and I thank the hon. Senator

for raising that. That can be dealt with by administrative functionality. The requirement for work permit renewals, first of all, we can do it online. Secondly, that requirement can be considered in the exigencies of the circumstances that we stand now and, therefore, that discretion that can be issued by the recommendation of the Ministry of Labour and Small Enterprise Development and to the Minister of National Security, ultimately can be managed in an administrative fashion.

We have next to treat with income tax. Several Senators raised the question of income tax, and Sen. Chote quite correctly said, other Senators too, that we may very well have to come back to this Parliament to treat with other measures. Permit me to explain this income tax, and as we think of it in the context of it being an obligation and it being a burden for some. I mean, who wants to pay taxes? The expression if you read the *I.R.C. v Duke of Westminster*, which is the classic case that we all start off in law school on income tax to treat with, is that the certainty of death and taxation are equally dread in the minds of the average citizen. But from the taxation point of view, Trinidad and Tobago, our lifeblood is taxation.

We spend, every month, \$3 billion as a Government, the taxpayers, just to meet salaries, benefits, old age pension, health care, whatever it is, we spend \$3 billion a month to just get by. Roughly \$1.2 billion comes from taxes from personal taxes, corporation taxes, et cetera; just \$1.2 billion. Imagine if we stopped taxation now. Where would we get the money from? It is not that the Government has a view that this thing is upon, but we are not like the United States of America where you can just print the money. They are based on a fiat or faith system. This is the domain of the Minister of Finance. He is looking at all of the options. I do not say that this is not something that is under consideration, it is entirely for the Minister of Finance to speak to that, but I just want to sensitize us that right now,

we have got to keep the lights on to help the most vulnerable.

The measures that I have just traversed, by way of the public advertisements and announcements coming from the Prime Minister's conference this afternoon, that is taxpaying dollars at work. I can tell you, at the AG's Office, we are working on certain amendments to the Heritage and Stabilisation Fund in the legislative brief that has come to us from the Ministry of Finance. There will be other things that we are looking at as we work day by day to get it right. Are we going to come with a perfect piece of law that will satisfy everybody all at the same time? No, we will not. Expect the unexpected. Rest assured, we are in a temporary condition, we will, we can and we must get through this, but we really have to remember the four parts to the equation: the public sector, the private sector, the labour movement or sector and then the individual responsibility, because it takes all of us to do this right.

I have received whilst sitting here, a number of exhortations from bar owners and other people, and I would like to say, look, I understand the difficulty. This is a serious impact—casinos, clubs, bars—we are looking at thousands of people affected, but can you imagine thousands of deaths. This is life and death. We are looking at what other countries have done. Other countries are already at state of emergency position. There was a lil funny statement by a world leader who said two words: state of emergency. I understood he meant two powerful words in three, but other countries are there. The option under section 8 of the Constitution is there, but that is something that you have got to approach with care and caution. So we are thinking outside the box, moral suasion, miscellaneous provisions, Public Health Ordinance, economic support, working on the stimulation package and administrative management. It is all going on at the same time.

**UNREVISED**

My wife, I wish to thank her, reminded me this morning, as she recognized that I barely had any sleep for days, said, “Ay, yuh tired”. “Make sure yuh doh geh vex too fast, count to 10, no; count to 20”, as I was walking out the door before I got my kiss, and she is right. We have to put a little smile on our faces, temper down a little bit, listen to what our colleagues say. We have some real alphas in our pack, you know, and our alphas can butt heads quickly as we wrestle with issues. The alpha—and I am dealing with the psychological alpha—is across the floor.

I mean, I confess, I enjoy sparring with Sen. Obika and Sen. Hosein and Sen. Mark at times. I respect my colleagues. I genuinely respect them, but what happens is we have to have a degree of tolerance, discipline and production. I could not ask the father of the nation for three better words than uttered by Eric Williams on our Independence. Really, it took me a long time to understand the difference between tolerance and understanding, but it is certainly something that we have to exercise today.

Sen. Dillon-Remy asked about deeds of gift, and I can say that deeds of gift, we have the ability under the Registration of Deeds Act and the Real Property Act. The Attorney General receives the applications for extensions of time for deeds of gifts that cannot be registered within 12 months. That is an administrative function. In my five years of approving extensions of time, I have never refused one, and there is an ability to waive the stamp duty for all of the circumstances and penalties. So you can have full waivers, the law provides for that under the Registration of Deeds Act and under the Real Property Act as well. So that bit has been taken care of.

Sen. Hosein raised the issue of restraint in the context of section 105 of the Public Health Ordinance. I would like to remind that we have the Quarantine Act

at the same time, and the Quarantine Act is what we are using to manage persons who are in self-quarantine, self-isolation, and those who are not. I should declare, my own children, in one case, my son is at university at medical school and the school was stopped, and my daughter is at university as well abroad and the school was stopped. They both came home and they are both in self-isolation. They are in quarantine. I have not seen them since they arrived because we have to be careful about the structures, and I warn them all the time, you will be videotaped and pictures will be taken of you, and just because you are my children, “Yuh go make ah front page”. Right? So we are all managing this situation carefully. I know many other parents are in the same bracket and position. I believe several of my colleagues are in that category as well too.

The issue of definition of clubs and the issue of the bars, the clubs are—we have gone with clubs as per section 2 of the Registration of Clubs Act. That effectively captures a whole bunch of examples. Can we tighten it up and go harder? Yes, we can. Will we? Yes, we will. When? We are phasing it. We are asking the population to regulate. There is nothing to replace common sense. Common sense is golden.

One of my colleagues sent me an advertisement of somebody saying, “Bars closed, well, we will bring the portable bar to you, the ice, the music and we will lime outside”. No! The Commissioner of Police is on the lookout for you. You cannot retail your alcohol on the outside of the licensed premises that you had it. If Trinidad and Tobago would just self-discipline, we do not need to even apply the law. So I am urging citizens as difficult as this period is, now is not the time to have a COVID fete. Now is not the time to have the COVID lime. Now is not the time to have the COVID “I think I could get by”, because the virus does not

discriminate and say you are young and, therefore, I will not infect or you are from south Trinidad and you are blessed to come from San Fernando—like Sen. Sobers and I are—and I will not infect—and Sen. Hosein, or you went to “Pres” like Sen. Obika and the rest of us—but the point is there is no discrimination in this.

Madam President, I would like to say, there was a very important point raised by Sen. Chote again, the registration of professionals, temporary registration. We are looking at these things right now. I think the hon. Senator is to be commended on thinking outside of the box. The Minister of Health is thinking in the same way for multiple positions. I can tell you now, I am going to ask the Minister of Labour and Small Enterprise Development to engage in immediate consultations with certain sectors, community residences and children’s homes. These are essential services. If we legislate them that way, they are in fact essential services, you cannot walk out of a children’s home, you cannot walk out of a children’s community residence. There are obligations to be there. So the need for the labour consultation in that sector will be had, and I am going to ask my hon. Colleague, Sen. Baptiste-Primus to engage in that, because I have been looking at the definition of essential services.

Whilst sitting here, we are literally drafting law. Many iterations, many models. What do we want to have as an essential service? Because what we really need to do is to ask people to turn up. There was an unfortunate experience at the AG’s Office, Legal Affairs, yesterday. The cashiers stopped, they refused to work. We had a line outside. My friend, Devant Maharaj, took to social media to condemn the issue. Well, he condemned me and let me repeat that. My friend, Devant Maharaj, because we have a good relationship. But the point is, that was not an AG’s problem. That was a group of cashiers saying they will not work.

**UNREVISED**

Fortunately, another group of persons said, “we will work” and the Comptroller of Accounts granted them the authority to work and we restarted.

But, today, we went live with electronic payments and we are online with the capability to [*Desk thumping*] service 5,000 people a day in online payments. I want to explain how epically important that is and it will be replicated across government. Why? Because what we have been working on for years is at launch, has been launched and can now be replicated. It gives me great pleasure to, again, thank Registrar General, Comptroller of Accounts, all of the many personalities that worked in this exercise, my Colleague Sen. Sinanan on his end, that works on transport and Licensing Authority and the many technocrats in this particular position.

Madam President, I have not heard recommendations for amendments per se. I, of course, welcome hon. Senators’ recommendations if there are any to the legislation. Again, it is well known now that my philosophy as Attorney General is “just start, we will work”. We are prepared to come back anytime any day to do the people’s work. All ideas are welcome. The Government in its many versions of communication and integration is listening carefully. We welcome the suggestions of the population. It is important for us to communicate why some things can happen or, more particularly, why they cannot at the present time. It may be that the time is just a little bit ahead of us.

So, Madam President, unless there are any specific recommendations, I hope that committee stage is fairly simple, and I wish to thank hon. Senators for their contributions, and I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

**UNREVISED**

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020 (cont'd)

2020.03.20

2020.03.20

2020.03.20

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

*Senate in committee.*

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

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

*Senate resumed.*

**Hon. F. Al-Rawi:** Madam President, I wish to report that the Miscellaneous Provisions [2019 Novel Coronavirus (2019-nCoV)] Bill, 2020, was considered in committee of the whole and approved without amendments. I now beg to move that the Senate agree with the committee's report.

*Question put and agreed to.*

*Bill reported, without amendment.*

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

**Sen. Mark:** Division. *The Senate voted: Ayes 27*

AYES

Rambharat, Hon. C.

Baptiste-Primus, Hon. J.

Sinanan, Hon. R.

Moses, Hon. D.

Hosein, Hon. K.

Le Hunte, Hon. R.

De Freitas, N.

Cummings, F.

Henry, Dr. L.

Dookie, D.

Young, N.

Borris, H.

**UNREVISED**

Miscellaneous Provisions [2019 Novel  
Coronavirus (2019-nCoV)] Bill, 2020 (cont'd)

2020.03.20

2020.03.20

2020.03.20

[*Crosstalk*]

**Madam President:** You know I would like a little silence during the division.  
Yes? Thank you.

*Division continued.*

Mark, W.

Haynes, Ms. A.

Ameen, Ms. K.

Hosein, S.

Obika, T.

Sobers, S.

Richards, P.

Chote SC, Ms. S.

Vieira, A.

Deyalsingh, Dr. V.

Deonarine, Ms. A.

Seepersad, Ms. C.

Teemal, D.

Dillon-Remy, Dr. M.

Phillips, Ms. Z.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

#### **ADJOURNMENT**

**The Minister of Agriculture, Land and Fisheries (Hon. Clarence Rambharat):**

Madam President, before I move the adjournment, I just want to indicate that I have spoken to my colleague, Sen. Mark. The Leader of the House intends to lay a Bill which seeks to amend the current provisions in relation to the Heritage and

**UNREVISED**

Adjournment (cont'd)

2020.03.20

2020.03.20  
2020.03.20

Stabilisation Fund and it is our intention once the House deals with that Bill, that we convene the Senate to deal with it also. So, I now beg to move that the Senate do now adjourn to a date to be fixed. Thank you.

**Madam President:** Hon. Senators, may I just say that I do not want to have to say “cinematograph” in the very near future. [*Laughter*]

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.59 p.m.*