

SENATE

Tuesday, May 12, 2020

The Senate met at 10.00 a.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

Madam President: Hon. Senators, I have granted leave of absence to Sen. the Hon. Paula Gopee-Scoon and Sen. Khadijah Ameen, both of whom are ill.

ARRANGEMENT OF BUSINESS

Madam President: Hon. Senators I am not yet in receipt of the Instruments of Appointment for the Senators who are to be sworn in so I am going to ask that we revert to this item on the Order Paper later in the proceedings.

**JOINT SELECT COMMITTEE
(ESTABLISHMENT OF)**

Madam President: Hon. Senators, I have received the following correspondence from the Speaker of the House of Representatives:

“May 11, 2020.

Dear President of the Senate.

Establishment of Joint Select Committees.

At a sitting held on Friday May 8, 2020, the House of Representatives agree to the following resolutions.

1. *Resolved* that in accordance with Standing Order 64(1)(c), the Representation of the People (Amd't.) Bill, 2020 be referred to a Joint Select Committee hereby established for its consideration and report by August 31, 2020.
2. *Resolved* that subject to the concurrence of the Senate on the establishment of the joint select committee on the representation of the

UNREVISED

People Amendment Bill, 2020 the House appointment the following six members to sit with equal number from the Senate on this Committee:

Mrs. Camille Robinson-Regis, MP

Mr. Fitzgerald Hinds, MP

Ms. Shamfa Cudjoe, MP

Mr. Colm Imbert, MP

Dr. Tim Gopeesingh, MP

Mr. Rudranath Indarsingh, MP

I request that the Senate be informed of these decisions at the earliest convenience please.

Respectfully

Bridgid Mary Annisette-George MP, Speaker.”

REAL ESTATE AGENTS BILL, 2020

Bill to provide for the registration and regulation of real estate agents in order to promote transparency, accountability and integrity in the real estate profession, to protect and assist persons engaged in transactions with real estate agents and to assist in the detection and prevention of money laundering and terrorist financing, and other related matters, brought from the House of Representatives [*The Attorney General*]; read the first time.

PAPERS LAID

1. Annual Audited Financial Statements of Trinidad and Tobago Mortgage Finance Company Limited for the financial year ended December 31, 2018. [*The Minister of Public Administration and Minister in the Ministry of Finance (Sen. The Hon. Allyson West)*]

2. Annual Audited Financial Statements of Trinidad Nitrogen Company Limited for the financial year ended December 31, 2019. [*Sen. The Hon. A. West*]
3. Ministerial Response of the Ministry of Social Development and Family Services to the Thirteenth Report of the Joint Select Committee on Social Services and Public Administration on an inquiry into the prevalence of teenage pregnancy and the State's capacity to minimize the occurrence of teenage pregnancy and provide services and assistance to teenage parents. [*The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat)*]
4. Ministerial Response of the Ministry of Health to the Thirteenth Report of the Joint Select Committee on Social Services and Public Administration on an inquiry into the prevalence of teenage pregnancy and the State's capacity to minimize the occurrence of teenage pregnancy and provide services and assistance to teenage parents. [*Sen. The Hon. C. Rambharat*]

URGENT QUESTIONS

Small and Medium Business Operations (Governments Reconsideration to Resume)

Sen. Saddam Hosein: Thank you very much, Madam President. To the Minister of Health: Having regard to pleas by small and medium sized business owners to be permitted to resume business operations, does the Government intend to reconsider including these categories of businesses in phase one of the reopening of the economy?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I know it is not intentional but I would like to be absolutely clear from the outset. It is not all businesses which have been closed on account of the COVID-19 Regulations. Madam President, from the outset those

persons involved in agriculture for example, agro shops, suppliers to agriculture enterprises, agriculture enterprises supplying to supermarkets and so on, meat shops, mini marts, supermarkets, hardwares, those things have remained open. In relation to hardwares there was a change and then a revision to the previous hours, but it is not all businesses which have been affected. Most, but many small business involved in the categories I have described have remained operational.

Madam President, on Saturday the hon. Prime Minister listed six phases and provided details in respect of phase one and possibly phase two. And what the hon. Prime Minister has said, that in relation the expansion of what has been allowed now, and I want to say that small and medium enterprises make up a significant part of the food establishments that can now reopen once they comply with the Regulations and in particular, once they do curb side service and they avoid congregation, and serving, and dining and so on, and the Police Commissioner is on record as setting out what are his expectations in relation to that.

The Prime Minister has listed a phase two, for the period May 24 to June 06, 2020, but he has made it clear that this is contingent on COVID-19 the numbers remaining down and, Madam President, I can deal with any country in the world, but right now in the United States we see what is happening and—

Madam President: Minister, your time is up.

Sen. The Hon. C. Rambharat: I am very grateful, Madam President.

Sen. S. Hosein: Thank you very much, Madam President. Madam President, having regard to all of the statements issued by the business chambers of Trinidad and Tobago, can the Minister indicate whether or not these chambers were consulted before the plan set out to phased reopening of the economy please?

Sen. The Hon. C. Rambharat: Madam President, I was about to in my main

answer to get into the United States business, and thankfully the time ran short, and it forces me now to stick to our business.

Madam President, in mid-April 2020, the hon. Prime Minister was very clear on the parameters by which the Government will make decisions in relation to COVID-19, and he said, “The Government will act on the basis of the science and on the basis on the advice available via the Chief Medical Officer, and the regional and international partners working with the CMO on this matter of COVID-19.” I have greatest respect for my colleagues in the Chamber of Commerce, I was once Chairman of the Employers Association, and never in my time as Chairman of the employers body, did I venture to advise a government, a Prime Minister, a Minister of Labour, on matters of science or medicine, or even law which was outside of my remit. The Government will take advice from the Chief Medical Officer, and what has been advised in relation to phase one is based on the medical and scientific information and advice available, and it comes with a caution that if people do not behave themselves in phase one, phase two may never arrive. That is all.

Sen. S. Hosein: Thank you, Madam President. Madam President, is the Minister confirming that the Government is not going to reconsider its decision to open the small and medium businesses, having regard to thousands of persons being unemployed and have not been able to access the salary relief grant as yet?

Madam President: Sen. Hosein, I would not allow that question. Next question, Sen. Mark. [*Desk thumping*]

**“Spot Purchase Fuel Agreement”
(Government’s Intention to Pursue Legal Action)**

Sen. Wade Mark: Thank you, Madam President. To the Attorney General: Having regard to the disclosure that there is a restriction clause in the Paria Fuel Trading Company and Aruba ‘Spot Purchase Fuel Agreement’, does the

Government intend to pursue legal action against the purchaser for breach of contract?

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam President. Madam President, this question is premised upon a conclusion that is not before us. The question is specifically premised on the back of there being a breach of contract. I am not now in a present state to say anything about that. What we do know is that there was a sale to Aruba of the particular shipment. Anything beyond that is conjecture at this point and therefore, respectfully it is premature to answer any conjecture along this line.

Sen. Mark: Madam President, can the AG confirm this particular clause that is contained in the agreement for the sale of the 150,000 barrels of gasoline to Aruba that anyone who—the restrictive or the restriction clause, Madam President, can the AG confirm whether earlier export of fuel to Aruba had a similar provision as that which was—?

Madam President: I think we have the question. Attorney General.

Hon. F. Al-Rawi: Madam President, my hon. friend is searching for a scandal and there is none.

Sen. S. Hosein: There is one.

Hon. F. Al-Rawi: The lurching conclusions and exploratory remarks are driven by a political agenda of my friends opposite. The quite simple position in this has been advanced and stated clearly by the Minister of National Security and by the Minister with responsibility for Energy, the hon. Franklin Khan. There is no scandal, any attempt by the UNC to stir one is against the best interests of Trinidad and Tobago, and the population is searching for a reason why there is such a driven attempt to bring adverse consequences upon Trinidad and Tobago solely by the UNC.

Sen. Mark: Madam President, may I ask the distinguished Attorney General, he says there is no scandal. May I ask him through you, whether the Government, on the basis of transparency and accountability, would be prepared to lay in this House the contractual agreement between Paria Fuel Trading Company and that company in Aruba for public scrutiny and transparency?

Hon. F. Al-Rawi: I thank the hon. Senator for his question. I want to make this abundantly clear. As Attorney General I have had no role in this particular arrangement or contract. This is simply because it is via a state enterprise that has been engaged in the course of business that it has been doing from the start of its operations.

Secondly, I cannot, certainly without having seen the contract, speak to whether the contract contains terms and conditions of a commercial nature which would fit in within the arrangement of sensitive personal information at law. And therefore, not being aware of the terms of the contract, not having advised on it in any way, I am certainly not in a position to undertake that responsibility. I am sure if the hon. Member posed that question to the Minister of Energy and Energy Industries who has responsibility for these matters that an appropriate and responsible answer can be given.

ORAL ANSWERS TO QUESTIONS

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, there are three question on notice, the Government intends to answer all three.

Increased Shooting Deaths of TTPS Members

(Measures Taken to Address)

79. Sen. Wade Mark asked the hon. Minister of National Security:

Given the increase in the number of shootings directed at members of the Trinidad and Tobago Police Service (TTPS) and the increase in the deaths of police officers in the line of duty, can the Minister indicate what measures are being taken to address this issue?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, question raises three separate issues. First, it raises the issue of shootings directed at members of the Trinidad and Tobago Police Service. It raises the issue of deaths. In relation to the shooting it raises the issue of shootings on duty and off duty. And in relation to the deaths, it raises the issue of shootings on duty.

So I would say, Madam President, in relation to shootings directed at members of the Trinidad and Tobago Police Service, which my colleague describes as having an increase. My colleague does not set out the increase over what period, but I do not want to get into any confusion with him, but I would say that there has been a fluctuation in the number between the period 2015—2019. So if I can illustrate in relation to on duty shootings targeted at members of the Trinidad and Tobago Police Service, for officers who are off duty, in 2015 that number was 33, and it went down in 2016 to 12; up in 2017 to 48; down in 2018 to 36; and down in 2019 to 35. So you see Madam President, between '18 and '19 there was no increase. And it has been up and down.

In relation to on duty officers there was a spike in 2017 of 88, but it is now down to eight. So there has been a significant decrease in the shootings directed at Trinidad and Tobago police officers between 2017 and 2019.

Madam President, in relation to the second part, the deaths of police officers in the line of duty, based on the information from the Trinidad and Tobago Police Service there has been no officer killed in the line of duty since 2015. And,

Madam President, that can be attributed to a few measures, one is no doubt the Commissioner of Police's policy of one shot one kill; the training that has been offered to officers, the improved training; three, the psychological support that has been given; and the employee assistance in relation to dealing with things like stress, employee health, wellness, physical conditions and those things, which enable an officer to go out in the line of duty focused and physically prepared and able to do their duties. Thank you very much, Madam President.

Sen. Mark: Can I enquire of the hon. Acting Leader, hon. Senator, what was the number of police officers who would have died on duty in 2018?

Sen. The Hon. C. Rambharat: Madam President, I repeat the information provided to me by the Trinidad and Tobago Police Service is that there has been no officer killed in the line of duty since 2015.

Sen. Mark: Can I ask the hon. Minister, how many police officers or men and women have been killed in the line of duty, Madam President, for the period 2015 to 2019. I know he talked about off duty, but in terms of in the line of duty?

Madam President: Sen. Mark, I would not allow that question. That has been asked and answered. Next question, Sen. Mark.

Sen. Mark: Now, Madam President, we understand that the rate has been going down, the number of killings and dodges and further, the measures that have been taken by the police service. Can the Minister indicate whether these measures are the only ones that have been taken to address this issue, or is the police service contemplating additional measures to the protect the men and women of the Trinidad and Tobago Police Service?

Madam President: Sen. Mark, I would not allow that question either.

**Shelters for Domestic Violence Victims
(Measures Taken to Increase)**

80. Sen. Wade Mark asked the hon. Minister of Minister of Social Development and Family Services:

In light of reports which show the inadequacy of this country's provision of shelters for victims of domestic violence, can the Minister indicate what is being done to increase the number of shelters?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President. This question falls within the responsibility of the Office of the Prime Minister for which we have a Minister of Gender Affairs, and Madam President, I would say that two most—we recognize that domestic violence is the critical issue in the country, and the two most important measures taken in recent time, the hon. Attorney General, in response to a question very recently, laid out the time frame for bringing to the Parliament the amendments to the Domestic Violence Act, critical amendments. That is one.

And secondly, last week in this House we passed the electronic monitoring amendment legislation which seeks to improve what was there before and a lot of the debates centred around the role of the monitoring devices in relation to victims and alleged perpetrators, and that would go a long way to minimizing the need for persons to be in shelters. Of course, we recognize that there will be times when victims would have to be placed in shelters for their own safety and for other reasons.

So, Madam President, the Government, since 2017, has been able to outfit and get ready two centres for victims of domestic violence who need that level of protection. Unfortunately, Madam President, you would be surprised to know, there have been five tender processes. Three of them by the Central Tenders Board and two by NIPDEC to procure NGOs to operate these facilities. The

Government's—successive Governments have been very reluctant given the nature of these facilities to have public officers employed working in them, and have tried as far as possible to have NGOs do this service, and five attempts having failed, the Government most recently has been working towards having it staffed by public officers so that in order for them to be operationalized. But at the same time we have tried to minimize the need for it by bringing the domestic violence amendments and also passing the Electronic Monitoring (Amdt.) Bill. Thank you very much, Madam President.

Sen. Mark: Madam President, can the Minister indicate first of all, where are these centres located? Firstly, and then I would come back.

Sen. The Hon. C. Rambharat: Madam President, I most reluctantly would have to say that I know that one is at St. Madeleine, former Caroni (1975) Limited facility at St. Madeleine. But I would have to provide in writing the second one.

Sen. Mark: Madam President, in light of the fact that the Government has taken a decision to employ personnel from the public service to run these centres, and given the crime need for these centres, can the Minister indicate what time frame he envisages or the Government envisages to have these public officers recruited and to get these centres operationalized?

Sen. The Hon. C. Rambharat: Madam President, initially the Government expected to have these places staffed by the end of March this year, but of course other matters have intervened, and as soon as the Government is in a position to continue the recruitment process the staffing would take place. In the meantime, the OPM and the Housing Development Corporation have been working to identify spaces which may be available in existing facilities to house the victims of domestic violence while we take steps to staff these two facilities that have been outfitted and ready since 2017.

Sen. Mark: Madam President, can the Minister indicate whether the Government has investigated what are some of the reasons or factors preventing NGOs from coming forward to take responsibility for the operation of these centres? Has the Government conducted any enquiry or investigation to that effect?

Sen. The Hon. C. Rambharat: Madam President, I would say there are two issues. One is where those NGOs in relation not just to domestic violence victims, but in relation to some of the other institutions for young persons. Some of the NGOs which are faith-based NGOs have found that services have become very complex, and have gone way outside their remit and the services they provide communities. That is one issue. But more importantly, Madam President, legislative changes have made it very, very onerous on some of these organizations, particularly NGOs and faith-based organizers to continue to offer these services. In particular, some of the legal liabilities that can now be attached to the operators and the officers and those involved, and many of them and in this particular case, all of them, via the tenders process have not been interested in providing these services.

Sen. Mark: Madam President, whilst we are awaiting the Domestic Violence (Amdt.) Bill and the operationalization of the Electronic Monitoring Act, can the Minister indicate to us what support and resources the Government has provided to the NGOs to assist women who have become victims of domestic violence, particularly in this period of COVID-19?

Madam President: Sen. Mark, that question is not allowed. Next question Sen. Mark.

**Severance Benefits to Former UTT Employees
(Measures Taken to Settle)**

90. Sen. Wade Mark asked the hon. Minister of Education:

In light of the non-payment of severance benefits to some 200 former employees of the University of Trinidad and Tobago (UTT), can the Minister indicate what urgent measures are being taken to settle this outstanding debt?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam President. Madam President, the question is based on a false premise since 171 out of 176 former employees of UTT, or 97 per cent of the total, have received their severance payments to date. The Ministry of Education has been advised that the University of Trinidad and Tobago (UTT), that on or about August 30, 2019, the university was constrained to separate 176 employees on the grounds of redundancy following its restructuring exercise. The status of the severance benefits payable to the retrenched employees as of May the 8th, 2020, is as follows:

1. The university has paid the severance benefits in full for 171 of the retrenched employees. These payments were made in two tranches:
 - A. The first tranche of 75 per cent was paid by the end of the notice period November 2019; and
 - B. The second tranche for the remaining 25 per cent was paid between April 20, 2020, and May 05, 2020

Subsequent to confirmation received from the Board of Inland Revenue (BIR) that the severance payments were exempt from tax upon enquiry by UTT, the BIR is processing the tax exemption applications in respect of the remaining five retrenched employees, three of whom were already paid 75 per cent of their severance benefit.

The two persons who have not yet received their initial tranche will receive this payment in the very near future as there was an administrative oversight that resulted in the delayed processing for these retrenched employees. However, the Ministry has advised that the accounting agency handling the severance package

payments on behalf of the university is in receipt of their files for processing.
Thank you very much.

10.30 a.m.

Sen. Mark: Madam President, may I ask the hon. Minister of Education, what were the reasons why the workers, 171 of them, were not able to receive their full severance benefits payments at the end of the retrenchment or redundancy process? Can the Minister explain why the 100 per cent severance payment was not satisfied?

Madam President: No. Sen. Mark, that question does not arise. Next question, Sen. Mark?

Sen. Mark: No, I am okay.

**JOINT SELECT COMMITTEE
(APPOINTMENT OF)**

Representation of the People (Amdt.) Bill, 2020

The Minister of Agriculture, Land and Fisheries (Hon. Clarence Rambharat):
Madam President, having regard to the correspondence from the Speaker of the House in relation to the establishment of a Joint Select Committee to consider and report by August 31, 2020, on the Representation of the People (Amdt.) Bill, 2020, I beg to move that the Senate concur with the House of Representatives in the establishment of the Committee and the following six Senators be appointed to serve:

Mr. Clarence Rambharat

Ms. Allyson West

Mr. Robert Le Hunte

Mr. Wade Mark

Mr. Paul Richards and

Mr. Deeroop Teemal

I thank you.

Question put and agreed to.

Order for second reading read.

COPYRIGHT (AMDT.) BILL, 2019

The Attorney General (Hon. Faris Al-Rawi): Again, I humbly repeat the call for a larger desk on the side if it should please you, Madam President. It is extremely difficult to work with a limited podium. Madam President, I beg to move:

That a Bill to amend the Copyright Act, Chap. 82:80, to give effect to the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled and to the Beijing Treaty on Audiovisual Performances, be now read a second time.

Madam President, it gives me great pleasure to pilot this particular Bill before the Senate this afternoon. [*Desk thumping*] Today is the day when, as it relates to one part of what we do as a society, we bring human rights into the copyright laws of Trinidad and Tobago specifically for the visually impaired, print disabled and other persons in this society certainly in their tens of thousands, who are suffering from what is referred to as a “book famine”, meaning a scarcity of literature for people who just cannot read in a normal way and secondly, as we look to improve our economic potential for persons who have had very limited rights under our intellectual property regime for many years. And lastly, as we bring to light the focus of infringement being managed in a more aggressive way which is more technologically specific.

Madam President, today I start off by saying what a coincidence that we have sitting amongst us one of the authors of this legislation, someone who has

dedicated his life in some significant part, because he has done so much to the pursuit of intellectual property, and I refer to and I pay particular homage to the hon. Sen. Anthony Vieira [*Desk thumping*] who has been an icon in the intellectual property arena for decades in this country. Despite the fact that he still looks a little young, he is certainly well known as having significant long pants in this arena and it is a joy and a coincidence to have Sen. Vieira sitting in this Senate as an Independent Senator as we engage in this legislation. So let us get on with it.

We are here to amend the Copyright Act by the Copyright (Amdt.) Bill. Copyright is, of course, a property right. It is so, in fact, specifically labelled in the legislation as an acknowledged right of property. What is copyright? Quite simply for people who do not know, copyright is an acknowledgement of the intellectual worth as it is divided into two separate parts as it relates to a certain category of people, and let me explain that. You have the economic rights and then you have the moral rights which go with a copyright. Your economic rights, set out in the Copyright Act, include the usual methods of exploitation, meaning the right to print, to reproduce, et cetera, et cetera, including your ancillary rights of broadcasting and whatnot and then you have your moral rights, where you have the right to be known as the author or referred to as the right of paternity, the right to ensure that your work is not the subject of derogatory commentary, et cetera. So there is that concept of copyright.

We as a nation have come far away from Act. No. 13 of 1985. In that Act, we had an old copyright regime. We, of course, Trinidad and Tobago, are members of the World Intellectual Property Organization which is a subset of the United Nations. In that particular pursuit and having joined WIPO in 1995 in a significant way, we adopted a number of conventions in Trinidad and Tobago. Of course, there is the core classic convention which is the Berne Convention for the

Protection of Literary and Artistic Works which is an 1886 convention. We, of course, operated by adopting the Rome Convention and that Rome Convention for protection of performers, producers of phonographic and broadcasting organizations since 1961. We, of course, adhered to the agreement on trade related aspects of intellectual property rights otherwise referred to as the TRIPS Agreement. We, of course, also are participants in the WIPO Copyright Treaty as well as the WIPO Performers and Phonograms Treaty of 1996. And recently, we have come on to accept the Marrakesh Treaty which was brought into final form when Trinidad entered in June 2013 when we did the final Act but not enforce until 2016 in September. And, lastly, we have brought on the Beijing Treaty, which is the Diplomatic Conference on the Protection of Audiovisual Performances which was final Act in June 2012, but not yet enforced as we have only come up to 23 out of 30 people required. Why have I put that onto the record? Because those are the pieces of law which for a long time was standing on the books of Trinidad and Tobago under successive Ministers without significant attention.

Now, I declare my interest, I am a huge fan and lover of intellectual property. I had the privilege of pursuing it at master's level and find great joy in its contribution to GDP and in the novelty and cutting edge. Today, I would like to acknowledge the hard work of controllers of intellectual property back-to-back, ending right now in the most effervescent personality of Regan Asgarali who is the current Controller. And in coming forward, I can tell you as a Government, we have had the pleasure of only last year dusting off the measures that we brought into place.

I found it unacceptable as the Minister with responsibility for intellectual property that we had not acceded to the Rome Convention, the Marrakesh Treaty, the Beijing Treaty or the Singapore Treaty on trademarks. And I am very pleased

to tell you that in the period September to October 2019, we acceded to all of those treaties. Why? Because at the same time we have been transforming the Intellectual Property Office in Trinidad and Tobago as the vision that I personally have, but will invite Cabinet to consider, is to move to an intellectual authority. We have taken the lead in the region with respect to patent corporation, with respect to trademark cooperation and with respect to copyright organizations, we are near the final stages of moving our Intellectual Property Office across to the Government Campus at the AG's Office. We have already gone online with payments, with filings. We are using the intellectual property. Finally, intellectual property is receiving its fair point of focused attention by a Government of Trinidad and Tobago.

So let us get to the Bill. I alluded to it at the beginning in introducing the three objectives. Effectively, we are doing three things. We are bringing to life the provisions of the Marrakesh Treaty, we are bringing to life the provisions of the Beijing Treaty and we are bringing to life the technological prevention methods, which are anchored in both treaties as well as in the copyright regimes of the WIPO copyright conventions, et cetera. And I think it important at this point, Madam President, to put on the record, the language coming from the two treaties, and I would like to do that because it really could not be better said than via the preambles, in particular, to the Marrakesh Treaty:

“The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled”

And I stick a pin here now. You have heard me quote a case ad nauseam in this particular Parliament. It is the case of *Suratt v the Attorney General*. I would like to stop and pay homage to Mr. Kenneth Suratt who has been the champion for visually impaired people in Trinidad and Tobago [*Desk thumping*] together with

the visual impaired persons including the Blind Welfare Association, et cetera, his drive and passion to make sure that there is literature in terms of human right accessibility, knows no bounds, and Trinidad and Tobago deserves to acknowledge him for his efforts in this regard. [*Desk thumping*]

So here is what the preamble to the Marrakesh Treaty says.

“Recalling the principles of non-discrimination, equal opportunity, accessibility and full and effective participation and inclusion in society, proclaimed in the Universal Declaration of Human Rights and the United Nations Convention on the Rights of Persons with Disabilities, Mindful of the challenges that are prejudicial to the complete development of persons with visual impairments or with other print disabilities, which limit their freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds on an equal basis with others, including through all forms of communication of their choice, their enjoyment of the right to education, and the opportunity to conduct research, Emphasizing the importance of copyright protection as an incentive and reward for literary and artistic creations...”—et cetera—

“Aware of the barriers of persons with visual impairments or with other print disabilities”— or—“access to published works in achieving equal opportunities in society, and the need to both expand the number of works in accessible formats and to improve the circulation of such works,

Taking into account that the majority of persons with visual impairments or with other print disabilities live in developing and least-developed countries, Recognizing that, despite the difference in national copyright laws, the positive impact of new information and communication technologies on the lives of persons with visual impairments or with other print disabilities may

be reinforced by an enhanced legal framework at the international level.”

And, Madam President, those words coming from the treaty itself anchor what we are doing today as to one of the three limbs of amendment in copyright laws, being the Marrakesh Treaty, to bring into effect the world of opportunity that our visually impaired and print disabled people—and what is print disabled? You cannot turn a book, your eyes cannot focus—you just cannot manipulate the physical aspects of literature. These persons deserve their right.

And therefore, in this Bill, we seek by way of a three-fifths majority to amend that clear right to property that a copyright is and to allow an exception for public purpose, for human rights purpose, to allow for the exploitation—and what does that mean? The printing, the reproduction, the adaptation, the derivative works, to come out of a literary or artistic work as it is anchored in the Berne Convention in our Copyright Act, to allow for it to be adapted by a public entity, in this case NALIS, which is an approved entity in this point, or such other entity as the Minister may by Order bring in, which has a public purpose, which is charitable and non-profit and if it does charge, only does so in respect of coverage of cost. We allow these entities to have the right to adapt the works in carefully arranged methods, preserving the moral integrity of the work, but to extract the work, bring it into the visual impaired or physically impaired challenged regime, allow it to be put out by the entity that has authority for the distribution—a non-profit entity or NALIS in this instance—and therefore, not only bring it locally into context, but internationally, because this Bill seeks to also allow the pool of Marrakesh countries to share their works, and that is referred to in banking that the World Intellectual Property Office offers by coming on to a harmonized arrangement for visually impaired by bringing the Marrakesh Treaty into effect, we are therefore allowing for this to actually happen. What time is full time, Madam

President?

Madam President: Three minutes past eleven.

Hon. F. Al-Rawi: Much obliged. Again, with the clock hidden. So, Madam President, I know I am sounding a lil bit impassioned, but I confess that I have a great regard for what we are doing here today.

Madam President, the second limb is the Beijing aspects and the Beijing aspects are to be found in the Beijing Treaty. The Beijing Treaty seeks to effectively manage the shortfall or shortcomings in the Rome Convention. The Rome Convention treats with—Madam President, we recognize in the copyright realm that there are main rights to persons and that there are neighbouring rights to persons, and the neighbouring rights include the people that are just on the outside of the author of the work and that includes the broadcaster, the performer, et cetera.

The Rome Convention, which I have alluded to earlier, did not give the performers of certain works full economic rights and certainly, they had no moral rights, and therefore, the limitations in the world aspect of the Rome Convention had to be addressed, and that was what the World Intellectual Property Office did in birthing the Beijing Convention.

In treating with the Beijing Convention, Madam President, let me put on record part of the Beijing aspects and that will be found in—if I could find the Beijing before me—the literature which has come out which focuses effectively, Madam President, on the persons that are in that category of not having adequate treatment, and the Beijing Treaty on Audiovisual Performances, which is certainly something that we believe is something of benefit to Trinidad and Tobago, focuses upon and I read here from the preamble to the Convention:

“Desiring to develop and maintain the protection of the rights of performers in their audiovisual performances in a manner as effective and uniform as

possible...

Recognizing the need to maintain a balance between the rights of performers in their audiovisual performances and the larger public interest, particularly education, research and access to information,

Recognizing that the WIPO Performances and Phonograms Treaty...done in Geneva on December 20, 1996, does not extend protection to performers in respect of their performance fixed in audiovisual fixations,”

And then it goes on to provide specifically, national treatment for:

“(a) ‘performers’—being in that category of—“...actors, singers, musicians, dancers, and other persons...”

— et cetera. In their:

“(b) ‘audiovisual fixation’”

—and I will come to that definition in the Bill. Via:

“(c) ‘broadcasting’”

—which effectively should be in any means possible. Via:

“(d) ‘communication to the public’”

— which is the springboard to any means of communication including URL links or media links of streaming at the Internet, and then giving in that national treatment the moral right which did not exist previously and certainly, the economic rights in their fixed or unfixed performances, and fixed means anything recorded, for instance, in a DVD, et cetera; unfixed refers to live performances. And the rights economically are, right of reproduction, right of distribution, right of rental, right of making available fixed performances, right to broadcasting and communication to the public, the rights of transfer, limitations and exceptions, et cetera.

So the Beijing Treaty is something that is before us by way of the second

aim. The third aim, of course, is the method by which you improve the remedies in civil law and in criminal law, in fact, if you look to the manner in which you circumvent rights. Now, that is to be found in Article 17 of the Marrakesh Convention and Article 15 of the Beijing Convention where we need to make sure that we amplify the legal remedies so that devices which sidestep the security features of any work that is protected under intellectual property—be it in terms of the performers work, be it in terms of the author's work, be it in terms of the broadcasting rights in the neighbouring rights, et cetera, derivative works—these are usually in a technological world protected by certain device mechanisms, encryption codes, et cetera, and devices which actually allow you to breach those security protocols are what we seek to add in as the third limb to this legislation.

Sen. Vieira, sitting as the consultant for the World Intellectual Property Organization, held five consultations: March 02, April 03, July 07, August 19, October 22, 2015, and, in fact, drafted the first version of the legislation with the CPC's department. We sent that legislation under my tenure to the WIPO to their legislative department to ask them to have a review. They came back with certain amendments to the work which was produced by the Vieira committee and it is those amendments that are before us right now, Madam President.

Madam President, I would like to add for the record that the consultation included the following entities: Trinidad and Tobago Blind Welfare Association, persons with associated and visual impairment, School for Blind Children, National Centre for Persons with Disabilities, the CPC's division, Ministry of Foreign and Caricom Affairs, Ministry of Education, Ministry of Public Administration, the Telecommunications Authority of Trinidad and Tobago, Ministry of Tertiary Education and Skills Training, Ministry of Health, Ministry of Arts and Multiculturalism, NALIS, National Archives, Ministry of Community

Development, Culture and the Arts, the Ministry of the People and now, Social Development and Family Services, National Carnival Bands, Trinidad and Tobago Reprographic Rights Organisation, Awesome Intel, Copyright Collection Organisation, COTT, TTCO, Artists' Coalition, Trinidad and Tobago Publishers, Production One, Hamel-Smith and Company, Pollonais & Blanc, Mair & Company, and you will notice carnival bands, et cetera, included there because our Copyright Act has a quite unique concept of something called a "work of mas" which is born and bred in Trinidad and Tobago to recognize the entrepreneurship and rights which ought to exist in our Carnival product as a "work of mas". Our copyright law, of course, brings to life copyright regardless of fixation. In other words then, on the moment of creation, our copyright happens.

So let us get to the Bill in some of its structures. Let us go to the main benefits as we see in the legislation itself. Obviously, if we are looking to the Marrakesh Convention, we are looking to treat with the book famine issue, the scarcity of resources for visually impaired persons. We refer to them in this legislation as "VIPs" and I think that that is a fitting term. We are going to give them improved awareness of the challenges faced obviously by making sure that the rest of the country comes up to speed with that and gives the copyright exception. We are, of course, giving improved availability of printed material, facilitating greater inclusiveness and participation of VIPs providing VIPs with opportunities for professional growth.

In the Beijing context, we are doing as I have said before, the broadening of the rights from the moral and economic perspective that the Rome Convention certainly had difficulty with, and in treating with the Beijing Treaty, we are granting audiovisual performers those in video, television and film, such as singers, musicians, dancers and actors, economic rights and moral rights in their

audiovisual performances which can either be fixed or unfixed. Fixed meaning in video, television or film; unfixed meaning in live performances.

There are moral rights, of course, the right to paternity, the right to not have the work, in derogatory circumstances, used. Those are being added for the first time. Obviously, it gives to an economic development of Trinidad and Tobago in creating a category of remuneration for persons who were limited in that regard previously. Obviously, you still have the contracting freedom and the strengthening of standards and the third limb being the technologically protection measures. Again, we are making sure that we are WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty compliant, and we are making sure that civil remedies, in circumventing those protection devices, are broadened and that criminal remedies be included as well.

The Bill before us itself is a mere 12 clauses long. If we look to the short title, of course, we have no real concern. If we look to the second aspect where we are acknowledging that a three-fifths requirement is required because of the copyright being a right to property, this is very relevant in the Marrakesh Convention aspects, because we are specifically treating with the lawful ability to not require the consent of the copyright holder where you are using it for visually impaired persons, VIPs, to create that answer for the book famine and other genuine human right objectives.

So one could argue that that by itself under the Suratt case did not require a three-fifths majority, but nonetheless out of an abundance of caution that is required.

Madam President, we are looking to in section 3 to deal with the definitional amendments. I did have a quick chat with Sen. Vieira before we started today and I am aware that he has a few concerns in relation to some of the definitions,

certainly, with respect to “broadcasting” and also with respect to “communication to the public”. And what we are doing, I have actually sent off a request to WIPO, as we speak, to ask if they have any objections to the suggestions that Sen. Vieira made to me a short while ago before we started. So in section 3, we are putting in a modified version of the definition of broadcasting and that specifically comes from Article 2(c) of the Beijing Convention.

In communicating to the public, we are again lifting from Article 2(d) of the Beijing Convention and we are seeking to capture the broadest means necessary. I think that Sen. Vieira’s concern can be captured so that we use the terminology of “by any means” so that we are not technologically specific to wireless or non-wireless communication aspects. Infringing copies are also intended to be amended to add that audiovisual fixation aspect. Why? It was not there before. This anchors Article 7 and Article 15 respectively of the Marrakesh and Beijing Conventions and we have modelled it after section 7 of the Singapore Act.

In the definition of performers, we are broadening performers now for the first time because these associated or neighbouring entities under neighbouring rights ought to have the economic potential particularly as the novelty of our communication improves. One need only bear in mind that wonderful mark of genius called “Crazy Legs” in Trinidad and Tobago when you see the images come at us apace. We are looking at a definition of accessible format, audiovisual fixation. We have borrowed from Singapore quite healthily. We are also looking to define an authorized entity. This is for the purposes of who can get the copyright exception, who could bring the artistic or literary work into visually impaired domain and that authorized entity is NALIS under this law, under the new section 12A. We have defined a beneficiary person in very tight circumstances so that we are careful as to the copyright as well as the moral right,

the UN Convention right to the VIPs that require the success.

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

Hon. F. Al-Rawi: Regrettably so. Circumventing technological protection, print disability, et cetera, all of these are coming straight from the convention. In section 5(1), we are looking to anchor in the new audiovisual fixations and audio books, again, making sure that the copyright management is specifically labelled in that context. In clause 5, we treat with the new 12A. 12A allows us to bring to life the Marrakesh Convention that by allowing the authorized entity who has lawful access to effectively cause the adaptations with strictures as to moral works, et cetera, applying. We then make sure in clause 6 to treat with removing some restrictions that we had in section 18 and here is where we are now broadening the moral right to audiovisual fixation. This takes care of the loophole in the Rome Convention which we now bring to life in the amendment to clause 6.

Clause 7 treats with the extent of the right and we are adding that moral right aspect again in 19A which treats with moral rights. We are making sure that we calculate the 50 years from when the performance was fixed because, as we know, the copyright has certain positions, life plus 50. It may be 50 years in this instance here where we are looking at the performer's rights in the fixation of works.

11.00 a.m.

Clause 8 treats with an amendment to section 21. We are dealing with the neighbouring rights provision here, performances, recordings, broadcasting, et cetera, and we are dealing with authorized performances, and we are treating specifically here in those neighbouring rights with the rights of performers as we bring to life the Beijing obligations that we are now signed on to. Clause 9 treats with an amendment to section 34A. Here is where we are treating with the circumvention devices. We are making sure that circumvention technology is not

permitted other than in circumstances set out in the legislation and therefore, we bring that into context in this legislation.

Clause 10 treats with exceptions to the offences which I have just alluded to, because obviously you cannot bring to life Marrakesh and Beijing and not allow for the Act itself to permit the exceptions to the law, and that is what the new section 34C provides. Section 41(2) of the Act is brought together to treat with offences and here is where we bring the criminal side of the copyright law into parity with the civil aspects for technological circumvention methodologies. Clause 12 treats with an amendment to the mutual protection of rights, Madam President, as we treat with an amendment to section 41A of the Act, and here is where we deal with the neighbouring rights insertion.

Madam President, the time that we have adjusted really does not give justice to the measures that one could speak to in terms of a human rights perspective or indeed an intellectual property perspective. I welcome the submissions of my learned colleagues opposite who I am sure will agree that the time is right to deliver some of our most vulnerable citizens from the difficulties that they have prevailed under. Again, I salute Sen. Vieira for his work in this regime. I salute Mr. Kenneth Suratt. I salute the many members of the public society and I thank the WIPO for its leaning into Trinidad and Tobago. Sometimes I think they live here. Sometimes I look at the extent of involvement that we have. Copyright, intellectual property rights are in safe hands in this Government, certainly in this Attorney General, as we march the level of progress of our society, both on a moral and human rights perspective and an economic perspective to performers for the first time bringing to life things which just lay without focused attention for far too long. In those circumstances, Madam President, I look forward to the contributions of Members, and I beg to move. [*Desk thumping*]

Question proposed.

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

Sen. Wade Mark: Thank you, Madam President. Madam President, it gives me pleasure, a certain sense of honour and pride in speaking and contributing to this very important piece of legislation that is before this honourable Senate, which is an Act to amend the Copyright Act in order to give effect to the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled, and of course, the Beijing Treaty on Audiovisual Performances that would afford greater legal protection, and of course, enhance economic rights through rewards, royalties to performers, including actors, comedians, dancers and those expressing folklore within the definition of performers.

Madam President, it was under the stewardship of a United National Congress administration back in 1997 that several pieces of legislation, I believe between seven and nine, would have been tabled, debated and passed in this Parliament, and that gave Trinidad and Tobago almost a leadership role in that particular area of intellectual property rights and the protection of same. I also want to say that it was the then Minister of Legal Affairs in the Panday administration, the hon. Kamla Persad-Bissessar, who led the charge in piloting these pieces of legislation to strengthen intellectual property rights throughout all its areas of operations. And, Madam President, I want to also indicate that when the Attorney General spoke about the definition of the “work of mas”, which is identified in the Copyright Act, I would like to remind the Attorney General that that was patented for the first time by a United National Congress administration. [*Desk thumping*]

We are the ones, Madam President, who made into law and patented for the first time, the “work of mas” in this country, again under the distinguished

leadership at that time of the hon. Kamla Persad-Bissessar. [*Desk thumping*] So I would want to make sure that these matters are put on the record, Madam President.

Madam President, I would also like to say and to put on the record that Trinidad and Tobago was one of the first of 20 countries that signed and adopted not only the Marrakesh Treaty which facilitates access to published works for persons who are blind, visually impaired or otherwise print disabled, but it was under the leadership again of the hon. Kamla Persad-Bissessar in 2013 as it relates to Marrakesh, as well as the Beijing Treaty on Audiovisual Performances, again adoption and signing of those two treaties came under that administration between the period 2010 to 2015, and more specifically, 2013, Marrakesh and 2012, Beijing.

I too would like to join the Attorney General in recognizing this excellent work executed by that indefatigable president, leader and promoter of the right to knowledge, the right to access to information in an accessible format, Mr. Kenneth Suratt. [*Desk thumping*] I think that is important to recognize, Madam President, but I also want to indicate, it was this same Kenneth Suratt who fought for protection for those citizens who were blind, visually impaired or print disabled. And the first piece of legislation that was able to recognize the rights and protection against discrimination against blind workers, visually impaired workers and print disabled workers, it came under the Equal Opportunity Act of 2000. That same Suratt, Kenneth Suratt was instrumental in bringing victory to those citizens and, Madam President, 15,000 to 20,000 of them, blind persons will benefit from this measure when it is passed, and that is what the hon. Attorney General was referring to when he talked about the “book farming”. These 20,000 citizens of our great republic will now be able to walk out of the darkness and see light

virtually by being able to have access to knowledge, Madam President, and that is a fundamental human right, the right to knowledge, and that is one of the treaties that we are debating today is all about. It is about allowing our workers, our citizens who happen to be blind and visually impaired and print disabled to be able to access—we estimate from the research that has been done—over half-a-million books.

Madam President, do you know that there are over 300 million persons living in the world today with disabilities of one kind or another and there were only 5 per cent of that 300 million people were able to access books, unpublished books and works? So this treaty that we are dealing with is going to benefit not only these 300 million citizens, but it would benefit the global economy, Madam President, by liberating those citizens so that they can make a more concrete and real contribution to economic development and establish their own independence. So this is not a simple matter.

And, Madam President, may I advise very early as well that Stevie Wonder, who you like and I like, was very, very instrumental in getting this matter off the ground. Madam President, for 10 years this treaty was being negotiated, 10 years, and it was the intervention of Stevie Wonder who went to Geneva and told them he is not only visually impaired. Madam President, this treaty, the Marrakesh Treaty and the one on Beijing will benefit a person like Stevie Wonder, he is both visually impaired and he is a performer. And, Madam President, when he went to Geneva he told those negotiators, contracting parties, state parties that he would like them to bring some justice to the 300 million people, and he told them that if they did it, he would come back and celebrate with them. He went back, Madam President, when it was done, when it was adopted and signed, and he sang the classic, “Signed, Sealed, Delivered”, to that audience. Madam President, people went

wild, they were dancing in aisles for the first time because this was a major accomplishment for these 300million differently-abled, visually impaired, blind and print-disabled citizens of our universe. So, Madam President, we must understand that this measure that we are dealing with today, you know, finds favour with us because we were and continue to be for the architects. We are for the protection of intellectual property rights.

Madam President, as it relates to the Marrakesh Treaty whereas you normally protect singers, musicians, dancers and other publishers and producers, when it comes to the protection of property rights, intellectual property rights, this one with Marrakesh is dealing with users, users and that is why the whole convention, the United Nations Convention on the Rights of Persons with Disabilities, you realize it was inextricably bound up with this Beijing Treaty because we were dealing with a human right. So, Madam President, we would like to, as I said, congratulate all the players involved in this exercise. We know, Madam President, it was signed off in 2013. We also know it came into force through accession and formal ratification sometime in September of 2016. We know that the Government of Trinidad and Tobago signed off in 2019 on these two matters. When I say signed off, they ratified, Madam President, those two treaties in 2019 and today, we are giving effect via legislative framework in order to allow citizens, first of all, those who are blind, disabled, visually impaired that is, and print-disabled.

So, Madam President, this is really a red-letter day for those 15,000 to 20,000 citizens who will benefit from this Marrakesh Treaty because we are dealing, as I said, with human rights principles. Madam President, this treaty allows, for the first time, the right to read for the world's print-disabled people, for all types of printed works and all formats and therefore, it gives the libraries a key

role in the successful implementation of this very important treaty. So this, as I said, Madam President, provides a lot of joy to citizens in our country who happen to be suffering. And, Madam President, may I tell you, as we all become older in life, because none of us will remain forever young, we too are going to be faced with disabilities of one type or one kind or the other, so this is also impacting on us too in this Parliament, because in the next 20 years I would not be in this Parliament; many of us would not be in this Parliament and we do not know what disabilities we are going to be afflicted with. But you know what, Madam President, this treaty, this legislation that we are dealing with here this evening—today rather, this morning, will have a beneficial impact and effect on all citizens of our republic, as I said, as we grow older in life.

Madam President, I also would like to indicate to you that when we look at the Bill itself it is also dealing with what is called the matter of audiovisual performances and that is very, very critical to our artistes, because as you would see in the preamble to the legislation here, and more so in the Explanatory Note, you will see some of the persons who were not included in the previous treaty, they now find their way. I do not believe, and maybe when Sen. Vieira speaks, he will guide me on this one, whether comedians would have been involved as a category in terms of protection, legal protection, in terms of getting royalties for their works. Madam President, they are now included. Actors, Madam President, once they acted in a film or some television programme, they got a fixed rate of pay. After that, Madam President, you went home. This legislation is providing those actors in this country with greater elasticity and space in terms of accessing economic rewards and royalties. So it is not only comedians and actors, Madam President, but dancers are also going to benefit from this particular measure that is before us.

Madam President, I also want to indicate that as we seek to protect our

performers in this Audiovisual Performances Treaty, known as the Beijing Treaty, we would recognize that the copyright sector, the creativity sector is a very critical sector in our economic growth, development and transformation. And in this COVID-19, post COVID-19 battle, economic battle for survival in T&T, this sector that we are protecting here, Madam President, to allow them to have a greater stream of royalties for their intellectual and creative endeavours, is going to trigger development, employment, economic transformation, if you will. It will improve the status of the audiovisual performers in our country. It will propel economic development in this country.

Madam President, would you believe that a study done by one of our brilliant economists located in Tobago, Dr. Vanus James, he did a piece for WIPO some time ago on the creative—the contribution of the copyright sector and the entertainment industry to our country's economy of Trinidad and Tobago. And you know what the findings revealed, working closely with the Central Statistical Office, that 5 per cent of this country's GDP, making up \$8.3billion, came from the creative industries, came from the entertainment industries. Madam President, when you talk about workers in terms of employment, 5 per cent of the employed citizenry in this country are also from that particular industry. You are talking about between 30,000 and 40,000 people who are actively engaged in that entertainment industry who are making valuable contributions, not only, Madam President, to our GDP on an annual basis but also to employment levels and opportunities for this country's development, growth and expansion.

The big United States of America, Madam President, their contribution, the contribution of the entertainment, creativity sector and entertainment industry is about 9.4 per cent, and we in Trinidad and Tobago, small Trinidad and Tobago, in spite of the piracy still existing in our country, the literature is showing, the data is

showing that the entertainment, copyright, intellectual, innovative, creative sector contributes 5 per cent of this country's GDP as of 2012, and when we analyze the GDP of 2012, which was about \$165 billion, we are talking about close to about \$8.5 billion. So this is a very important industry, the creative industry, and the protection that we are giving to our artistes is important to their own growth and development as individuals. As I said, it will enhance their status as performers, Madam President. So this is a very, very critical situation that we are dealing with here, Madam President, and I saw in the Explanatory Note that the whole question of protection of culture and folklore and culture diversity is also one of the tributaries or beneficiaries of this measure that we are dealing with today, that is the Beijing Treaty, but I also know that in Geneva, negotiations have been taking place for several years in Beijing—not Beijing rather, in that place called Geneva.

WIPO has an Intergovernmental Committee, Madam President, on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore called the IGC, and they have been in discussions and negotiations for several years but they have not arrived at a place as we are today with the Beijing Treaty or the Marrakesh Treaty. But, Madam President, when they arrive at that place, in the not-too-distant future, we will be able to patent all our traditional folklore traditions, whether it is Hosay, whether it is the Tobago Heritage, whether, Madam President, it has to do with Ramleela, as the case may be, as a celebration; all of these folklore tradition which is our culture, it is we, that is us, it is our culture and that is going to be very critical in the future for the generation of revenues.

Madam President, I think the time has come, it is not in the legislation before us but I call on the Attorney General to revisit the definition of “work of mas” because there are still loopholes in this definition that allow people to come to this country, take photos of our mas, of our pan, of our “kaisonians”, and so on,

involved in the carnival, and particularly our mas, Madam President, and they sell it abroad and we get no royalties for our creativity. So that is an area, Madam President, I believe that the time has come for the Government to revisit that definition of “work of mas” and extend it so that we can have greater protection of that very inventive and innovative product in our country. Madam President, I also want to indicate here that the time has come for the Government of Trinidad and Tobago to look at putting as a subject—

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

Sen. W. Mark: Yes, thank you very, very much, Madam President. Madam President, I believe the time has come for the Government of Trinidad and Tobago to put as a subject, and if they do not do it because they are outgoing, we the incoming Government will have to do it.

Madam President, we must put as a subject on our curriculum “innovation, creativity and invention” as a subject matter. Madam President, our young people can get involved in the creative aspect of their own internal richness as it relates to talent in the country. Madam President, there are geniuses in our country but because of the fact, Madam President, they are not being given the opportunity and we are really not nurturing them as we ought to, we lose talents. Madam President, do you know in a place called Medellín in Colombia, they use the creative industry quite successfully in Colombia where crime was out of hand in Colombia, and that creative industry got young people into real creative, inventive and innovative activities. Crime in Medellín was reduced by close to 80 per cent in a short period of time, in a place called Medellín in Colombia.

11.30 a.m.

So it tells you, Madam President, the power of the creative industry. It tells you about the power of this thing called innovation and invention. It brings out the

best in our young people, if given the opportunity. And that is why, Madam President, I am appealing to the Government of this country to pay attention to putting on the curriculum of our schools a subject, whatever name they call it, but it must capture invention, creation and innovation. That is what it must capture, Madam President.

Madam President, I know my time is racing ahead of me. But I also want to deal with the question of enforcement; the question of enforcement of these laws. We need to pay attention to enforcement, law enforcement and the need for more training of our police officers in this particular field. And just as how, Madam President, today we have a gender violence unit in the TTPS, in terms of protecting intellectual property rights in our country, we may need to establish a specialized unit in the police service that will really police, through enforcement, this particular matter of intellectual property rights in our country, Madam President. Whether we like it or not, Madam President, today in this country we still have a lot of pirating of very important works of art and creative genius in this country, and therefore you need greater protection from the authorities, as it relates to that.

Madam President, do you know that the entertainment industry in the world is valued over \$1 trillion? That is the value of the creative industry, the entertainment industry, the copyright sector in this country; over a trillion dollars in the world, Madam President. So you could well imagine that if we give this thing the best shot, we can move from \$8 billion as 5 per cent of our GDP and reach America's level 9.5. We can do it, Madam President.

So Madam President, as I said, I want to associate myself and the United National Congress with this effort today. I want to thank you very much for the opportunity for addressing this Chamber and to indicate that we will be supporting this legislation and at the level of the committee stage, we will ask the Attorney

General to look at certain views that we have, but we are supporting the legislation. Thank you very much, Madam President.

Sen. Anthony Vieira: Thank you very much, Madam President. Madam President, to stimulate the economy and for Trinidad and Tobago to thrive economically, especially in the face of the recent oil wars and a global pandemic, we must be able to tap into the creative abilities of all our citizens. This legislation will positively impact, empower and benefit two groups in society, the visually impaired and performers.

I should disclose that I was engaged by the World Intellectual Property Organization to assist with this legislation, and as such I have a personal interest in seeing it come to fruition. In my private practice I also act for a number of copyright owners, holders, creators and collective management organizations, including COTT and the Trinidad and Tobago Reprographic Rights Organization. And I was also a member of the committee to review the legislative framework for the management of intellectual property rights.

Trinidad and Tobago, as we have heard, has long been at the forefront with up-to-date intellectual property legislation. Whether we have effectively used it, as we should have, is a different matter. But, on the books, we have the right legislation, and successive administrations have recognized the importance of intellectual property and have generally been supportive.

I want to thank the hon. Attorney General for his kind words and I recognize that he does have a Master's Degree in Intellectual Property and as such he understands this area better than most. And I want to put on record that he has been very supportive of IP and the progress of IP in Trinidad and Tobago.

I can also say that I was also very proud of the Leader of the Opposition, the hon. Kamla Persad-Bissessar SC, when she, as Attorney General, put Trinidad and

Tobago on the intellectual property map globally, when she convinced WIPO to allow for the creation and the protection of a new form of IP, the works of mas, as a derivative right. So the country is blessed in having very able and experienced leadership in this most important area of law, culture and industrial practice.

The Bill treats with three aspects of copyright law. First, facilitating access to publish works for persons who are visually impaired or print disabled. Secondly, extending the rights of performers by including audiovisual works, as opposed to performances only fixed in sound recordings, and now covering all live performances, not just aural, and this is A-U-R-A-L, as in sound. Not oral, mouth; aural performances. And, thirdly, ensuring adequate legal protection and effective legal remedies against pirates and those who would seek to circumvent protection technologies. So that is the core of the legislation. Before drilling into the specifics, it might be helpful to put copyright and related rights into context, as they permeate every aspect of contemporary society.

Copyright is the foundation upon which the information age is built, and it is a critical component for the film, music, fashion and entertainment sectors. Copyright is a property right that subsists in literary and artistic works, which are original intellectual creations in the literary and artistic domain, and they would include books; computer programmes; works created for the stage; musical works; audiovisual works; works of architecture; photography; maps and sculpture; publishers and printers, newspapers and magazines; libraries and universities; the music industry; film and television; radio station and broadcasters; art galleries and museums, including the paintings, the many beautiful paintings hanging throughout the walls of Parliament; all the software systems in your mobile phones; your laptops; your personal computers; your designer clothes and fashion accessories; the music and the movies we love; all are covered by copyright,

which, as the word implies, is the right to prevent others from copying protective works. And that protection is the incentive needed for the creators and business to develop and exploit the things we all need, love and enjoy.

Now, the impetus for this legislation is two treaties. This is not the time or place to consider how treaties are negotiated and how treaties are performed. Suffice to say a treaty is an agreement between states, which is binding under international law, and it is up to each state to ensure how they are correctly applied. The need for treaties has intensified as the world's interdependence has intensified. Treaties have become the most frequent means of creating international rules and standards. They form the basis of much of modern international law and quite often they generate a moral perspective for the community of states and peoples across the globe.

Intellectual property rights are protected internationally because of treaties, and in particular the copyright treaties administered by WIPO, which build on, complement and dovetail with other international treaties and conventions. So as I say, the source of this legislation flows from the Marrakesh and Beijing Treaties, and I will treat with each in turn.

The Marrakesh Treaty seeks to facilitate access to publish works for persons who are blind, visually impaired or otherwise print disabled. Now one of Government's responsibilities is to find ways of making citizens more productive and it has also been said that the purpose of the law is to ensure that all citizens, including the disabled, should have the same rights and opportunities as everyone else. So, by empowering the disabled, we make for a richer, more inclusive society.

One of the great unsung heroes of history was l'abbé de l'Épée, a humble priest who ministered the poor and the destitute of Paris in the 19th Century. He

was very concerned about the deaf, and he developed a sign language for them to communicate, and that sign language has spread rapidly throughout the world. The result was that the hearing impaired were liberated from their world of silence. Before that development, it was assumed that because they could not speak they lacked intelligence—the deaf lacked intelligence—and they were treated as less than human.

A couple years ago, there was report on 60 Minutes about an architect Chris Downey who, though he had lost his sight, firmly believes that he has actually gotten better at his career because of his disability. Among other things, this gentleman has since come up with new technologies for the visually impaired, as it relates to architecture. He has also been able to create and design smart buildings that he would not have been able to conceptualize, had he not lost his sight and gained these insights and new awareness. As he put it, while he could no longer see buildings and spaces, he began hearing them. He could hear the architecture and feel its space. And so it turned out that instead of his career being doomed by blindness, it enhanced both his professional abilities and him as a person. As he came to realize, the creation process is an intellectual process, it is how you think, and sometimes you just need new tools.

So today the world enjoys and celebrates the contributions Andrea Bocelli, Ray Charles, Stevie Wonder, James Joyce, and our own blind calypsonian Almanac. We even recently ordained in Trinidad and Tobago, a blind Catholic Priest. So, by empowering the visually impaired to be their best creative selves, all society benefits.

Essentially, the Marrakesh Treaty requires us to have a limitation or an exception in the copyright law for the visually impaired, which will allow authorized entities to reproduce, distribute and to make available literary works

into accessible formats for the benefit of those who have visual impairments or who are otherwise enabled to physical disability to hold or manipulate a book or to focus or move the eyes to the extent that would normally be acceptable for reading. Take for example, Stephen Hawking, he could not turn the pages of the book.

A lot of research, consultation and thought went into determining which organization would best serve as our first authorized entity, as that organization would be in charge of providing the appropriate services necessary to the print disabled and copyright owners. In particular, being able to make accessible format copies of works, being able to supply those copies to the beneficiary persons, being able to ensure that only beneficiary persons or other authorized entities would get hold of and be able to use those copies and being able to maintain proper records when making and distributing copies of works, whilst respecting the privacy of beneficiary persons.

So under the proposed amendments, “authorized entity” means an entity that, in relation to providing the services of education, instructional training, adaptive reading, or information access to persons with a print disability, fits into one or more of the following categories: it is authorized or recognized by Government as providing such services on a non-profit basis; it is a non-profit organization that provides such services as one of its primary activities or institutional obligations; or it is a governmental institution that provides such services as one of its primary activities or institutional obligations. NALIS, the National Library and Information System Authority meets all the necessary criteria.

Now, we looked at other organizations, Blind Welfare Association, the Torres Foundation for the Blind, and the National Centre for Persons with Disabilities. When any of those organizations can provide the required functions,

meet the given responsibilities and have the resources and capacity to ensure that accessible format copies are only reproduced, distributed or made available for the benefit of beneficiaries, they too can be included in the list of authorized entities. The law provides for that. But given that authorized entities have been named in the statute, it was felt that we would be conservative and so NALIS was chosen as the first.

Now one of the most heartwarming aspects coming out of the consultation was the support that was given by the Trinidad and Tobago Reprographic Rights Organization and BIOTT, which represents our local book publishers. Because even though they will lose remuneration and royalties, because of the proposed exception, they felt it was a sacrifice worth making in the national interest. So they deserve to be commended.

I would also like to recognize Mr. Regan Asgarali, the Controller in the Intellectual Property Office, for championing the rights of the visually impaired for many years and for ably representing Trinidad and Tobago internationally on the implementation of both treaties.

I turn now to the Beijing Treaty. The purpose of copyright is to encourage writers and artistes to produce the creative works that enrich our culture, and the thrust of the Beijing Treaty is to shore up against the limited protection currently afforded to performers under the Copyright Act. The Copyright Act defines “performers” currently as singers, musicians, and other persons who sing, deliver, declaim, play in or otherwise perform literary and artistic works and “performance” has a corresponding meaning. But that definition did not include actors or dancers and it did not include expressions of folklore.

Further, when the activity involves a literary or artistic work then it is a performance. But if it did not involve such a work, you might think it is a

performance, but it might not qualify for protection. Now, there is no doubt that our singers and poets are performers and there can be no dispute that dancers and actors should also be regarded as performers. But what about persons engaging in religious ceremonies and rituals, the anchor to a news station when reading the news, stand-up comedians? Sportsmen are excluded because sports events are not literary or dramatic works, but then you have wrestlers who act out scripts. So there were all kinds of nuances and questions and different jurisdictions that come up with different yardsticks and solutions. But if you look at what we have done in the amendment is that the definition of “performer” has been expanded. And to answer Sen. Mark's question, yes comedians are now part of that definition. What the Beijing Treaty does is it provides a baseline and it will expand on the current definition of “performer”.

Now, why were performers not treated the same way as copyright owners, under the legislation? Historically in the way European and British law evolved, the protection for performers was weak. In fact, Christianity was originally hostile to theatre. No devout Christian would attend a performance. And to be an actor was forbidden on pain of excommunication. For hundreds of years, the only providers of drama were jugglers and minstrels. Performers and actors were treated as outcast. Whereas authors were afforded high cultural status, performers were treated as less deserving of protection. Indeed, Adam Smith cited players, buffoons, musicians, opera singers and dancers as examples of unproductive labour. And those attitudes were reflected in the law.

So in today's world, where performers are now regarded as icons, stars, and they are afforded celebrity status, the law is now playing catch-up. The subject matter of the protection of copyright does not include performances, and the Copyright Act does not confer any copyright or other proprietary rights or

ownership on a live performance. Performing artistes such as singers and musicians are usually hired to perform their services and would usually have no copyright in the work or in the mechanical reproductions of the work.

Now, WIPO laid a foundation in the late 1990s for the economic rights of performers, where their live performances were fixed in sound recordings; not copyright, but neighbouring or related rights against the unauthorized exploitation of those live performances. And in particular the exclusive right to authorize or prohibit broadcast, recordings of their live performances and reproduction of recordings of those live performances. But the rights of performers under section 21 relate to aural performances only, again A-U-R-A-L, and they do not extend to audiovisual fixations such as film and motion pictures. Now that is serious gap. That is a real failing, given that, in the 21st Century audiovisual works have become just as, if not more important in an age where fans expect a multimedia experience that is increasingly audiovisual. So long story short, the amendments of the Copyright Act, occasioned by the Beijing Treaty will protect and promote the economic rights of performers for their performances in audiovisual fixations. It makes clear that performers are also protected under section 21, when their live performances are being broadcast, or otherwise communicated to the public, for example by way of streaming.

And additionally, the moral rights of performers will now be closer in line to the moral rights of authors. The Beijing Treaty also requires states to provide legal remedies against the circumvention of technological measures used by performers or the producers of sound recordings, in connection with the exercise of their rights and against the removal or alteration of information such as data information identifying an author, a performer, the performance, the sound recording and the audiovisual fixation, which is necessary for licensing, collection and distribution of

royalties.

So, in summary the Beijing Treaty necessitated a number of amendments to the Copyright Act, including new definitions for audiovisual fixation, technical means of protection, circumvent technical means of protection and TMP circumvention devices. We have expanded the definitions for “performers” and “communication to the public” expanded exclusive rights for performers and the term of protection and the measures and sanctions for offences involving circumventing technical means of protection and the use of TMP circumvention devices for commercial purposes.

Oil and gas have served our economy well, as has the manufacturing sector, but our greatest resource, even though largely intact has always been and remains our human capital. Industries based on copyright and related rights have a considerable impact on national economies. Pan, calypso, soca, chutney, mas, writing, film-making; all these creators should be major players in terms of their contribution to our GDP, employment and foreign trade. One antidote to the fourth industrial revolution, which is likely to make many of the conventional jobs redundant, is our creative sector. But as technologies change in the digital era, we need to keep faith and adapt.

Many of our citizens have disabilities which prevent them from reading standard size print, and since book publishers rarely make books available in large print or brail, that has created what has been referred to as the book famine. These amendments will allow the visually impaired access to a greater range of reading material.

All of us have experienced the avalanche of emotions and excitement a powerful performance can bring. Performers make sounds, poetry, stories come to life. Through them, words and ideas are given form and meaning. So it is only

fair that their performances are protected, that they should be able to control the uses that are made of their performances and that they should be able to get equitable remuneration for use of their performances.

Those are the objects behind the amendments to the Copyright Act and I think they will redound to the benefit of all society. Madam President, I thank you.

SENATORS' APPOINTMENT

Madam President:

Hon. Senators, before I proceed to call on the next Senator, permit me to revert to item three on the Order Paper. We are now in receipt of the instruments from Her Excellency.

“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. AUGUSTUS THOMAS

WHEREAS Senator The Honourable Paula Gopee-Scoon is incapable of performing her duties as a Senator by reason of illness:

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby appoint you, AUGUSTUS THOMAS to be a member of the Senate temporarily, with effect from 12th May,

UNREVISED

2020 and continuing during the absence of Senator The Honourable Paula Gopee-Scoon 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 12th day of May, 2020."

"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. LARRY LALLA

WHEREAS Senator Khadijah Ameen is incapable of performing her duties as a Senator by reason of illness:

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, LARRY LALLA to be a member of the Senate temporarily, with effect from 12th May, 2020 and continuing during the absence of Senator Khadijah Ameen 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 12th day of May, 2020.”

OATH OF ALLEGIANCE

Senators Augustus Thomas and Larry Lalla took and subscribed the Oath of Allegiance as required by law.

12.00 noon

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Madam President: Sen. Obika.

Sen. Taharqa Obika: Thank you, Madam President. Copyright and protection, the creative industries, Rome, Beijing, Marrakesh treaties. What is it like to be a creative in Trinidad and Tobago where we claim to have the greatest show on earth, but the producers of that show are ostracized, are exploited, suffer for their craft. We have come a long way from panmen being beaten by police in the colonial era but we still have a long way to go.

I want to start with the World Intellectual Property Organization, and I want to say that we are grateful as a country to have the contribution of Sen. Vieira, and we are at a crossroad in Trinidad and Tobago at this point in time. And when you look at the *Educational Material on Collective Management of Copyright and Related Rights*, the “Management of Copyright and Related Rights in the Field of Music”, this was document published in 2012, August 30th by the WIPO regarding the legislative framework. They indicated that, “it is the job of governments” and I quote:

“It is the job of governments to provide an adequate legislative framework for the enforcement and management of copyrights and related rights; without such a framework CMOs simply could not function. Although copyright and related rights are national in scope they are clearly

international in terms of applicability and the ability of rights holders to exercise their rights.”

And then I jump to an article on Loop TT on Tuesday 12 May, 2012—2020 sorry, this year. So, it is an article from—sorry my apologies—on the 18th of February, 2020. It was only printed today that is why. So the 18th of February, 2020, the headline is: “Copyright Confusion; COTT warns creatives, promoters”.

So, you can very well imagine being a creative in this country whether you are a writer, a producer, a publisher, a broadcaster, a fete promoter, or I dare say a “fete goer” you would be horrified by COTT warning creatives and promoters. But to draw the connection to the WIPO legislative guidance, I want to go to the conclusion of the article where John Arnold, the head of COTT is saying “there is no war” in referring to TTCU a collective management organization responsible for advocating and collecting the royalties on behalf of rights holders in this country as well as COTT, saying:

“There is no war. We just need to have a regulatory framework. We have written to the IPO (Intellectual Property Office) asking them for that.

Arnold encouraged promoters and artistes to ensure they understand that they may require multiple licenses to carry on their events as it is not a ‘one or the other’ type of situation.”

I want to say that this legislation, though important, does not solve this problem. I am speaking for those who cannot speak. I myself have been involved in the arts for a very long time, from writing calypsoes, to judging calypsoes, to being a story teller, representing Trinidad and Tobago as a story teller in the United Kingdom, as well as Trinidad and Tobago, teaching the art form of spoken word in Point Fortin and across the national library system in this country. This legislation falls woefully short of solving that big rift that is not producing goodwill, it is not

encouraging creatives and the Government should look to providing these regulations that are being called for by none other than the head of COTT. It is also being called for by TTCO, another collective management organization, then Awesome Copyright is another organization, but Awesome Copyright however does not have members per se, it is a company structure. So what I am basically saying is, in the absence of the heeding of the WIPO's guideline on legislative regulations, we are falling short. So when we look to the Bill before us and we take the spirit of the contribution of the Attorney General, we are saying that this Bill is well meaning. It is well meaning, and I take heart in the contribution of Sen. Vieira because you turn to the first clause.

The first clause, in fact in the preamble of the Bill it mentions the Marrakesh Treaty. If we turn to clause 3, it speaks to the definition of "broadcasting". The Attorney General spent some time to explaining why that is important in this time given the change in what was traditionally seen as a one horse broadcasting environment for visual works, for example TTT, and a few radio stations to the plethora that we have in in front of us.

I want to say however, that there are other issues that need to be addressed and I would point only to one. What is the purpose of this legislation? What is the purpose of the reciprocal agreements that we have? What is the purpose of a COTT that collects rights on behalf of international institutions, international rights holders? We need to ensure that our creative industry development is in sync with our legislative procedures. What is our creative and cultural industry?

Sen. Mark pointed to that great economist Vanus James from Tobago, who does a lot of work in this industry, along with another economist in this industry, Prof. Keith Nurse, and we have a young researcher, also a lecturer at the University of the West Indies, Dr. Keron Niles, my colleague from my undergraduate days.

There is need to focus our legislative fixes to building the industry. Does it strengthen the capacities of human resources? If it does not fix the fight between TTCO and COTT, we have work to do. Does it promote competition and innovation? Does it develop internal and external markets? When you have a fight between your collective management organizations in this country, what it does is it disrupts the international relationships we have with foreign collective management organizations, whether it be in Jamaica, Barbados, Nigeria, where you have four Trinidad and Tobago styled carnivals. We cannot afford to have too much disruptions in our cultural industry.

Now, I want to commend a certain aspect of this legislation because myself, I would have benefited from it being a story teller and being someone who prepares persons to be in the spoken word arena. I believe it will help and it will go a long way. Now there is an issue regarding the spirit of section 21 of the Act I believe it is, which speaks to performances which is amended by way of clause 7. And clause 7 seeks to include aspects of, I believe it is the Rome Convention. Let me just double check that. So, section 21—Madam President, may I ask how much time I have left? What time am I to end?

Madam President: You finish at 20 minutes past 12.

Sen. T. Obika: Okay, thank you very much. So, section 21 of the Act seeks to include aspects of the Rome Convention I would assume. The issue however, would be whether or not it has been done to our satisfaction. This is a question that, I guess, had I had much more time I would have placed those questions before Sen. Vieira, to see if he was comforted by the style of the law, and if it fits the requirements of our performers. I cannot do that from the floor of yesterday. It is not a fair question to pose at this time, but it is a question that I will continue to pose after this debate has ended. Because that question, Madam President, it raises

other issues that arise in our cultural and creative landscape.

I want to give an example. One of the key challenges with the live performances and the fetes, parties, and events that we have, you have bodies trying to determine which rights holders are to be paid by DJs, by singers, and so on, before the fact. And then you have a differential scheme in terms of how much you pay COTT, how much you pay TTCO, which leaves promoters in a state of disarray. A solution to that can be you have pre-set fees that are agreed to by all, set in regulations that support the law. So, I am calling for some detail where that is concerned. Just as someone who is going to have a bar in a fete, they do not have to—it is not guess work where a bar licence is concerned. It matters not if they are going to sell all the inventory at Carib Brewery or if they are going to sell one bottle of rum.

There should also be some level of predetermination regarding the fees that promoters—because if we are to build an industry, if the spirit of this legislation is to help us build a creative industry, then the creative industry entrepreneurs should have some level of predetermination and some ability to predict what their expenses should be. So, why do we not pursue and I pose this not for response immediately for persons such as Sen. Vieira to say, “Why do we not look at a system where there is a playlist after the fact, and if in fact a rights holder should have been paid they are covered already. If they were not played then there are to be refunds to the promoter and so on.” A scheme that balances the rights of the promoter that balances the rights of the rights holders and not a scheme that is balanced only in favour of one or two collective management organizations.

Now, there is another aspect that I would have liked to see, I know maybe I missed it so I guess the Attorney General could indicate if it was captured, is that COTT has international agreements. They have entered the fray of neighbouring

rights and if there are any impacts that are important for legislative process, how in fact that can impact our industry here locally and if we can get some clarity regarding that. It would be important for the Attorney General to give some wording as to exactly how section 21 of the Act is impacted positively by the Rome Convention, so that we can have some clarity there.

Now, a creative industry; I want to close my contribution by making an appeal, an appeal for a greater focus and emphasis on the creative and cultural industry in this country.

Madam President: Sen. Obika, you have five more minutes.

Sen. T. Obika: Thank you very much, Madam President. I want to close my contribution by making such an appeal in a manner where we can look at the opportunity for our creatives to be employed. You have carnivals across the world that are patterned after the Trinidad and Tobago model. The NCBA was instrumental in that at that time. At least when they were the preeminent carnival band association. Why not capitalize on them? Why do we have cultural and creative workers unemployed outside of the carnival season locally? Why do we have wire benders unemployed? Why do we have mas makers unemployed? Why do we have steel pan players unemployed? There was a pan side that went to Nigeria in Calabar carnival some years ago and the poorest paid player for three weeks work was remunerated with US \$5,000, the poorest paid player. I cannot tell you how much Len “Boogsie” Sharpe earned and “Prof.” Philmore, rest his soul.

So you can imagine that there is a market for what we have here in Trinidad and Tobago, but it requires a framework, a legislative framework, where we get the copyright issue right in Trinidad and Tobago. I think this legislation carries us further. I have personally benefited from this, as someone who is involved in spoken word so it is not copy—I am not involved necessarily in music, so the

copyright music organization may not capture my works. And many persons who are involved in this arena have benefited from this legislation and we are thankful. And that is why in the Opposition we support the legislation. So, the Government should chalk this up as a Bill that the Opposition is in support of at this time, but we are saying that we can carry it further, and further in the framework of a cultural and a creative industry so that Trinidad and Tobago can no longer have a scenario where we have thousands of unemployed cultural and creative workers. And this is the play I make to this Parliament and to the people of Trinidad and Tobago. I thank you, Madam President. [*Desk thumping*]

Madam President: Sen Richards.

Sen. Paul Richards: Thank you, Madam President, for recognizing me for the opportunity to contribute to this Bill entitled a Bill to amend the Copyright Act, Chap. 82:80, to give effect to the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled and to the Beijing Treaty on audiovisual performances.

Let me start by saying I have a declared interest. My mother who just turned 90 on the 16th of January is a vibrant, one of the most intelligent, if not the most intelligent women I have ever met, engaging, politically and socially active 90-year-olds that you will ever meet. She is a retired nursing instructor in obstetrics and gynecology, and I got my wit for word and love for reading from her. She was now however very active but sightless, blind. She was not born blind but she became blind due to glaucoma, and this Bill and its intention, because she is still such an avid learner, will assist her and the over 60/70,000 persons who are visually impaired or blind in Trinidad and Tobago. So like the speakers before me, there is very little in this Bill to rebel against and not to support.

I have a few comments that of course I will make in terms of concerns, but

this kind of legislation to me is very noble, because this is a world that does not generally recognize inequities and persons who are differently abled and persons who have special needs. And because of this many in society are left at significant disadvantage, and these disadvantages are usually taken for granted by most in society, because the issues experiences by persons with disabilities and persons with special needs are not in many cases ever recognized or acknowledged or accommodated for from society at large.

As the old adage goes “He who feels it, knows it.” I do not expect everyone to appreciate the important of this Bill in a very specific way, because it provides one more step in the long journey to equality and equal access most of us take for granted, books, published material, published works, which significantly adds value, opportunity, and richness to many lives in Trinidad and Tobago. Now, I referenced my mother who is 90 years old but there are many young children under the age of 10, teenagers, persons who are young adults, 20 years old, 30 years old, persons in all age spectra in Trinidad and Tobago who are visually impaired, in many cases who are blind, for whom today is a red letter day for their equality in Trinidad and Tobago.

Access to published material in formats that make then accessible to persons with disabilities and special needs is an imperative for improving the quality of their lives, and their access to information and education as enshrined in our Constitution. This Bill and its intentions and provisions breathes life into daily practical experiences of persons with disabilities and many aspects of our enshrined rights in our Constitution.

This is a rights issue and an equality issue, and today, presuming this very important Bill is passed, we make a giant step toward realizing our creed of “Every creed and race finds and equal place” in Trinidad and Tobago. Now, it may seem

idealistic but on a practical daily level many people do not experience this noble virtue as we have as part of what we aspire toward in Trinidad and Tobago. Take for instance, the 11 aspects of our enshrined rights. The right to equal treatment from state institutions. State institutions provide many services to Trinidadians and Tobagonians, and with this, many persons who would have been disadvantaged in this enshrined right will now have that equality. The right to education. Under section 4(f) of the Constitution, all:

“...parent and guardian have the right to provide a school of his or her own choice for education of his child or ward...”

But does that child have access to material that is accessible to them if they have a visual impairment or disability? The right to freedom of expression. If you cannot read you cannot adequately express yourself in many instances because you do not have access to information.

So, the provisions in this Bill are really fundamental to those persons who are visually impaired, blind or have those disabilities or others to access what many of us take for granted on a daily basis in Trinidad and Tobago. And you know, the interesting thing is when you look around this honourable Chamber, I think 70 per cent of us wear some sort of reading aid or spectacle, even the younger ones amongst us. Those who are not wearing spectacles have contact lenses or may have had laser intervention surgery, so we are all impaired in some way. We are not impaired to the point where it impairs our ability to access the millions and millions of books or educational aids or art and culture that is available to us, but we are impaired, but not to the extent that many are, and this Bill, and the provisions in it seeks to close that gap which I think is extremely noble.

The Marrakesh—and I just want to before I go on thank, because it would be

remiss of me not to do that. Since I met my colleague on the Independent Bench, Sen. Vieira, he has been such a strong advocate and supporter of IP, intellectual property. He really loves to get involved and engaged in it and I think his work on this must be commended because he has been working on this assiduously for a long, long time. So congratulations and thank you Sen. Vieira for your sterling contribution in this instance, and certainly to the hon. Attorney General and his team for bringing this to the Parliament in this way and this time.

Think of for instance, the fact that under the COVID-19 restrictions there are so many young people who are trying to access education online and they are thwarted in many instances because they are visually impaired, and we take for granted that and this will give them the ability to access many of those works in different accessible forms, something we take for granted because we have the primary gift of sight. And the Marrakesh Treaty in action, which is called the Accessible Books Consortium, of course aims to increase the number of books worldwide in accessible formats, Braille, audio, larger print, which I need sometimes because I am so happy with this iPad I can increase the print size and leave my spectacles at the desk, are available to persons who are blind, visually impaired or otherwise print disabled.

Now, the interesting thing about it is that it also raised many other issues in terms of Article 7 of the Technological Protection Measures and their source of digital padlocks that publishers and sometimes line persons, organizations themselves put in a digital book. I understand there was some concerns recently raised, when quite a noble intention, and I do not know if it is actually accurate, by the Education Ministry which uploaded some books online for students in this time of COVID so they have access to learning materials may have, or may not depending on what the actual information is, may have breached some sort of

copyright law and I do not know if it is true, but it is a practical reality. In the rush to provide the access to younger persons particularly in primary and secondary schools not all the permissions may have been sought and granted and that is a practical example of how important observing copyright issues and laws are.

Now, I know the hon. Attorney General, and Sen. Vieira spoke a bit about the issue of broadcasting and I really have a concern about it because in my own field I have had to deal with instances where there is a lot of grey areas on whether or not this definition of “broadcast” really includes the issue of streaming comprehensively because of the digital age in which we exist. And I know in particular in radio and television there have been many legal issues brought to the fore in terms of what is allowable in terms of streaming of content, many of the different formats that have been described earlier on by earlier speakers, whether they reside in this jurisdiction with the rights holders the rights creators, whether it can be translated naturally by the understanding of broadcasting in this instance, where we include the Beijing Convention or the Beijing part of this Act, and whether we have covered all our bases where this is concerned. Because, when you have the advent past terrestrial radio of now radios streaming online to other jurisdictions commercial content ending up on those streams and also—*[Interruption]* let me just finish my thought—and also the issue of XM radio and satellite distribution in various jurisdictions, quite a number of issues may arise.

12.30 p.m.

And I know the broadcasting definition here is described as:

“‘broadcasting’ is the communication of visual images, sounds or both to the public in any country or territory by wireless transmission including transmission by satellite, and includes an encrypted transmission where the means to decode the transmission has been provided by or with the authority

of the person making the communication, and ‘broadcast’ has a corresponding meaning;”

Now, I know in an official sense—and Sen. Vieira has been a sort of intervention—it may cover it, but when you think of the new world and many spoke about the many creative products and services that we offer in Trinidad and Tobago, and the limitless potential that has in terms of the creators and rights owners and their rights to gain economic benefit and moral benefit from those. Imagine in our context when we were allowed to fete long ago, in a galaxy far, far away, we do not know when that is going to return, and you have 5,000 people in a fete, each with a cellphone taking a performer’s work. And I do not know that paying to go to the fete naturally grants you access to tape and/or stream that content around the world on social media platforms, and I do not know that this actually covers those issues effectively. Sen. Vieira?

Sen. Vieira: Thanks. That is dealt with under the communication to the public. So besides broadcasting, that is treated as a communication to the public, the streaming.

Sen. P. Richards: Thank you. While I will accept your intervention, I want to quote, an article that was published on May 17, 2019, by Aditya Vaidya and it is based in “India: Are streaming service broadcasters?” And they also brought into the discussion in this article the issue of “Alexa play Machel Montano” or “Alexa play Shadow” or “Alexa narrate a book by Derek Walcott” or a book by Sen. Anthony Vieira, and if that is covered under the provisions as described in this Bill then that is where I am going in terms of how wide we need to be thinking where modern technology is an access to content are concerned. And in this particular case, the issues were brought strongly to the fore.

And another case I will cite, “Live streaming: caught in the copyright net”

by Zoe Schluter, PLC and the dispute involved TV Catchup Ltd TVC website providing live Internet Streaming of UK Television programmes:

“A group of UK national broadcasters, including ITV, Channel 4 and Channel 5, claimed that TVC was infringing copyright in their broadcasts and films...”

—and other content. And the ECJ’s decision was the meaning of communication. In their ruling, suggested that:

“...there is no exhaustive definition of ‘communication to the public’...”

—and it was deemed in this ruling as a breach. But are our laws in harmony with this? And that is to me the question we have to answer, especially when we think of what many of the speakers before me have cited as the vast infinite limitless potential for monetizing and diversification of the economy that, that word again, in terms of the creative sectors. When we think of Trinidad and Tobago: books, music, movies, TV shows, mas, pan, chutney, gospel, pop, rock, reggae, live performances which we have perfected in Trinidad and Tobago in terms of the environment and the ambience, fashion, food, chemical molecule creation, technology, ideas, processes, innovation, genetic modification, strains of marijuana and their derivatives, have we covered all those bases effectively in this? So that to me is where my concerns lie. With the exception of that, it is very difficult to find any egregious points in this Bill and, certainly, its intentions.

Another article I would like to cite in closing is, from McKee, Voorhees & Sease, PLC IP legal considerations for live streaming. In many of these articles, I would have researched—

Madam President: Sen. Richards, you have five more minutes.

Sen. P. Richards: Thank you very much kindly, Madam President—there seems to be a lack of cohesion or harmony in various jurisdictions treating or

understanding of the differences between what we have come to know as broadcasting vis- à-vis, terrestrial broadcasting radio and TV who, by the way, all have streaming of their content now generally in some way or form or fashion, but the use of that by individual persons when licences and concessions only apply to X and Y. I would tell I know TATT, the Telecommunications Authority of Trinidad and Tobago, has quite a lot of work on its hands when it comes to evolving our Telecommunications Act in Trinidad and Tobago to take into consideration these new paradigms, because I know for a fact it is silent in many of these issues and that has to be dealt with if we are deal effectively with the issues of copyright, IP patents, et cetera, particularly where works of culture, arts and the services provided by them are concerned.

So the article that I cite is “IP Legal Considerations for Live Streaming” and many of the issues in terms of the overriding topics that they have cited included copyright issues in streaming, trademark issues in streaming, the right to publicity or the right to privacy, you know, and also when that is tied into a recording industry or a broadcast industry in any jurisdiction, many of the issues that arrive are complex issues that have to be dealt with.

But, in conclusion, I certainly have no hesitation in lending my full support to this Bill. I commend the Attorney General and his team and the Government and also to Sen. Vieira and the work that he and his team have done in getting it to this position and, in particular, because it relates to persons with disabilities, impairments, visual and otherwise in Trinidad and Tobago, to me, it is a red letter day and I commend you all for your good works and I thank you, Madam President. [*Desk thumping*]

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President. Thank you for the

opportunity to speak on this Bill which seeks to amend the Copyright Act, Chap. 82:80. Madam President, let me take the opportunity to welcome my former classmate of the hon. Attorney General, Sen. Larry Lalla. I always wondered if we would ever serve in the Parliament together and today is that day.

It gives me a good opportunity, Madam President, to talk of my sometimes forgotten life as a lawyer, and this Bill is a good opportunity. In 1996 I was junior counsel when there was a lot of confusion Carnival Thursday, leading into the Carnival weekend when on behalf of Eddy Grant and ICE Records with instructions from Josanne Leonard and Robert Amar, an injunction was sought and obtained to stop the broadcast of Carnival activities, and the implications of that were very significant.

Mr. Grant had invested a lot of money to acquire the rights to—in relation to music that had been created since the 1920s and '30s, in particular the catalogue of one Roaring Lion, the Mount Lambert Calypsonian, who chalked up a lot of big hits and Grant saw the opportunity to preserve, acquire and extend the life of a lot of that music by owning the rights to it. He also saw the opportunity to invest, I think for the first time, in international broadcast of Dimanche Gras, Panorama Finals and other shows which, at that time, was limited to local broadcast, and the usual characters in Carnival found grave difficulty with that and on children's Carnival Saturday morning—Carnival Saturday, which is one of my favourite Carnival shows, events—the children had to dance to bottle and spoon because there was no music to be played and no broadcast for anything like that.

Tied into that, Madam President, apart from the dispute of the broadcast was an ongoing dispute with one of my favourite Lion's songs, "Netty Netty". I do not want to go further than that part of it. The rest is even famous than all of us and more famous than Lion. But, Madam President, it was not simple. My colleague,

hon. AG, is a very humble person and he would not boast about his Master's degree in Intellectual Property, but I would caution you he has one, and when we were in law school, this was still an emerging area of law. The LLMs in intellectual property were relatively new and most of us ran away from it, because some of us never even grow up with a television far less some of the issues which were emerging then. Madam President, so this is a continuation of something that started a long time ago and it is a very important and landmark piece of amendment we are making.

So I want to make five points in relation to the Bill. The first is, Madam President, I think it is the first debate I have been in or I have witnessed in this Parliament in which the infringement of the constitutional right has not been raised. It is accepted. But this Bill requires a special majority and from the outset I expressed my gratitude to my colleagues on both benches for indicating their support. This Bill infringes the constitutional rights and clause 2 sets that out, and it infringes simply because the creators, the creators of intellectual property—the people who write, the people who perform, the people who record—all have a claim—the people who purchase eventually, like Mr. Grant, all have a claim to intellectual property rights and all are entitled to some return from it, at a minimum, the return of respect for their creations.

We have a lot of people, a lot of artistes who do not mind the performance of their works but, at least, an acknowledgment which brings me to another famous Calypso, Madam President, which I will be very careful about, but it the man from Sangre Grande, Scrunter, and he is really the first artiste who has made noise about the interference with his intellectual property, but it was a case that is not always raised—“She want me to sing in she party for free”. So sometimes it is not just the recognition in a legal sense, but the recognition in a moral sense of acknowledging

that it belongs to somebody else, there is creativity in it and sometimes it should come at a price. So the infringement in this case is something that is very, very important that we acknowledge.

We are really amending the Copyright Act which provides for respect to the owners of the intellectual property in respect to be paid and, of course, the appropriate costs and so on. We are asking that those rights be treated in a different way and that we allow to go behind those rights and convert existing intellectual property into a new format which will allow that format to be accessed and used by persons who are blind, visually impaired or print disabled.

I must confess, Madam President, when the legislative committee met with Mr. Suratt on various occasions, I had long thought that the word “blind” was politically incorrect and he explained to me that it was very, very proper, because it distinguishes between persons who have zero sight, blind persons, and visually impaired, people who are not necessarily blind or may be not necessarily permanently, but people who have sight impairment, and then I was also introduced to print disabled which was brand new to me. I was very happy to be schooled in the concept of print disabled, the fact that people who may ordinarily be able to see are not able to read and sometimes not able read not because they cannot see but they cannot hold the thing that is to be read and many of us, as Sen. Richards pointed out, without being blind or visually impaired, sometimes the sheer work in this Parliament, things become very, very blurry and we find ourselves— So, Madam President, that is the first point I want to emphasize, that this Bill, in a way that brings a benefit to a class of persons in the society and I dare say growing class of persons in the society, brings a benefit that requires an interference with the right to enjoyment of property except by due process which is a right enjoyed by all the owners of intellectual property.

The second point I want to make in relation to clause 5 of the Bill, Madam President, clauses 4 and 5, is this. The Bill is actually conflicting in itself. On the one hand, clause 4 seeks to expand some rights—give rights where rights no longer exist—and, essentially, it does that on the basis of technological changes and the way in which rights can be created now. So through a performance, a performance of itself is intellectual property; the recording of that performance is in itself intellectual property and there are other associated things in relation to a performance that bears the right to be considered and treated in law as intellectual property.

So in implementation, the Beijing Agreement, we are actually getting into expansion of existing rights and that expansion takes place in clauses 7 and 8. But, Madam President, as I have said, clause 5 does the opposite of that. We are depriving somebody of a right, because clause 5 is where the Bill introduces the process by which the intellectual property of a creator could be overridden in the changing of a format which is usable by blind, visually impaired or print disabled persons.

The third point I want to make, Madam President, and it is something we have not addressed, but I want to draw to your attention, both in the definition sections, the new definitions which are being inserted through clause 3(e), the definitions of “circumventing technological protection measures”, the definition of “technological protection measures”, the definition of “technological protection measures circumvention device”. Now, Madam President, to some people this means nothing, depending on your age, you use it and in some cases, you have no use for it. But younger people, in particular, spend a lot of their time looking for ways in which the protection of intellectual property can be circumvented, and it starts with the word “pirate” and it comes right down the range ending in my

world, ending right now with “Fire Stick”.

So we understand that the protection of intellectual property is important, and we understand that there exists using the technology, devices which allow us to circumvent the existence of intellectual property rights. And this Bill, very importantly, introduces via clause 9, offences relating to those devices which allow us to circumvent technological protection measures. And, in fact, the Bill creates criminal offences in relation to circumvention. So this is not merely a Bill which gives the opportunity to convert existing material into a format to be used by blind, visually impaired or print disabled person. It is also a Bill that addresses this issue of circumvention and the way in which devices can allow us to get around restrictions and in getting around restrictions, we avoid the need to pay things like royalties, to pay things like users fees, to pay things like monthly cable bills and that those things which ultimately find their way into the hands of the owners of the intellectual property through various mechanisms including copyright organizations. So clause 9, Madam President, and the definitions which are proposed in 3(e) are very, very important in support of creating new criminal offences and defining the components of those offences having particular regard to the way in which the technology allows us to do things that were not possible when we first crafted the Copyright Act.

Madam President, the fourth area I want to point to is the new and expanded—what I call the new and expanded offences in 11 and 12, and those clauses 11 and 12, the new and expanded offences and, again, they go beyond what is the area of focus we have had so far. I want, Madam President, on the issue of circumvention and the offences created and the new definitions to make this point, and that is that when you look to the clause 5(5) of the Bill, you would see that notwithstanding what we have introduced in the Bill regarding circumvention, you

would see there is a protection in this clause 5(5) which allows, in other words, it allows for the circumvention in order to take an existing format and convert it into a different format—so take a printed format, a traditional print format and convert it into a braille format or convert it into an audio format without the permission of the copyright owner, it requires technology and it requires circumvention technology. So ordinarily that would be an offence under this amendment.

Clause 5(5) makes it clear that for the purpose of carrying out the activities permitted by the contents of this Bill, the use of a technological protection measure shall not be treated as a commission of an offence. So while we have addressed on the one hand the technological devices that allow us to circumvent—

Madam President: Minister, you have five more minutes.

Sen. The Hon. C. Rambharat: Thank you very much, Madam President. This Bill also contains a protection in relation to what we have set out to do.

Madam President, I am very grateful to my colleagues for their support. I am very grateful for the Attorney General for bringing this Bill onto the Order Paper and having us dedicate the time. I ask the hon. AG that we do it early in the day while we are fresh and we are not in a hurry and we are able to debate it fully and consider all the amendments provided and we are not rushed, and I am happy that we are heading in that direction and I thank you very much, Madam President.

[Desk thumping]

Madam President: Hon. Senators, at this juncture the sitting will be suspended. We will resume at 1.30 p.m. Sen. Sobers will speak on the resumption.

12.53 p.m.: *Sitting suspended.*

1.30 p.m.: *Sitting resumed.*

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

Mr. Vice-President: Sen. Sobers. *[Desk thumping]*

Sen. Sean Sobers: Thank you, Mr. Vice-President, for allowing me to contribute this afternoon on a Bill entitled an Act to amend the Copyright Act, Chap. 82:20, to give effect to the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled, and to the Beijing Treaty on Audiovisual Performances. Mr. Vice-President, first I would like to bring greetings to all our nurses in Trinidad and Tobago and the world at large; I understand today is International Nurses Day, and especially during this pandemic period that we are experiencing worldwide, our nurses are extremely essential to the fight against the coronavirus, and I would definitely like to pay homage to them because they do a lot of hard work within the hospital and elsewhere, and I do not think much is ever said in terms of the stellar work that they bring in terms of the relief to persons within our country and the world at large. [*Desk thumping*]

Mr. Vice-President, a lot has been said on this particular Bill on copyright and intellectual property on the whole and I must admit, I myself as a practising attorney would have had some brushes with respect to intellectual property and copyright which gave me somewhat a firsthand working knowledge of some of the situations involved and present within our own format within Trinidad and Tobago, and as far as Latin America with respect to some of the other countries, and even in Panama. In terms of conducting research and looking at the Marrakesh Treaty and even the Beijing Treaty and in doing some reading on the insatiable will, the insatiable will for persons who may be disabled to want to learn, to want to be educated, to be seized of information that would not have been normally brought to them based upon some inconsistencies with respect to its presentation, I think that this is a proper forward step in the right direction to bring about relief to those persons within that category.

I think for far too long many of us have discounted the number of persons, as identified by Sen. Mark and others within this Chamber, within our own country who fall within that category, disabled or otherwise, who would not have been the beneficiary of good pieces of literature or good pieces of production and performance based upon their disability, and this Bill squarely brings in line an operation to give those persons that opportunity to benefit from such literature and artwork and art form. Looking at the Bill in particular, I agree with the majority of what has been said in terms of the fact that there is nothing really objectionable to the contents of the Bill, and in terms of my research and in terms of conversations had with many other persons who are champions within this field, I also would like to pay homage and due respect to Sen. Anthony Vieira. His name has come up several times within this debate and several times within conversations with many persons involved in the intellectual property field, and in the liberal arts and the work that he has done to champion the cause of many persons within that field.

But as I looked at the Bill there was one or two parts of the Bill that I just had a bit of concern with, in particular at page 7 of the Bill, what would be clause 5, seeks to amend section 12 by introducing a new section 12A within the primary Act, and that particular section allows for institutions, by order of the Minister, designated by the Minister to depart from the restrictions originally located within section 8 of the Act and allows for libraries or archives to reproduce work without first seeking permission from the owner once it is designated for non-profit. But in particular, section 12A, this new section 12A under subsections (2)(b) and (2)(c) speak about reproduction and distribution to communicate to the public by any means or lend an accessible format copy or supply, the accessible format copy to another authorized entity or to a beneficiary person, and when I looked at section 8 itself, section 8 had a bit of a restriction in terms of the amount of copies that could

have been made. It specifically stated that it would have only been for one copy. Now, I understand because we are speaking about mass distribution that we may very well need to depart from what was contained further in the parent legislation, but I would have just wanted a bit of clarity, maybe in winding up the Attorney General could address that.

I also was a bit concerned with respect to some of the checks and balances that the Ministry or the designated authority would have in terms of reproduction of the actual works themselves and the policing of the non-profit basis of some of these entities or organizations. I would have heard in contributions that the designated entity with respect to this particular section was NALIS, but if other entities should arise from time to time I was not too happy or convinced, even though somewhat of a procedure is laid out under subsection (3) of this new 12A. I was not too convinced that enough strictures were in place or enough of a procedure was in place by the Ministry, whichever Ministry it may be to police the actual non-profit aspect of these organizations, because it would really be disheartening to learn that some of these organizations would be reproducing works and actually procuring profits from the works that was actually reproduced.

Apart from that, Mr. Vice-President, I listened also to what Sen. Obika had to say and it made me think, especially in terms of my research about a matter that I myself was involved in, in terms of making an application before the Magistrates' Court for a dance hall licence, and these dance hall licence are usually applied for, as the name suggests, if you are having a party or a fete, or something like that, and persons would be in attendance, you have to have a licence for the event to take place. And one of the requirements for getting the licence is that you should have is COTT approval. So you would go to COTT, indicate to them what the event would be about and they would give you the necessary approvals after, whatever is

sorted and paid with them.

For this specific event the licence that was procured was not from COTT and it was actually from the TTCO, and when I presented the documentation in court I was informed by the learned magistrate then that I had the wrong licence, that I had the wrong letter from the organization and I was supposed to get it from COTT, and the magistrate went on to admonish me by indicating, “dey never hear anything about no TTCO, is COTT, and COTT and COTT and COTT and COTT and COTT”. And we had to go back and forth at lengths to explain that unfortunately in Trinidad that aspect of copyright is not regulated as it should be in that there is not just one organization treating with these issues. And so I became aware thereafter that there are many matters before the High Court right now treating with issues like that where different entities would lay claim over intellectual rights by artistes, and the level of confusion involved by persons when they are having these events with respect to who they should pay, whatever royalties they pay whatever moneys to. So that is something that I would agree with Sen. Obika with that maybe at some other point in time with respect to another amendment that could be made that we deal or treat with regulating these entities so that maybe there is one actual entity that persons who are involved in the art form could pay their licensing to.

In my reading as well too I was concerned about the level of enforcement. I know that Sen. Mark would have touched on that as well and many persons within our society would reproduce artwork without actually understanding that there should be some compensation paid to the individual, the artist who produced the work originally. And whether it be, just like we had the advent of the Domestic Violence Unit as an arm of the TTPS, the majority of matters that finds themselves before the Magistrates’ Court with respect to prosecution of persons who may have

a dubbed CD, as it may be, or a burned CD or whatever, or if you go on any one of these streets within Port of Spain or San Fernando and you have persons playing music and they do not have the requisite permission, some of these persons are actually prosecuted, and in some instances there is a gap with respect to education in terms of paying the proper permission fees, and what not. But those are some concerns that many persons within the organization had with respect to actual enforcement, that there is not enough that is being done to enforce the regulations themselves.

Then there is also the conversation about the advent of other types of reproduction internationally of the work that is done here in Trinidad and Tobago. We as a country and as a society should feel exceptionality proud about soca music and parang and carnival, and other types of literary and other types of production that emanates specifically from Trinidad that unfortunately find its way on YouTube, and there is no sort of compensation paid to our artistes when the music and what not, is found on YouTube. And in other countries, international countries there is policing of those things on this big international site like YouTube. So it is an opportunity for us to consider getting involved as well too so that we can have some type of compensation paid to our artistes from these international organizations.

As a matter of fact, in my discussions with persons from COTT as well too I was surprised to learn, and I would not have heard anyone else mention it, that persons can actually operate their own Internet radio unbeknownst to many of us. I was under the opinion if you had to get a radio licence you would have to apply through the necessary broadcasting, and this is the thing. So persons are actually operating Internet-based radio stations where they stream pirated music and other forms of art forms without any policing to that whatsoever. And I am told that

apart from pirating work done by our performers, and what not, there are also a lot of inflamed messages being sent out on these Internet radio stations that should be policed in some way, form or fashion.

So we have in fact come a long way, I think, from days gone by in terms of recognizing that there is a certain degree of authority that should be placed with respect to works being done by persons in the art forms, and what not. I would like to see a little bit more done on the side of enforcement, and as a matter of fact, if we are to look at even some degrees of enforcement on the intellectual property side, I am aware in certain countries like in Panama that is something that is seriously policed, Mr. Vice-President. In Panama there is an actual intellectual authority that has been set up for some time now and many law firms have been retained by big corporations, like Disney and DreamWorks to police the situations in Panama. The intellectual authority in Panama works hand in hand with the customs unit across there, so when goods come into the ports containers are randomly searched, and if there are goods that are found to be in contravention, the owners of the containers are asked to produce their licensing agreement with these large multinational corporations, and if they are not, then there is legal action taken by the law firms within Panama city that represent these multinational corporations, sometimes resulting in extreme fines that have to be paid by the owners of the goods within the containers and the goods are eventually also destroyed.

In most instances if persons are not citizens to Panama, because Panama is a huge transshipment point as well too, the Port of Balboa and et cetera, there can be bans, importation bans placed against the names of the individuals so that those goods, that individual could never ship through Panama's port again. So these are some of the suggestions that, I think, we could look at in terms of enforcement

within the very near future. Apart from that I think the Bill is well intentioned, it meets the mettle with respect to the ethos of the legislation itself, bringing relief to so many persons within our country and worldwide who would want to benefit from artwork, some beautiful artwork that comes out of Trinidad and Tobago.

Mr. Vice-President: Senator, you have five more minutes.

Sen. S. Sobers: Okay. And I would welcome the passing of the legislation. I think all of us within this Senate recognizes how important this particular piece of legislation is and would definitely give our support to finally having it etched within our law books in Trinidad and Tobago. I thank you, Mr. Vice-President.

Mr. Vice-President: Sen. Deyalsingh. [*Desk thumping*]

Sen. Dr. Varma Deyalsingh: Thank you, Mr. Vice-President, for allowing me to speak on this Bill. I must say, I realize this Bill has three aspects really, it is trying to incorporate the Marrakesh Treaty and the Beijing Treaty into the existing copyright law, as well as look at the limited circumstances of acts that, you know, that may be authorized by limitation exceptions. Both Senators on the other side, actually Sen. Rambharat went into details of the last one so I would not go into that aspect. Mr. Vice-President, WHO estimates about 1.3 billion persons have some sort of visual impairment, and our Central Statistical Office also quotes about 19,540 persons in Trinidad and Tobago, so it is a lot of persons here and the thing we have to appreciate is Trinidad has a lot of diabetics in our population, about 14.5 per cent; hypertensive; we have glaucoma. Our ageing population is increasing, we are described as an ageing nation, and there is something called macular degeneration where suddenly you cannot see because your retina somehow loses certain points where the light comes in and that is age related.

So we are expecting that the problems, visual problems will increase. We are expecting that. So therefore this piece of legislation actually takes into account

our health issues in Trinidad and Tobago, and more so it takes into account the fact that it brings comfort to the fact that, you know, that treaty that was introduced years ago has finally now seen, you know, fruit in our Senate. And as I say, thanks was given to Sen. Vieira for the efforts he made and then for Regan Asgarali for, you know, the copyright laws that he put in, and I am saying that the Attorney General must be thanked for bringing this piece of legislation. And as we were reminded by Sen. Wade Mark, the previous Government, the UNC Government actually introduced it. They opened the door, it was pushed further by the Attorney General by coming here but we need to push it a little further, because, you see, while we have this excellent piece of legislation which will give rights to persons, we find that, you know, and NALIS has the capability of helping. If a visually impaired person has to walk down Frederick Street to try to, you know, have that aspect of crossing, going to certain Government buildings, there are still some deficiencies. So, yes, Attorney General, we have reached a good way, but I hoping with your thrust we can now expand what is out there for the benefit of the visually impaired.

You see, about 20 years ago, Mr. Vice-President, I lost vision on my left eye. I had what you call a giant retinal tear detachment, and I had to go to Bascom Palmer so I know what it is like to have loss of vision in one eye. So I have no lens in this eye and I have a silicone ring inside it, so therefore I know that eventually I may get macular degeneration, my sight may go further and I am pleased to have this piece of legislation in front of us today. And, you see, we have to appreciate in this time of COVID lockdown it is needed, persons are reaching out for books, persons are reaching out for certain sort of information, you know, the Internet. We have to provide it also for our population that are visually impaired, and we found that only 5 per cent of all published books are

available in developed countries and 1 per cent in developing countries that are available in a format that can help the visually impaired. So really speaking, the wealth of information out there is denied to the visually impaired. So therefore this Bill was long in coming and I think that the idea that we have this Bill here today shows a commitment and the fact that we can go further a long way.

Now my take on this, Mr. Vice-President, this Marrakesh Treaty, years ago when they had the meetings to kind of formulate the treaty to see how they are going to utilize the existing laws in the country, the copyright laws to bring this in, you know there was some hesitation, because, you see, what this also does, it is a disadvantage to somebody who writes a book, an author. If I am an author and I spend my time, my effort, my money and I publish my book and all of a sudden you say you want to take my book and you want to, you know, disperse it without any sort of benefits to me, it may put me at a disadvantage, but this treaty actually got countries to buy-in and there were some countries who actually had reservations. Some European Union countries also appeared to be, you know, having some reservations. Some other countries had benefits in place already. Luxembourg did not need any sort of new laws because they already had existing laws there, and you found that some European countries opted to at least have something called accessibility tax to somehow get a little benefit for the persons who would be the authors, who, you know, would have given their effort into producing this. Other countries opted for a scheme of compensation for rights holders.

So it is really looking at a balancing act, rights holders who have the right, the copyright, the producer work, balancing this with the availability to give this sort of a leeway to persons who are visually impaired. So therefore it is really a human rights issue where you look at the principles of non-discrimination, equal

opportunity, accessibility, participation and inclusion in society, and this is outlined in the United Nations Convention on the Rights of Persons with Disabilities. The UN convention too which we, Trinidad and Tobago is a member. So then when you are looking at the limitation of these rights, you are taking some rights away, you see, the balancing act had to be there where you need to maintain a balance between the effective protection of the rights of the authors and the larger public interest, particularly education, research, access to information, and that such a balance must facilitate effective and timely access to works for the benefits of persons with visual impairments or with other disabilities.

So therefore the balancing act was there, some countries took a while to come on board and other countries, you know, would have said, "Listen, the rights of the authors, copyright laws, we do not want to touch that", but the long and short of it, it is something that is beneficial to the visually impaired. It is a humanistic sort of law. It is a treaty, and it shows really that certain countries are willing to get together in solidarity for the rights of the individuals. And I think this is something important that we have to look at, the fact that there is a global cooperation among countries, the solidarity for those visually impaired shows that it can open the way for other avenues of solidarity.

So I must say, Mr. Vice-President, the fact that this treaty has now found its way into our law books, it is something to be commended and it is something that I see that was needed, and I have to congratulate the Attorney General for this. I say, it took a while to come, you know, the Marrakesh Treaty was adopted on June 27, 2013, and Trinidad and Tobago actually signed on, so it took a while to be here but eventually it is here. So when we looked at this treaty we see the need, we see the fact that it is here and we see there is the benefit to our citizens who are visually impaired. Now a similar argument came about, you know, came to

forefront when persons were looking and saying, “But could the Governments, different Governments, could they not pay some sort of copyright to the authors, but I guess looking at the world economy, looking at the need for these literature to be out there, this, I think, it is a good time and I think it is beneficial.

We also have to thank NALIS for doing such a wonderful work, because NALIS, I think it was mentioned by one other speaker, it is one of the authorized persons in Trinidad and Tobago, but NALIS, since 2001, NALIS had training programmes for the visually impaired. So the fact is that Trinidad and Tobago, we were well, you know, in sync with trying to help the visually impaired, and in 2004 NALIS was named the winner of the Prime Minister’s Innovating for Service Excellence Award, Making a Difference to People, and the Social Inclusion Award. So NALIS actually helped the VIPs, the visually impaired persons, and actually persons are proud to go there where they can actually get, you know, JAWS, which is the Job Access With Speech. So kudos to NALIS, and again now we have given them more power, more teeth, more funding probably to expand their services, and I am saying by doing this we are actually empowering our visually impaired persons.

So gone are the days when they may just have to make a basket, now they can actually go there, have the capability to go university, have the capability to teach their children from there, so we have gone a long way in this and this is something to be commended. When I looked at the Beijing Treaty, it is a similar sort of situation, but in this treaty, Mr. Vice-President, we looked at the treaty on audiovisual performances; it is a multilateral treaty acknowledging, for the first time, the intellectual property rights of performers with regard to their audiovisual performance, and it was adopted in 2012. Now the thing is I am not sure about these treaties. I know with this first treaty, the Marrakesh Treaty, it can come on

board because we got the requisite number, I think, of 20 persons, but I am looking at this Beijing Treaty, and you have to get these treaties to actually have a start-up process. You need to have certain members, so we got it for the Marrakesh Treaty, but with this treaty, I think Trinidad and Tobago was the 28th member of the Beijing Treaty and I think they needed 30 members.

2.00 p.m.

So I am thinking if we are still missing persons, I am not sure, we may have to see if the Government could use its influence among any sort of Caricom neighbours to try and push this to get this in. Because you see this treaty will actually help the rights of the audiovisual performer.

So you found that this treaty had its—the Beijing Treaty actually, it was conceptualized from the Rome Convention Treaty where they looked at more audio performances and copyrights for that, and freeing up the audio and giving the copyright for the audio producers.

But you see, this piece of legislation is an improvement from the Rome Convention that existed. Because before the Beijing Treaty, an audiovisual performance had limited international protection for the performances and did not have the same rights previously afforded to authors, performers and producers of sound recording. So, there is an improvement in that from the 1961 Rome Convention for the protection of performance.

And I am thinking that the fact that this piece of legislation here, it is needed in this time again where persons may not be able to go out and perform. They may not be able to go out and have a live show. And in this COVID time, this piece of legislation would definitely help those people to get certain benefits that, you know, they can look and get it. So they can be at home and still gain some sort of benefit. It is again needed. It came in the right time. And this Beijing Treaty

actually gives them economic rights, which will give audiovisual performance leverage in enabling them to authorize the use of their performance against a promise of a fair compensation.

Moral rights, which would enable them to have control over the use of their images and likeness and distortions of their performances. Now, distortion of their performances, you know, social media, there are a lot of memes. So you may have a calypsonian singing something and they may have put some other voice in it, and it may embarrass him. He may now have an opportunity where he can say, “Listen, this now goes against this piece of legislation here.” So besides the economic rights, the moral rights, you know, and besides the fact that it actually provides the employment opportunity for local performers, technicians, musicians, and other creators, I am thinking, it has come at an opportune time and it is in fact welcomed, I think, to the performers out there who have actually expressed to me that this piece of legislation, they are very thankful for it.

Because Trinidad has a creative spirit. We have a lot of persons who sing chutney, calypso, whatever and you—

Mr. Vice-President: Senator, you have five more minutes.

Sen. Dr. V. Deyalsingh: Thank you. You can get that performance that they have and actually encourage them, stimulate the masses, actually enhance their ability to perform.

So, as I close, Mr. Vice-President, I thank the Government for bringing this legislation now. I thank the Opposition for introducing it before. Our own Senator here, who actually—Sen. Vieira who actually pushed for it and all in all, this is level of comradeship to bring this piece of legislation is a good message we are sending out to people, a positive message in this time of COVID, that we are all on all the sides cooperating for this. Thank you, Mr. Vice-President.

The Minister of Communications (Sen. The Hon. Donna Cox): Thank you very much, Mr. Vice-President. Mr. Vice-President, I am particularly elated to be given the opportunity to join this debate today as it impacts on a very integral yet often overlooked aspect of our service to humanity, the ability to bring a level of print equity to those who are visually impaired.

This amendment to the Copyright Bill acknowledges that there is a significant sector of our community who, for no reason of their own, has been denied access to the storehouse of literature, so often taken for granted by others.

Mr. Vice-President, one of the effects of this COVID-19 experience is the necessity of persons whose jobs have been deemed non-essential, to stay at home. And while many are chomping at the proverbial bit to get out, there are many who are enjoying this time and using it to slow down, to appreciate what is truly important in their lives, and to rebalance their lives. Many have found that one simple way of doing that is simply to read, to begin reading again, to begin reading for leisure, or to bring themselves up to speed on the latest developments in their profession or hobby.

Even if they do not physically possess or own the literature, there are thousands who have been able to access the resources owned and managed by the National Library and Information Systems Authority, NALIS, during this period of pandemic.

Possession of a NALIS library card, Mr. Vice-President, particularly in these times, has been the passageway to a world of literary resources made available online. As an aside, if there is anyone here in this august Chamber who is not in possession of a NALIS library card, speak with me after. I think that you need to have a NALIS library card. In times like these, one of the valuable things in your wallet should be a NALIS library card.

Mr. Vice-President, unfortunately, those who are visually impaired have no such luxury. And to date, they remain unable to access any such material that is not produced specifically for their use. And that, in its simplest form, is what we are seeking to remedy here today. Our National Anthem speaks of a society that is equal in all respects. Our country's mantra, "Together we Aspire, Together we Achieve", speaks too of us being able to envision a way of life that takes into account the hopes and dreams of every citizen. But you and I know that equality and equity are two completely different concepts. And while everyone has equal access to the library, the visually impaired cannot use the books to which they have equal access, unless they have been reproduced in a Braille format.

The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, presents an unprecedented opportunity for access to printed works for blind and other print-handicapped persons. Together with the Beijing Treaty, which we will also be discussing today, but I will be focusing more on the visually impaired, a horizon of hope has been opened up for all our visually impaired, or print-handicapped persons. This Copyright (Amdt.) Bill seeks simply to level the playing field also by declaring NALIS as the authorized entity to convert previously inaccessible material to that which can be used by the visually impaired.

It is important to understand the relevance of these two treaties and I understand I heard Sen. Deyalsingh speak about the Beijing Treaty and Marrakesh, and I just want to say a few words about it. The Beijing Treaty on Audiovisual Performances is a multilateral treaty which regulates copyright for audiovisual performances and this treaty was adopted by the Diplomatic Conference on the Protection of Audiovisual Performances which took place in Beijing in June 2012.

The treaty outlines global standards, acknowledging the right of audiovisual

performers to be compensated fairly for the use of their creative contributions. It grants performers economic rights to improve their livelihoods, as well as moral rights, giving them the ability to protect their images, and the treaty protects the rights of performers in audiovisual works such as films, TV series, and musicals. And there are some benefits, of course, to this treaty and it is the protection of performers in a digital era, with modernizing and updates for the digital era; the protection for singers, musicians, dancers and actors in audiovisual performances contained in the Rome Convention that I just heard Sen. Deyalsingh speak about. It safeguards the rights of performers.

Another benefit of this treaty includes safeguarding of the rights of audiovisual performers from the unauthorized use of their performances in various audiovisual media. It improves the status of audiovisual performers by providing incentives and compensation with regard to the international use of their performances. So this Beijing Treaty will strengthen the standing of performers in the audiovisual industry.

Another benefit is the protection of culture, folklore and cultural diversity. It contributes to the protection of traditional cultural expressions and national folklore.

Economic Development, it will contribute to safeguarding the rights of performers against the unauthorized use of their performances in audiovisual media such as film, TV and video. Additionally, the treaty can foster an increase in investment by encouraging effective and well-enforced copyright legislation, which will be conducive for accessing foreign markets.

Mr. Vice-President, I speak about the Marrakesh Treaty now. The main goal is to increase the availability of accessible formats of published materials, including books and magazines, and print to disabled persons across borders.

According to the World Health Organization in 2017, it was estimated that 253 million persons worldwide had a form of vision impairment, including those who are blind.

Our Trinidad and Tobago statistics, which was taken from Desiree Murray, a lecturer in Ophthalmology, University of the West Indies, in 2017, also states that approximately 13,000 individuals in Trinidad and Tobago are blind, with 32 per cent, glaucoma; 29 per cent, cataract; diabetic retinopathy, 13 per cent; together accounting for 74 per cent of blindness. Uncorrected refractive error accounts for 46 per cent of moderate and severe visual impairment, and this is in 2017.

The treaty has a humanitarian and social development dimension and creates a set of mandatory limitations and exceptions for the benefit of the blind, visually impaired, and otherwise print disabled, called VIPs. The benefits, it provides greater access to education, of course, because the treaty aims to increase access to books, magazines and other printed materials for persons with print disabilities, by providing them with alternative formats of these materials, thus levelling the playing field for access to materials that were not readily available to visually impaired persons. Access to educational materials in accessible formats is essential to enable persons to pursue educational opportunities that they would not have been able to pursue in the past.

This means that 13,000 of Trinidad and Tobago's visually impaired community will now have access to educational material that was once unavailable to them.

Enhanced social integration and cultural participation, having equal access to common sources of knowledge and information is crucial, not only for learning, but also for social inclusion and cultural participation. By improving access to both educational and leisure materials, the Marrakesh Treaty facilitates greater

inclusiveness and participation by persons with print disabilities in the cultural and social life of the communities.

Poverty alleviation and increased contributions to the national community by providing access to learning materials in accessible formats. Of course, learning is a powerful tool for poverty alleviation. It provides persons with print disabilities opportunities for professional growth, allowing them to contribute to their local economies and become economically self-sufficient. There is also the improved awareness of the challenges faced by print disabled community and persons with disabilities. And the Marrakesh Treaty is an instrument that fosters discussion and raises awareness about the need for policies that benefit persons with disabilities and today we are here debating this Bill which, of course, would give our visually impaired persons such a great opportunity that is needed.

I would move to—so therefore, I would go to the Government of Trinidad and Tobago acceded to both the Marrakesh and Beijing Treaties in October 2019, and the proposed amendments to the Copyright Act, which we debate today, will give light and life to an otherwise darkened area of our engagement with the visually impaired community.

The treaty sets a clear objective. A print disability should not preclude a person's ability to exercise his human right of access to information, research and culture. And to protect this right, Government must create exceptions allowing the making and sharing of accessible format, copies of works for individual beneficiaries, without their needing to clear rights for non-commercial purposes. Librarians often speak of the freedom to read. However, for those who are blind or otherwise print disabled, obtaining reading materials in an accessible format can be a struggle.

And, Mr. Vice-President, that, in a nutshell, is what today's debate is about.

If we share the view of former Secretary General of the United Nations and Nobel Peace Prize recipient, Kofi Annan, that, “Literacy is a bridge from misery to hope”, and then what we do here today is to offer hope to thousands of persons who would have been denied access to these copyrighted material.

The Marrakesh Treaty has already had a major impact on copyright legislation, removing legal barriers to making and sharing copies of books in accessible formats. But to ensure that people with print disabilities benefit from genuinely equal access, implementation, of course, is the key.

When this treaty was signed five years ago, it was celebrated as a major step towards fair access to information for persons with print disabilities. It addressed the book famine, as they would call it, the serious lack of books and other materials in accessible formats for visually-impaired persons, and a key factor behind this was copyright. To make a copy of an accessible format, persons with print disabilities and the institutions that served them, libraries in particular, needed to seek authorization from right holders. Meanwhile, rights holders, who are often publishers, were not producing such copies themselves, leaving millions of persons without access. So the treaty compels its members to remove these barriers, allowing for the making and sharing of accessible format books, including across borders.

So since Trinidad and Tobago's access to the treaty in October 2019, Mr. Vice-President, the Trinidad and Tobago Intellectual Property Office has been working with NALIS and the Trinidad and Tobago Blind Welfare Association, as well as publishers, to ensure that NALIS is ready to begin implementation, once this amendment to the Copyright Act has taken place. Historically, the Trinidad and Tobago Blind Welfare Association has collaborated with NALIS for the purpose of providing access to material in all types of format for visually impaired

persons.

I just want to say that I heard just before, Sen. Deyalsingh commending NALIS for the—I am happy that he has recognized the work that they have been doing with the Trinidad and Tobago Blind Welfare Association. Having regard to the shared objective between the TTBWA, which is Trinidad and Tobago Blind Welfare Association, and NALIS, to provide accessible content to persons who are blind, visually impaired, print disabled, the TTBWA and NALIS have already agreed to work on a memorandum of understanding that would guide both entities as they collaborate to achieve their shared objective. And this collaboration would ensure the effective functioning of the Marrakesh Treaty for VIPs in Trinidad and Tobago.

Mr. Vice-President, NALIS has been designated as the authorized entity to make these works accessible to the persons outlined. The amendments that we seek to make today, will now empower NALIS to convert titles into formats for access without having to seek copyright permission from the publishers and copyright owners. It is hoped that it will bring us a step closer to fairness for people with print disabilities.

Mr. Vice-President: Minister, you have five more minutes.

Sen. The Hon. D. Cox: Mr. Vice-President, this exercise in which we are currently engaged, further strengthens NALIS' ability to reach sectors of the population which might have been previously underserved. And I am certain you would have noticed that through collaboration with the Ministry of Community Development, Culture and the Arts, NALIS has embarked on a co-location project that now sees community centres in Mount Hope and Barataria being outfitted with full service.

Similarly, through another collaboration with the Trinidad and Tobago Inter

Agency Task Force, we also now have a library located on the Beetham Estate. And these community libraries are serving as homework centres, neutral spaces for community gatherings, spaces for health and career fairs, spaces for community entrepreneurs to showcase their goods and talents.

Passage of these proposed amendments would thus ensure that another category of citizens, our visually impaired and print-handicapped citizens, now have both equality and equity when it comes to matters of literacy. Because that is the thing about books, they allow all of us, sighted and unsighted, to travel the world equally without leaving home. And these proposed amendments place all citizens on the same plane and yes, the pun is intended.

I urge my colleagues, both Independent and Opposition, to join me in giving this Bill, their full and unwavering support. I thank you.

Sen. Anita Haynes: Thank you, Mr. Vice-President. It is indeed a pleasure to stand here and contribute on this Bill. Mr. Vice-President, I think the words of the Minister of Communications echo a lot of the sentiments that I stood here to—I am not in the habit of detaining this House unnecessarily so I have three points in relation to the Bill.

As we look at the legislation that is before us and we discuss the issue of accessibility and improving and increasing accessibility for literary work, and to those who are blind, visually impaired, and otherwise print disabled, I had the opportunity to reflect upon my own life, Mr. Vice-President. If I had to choose one thing that has had the most profound impact on my development on what I have been able to accomplish in life thus far, it would have been my access to the classics, having been an avid reader my entire life. It is in no small way, Mr. Vice-President, that having access to vast amount of literature, being able to read widely has created for me a space that I have always seen in wide and limitless

potential in this world, Mr. Vice-President.

And to support a Bill, and we do support this piece of legislation that is before us, because we have always said, once there is good law that benefits the people of Trinidad and Tobago, you would always find support from the United National Congress. So we do in fact support the legislation that is before us. It gives me great pleasure to know that persons who would not have ordinarily had access, who may not have seen the world as limitless and full of potential and full of hope, as those of us who, without even thinking about it, were able to visualize a world like that, Mr. Vice-President, it gives me great pleasure.

But oftentimes, the work that we do here in Parliament, when you go out into wider Trinidad and Tobago, those of us who— and it happens particularly in the political arena— go out and meet people, you would hear, “But we did not know you all did that. We did not know that was a thing.” And there is an alarming disconnect between what we do here, what we are able to accomplish, and the services across the board that the citizens who are meant to benefit, who this is intended to help, what they know of, and what they have access to.

So, while we all support the Bill and we all could stand here collectively and say what is laudable about it, I want to urge the Government— and key in this Bill, Mr. Vice-President, is that it is a culmination of years of work. So when I urge the Government, I am urging any government that may be in power to be aware of ensuring that there is wide public sensitization of what we did here today. Do not let us pass the legislation, pat ourselves on the back, talk about accessibility and then, people do not know about it. And therefore, what is the accessibility if we did not know what we did here today?

And this question of access to information goes even wider into the conversation of copyright, Mr. Vice-President, because a number of Senators here

today raised topics about how we can go further and what people would be looking for, in terms of protection of their intellectual property. And I looked, before contributing here today, at the website of the Ministry of Community Development, Culture and the Arts, Mr. Vice-President, and I think there is a space there that would allow for the public education, conversation on these things to begin. I would like to humbly suggest that as we consider a robust public education and sensitization campaign, to ensure that the accessibility that we are seeking to give reaches those who are most in need, that we keep in mind the target audience, who we are intending to reach and therefore design our communication targeted at our audience; our particular audience.

Oftentimes, Mr. Vice-President, you find those persons who are in rural communities to tinker through. You have persons who may be disabled and living in rural communities never knowing what any Government, any political entity, would have created the space for them to access because you are left out of the communication loop. So the Minister of Communications spoke about work and moving into community centres and I think that is a very good idea and something that ought to continue. Because if you are in the community, all of the communities in Trinidad and Tobago and you take your education, not just online but you take them into the community, I think you would find a robust national change. You would get more people involved. The accessibility and inclusivity that we are talking about here today would reach the widest number of people, and it makes no sense that we sit and contribute to legislation, but then we do not do the real time work of making the legislation applicable to the lives of the citizens of Trinidad and Tobago.

Mr. Vice-President, when Sen. Vieira was speaking, and Sen. Deyalsingh as well, we are looking at a changing globe. We are in a space now where, even if

our intention was not to innovate, we must do so now. We are looking at creating spaces for persons, for professions, for things that we may not even be able to imagine right now. And this piece of legislation, amongst others that I am sure will come, that would design an efficient, balanced intellectual property space, would lead to great amount of innovation for the people of Trinidad and Tobago, Mr. Vice-President.

I raise that in the context of— the United National Congress has already stated in our National Economic Transformation Plan, a space for the creative arts and building out a robust sector, and to do so, you need to ensure that you have this efficient, robust intellectual property. Again, just to reiterate as I close, Mr. Vice-President, key in this is that when you do good work in the Parliament, ensure that the people of Trinidad and Tobago are aware of their rights, responsibilities in the work that we would have done and let us continue, I think, to put the best interest of the people of Trinidad and Tobago at the centre of everything that we do and you will always see the same kind of cooperation. Thank you, Mr. Vice-President.

2.30 p.m.

Mr. Vice-President: Attorney General.

The Attorney General (Hon. Faris Al-Rawi): Mr. Vice-President, I thank you for the opportunity to bring conclusion to this debate, and as a matter of housekeeping I again for yet another week implore the utilization of a desk at the side please. It is extremely difficult for the piloter of a Motion with multiple papers to operate at the podium, and also I pray for a clock so that I do not have to lean back or forward to keep trying to figure out what time is left in the debate. So, thank you for allowing me to address those yet again week after week, I know the Parliament is trying its best but it is a little difficult. Thank you, Mr. Vice-President.

Mr. Vice-President, I wish to say with a solid amount of heartfelt gratitude that today is really a very unique day in this Senate. It is unique because whereas Opposition and Government because of the revolving door position of Government sometimes turning can often lay claim to the paternity of legislation. It is very rare that an Independent Senator can lay true paternity to legislation. And I really want to say that I am so very pleased on behalf of the Government to thank Sen. Vieira for his outstanding work for Trinidad and Tobago, as it is the first time that three benches in the Senate can lay claim to some aspects of paternity. And I think that the nation needs to understand the luck that we have in having a very strong specialist mind in this area with us. So, thank you, Mr. Vice-President, for allowing me to say that, and on behalf of us all to Sen. Vieira for his solid contribution to Trinidad and Tobago.

Mr. Vice-President, the aim of the legislation is also met with another extremely important, I should say, difference, and Sen. Rambharat put it on the record. It is very rare that we do not have Sen. Mark crying about the three-fifths majority aspects of legislation, and today I really do find it noteworthy that we are on the same page that this law ought to be supported. Lest I had the opportunity to invoke the Suratt principle as again fate would have it in accepting the application of a section 13 of the Constitution for three-fifths majorities, because it is Kenneth Suratt himself who is the litigant as that has appeared on our records at the Privy Council as laying down the law that you do not always need a three-fifths majority for certain legislation, and I thank Mr. Suratt not only for his advocacy on behalf of the visually impaired and print disabled in this country, but for just the sheer stick-to-it-iveness that he has engaged in tirelessly for the people of Trinidad and Tobago alongside the other members of the Blind Welfare Association of Trinidad and Tobago. Mr. Vice-President, as I welcome incoming, Madam President.

[MADAM PRESIDENT *in the Chair*]

It is important for us to underscore the human rights aspect of our legislation, and I thank all hon. Members for recognizing the very strong legitimate aim in the human rights aspect. And I want us to remember that it is especially in times such as these, in difficult situations where the world is called upon to adopt new normals, that human rights has really become a very relevant thing in our country. After all, we are witnessing acts of heroism, of bravery, as I join in saluting our nurses today on International Nursing Day alongside remarkable acts of human kindness in the face of sincere difficulty. After all, it has become the new norm to look to feed as many people as we can and to share as many resources as we can, as a whole of society operation, Madam President, in this COVID pandemic situation.

The position of law really is quite simple. I think we are all agreed that the legitimate aim of legislation is well founded in the Marrakesh and Beijing Conventions. I am pleased to say that I can confirm that the Beijing Convention is now operational that they have passed the 30 members required to achieve muster, so we are no longer in a hypothetical situation of looking to underwrite the economic and moral rights of performers in their widest sense, and yes, Sen. Mark, including comedians as you had asked, but it is in fact law, so that is international law. We make it local law in our dualistic experience of legislative making by bringing the treaty conventions into the copyright amendments that we do today by this. So we are taking our accession to the international platform, we are bringing it into local law by making the amendments to the Copyright Act that we do today.

It is very important therefore to look at two aspects that were raised by Sen. Vieira as it relates to the Bill itself. Sen. Vieira raised quite importantly the definition of “broadcasting” and also the definition of “communication to the

public” as it appears in clause 3 of the Bill. With respect to the definition of “communication in public” we have a proposed amendment to that which would hopefully capture the concern that my learned colleague has raised. We are proposing that in that definition we delete the words “wire or wireless” means “including the making available to the public of the images or sound or both, of a work performance or sound recording” and that we substitute the words “any medium of the visual images or sounds or both of a work, performance or sound recording including making availability thereof”.

We will circulate these amendments shortly. I asked and we confirmed with the WIPO itself they look at the definition of “broadcasting”. “Broadcasting” as it is defined in the Bill includes right now a technological specificity “broadcasting is the communication of visual images sounds or both to the public in any country or territory by wireless transmissions”. And if I underscore the “wireless transmission” the thought came about whether we should go for the expression “by any means”. We have cross-checked a number of jurisdictions and so far the recommendation coming from the Controller of intellectual property is that we should stay within the boundaries of the precedent that other jurisdictions have, lest we find ourselves in a novel situation with claims that come otherwise. I give the undertaking to hon. Members of the Senate and in particular, through you, Madam President, to Sen. Vieira, that we have asked the WIPO legislative team to bless the concept that we are looking at. If they come back to us and tell us that we are green lighted in stepping outside the precedent we will of course come back to the Parliament and look to massage the definition away from technological specificity which at present means “wireless”. So I hope that my learned colleague will accept that undertaking and that we can keep within precedent for now.

Madam President, Sen. Obika and certainly Sen. Sobers raised the issue of

collective management of rights. And it is true, Madam President, that when we are looking to collective management organizations and rights issues, the whole “do I subscribe to COTT, or is it another management organization?”, there is quite a bit of confusion in the marketplace on that. Indeed, the courts have the ability to be invited to consider issues of law and certainly that is where we go. But, as a larger mechanism, I can tell you that I personally met with the Deputy Director of WIPO, Sylvie Forbin in January 2019 at the Attorney General’s Office, and we confirmed a number of things including the fact that WIPO is addressing the CMO issue, the collective management issue by way of a regional project. What we are doing is we are looking at the collective management organizations, we are ensuring that there is ongoing regulation for the entire Caribbean region, and WIPO has in fact commissioned a project for regulatory approach. The local consultant is Dr. James, and Dr. Koo has been also engaged alongside with our team to create the regulations for CMO issues.

That will take us a long way to achieve two purposes. One, Trinidad and Tobago capturing—as we battle with our beloved brothers and sisters in Jamaica—capturing the IT capital of the Caribbean because this Government has a very strong diversification platform which is rooted in technology. It is why, Madam President, as Attorney General I am able to say with pride on behalf of the whole of government, that we have birthed electronic payments in the Government. Not statutory authorities like T&TEC, et cetera, the Government. And the pilot project for that was not only the Registrar General’s Division but it also very importantly was the IP agency, our IP office, the intellectual property office which comes under the Ministry of the Attorney General and Legal Affairs, we cut the cloth on that ground and we very fortunately received the assistance of WIPO in using their filing technology and software.

So we used their programme, we have brought the regulations to do the electronic payments in the whole of government structure. We are replicating that across the whole of government structures, Passport Division, Motor Vehicles and Licensing Authority, registration of deeds, come up in a matter in the month of June. We are now in May, where we will be all things being equal in getting the green light from our developers, in a position to operationalize online filing for deeds. Similarly for companies document as we have birthed an entirely new registry. I should say, Madam President, without tripping the rules of anticipation, when we are looking to the registration of deeds amendments, we have birthed the technology for that already, and no law is ever intended as Sen. Haynes raised it under this Government, to be operationalized without the technology to make it work, plant and machinery, people, processes and law must be coincidental.

As a matter of interest, I can tell you, Madam President, I was today made aware of communication coming from the Law Association relative to certain legislation that we contemplated, that communication was not brought to my attention. I was unaware that they had sent in submissions. They all have my number; they talk to me on a constant basis; they call me for personal reasons. I did not receive a call alerting me to concerns. Had I received a call, I would have happily met them immediately to discuss issues so that we can get to the point.

Madam President: Attorney General, I just need to bring you back to the matter at hand because you are treating with something that is not on the matter.

Hon. F. Al-Rawi: Thank you, Madam President, I am tying it in if I may?

Now, to Sen. Haynes' contribution as to operationalization of this law and I am giving the comparator and I think I really ought to be a little bit tighter in the relevance. I am giving the comparator of all laws under this Government and this law in particular, will only be operationalized, these amendments when the

technology is ready alongside plant and machinery, people, processes and law, as we have demonstrated a full commitment to engage in consultations for operationalization. It applies to every law that we draft, be it amendments to professions, to other structures, the Office of the Attorney General and Legal Affairs, and in particular as it relates to intellectual property, is wide open and that is because, Madam President, we have a very efficient team. And I would like to say that it is the Controller of intellectual property, Regan Asgarali, his predecessor in title, the many people that are alongside as consultants and persons, Mr. Richard Aching, et cetera, these are the lions that carry the name of Trinidad and Tobago with pride, because the WIPO recognizes us as a frontrunner in the intellectual property arena. As we birth the moral rights and economic rights to performers, as we anchor in the derivatives for the Marrakesh Convention on the adaptation of literary works, of the general copyright privileges that prevail and spring from the Berne Convention, we are sure that we are in safe hands with these our people.

Permit me to put on the record, Madam President, that there is a huge resource. Sen. Haynes raised the issue of making sure that the law is operational and that people are aware of the law. I just want to put that into some context in the consideration of this legislation. NALIS and the Trinidad and Tobago Blind Welfare Association, in fact, already under our hand, under this AG's hand executed the Memorandum of Understanding between them. Specifically, with bringing to life NALIS's role because section 4(m) of the NALIS legislation and what is NALIS, the National Library and Information Systems Authority which is created by an Act of Parliament, section 4(m) says that NALIS is to:

“...provide a national information service for the benefit of the physically disadvantaged and persons in the institutions;”

And this amendment of the law by this legislation ties into that. So we are

operationalizing it by the execution of an MOU, but here is what we get. NALIS and the Trinidad and Tobago Blind Welfare Association have the ability because of the parity of laws amongst Marrakesh Convention countries to engage in WIPO's Accessible Books Consortium, ABC, Accessible Books Consortium, and that programme is an online catalogue which allows participating libraries for the blind and organizations serving VIPs to access books in accessible formats, some 415, 000 books for VIPs. Let me repeat that, half a million books for VIPs, where at present the VIPs, the visually impaired persons in our country are in a state of book famine. The passage of this law allows us to open that avenue immediately to nearly half a million books on record.

Obviously, all of our local books in which copyright exists, texts for the advancing of general education, be it a primary school education, secondary school, tertiary, our local authors as part of the school curriculum now have the ability to join in this access to visually impaired persons, and that therefore amplifies our position. One of the key underpinnings to our country is to exploit, the same way we do oil and gas, our natural talent, our intellectual property in positioning. We have the ability to be the Singapore of this region, certainly as it relates to patent cooperation management, certainly as it relates to trademark and geographic indications, certainly as it relates to industrial designs, certainly as it relates to neighbouring rights and collective management, certainly as it relates to the broadening of our film industry as we have it, of the economic potential to have by way of fixation of audio visual performances, as this Bill clearly is designed to capture.

This Government has the ability having already brought to life electronic payments, electronic filings as that goes into the stratosphere in the month of May, this month, with the abolition of the old system for motor vehicles and road traffic

offences as we launch the U-turn System and you get your ticket in the mail and fixed penalties are managed that way, that ties into the whole intellectual property structure that we are engaged in here. In other words then, our Parliament's time has been well spent over the last four and a half years in driving the legislative products that we have and in birthing the new Trinidad and Tobago.

But, Madam President, what better time could there have been than now? Lo and behold as we stand in the middle of a pandemic, we take it for granted that we can go to court electronically. We take it for granted that we can have audio visual fixation, but these things have only become because this Parliament and this Government had the foresight to pass the laws to bring this into effect. Could you imagine, as it relates to this Bill, that we had acceded to the Rome Convention even though our Copyright Act encapsulates the Rome Convention basic elements and more. It is inconceivable that we could not have acceded to the Rome Convention, or the Marrakesh, or the Beijing, or the Singapore, and therefore, I would like to say that it gives me great pleasure, Madam President, to manage this position as the Minister with responsibility, as you once were, Madam President, yourself, as a Minister of Legal Affairs, to manage this responsibility for intellectual property in Trinidad and Tobago, because it is our salvation.

We have taken our dependence on oil and gas in terms of diversification away from that plantation estate, into other sectors including intellectual property. We have come down from 51 per cent oil and gas contribution to our GDP to where that now stands at 27 per cent under this regime, under this Government. And in those circumstances this Bill is well positioned to make the difference, Madam President, to the lives of so many people, be they the visually impaired or physically challenged as it relates to manipulation of works, simple literary, or artistic works, or be they in the economic improvement of the welfare and lives of

our performers in their fixed or unfixed works as audio visual works can be, live performances or fixed in recordings, and certainly as it relates to moral rights. Why? In this world of fake news, moral rights stand paramount even though we cannot yet get the support of certain members of society for amendments to cybercrime laws for instance to treat with fake news.

Even though we cannot catch that, this legislation, this Bill, takes us one step in that direction, because now a performer who a sick parody is put upon, a meme, an arrangement, that performer now has a moral right to insist that that cannot be done, and therefore you have an alternative remedy, Madam President, to things that we just cannot pass. Other countries have the laws against fake news and protection, et cetera, we in Trinidad and Tobago regrettably because of the three-fifths majority requirements cannot achieve that, but one can only live in hope.

Madam President, there are a few other small amendments, some are typographical, that we wish to circulate around. We propose amendments to clause 3 as we have indicated with respect to “communications to the public”. We propose an amendment to “authorised entity” which is largely just to make sense of the language as put there. We propose an amendment to clause 8. This is again a typographical aspect. We propose an amendment to clause 9 which is a cross reference amendment.

Madam President, it is a good day for us to celebrate at good work done. With good luck, we can have support at the committee stage. I welcome the submissions that may come there. I regret that I do not have a procedure with me to take us to the next stage, but I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Madam Chairman: Hon. Senators, the amendments circulated on behalf of the Attorney General, is everyone in receipt of the document? Attorney General? Hon. Senators, may I remind you that there have 12 clauses in the Bill as we proceed to the committee deliberations. May I just point out to Members who are in other parts of the building, the amendments—and looking on to the proceedings and trying to follow it—have been put on your desk so you can come in and retrieve it and then follow it from whichever part of the building you are. Okay?

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

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

Mr. Al-Rawi: Thank you, Madam Chair. Madam Chair, consequent upon recommendations coming from Sen. Vieira at committee stage, we looked at the definition of “broadcasting” which I have addressed in my winding up and also to the definition of “communication to the public”, and we have proposed that we defer the consideration of the definition of broadcasting for now, but that we do take avail of the comments made and cause an amendment to “broadcasting” in terms circulated. This would take us away from the technological specificity of “wire or wireless” and allow us to convey communication to the public in any medium and that of course would speak for itself. It is just quite simple that the technology can evolve over time and that therefore we ought to capture it that way and I thank Sen. Vieira for that recommendation.

3.00 p.m.

In the paragraph (e), we are proposing deletion of the definition of “authorised entity” and a substitution of it instead to read as circulated here. If we

look to “authorised entity” it really was just improperly stated, and what we are proposing here in “authorised entity” the Bill has it as means:

“the National Library and Information System Authority or an entity designated by...”—an Act of Parliament.

What we had to do was to give the correct reference as it is described at law:

“‘authorised entity’ means the National Library and Information System Authority, established under section 3 of the National Library and Information System Act;”

And, therefore, the marginal note reference as you normally see it to that Act of Parliament kicks in on the side. So this is to correct a simply drafting error where we did not make full reference to the law that created NALIS per se. That is it for clause 3 should it please you.

Sen. Mark: Through you, Madam Chair, I just wanted to ask the hon. Attorney General, at what stage or would we need to get guidance from WIPO as it relates to—

Madam President: Sen. Mark, Sen. Vieira has a difficulty hearing you.

Sen. Mark: Okay. I was making the point to the hon. Attorney General, at what point would we as parliamentarians and lawmakers be able to consider a redefinition or an expansion of the concept of “work of mas”. Now, I know that is not before us, but I am just putting it on the record, because I am saying to you that our creativity is being exploited and we are not getting the kind of royalty payment in return, and it has to do with the narrow definition that currently exists in the Copyright Act. So I raise this for your consumption and maybe at some later time you can probably advise. Madam Chair, thank you very much.

Madam Chairman: Attorney General, you wish to respond?

Mr. Al-Rawi: Of course, I see Sen. Vieira also eager to jump in here. We are

actually treating with it now, because what we are doing, we are broadening the moral and economic rights for performers and performers relate to works of mas. So if I put it quite uniquely—if I put it quite simply, Trinidad is unique in that we are recognized as a category of works. Arguably a work could be anything that meets the criterion of copyright, but in our legislation, we drafted it to include a work of mas which is a very novel thing in and of itself. Right?

So to answer your question specifically, the amendments that we do now by bringing in the Beijing concepts, they broaden those economic potential rights and, in fact, moral rights as well. It provides an interesting opportunity to manage the exploitation of our works of mas and, certainly, by the reciprocity of WIPO arrangements with other Beijing treaties and the general reciprocity of laws we can treat with that, but I am sure my friend Sen. Vieira would have a point of view on this as well.

Sen. Vieira: Thank you, Madam Chair. First of all, “work of mas” is not a form of copyright. It is what is called a derivative work. So in a work of mas you may have several different copyright owners, all sharing in the production of that work of mas. Secondly, it is not every piece of Carnival that would qualify as a work of mas. There are a number of criteria that must be present for it to qualify. So it was a very bold initiative to go that route, but it is still a work in progress in many respects and as the hon. Attorney General has pointed out, this legislation is going to really give a lot more protection to works of mas who qualify as such.

Question put and agreed to.

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

Clause 4 ordered to stand part of the Bill.

Clauses 5 and 6.

Question proposed: That clauses 5 and 6 stand part of the Bill.

Sen. Mark: Madam Chair, to the hon. Attorney General. Attorney General, when I look at the NALIS legislation, we look at clause 30, you will realize that NALIS has a responsibility to submit to the appropriate Minister a report and 28 days after that report will be tabled in the Parliament. I am concerned about clause 5 as it relates to the responsibilities of NALIS at this time, including expenditure and also the establishment of procedures in order to ensure that accessible format copies are used only by beneficiary persons. Would we be getting in this annual report these elements here so that we as a Parliament would be able to have some oversight on this matter of copyright re: the responsibility of NALIS as it relates to Marrakesh Treaty? I am not too clear and I am seeking clarification on this matter.

Mr. Al-Rawi: Sure. I thank Sen. Mark. If I were to strip down the idea, I think it is accountability for the adaptation of somebody else's work pursuant to this clause to make sure that somebody is giving account of it and I think it is a point well taken Senator. So, yes, I cannot see why the NALIS reporting system would not have it but, in any event, the intellectual property aspect of the AG's Office and in the AG's report, we would actually have those covered as well, because WIPO is going to be managing this in a very serious way.

The near half a million referenced copies that we have from the ABC, the book consortium that WIPO does has to be managed. Now the definition of—and this is in clause 5, when you look to the definition, you will note that the adaptation right is really contingent upon a very specific thing, you know. You have to have lawful access to it. Now, that is a term that has not been defined nor is it defined in the Marrakesh Treaty or in the other comparative legislative points that we went through. So it is not that you just pick up somebody's work and press on with it. There must be an arrangement for lawful access by NALIS to it.

So NALIS is the authorized entity. The access has a qualifying aspect to it,

it must be lawful and, therefore, there is a safeguard inside of there which must be policed, hence your question, by an entity. The Comptroller of Intellectual Property does that, the copyright laws would prevail in relation to that. WIPO would have a hand in that because there are arrangements for adaptation that come by way of the lawful access. So it is not just a blank cheque. There has to be point, and to answer your question specifically, AG's Office and also NALIS will no doubt have in addition to WIPO's regional operation, elements of production that will account for that.

Sen. Mark: The only reason I am raising this, Madam Chair, is that we would like to know, given what the AG has indicated, over half a million publications would be accessible to the blind and the visually impaired, and we would like to know on an annual basis, what is being done once this thing becomes law and has been operationalized, so we could say, well, look in the year 2022 or 2021, 20,000 blind people in our country were able to access what percentage, what number of publications, so we will have information and, therefore, monitor the progress. But I am not too sure, Madam Chair, where that will come from, because the AG is saying it may come from his office, it may come from NALIS, but I am asking specifically, Madam Chair, whether that is included in section 30 of the NALIS Act so we would hold them to account.

Mr. Al-Rawi: So, Madam Chair, the answer is yes. As we add more and more functions to the entities who have a statutory responsibility to report as they do—NALIS being one of them, the AG's Office being one of them—as we have that responsibility in gear, they must report on such functions as they are given over time. So that will be one of them, but I was hoping to give you some comfort by reporting that it is not only NALIS alone as you have referred to. NALIS, intellectual property controller and WIPO in a general sense will all have those

reporting assets.

Question put and agreed to.

Clauses 5 and 6 ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

Clause 8.

Question proposed: That clause 8 stand part of the Bill.

Mr. Al-Rawi: Madam Chair, thank you. We propose an amendment as circulated.

In paragraph (a)(iii)(B), we are looking to delete the words “of the original” and substitute the words “the original”. The word “of” was not intended to be there. So it is just simply to remove that word and it is just to make sense of the language.

Question put and agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9.

Question proposed: That clause 9 stand part of the Bill.

Mr. Al-Rawi: Thank you, Madam Chair. We inadvertently omitted the subclause, so we had said on page 12, at paragraph (b), at the top line you will see in subsection (3) is what it currently says. It really ought to have been subsection (3A), “a” as in “apple” and, therefore, we seek to correct that cross-referencing into the way it is supposed to be and that is the rationale for the amendment.

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clauses 10 to 12 ordered to stand part of the Bill.

Preamble approved.

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

Senate.

Senate resumed.

Hon. F. Al-Rawi: Thank you, Madam President. Madam President, I wish to report that a Bill entitled the Copyright (Amdt.) Bill, 2019 was considered in committee of a whole and approved with amendments. I now beg to move that the Senate agree with the committee's report.

[Senators enter the Chamber]

Hon. F. Al-Rawi: Madam President, I am perfectly on track, I was just—I am aware, the third reading of the division comes at the end of what I say.

Madam President: That is correct. Attorney General, just continue.

Hon. F. Al-Rawi: May I begin again please? Madam President, I beg to move that a Bill entitled “An Act to amend the Copyright Act, Chap. 82:80 to give effect to the Marrakesh Treaty Copyright Act, Chap. 82:80, to give effect to the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled and to the Beijing Treaty on Audiovisual Performances” be read a third time and passed.

Question put.

Madam President: Hon. Senators, as you are aware, this Bill requires a three-fifths majority, so the Clerk will therefore now conduct a division. Hon. Senators, we will just wait for three minutes to make sure that everyone is where they are supposed to be.

[Senators enter the Chamber]The Senate voted:

Ayes 30

AYES

Baptiste-Primus, Hon. J.

Rambharat, Hon. C.

Sinanan, Hon. R.

Moses, Hon. D.

Hosein, Hon. K.

West, Hon. A.

Le Hunte, Hon. R.

Cox, Hon. D.

De Freitas, N.

Singh, A.

Cummings, F.

Lester, Dr. H.

Dookie, D.

Young, N.

Thomas, A.

Mark, W.

Haynes, A.

Hosein, S.

Obika, T.

Sobers, S.

Lalla, L.

Richards, P.

Chote SC, Ms. S.

Vieira, A.

Deyalsingh, Dr. V.

Deonarine, Ms. A.

Seepersad, Ms. C.

Teemal, D.

Thompson-Ahye, Mrs. H.

Dillon-Remy, Dr. M.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I beg to move that this Senate do now adjourn to tomorrow, Wednesday May 13, 2020, at 10.00 a.m. The Government intends to deal with a Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50. I thank you.

Sen. Mark: Madam President, with your leave, we were advised, as you would recall, the record would show, that we were supposed to deal with two Bills: copyright and the miscellaneous, so we all prepared for that. When we were expecting the second Bill to be debated today, the Government has abandoned that Bill, and just sprung a surprise on us that we are going to deal with motor vehicles at the same time tomorrow. I think it is unfair to the Senators, Madam President, and I spoke to him and I told him that it is unfair to us. Please.

Sen. The Hon. C. Rambharat: Madam President, the Government had indicated on the last occasion that today it will deal with the Copyright (Amdt.) Bill which we have dealt with and the administration of deeds Bill. During the sitting earlier this morning, it was brought to our attention that our colleagues on the other two Benches had a meeting with Law Association in relation to the Bill that was earmarked for the debate, the registration of deeds Bill.

We were subsequently provided with a letter from the Law Association, a 23-page letter. The AG has had a look at the letter and in fairness to our colleagues on both Benches, we felt that we needed to give consideration to the matters raised, albeit very late by the Law Association, we should give

consideration to those matters before returning to what we intended to do, and I indicated that position to my colleagues.

I had also indicated last week the possibility of dealing with the Motor Vehicles and Road Traffic Bill this week. Madam Speaker, that Bill was laid in this House nine months ago and has had a long gestation period and the Government in pursuit of the business of the country would like to put that to the House for debate. That Bill, Madam President, seeks to make radical changes, long awaited, pursued by my friends on that bench and we on this side for more than two decades. It involves the registration of vehicles using computerized technology. It involves a number of things but, most importantly, as a continuation of what we have dealt with this morning in the copyright case, Madam President, clause 25 of that Bill proposes that for the first time in this country, a Minister of Works and Transport should make regulations which would provide in law for persons with families, special circumstances and physical characteristics that make it difficult for them to move and walk and so on would have designated parking spaces in public spaces.

Madam President: Minister, thank you very much.

Sen. The Hon. C. Rambharat: If only for clause 25, Madam President.

Sen. Mark: Madam President?

Madam President: No, no. Let me just say, Sen. Mark, I allowed you when the adjournment question was being put, it is normally put without debate. I did allow you to raise your issue, the Minister has responded. May I just also just point out that once something is on the Order Paper it can be debated, and may I also point out that when matters—when the Acting Leader says that these are the matters, it is a matter of courtesy, but there are also other matters on the Order Paper that can be dealt with. Okay? It is for the order of the sitting that he indicates what he wants

to do at the next sitting, but we are now dealing with another sitting which is not today. Okay?

Hon. Senators, there are two matters on the adjournment before I put the question on the adjournment. Sen. Mark.

**Point Lisas Industrial Estate
(Closure of Plants)**

Sen. Wade Mark: Thank you very much, Madam President. Madam President, Point Lisas which can be described as a virtual heartbeat of the petrochemical sector is in trouble. Madam President, over the last few months, COVID or no COVID, we have had several plants being shut down at the Point Lisas Estate and when we analyze what has happened at Point Lisas since the arrival on the compound of this country's political corridors of the PNM we have had, Madam President, close to six plants being shut down, some being closed on a permanent basis, but in the last three years or the last I would say two years, we have had plants shutting down at this particular estate. The latest one was the Nutrien Plant which says that it is shutting its doors for a three-month period and they would then look to see what will occur later on.

Prior to that plant being shut down, we had Methanex announcing its Titan plant would also be experiencing shut down and they were blaming, of course, and it is a fact, lower prices for their commodities which is one important factor. And, Madam President, we also had Yara Trinidad shutting down in December, again citing lower prices and, most importantly, the inability to reach agreement on a gas price with the National Gas Company, although the plant it is stated it is very old and to some extent inefficient, the fact of the matter is that one of the reasons cited had to do with this high gas price.

Now, Madam President, the situation at Point Lisas predates COVID-19, and these plants that have been shut can be traced back to the pricing of natural gas

at the Point Lisas since early 2019 coupled with low ammonia prices which, of course, have hampered the profitability of these petrochemical plants. But, Madam President, what has worsened the situation, as I said, is the high and unreasonable prices, rather, that the Government, through NGC, is calling on these plants and their owners to pay.

3.30 p.m.

Madam President, I would like to remind you and this honourable House that it was on the 12th of April, 2017, in a statement to this Parliament, the hon. Prime Minister indicated that they had gone—that is himself and the Minister of National Security who is also a Minister in the Office of the Prime Minister, had gone to EOG, which is the third largest gas producer in Trinidad and Tobago, and they met around the table with the Chairman and the CEO of EOG Resources and they finally managed to agree on a price formula, a new price formula. So the Government of Trinidad and Tobago, represented by the Prime Minister and the Minister of National Security, were able, according to his statement, to arrive at a price in April of 2017 with EOG. Madam President, to compound this situation, we were told in the budget debate of October 12, 2017, by the Prime Minister that he had been able to narrow the gap between bp and NGC, and I quote what was stated:

“Your people have been stuck with my people, time for us to finish this matter’.

“...Madam Speaker, I am proud that I closed the gap and I brought bp from where they were and I brought NGC from where they were and we had an agreement.”

So, Madam President, both in terms of two statements in the Parliament, we are being told by the Prime Minister that as it relates to gas prices, negotiations

were conducted directly by the hon. Prime Minister and the hon. Minister of National Security in Houston, Texas. Madam President, this is the basis and one of the components of the emerging crisis at the Point Lisas Industrial Estate. It is this decision by the Government of Trinidad and Tobago to negotiate new gas prices with these powerful multinational corporations. Without the NGC involvement directly and without the kind of professional inputs coming from the Ministry of Energy and Energy Industries that has led to a situation at the Point Lisas plant where gas prices are beyond the reach of these petrochemical plants, companies and owners.

Madam President, the Government must take direct responsibility for this development at Point Lisas. It is utter incompetence, mismanagement and misdirection of our economy that has brought us to this stage, and they must take, that is the Government, must take full responsibility for this. And, Madam President, in those circumstances we believe that the time has come for the Government to renegotiate those packages with EOG, bp, because it is not helping our country. It is hurting our country. It is hurting Point Lisas and all our industries there which is impacting on this country's foreign exchange, impacting on employment levels, and, Madam President, our capacity to generate the kind of resources necessary, particularly in this period of COVID 2019. It is glaring for all to see. Therefore, the Government led by the Prime Minister and his Minister of National Security, who negotiated directly, must take responsibility for the crisis that is currently facing the Point Lisas Industrial Estate at this time. Madam President, I thank you very much.

Madam President: Acting Leader of Government Business. [*Desk thumping*]

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I was very patient and I was waiting for Sen.

Mark to set out the failure of the Government to formulate and publicly articulate a plan of action for the growing uncertainty surrounding the operations of the petrochemical plants at Point Lisas. So what I have heard, I have heard three things in particular. One, Sen. Mark is conflating several unrelated matters, and I would deal with that. The second, Madam President, is that there has been absolutely evidence of a failure by the Government to articulate a plan for any aspect of business in Trinidad and Tobago, and in particular the energy sector.

Madam President, it is that exact thing that Sen. Mark tries to attack today, the fact that the Prime Minister, the head of the Government's business and the handling of the affairs of Trinidad and Tobago led the delegations which went to meet with the principal players in the energy sector who are based outside of Trinidad and Tobago, and there are several ways in which I could demonstrate the connectivity between the Government and the energy sector, but I will just use one. For example, last week we had been hearing about nationals of Trinidad and Tobago involved in the energy sector but working outside of Trinidad and Tobago being caught up in the closure of the border, and it was at that press conference on April 27, 2020, that the Minister of National Security articulated that it was in discussions with the energy sector that a decision has been made to return some of those nationals to Trinidad and Tobago to allow them to enter in a particular way and to afford them the opportunity to meet the requirements of the COVID regulation in being quarantined, and of course through the process being brought back to their regular life in the country. So there is no absence of plans or discussions or connectivity to the energy sector.

The third thing I would say is that this is just a continuation of that worn-out narrative that the Prime Minister negotiated energy contracts with the players in the local sector who are based outside. It is very clear, Madam President, the

question has been articulated and answered in many, many ways in this Senate and elsewhere that all the expert advice was available to the team. In some cases Members were there. In some cases they were in positions to support, and that is an old narrative which has nothing to do with the decision of Nutrien to shut down one of its plants. Sen. Mark says very loosely that they have shut down their plants. It is one of the plants. And on this matter of the gas contracts, Madam President, it is well known in the country that the Government has successfully negotiated those contracts, and maybe I should articulate it a little clearer so my friend will understand. And I say this, Madam President, early in the tenure of this Government, the Government engaged a major upstream suppliers of gas to ensure that gas curtailment would be minimized if not eliminated. Upstream companies responded with increased investment in the subsurface and several projects came on stream, such and Angelin and TROC, and discoveries such as Savannah and Macadamia.

In the near term bp will bring on stream Cassia 3, Matapal, Cypre, Ginger and Jasmine. Shell will be bringing on stream the Barracuda and Colibri. EOG is seeking to improve production in east Manzanilla, and SECC and Touchstone is due to start production soon. Madam President, I could say for a fact that last week Touchstone was on the east coast looking for accommodation for the workers who would be part of that production. As a result of the work of the Government, Madam President, there has been an increase in natural gas production, increase. Over the last two years production has averaged 3.6 bcf per day, and has reached as high as 3.9 bcf per day. Production has been demand-driven and has fluctuated with the downtime of downstream and LNG plants; downtime largely, Madam President, given the nature of the industry for plant maintenance, hence there is a differential with peak production. Over the next three years gas production is

expected to be in excess of 3.8 bcf per day. On the gas supply contract that my friend has referred to, Madam President, Government through NGC has put in place new gas supply contracts with the upstream operators, Shell, BHP, BPTT, DeNovo and EOG; DeNovo, one of the new players to come on stream, Madam President. These new contractual arrangements have occasioned an improved security of supply of natural gas and NGC has been meeting its contractual obligations with downstream industries.

Madam President, most importantly, in these new gas supply contracts with the upstream, natural gas prices to NGC have in fact increased. To mitigate the effects of natural gas prices, higher natural gas prices, NGC has done significant work and continues to work assiduously with the downstream customers to optimize plant efficiency and the use of gas molecules by all customers. Additionally, Madam President, the securing of new upstream gas supply contracts has led to improved stability of the supply with less cycling of plants and greater operational certainty. Indeed, Madam President, it is through NGC that the Government has accepted significantly lower margins from the sale of gas downstream in an effort to share some of the burden currently facing the sector. So that is a deliberate plan of the Government, Madam President. That is not indicative of failure to formulate or failure to articulate, that is indicative of an understanding of the sector and understanding of what needs to be done on the upstream side and the downstream side to give up some revenue on the upstream side and to facilitate the downstream through NGC by creating the opportunity, opportunities, while also accepting a lower margin, and that is a strategy.

The downstream companies, Madam President, have taken on board the new pricing environment and to date NGC has renewed four gas supply contracts with CNC, N2000, Nutrien and PLNL, and NGC has an interim gas supply

arrangements with two other customers, MHTL and Tringen 1 and 2. And these arrangements, the four downstream contracts already executed and the interim arrangements accounts for over 65 per cent of the plants at Point Lisas Industrial Estate. NGC continues to work with the downstream companies with contracts expiring and renewal discussions are progressing. But I want to say most importantly, Madam President, that what is happening right now with the companies in the estate, the petrochemical plants, relates to what is happening globally in relation to COVID-19.

With a significant portion of the world's population at home, plants around the world across industries are being shut down; air traffic at its lowest level; motor vehicular traffic at its lowest level. Madam President, all those things have disrupted the energy sector in a way that is unimaginable. So as a consequence of that, what is happening right now is related to COVID-19. It is not related to the failure of the Government to negotiate properly, to be advised, and so on. In fact, Madam President, I would say that we are in the good position that we are placed in on account of the work that has gone in, led of course by the hon. Prime Minister. So two plants have shut down, Methanex and one section of Nutrien. In both cases, Madam President, the workers—

Madam President: Minister, your time is up.

Sen. The Hon. C. Rambharat:—have been absorbed in other operations. I thank you very much, Madam President. [*Desk thumping*]

**COVID-19 Pandemic
(Provision of Potable Water Supply)**

Sen. Wade Mark: Thank you very much, Madam President. Madam President, the matter of the shortfall in the supply of potable water to many communities in this country is another manifestation of the failure of this outgoing administration.

Madam President, during a crisis of the proportions that we are all witnessing, that is COVID-19 pandemic, when we are being called upon to be more hygienic and to practice proper sanitation in terms of ensuring that your hands are washed, and of course everything is done in a manner that could avoid you coming into contact and contracting this deadly and invisible enemy and virus, we still, in Trinidad and Tobago in many communities, particularly in south and central, and even part of the north of our nation, citizens are still without water. Right in Belmont people have not had water, Madam President, for weeks. In Port of Spain, Belmont is a part of the city of Port of Spain and the people are crying out for water in Belmont and Gonzales, and those other communities, Madam President.

The Government has failed to manage the water situation throughout our country properly, particularly in this period of COVID-19. Madam President, this has resulted in a poor and inconsistent supply of pipe-borne water in all areas of our country, particularly over the last six weeks, leaving several communities with little option as it relates to an alternative supply during a time, Madam President, when children and their parents are at home, at a time when water is needed more than ever, at a time when there is an increase in consumption of water at homes throughout our country, and therefore large segments of the population continue to suffer on a daily basis with absolutely no relief in sight as it relates to the insufficiency and inadequacy of supply.

Madam President, this as we know, water that is, is a basic and vital necessity of life, and as we are told, Madam President, you can put a cost on water but you cannot put a cost on life, because water literally is life. And therefore, Madam President, in some communities where they are scheduled to receive water once a week for 24 hours, sometimes, Madam President, a week would pass, that one day of the week will pass and citizens are still not in receipt, do not get their

supply of water, truck-borne supplies are supposed to be substituted when they do not have it in the pipe, Madam President, through the water mains, and yet still even that is not being made available to communities, that is, regular truck-borne water supply.

So I have raised this matter today to emphasize the need for this Government to pay much more attention to this matter of water and its widespread shortfall which is unacceptable, Madam President, and especially, as I said, in this period where we are experiencing a health crisis in our nation as it relates to COVID 2019. Madam President, access to water is very, very limited in many of our communities that are prone to health hazards and I am calling on the hon. Minister of Public Utilities, who I know is the Vice-Chairman of this recovery, so-called recovery committee, to really come clean with this situation as it relates to the people of our country who are indeed experiencing very, very difficult moments during this crisis as it relates to a potable water supply in their respective communities, Madam President.

Water shortages, Madam President, remain extremely serious in many, many areas and parts of our nation, and therefore this matter is brought to the attention of this honourable Senate so that we can get some answers from the relevant authorities, in this instance the Minister of Public Utilities, as to what measures are being taken to address this water shortfall that is impacting, as I said, Madam President, on several communities throughout our country, particularly in the north, in the central, and certainly even in parts of Port of Spain. And therefore I call on the Minister to provide us with an account of this particular tragedy that is confronting our society and to tell us what measures are being taken by the Government to bring about an ease in this water crisis affecting several communities throughout Trinidad and Tobago. I thank you, Madam President.

[*Desk thumping*]

Madam President: The Minister of Public Utilities. [*Desk thumping*]

The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte): Following the announcement on March the 12th, 2020, of the first COVID-19 case in Trinidad and Tobago, the Government of the Republic of Trinidad and Tobago took immediate steps to reduce the spread of the virus throughout the country. Consistent with the Ministry of Health's mandate to reduce the risk of the transmission of the COVID-19 virus measures were implemented, including social distancing, however, one of the primary guidelines articulated to prevent the spread of the virus was, and continues to be, to wash your hands with soap and water. This has brought with it an increased need for potable water for personal hygiene purposes. I also understand and acknowledge the critical role that WASA has in providing safe and reliable water services to the citizens across Trinidad and Tobago, particularly during this time. In view of these unusual and unexpected developments the authority has taken steps to adjust its 2020 water supply management plan in order to meet the additional demands created by the COVID-19 pandemic

Madam President, if you will just allow me to digress a bit, the ability of any company—before I go into the exact plans that we have taken, the ability of any company or utility to respond to an emergency situation is directly related to the health of the company prior to the onslaught of that emergency. It is indeed very unfortunate, and I have repeatedly said in this House, that WASA, during the time of abundant financial resources, during the period 2010 to 2015, did not get the level of attention it deserved and instead money was wasted on “pie in the sky” and not thought-out projects, costing billions of dollars to this country without producing one drop of water. I remind this country—I have just finished an

analysis of this country—to fix this water problem is going to cost over \$2.2 billion; over \$1.4 billion was spent and not one drop of water. Oh, how I wish I had that money that was wasted.

So WASA has found itself in a situation where we were called upon to do more with less. At a time when our revenue in the country has dropped by almost 30 to 40 per cent we are now being called upon to fix a problem which should have been fixed a long time ago when money was wasted, \$1.4 billion, over 60 per cent of what it would cost to fix the water. All that being said, WASA, mindful of its responsibility, has implemented its business continuity plan which involves alternative work arrangements with a view to ensure the uninterrupted operations of its critical facilities. In keeping with Public Health Regulations and World Health Organization guidelines, this has permitted an uninterrupted operation of water and waste water infrastructure in the delivery of services to the population, particularly with respect to the delivery of water.

Some of the steps taken involve the following:

- The redistribution of water from unaffected areas with high pressures to more water-stressed areas located on the periphery of the water distribution system;
- Water supply schedules are amended on an ongoing basis and published on the authority's website, Facebook and Twitter pages;
- The use of water from the authority's four main impounded reservoirs, i.e., Arena, Navet, Hollis and Hillsborough is closely monitored and managed to ensure a maximum water availability is produced.

Measures have also been taken to ensure optimum water production from ground water sources by closely monitoring and servicing existing well equipment.

The authority continues to work closely with Desalcott, the owners of the Point Lisas Desalination Plant and the Point Fortin Desalination Plant with regard to optimizing the operations and productions. Delivery of water by increasing truck-borne delivery to supplement the reduction in pipe-borne delivery is also in place. Madam President, as a result of the prevailing dry season conditions as at May 11, 2020, the capacity of the three main impounded reservoirs in Trinidad and Tobago are all below the long-term average; Arena, 29.4 per cent compared to 58.3; Navet, 38.7 compared to 54.1; Hollis, 33.6 compared to 48.32. In addition, both the desal plants did experience challenges with high algae bloom in the Gulf of Paria which negatively impacted production, but this situation has subsided.

During the period of reduced supply the authority made the adjustments on the distribution system to minimize the impact. For March 2020, the authority's water production on average was approximately 227 million gallons of water a day, with a maxima of 232 million gallons of water. However, there was a significant deficit in rainfall during the month of April 2020 with below more than normal amounts of rainfall. The situation has severely affected the water out of the Arena which had a deficit in rainfall of 73.5 per cent and in Navet with a deficit of another 73.5 per cent. This has resulted in reduced production levels. The average production of water for the month of April was only 217million gallons of water, with a further decline so far in May to approximately 205million gallons of water. Climate change is really and truly upon us.

4.00 p.m.

This, together with the existing transmission and distribution capacities, allow approximately 90 per cent of the population to receive water more than two days a week. However, the main focus is on the 10 per cent of the population who receive a less than acceptable supply, particularly during these extending

circumstances.

It is also important to understand that the majority of these customers are located in elevated areas at the extremes of the pipeline distribution system, and this is further exacerbated by reduced water availability and aged pipeline infrastructure, which was not addressed when we had money to deal with it.

The Authority has been redistributing supplies from neighbouring areas, utilizing existing transmission and distribution capacities and interconnectivity. This has been reflected in adjusted schedules in the north-east, the north-west, central and south-east of Trinidad and Tobago.

Notwithstanding these measures, there have been several communities that have experienced a less than acceptable water service during the period. Customers in the Mayaro/Tableland area experience irregularities in their pipe-borne water supply due to the distribution pipeline network constraints. These included irregular breaks on the pipelines along the Naparima/Mayaro Main Road, between New Grant and Rio Claro, which impacted supply at Tableland, and which impacted supply in areas like Union and Mayaro, to name a few.

There were also problems in central Trinidad and Tobago, but we have been working to address those problems with the installation of a new booster station and with the insulation of a 300-meter pipeline, which was just recently changed.

Madam President: Minister, your time is up.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.02 p.m.